

As Introduced

133rd General Assembly

Regular Session

2019-2020

S. B. No. 246

Senators Roegner, McColley

Cosponsors: Senators Obhof, Hackett, Huffman, M.

A BILL

To amend sections 109.73, 109.77, 109.771, 109.78, 1
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173.391, 173.422, 503.41, 715.27, 903.07, 3
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6109.04, and 6111.30; to enact sections 9.79 and 60
3746.041; and to repeal sections 921.08, 61
1322.24, 3905.081, 4707.12, and 4757.25 of the 62
Revised Code to require an occupational 63
licensing authority to issue a license or 64
government certification to an applicant who 65
holds a license, government certification, or 66
private certification or has satisfactory work 67
experience in another state under certain 68
circumstances. 69

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

Section 1. That sections 109.73, 109.77, 109.771, 109.78, 70
109.804, 147.01, 147.63, 169.16, 173.21, 173.391, 173.422, 71
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4778.03, 4778.08, 4778.09, 4779.17, 4779.18, 4781.07, 4781.08, 112
4781.17, 4783.04, 5123.161, 5123.45, 5126.25, 5902.02, 6109.04, 113
and 6111.30 be amended and sections 9.79 and 3746.041 of the 114

Revised Code be enacted to read as follows: 115

Sec. 9.79. (A) As used in this section: 116

(1) "License" means an authorization evidenced by a 117
license, certificate, registration, permit, card, or other 118
authority that is issued or conferred by a licensing authority 119
to an individual by which the individual has or claims the 120
privilege to engage in a profession, occupation, or occupational 121
activity over which the licensing authority has jurisdiction. 122

(2) "Licensing authority" means a state agency or 123
political subdivision that issues licenses or government 124
certifications. 125

(3) "State agency" has the same meaning as in section 1.60 126
of the Revised Code. 127

(4) "Political subdivision" means a county, township, 128
municipal corporation, or any other body corporate and politic 129
that is responsible for government activities in a geographic 130
area smaller than that of the state. 131

(5) "Out-of-state occupational license" means a license, 132
certificate, registration, permit, card, or other authority that 133
is issued or conferred by the government of another state to an 134
individual by which the individual has or claims the privilege 135
to engage in a profession, occupation, or occupational activity 136
over which that state has jurisdiction. 137

(6) (a) "Government certification" means authorization from 138
a licensing authority or the government of another state to an 139
individual who meets qualifications related to a profession, 140
occupation, or occupational activity to which both of the 141
following apply: 142

(i) Only an individual holding the authorization may use a specific title or titles when advertising or holding the individual's self out to engage in the profession, occupation, or occupational activity. 143
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(ii) An individual is not required to have the authorization to engage in the profession, occupation, or occupational activity in the respective jurisdiction. 147
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(b) "Government certification" does not include a license or an out-of-state occupational license. 150
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(7) "Private certification" means authorization from a private organization to an individual who meets qualifications determined by the organization related to the performance of a profession, occupation, or occupational activity and by which the individual may hold the individual's self out as certified by the organization. 152
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(B) Except as otherwise provided in this section, a licensing authority shall issue a license or government certification to an applicant if the licensing authority determines that all of the following apply: 158
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(1) The applicant holds either of the following: 162

(a) An out-of-state occupational license that authorizes the applicant to engage in the same profession, occupation, or occupational activity, and at the same practice level, as the license or government certification for which the applicant is applying in this state; 163
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(b) A government certification in the same profession, occupation, or occupational activity as the license or government certification for which the applicant is applying in this state in a state that does not issue an out-of-state 168
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occupational license for the respective profession, occupation, 172
or occupational activity. 173

(2) The applicant has held the out-of-state occupational 174
license or government certification for at least one year and is 175
in good standing in all jurisdictions in which the applicant 176
holds an out-of-state occupational license or government 177
certification to practice the same profession, occupation, or 178
occupational activity for which the applicant is applying in 179
this state. 180

(3) The applicant was required to satisfy minimum 181
education, training, or experience requirements or pass an 182
examination to receive the out-of-state occupational license or 183
government certification. 184

(4) The applicant has not surrendered or had revoked a 185
license, out-of-state occupational license, or government 186
certification because of negligence or intentional misconduct 187
related to the applicant's work in the same profession, 188
occupation, or occupational activity for which the applicant is 189
applying in this state. 190

(5) The applicant pays a fee equal to the renewal fee 191
required for license or government certification holders under 192
the applicable law to the licensing authority. 193

(6) The applicant is not disqualified from obtaining the 194
license or government certification because of a conviction, 195
judicial finding of guilt, or plea of guilty to a disqualifying 196
criminal offense specified on the list the licensing authority 197
makes available pursuant to division (C) of section 9.78 of the 198
Revised Code. 199

(C) Except as otherwise provided in this section, a 200

licensing authority shall issue a license or government 201
certification to an applicant if the licensing authority 202
determines that all of the following apply: 203

(1) The applicant holds a private certification and has at 204
least two years of work experience in the same profession, 205
occupation, or occupational activity, and at the same practice 206
level, as the license or government certification for which the 207
applicant is applying in this state in a state that does not 208
issue an out-of-state occupational license or government 209
certification for the respective profession, occupation, or 210
occupational activity. 211

(2) The applicant is in good standing with the private 212
organization that issued the private certification. 213

(3) The applicant meets the requirements specified under 214
divisions (B) (4) to (6) of this section. 215

(D) Except as otherwise provided in this section, a 216
licensing authority shall issue a license or government 217
certification to an applicant if the licensing authority 218
determines that both of the following apply: 219

(1) The applicant has at least three years of work 220
experience in the same profession, occupation, or occupational 221
activity, and at the same practice level, as the license or 222
government certification for which the applicant is applying in 223
this state in a state that does not issue an out-of-state 224
occupational license or government certification for the 225
respective profession, occupation, or occupational activity. 226

(2) The applicant meets the requirements under divisions 227
(B) (4) to (6) of this section. 228

(E) If an applicant is the subject of a complaint, 229

allegation, or investigation that relates to unprofessional 230
conduct or an alleged crime pending before a court, 231
administrative agency, or entity that regulates a license, out- 232
of-state occupational license, or government certification, a 233
licensing authority shall not issue or deny a license or 234
government certification to the applicant under this section 235
until the complaint, allegation, or investigation is resolved. 236

(F) If a licensing authority requires an applicant to pass 237
an examination on this state's laws and rules governing the 238
applicable profession, occupation, or occupational activity to 239
receive a license or government certification under the 240
applicable law, a licensing authority may require an applicant 241
to pass the examination to receive a license or government 242
certification under this section. 243

(G) If a licensing authority requires an applicant under 244
the law governing the applicable profession, occupation, or 245
occupational activity to submit to a criminal records check to 246
receive a license or government certification, the licensing 247
authority shall require an applicant to submit to the criminal 248
records check to receive a license or government certification 249
under this section. 250

(H) If a licensing authority requires an applicant under 251
the law governing the applicable profession, occupation, or 252
occupational activity to satisfy a financial responsibility 253
requirement to receive a license or government certification, 254
the licensing authority shall require an applicant to satisfy 255
the requirement to receive a license or government certification 256
under this section. 257

(I) An applicant who is issued a license or government 258
certification under this section is subject to the laws 259

regulating the practice of the applicable occupation or 260
profession in this state and is subject to the licensing 261
authority's jurisdiction. 262

(J) A license or government certification issued under 263
this section shall be considered a license or government 264
certification issued under the laws regulating the practice of 265
the applicable occupation or profession in this state. 266
Provisions of law applicable to a license or government 267
certification issued to an applicant who does not obtain a 268
license or government certification under this section apply in 269
the same manner to licenses and government certifications issued 270
under this section. 271

(K) This section does not apply to any of the following: 272

(1) Licenses subject to the moratorium under section 273
3743.75 of the Revised Code; 274

(2) Medical marijuana cultivator licenses issued under 275
section 3796.09 of the Revised Code; 276

(3) Medical marijuana retail dispensary licenses issued 277
under section 3796.10 of the Revised Code; 278

(4) Licenses issued pursuant to rules prescribed under 279
Section 5 of Article IV, Ohio Constitution; 280

(5) Commercial fishing licenses issued under section 281
1533.342 of the Revised Code; 282

(6) Licenses issued under Chapter 4506. of the Revised 283
Code. 284

(L) Each licensing authority shall adopt rules as 285
necessary to implement this section. 286

(M) A licensing authority shall provide an applicant with 287
a written decision to issue or reject a license or government 288
certification under this section within sixty days after 289
receiving a complete application. For purposes of this division, 290
an application shall not be considered complete until any 291
required examination or criminal records check under divisions 292
(F) and (G) of this section is complete. 293

(N) A political subdivision shall not prohibit an 294
individual who holds a license or government certification 295
issued by a state agency under this section from engaging in the 296
respective profession, occupation, or occupational activity in 297
the political subdivision's jurisdiction. 298

Sec. 109.73. (A) The Ohio peace officer training 299
commission shall recommend rules to the attorney general with 300
respect to all of the following: 301

(1) The approval, or revocation of approval, of peace 302
officer training schools administered by the state, counties, 303
municipal corporations, public school districts, technical 304
college districts, and the department of natural resources; 305

(2) Minimum courses of study, attendance requirements, and 306
equipment and facilities to be required at approved state, 307
county, municipal, and department of natural resources peace 308
officer training schools; 309

(3) Minimum qualifications for instructors at approved 310
state, county, municipal, and department of natural resources 311
peace officer training schools; 312

(4) The requirements of minimum basic training that peace 313
officers appointed to probationary terms shall complete before 314
being eligible for permanent appointment, which requirements 315

shall include training in the handling of the offense of 316
domestic violence, other types of domestic violence-related 317
offenses and incidents, and protection orders and consent 318
agreements issued or approved under section 2919.26 or 3113.31 319
of the Revised Code; crisis intervention training; and training 320
in the handling of missing children and child abuse and neglect 321
cases; and training in handling violations of section 2905.32 of 322
the Revised Code; and the time within which such basic training 323
shall be completed following appointment to a probationary term; 324

(5) The requirements of minimum basic training that peace 325
officers not appointed for probationary terms but appointed on 326
other than a permanent basis shall complete in order to be 327
eligible for continued employment or permanent appointment, 328
which requirements shall include training in the handling of the 329
offense of domestic violence, other types of domestic violence- 330
related offenses and incidents, and protection orders and 331
consent agreements issued or approved under section 2919.26 or 332
3113.31 of the Revised Code, crisis intervention training, and 333
training in the handling of missing children and child abuse and 334
neglect cases, and training in handling violations of section 335
2905.32 of the Revised Code, and the time within which such 336
basic training shall be completed following appointment on other 337
than a permanent basis; 338

(6) Categories or classifications of advanced in-service 339
training programs for peace officers, including programs in the 340
handling of the offense of domestic violence, other types of 341
domestic violence-related offenses and incidents, and protection 342
orders and consent agreements issued or approved under section 343
2919.26 or 3113.31 of the Revised Code, in crisis intervention, 344
and in the handling of missing children and child abuse and 345
neglect cases, and in handling violations of section 2905.32 of 346

the Revised Code, and minimum courses of study and attendance 347
requirements with respect to such categories or classifications; 348

(7) Permitting persons, who are employed as members of a 349
campus police department appointed under section 1713.50 of the 350
Revised Code; who are employed as police officers by a qualified 351
nonprofit corporation police department pursuant to section 352
1702.80 of the Revised Code; who are appointed and commissioned 353
as bank, savings and loan association, savings bank, credit 354
union, or association of banks, savings and loan associations, 355
savings banks, or credit unions police officers, as railroad 356
police officers, or as hospital police officers pursuant to 357
sections 4973.17 to 4973.22 of the Revised Code; or who are 358
appointed and commissioned as amusement park police officers 359
pursuant to section 4973.17 of the Revised Code, to attend 360
approved peace officer training schools, including the Ohio 361
peace officer training academy, and to receive certificates of 362
satisfactory completion of basic training programs, if the 363
private college or university that established the campus police 364
department; qualified nonprofit corporation police department; 365
bank, savings and loan association, savings bank, credit union, 366
or association of banks, savings and loan associations, savings 367
banks, or credit unions; railroad company; hospital; or 368
amusement park sponsoring the police officers pays the entire 369
cost of the training and certification and if trainee vacancies 370
are available; 371

(8) Permitting undercover drug agents to attend approved 372
peace officer training schools, other than the Ohio peace 373
officer training academy, and to receive certificates of 374
satisfactory completion of basic training programs, if, for each 375
undercover drug agent, the county, township, or municipal 376
corporation that employs that undercover drug agent pays the 377

entire cost of the training and certification;	378
(9) (a) The requirements for basic training programs for bailiffs and deputy bailiffs of courts of record of this state and for criminal investigators employed by the state public defender that those persons shall complete before they may carry a firearm while on duty;	379 380 381 382 383
(b) The requirements for any training received by a bailiff or deputy bailiff of a court of record of this state or by a criminal investigator employed by the state public defender prior to June 6, 1986, that is to be considered equivalent to the training described in division (A) (9) (a) of this section.	384 385 386 387 388
(10) Establishing minimum qualifications and requirements for certification for dogs utilized by law enforcement agencies;	389 390
(11) Establishing minimum requirements for certification of persons who are employed as correction officers in a full- service jail, five-day facility, or eight-hour holding facility or who provide correction services in such a jail or facility;	391 392 393 394
(12) Establishing requirements for the training of agents of a county humane society under section 1717.06 of the Revised Code, including, without limitation, a requirement that the agents receive instruction on traditional animal husbandry methods and training techniques, including customary owner- performed practices;	395 396 397 398 399 400
(13) Permitting tactical medical professionals to attend approved peace officer training schools, including the Ohio peace officer training academy, to receive training of the type described in division (A) (14) of this section and to receive certificates of satisfactory completion of training programs described in that division;	401 402 403 404 405 406

(14) The requirements for training programs that tactical 407
medical professionals shall complete to qualify them to carry 408
firearms while on duty under section 109.771 of the Revised 409
Code, which requirements shall include at least the firearms 410
training specified in division (A) of section 109.748 of the 411
Revised Code. 412

(B) The commission shall appoint an executive director, 413
with the approval of the attorney general, who shall hold office 414
during the pleasure of the commission. The executive director 415
shall perform such duties assigned by the commission. The 416
executive director shall receive a salary fixed pursuant to 417
Chapter 124. of the Revised Code and reimbursement for expenses 418
within the amounts available by appropriation. The executive 419
director may appoint officers, employees, agents, and 420
consultants as the executive director considers necessary, 421
prescribe their duties, and provide for reimbursement of their 422
expenses within the amounts available for reimbursement by 423
appropriation and with the approval of the commission. 424

(C) The commission may do all of the following: 425

(1) Recommend studies, surveys, and reports to be made by 426
the executive director regarding the carrying out of the 427
objectives and purposes of sections 109.71 to 109.77 of the 428
Revised Code; 429

(2) Visit and inspect any peace officer training school 430
that has been approved by the executive director or for which 431
application for approval has been made; 432

(3) Make recommendations, from time to time, to the 433
executive director, the attorney general, and the general 434
assembly regarding the carrying out of the purposes of sections 435

109.71 to 109.77 of the Revised Code;	436
(4) Report to the attorney general from time to time, and	437
to the governor and the general assembly at least annually,	438
concerning the activities of the commission;	439
(5) Establish fees for the services the commission offers	440
under sections 109.71 to 109.79 of the Revised Code, including,	441
but not limited to, fees for training, certification, and	442
testing;	443
(6) Perform such other acts as are necessary or	444
appropriate to carry out the powers and duties of the commission	445
as set forth in sections 109.71 to 109.77 of the Revised Code.	446
(D) In establishing the requirements, under division (A)	447
(12) of this section, the commission may consider any portions	448
of the curriculum for instruction on the topic of animal	449
husbandry practices, if any, of the Ohio state university	450
college of veterinary medicine. No person or entity that fails	451
to provide instruction on traditional animal husbandry methods	452
and training techniques, including customary owner-performed	453
practices, shall qualify to train a humane agent for appointment	454
under section 1717.06 of the Revised Code.	455
<u>(E) (1) As used in this division, "license" has the same</u>	456
<u>meaning as in section 9.79 of the Revised Code, except that it</u>	457
<u>includes a certificate of completion of a training program</u>	458
<u>required under sections 109.71 to 109.804 of the Revised Code.</u>	459
<u>"License" does not include a certificate of completion of a</u>	460
<u>firearm basic training program under division (B)(1) of section</u>	461
<u>109.78 of the Revised Code or a certificate of completion of any</u>	462
<u>firearm requalification training program.</u>	463
<u>(2) Notwithstanding any requirement for a license issued</u>	464

by the commission, the commission shall issue a license in 465
accordance with section 9.79 of the Revised Code to an 466
individual if either of the following applies: 467

(a) The individual holds a license in another state . 468

(b) The individual has satisfactory work experience, a 469
government certification, or a private certification as 470
described in that section in the same profession, occupation, or 471
occupational activity as the profession, occupation, or 472
occupational activity for which the license is required in this 473
state in a state that does not require such a license. 474

Sec. 109.77. (A) As used in this section: 475

(1) "Felony" has the same meaning as in section 109.511 of 476
the Revised Code. 477

(2) "Companion animal" has the same meaning as in section 478
959.131 of the Revised Code. 479

(B) (1) Notwithstanding any general, special, or local law 480
or charter to the contrary, and except as otherwise provided in 481
this section, no person shall receive an original appointment on 482
a permanent basis as any of the following unless the person 483
previously has been awarded a certificate by the executive 484
director of the Ohio peace officer training commission attesting 485
to the person's satisfactory completion of an approved state, 486
county, municipal, or department of natural resources peace 487
officer basic training program: 488

(a) A peace officer of any county, township, municipal 489
corporation, regional transit authority, or metropolitan housing 490
authority; 491

(b) A natural resources law enforcement staff officer, 492

forest-fire investigator, wildlife officer, or natural resources	493
officer of the department of natural resources;	494
(c) An employee of a park district under section 511.232	495
or 1545.13 of the Revised Code;	496
(d) An employee of a conservancy district who is	497
designated pursuant to section 6101.75 of the Revised Code;	498
(e) A state university law enforcement officer;	499
(f) A special police officer employed by the department of	500
mental health and addiction services pursuant to section 5119.08	501
of the Revised Code or the department of developmental	502
disabilities pursuant to section 5123.13 of the Revised Code;	503
(g) An enforcement agent of the department of public	504
safety whom the director of public safety designates under	505
section 5502.14 of the Revised Code;	506
(h) A special police officer employed by a port authority	507
under section 4582.04 or 4582.28 of the Revised Code;	508
(i) A special police officer employed by a municipal	509
corporation at a municipal airport, or other municipal air	510
navigation facility, that has scheduled operations, as defined	511
in section 119.3 of Title 14 of the Code of Federal Regulations,	512
14 C.F.R. 119.3, as amended, and that is required to be under a	513
security program and is governed by aviation security rules of	514
the transportation security administration of the United States	515
department of transportation as provided in Parts 1542. and	516
1544. of Title 49 of the Code of Federal Regulations, as	517
amended;	518
(j) A gaming agent employed under section 3772.03 of the	519
Revised Code.	520

(2) Every person who is appointed on a temporary basis or 521
for a probationary term or on other than a permanent basis as 522
any of the following shall forfeit the appointed position unless 523
the person previously has completed satisfactorily or, within 524
the time prescribed by rules adopted by the attorney general 525
pursuant to section 109.74 of the Revised Code, satisfactorily 526
completes a state, county, municipal, or department of natural 527
resources peace officer basic training program for temporary or 528
probationary officers and is awarded a certificate by the 529
director attesting to the satisfactory completion of the 530
program: 531

(a) A peace officer of any county, township, municipal 532
corporation, regional transit authority, or metropolitan housing 533
authority; 534

(b) A natural resources law enforcement staff officer, 535
park officer, forest officer, preserve officer, wildlife 536
officer, or state watercraft officer of the department of 537
natural resources; 538

(c) An employee of a park district under section 511.232 539
or 1545.13 of the Revised Code; 540

(d) An employee of a conservancy district who is 541
designated pursuant to section 6101.75 of the Revised Code; 542

(e) A special police officer employed by the department of 543
mental health and addiction services pursuant to section 5119.08 544
of the Revised Code or the department of developmental 545
disabilities pursuant to section 5123.13 of the Revised Code; 546

(f) An enforcement agent of the department of public 547
safety whom the director of public safety designates under 548
section 5502.14 of the Revised Code; 549

(g) A special police officer employed by a port authority 550
under section 4582.04 or 4582.28 of the Revised Code; 551

(h) A special police officer employed by a municipal 552
corporation at a municipal airport, or other municipal air 553
navigation facility, that has scheduled operations, as defined 554
in section 119.3 of Title 14 of the Code of Federal Regulations, 555
14 C.F.R. 119.3, as amended, and that is required to be under a 556
security program and is governed by aviation security rules of 557
the transportation security administration of the United States 558
department of transportation as provided in Parts 1542. and 559
1544. of Title 49 of the Code of Federal Regulations, as 560
amended. 561

(3) For purposes of division (B) of this section, a state, 562
county, municipal, or department of natural resources peace 563
officer basic training program, regardless of whether the 564
program is to be completed by peace officers appointed on a 565
permanent or temporary, probationary, or other nonpermanent 566
basis, shall include training in the handling of the offense of 567
domestic violence, other types of domestic violence-related 568
offenses and incidents, protection orders and consent agreements 569
issued or approved under section 2919.26 or 3113.31 of the 570
Revised Code, crisis intervention training, and training on 571
companion animal encounters and companion animal behavior. The 572
requirement to complete training in the handling of the offense 573
of domestic violence, other types of domestic violence-related 574
offenses and incidents, and protection orders and consent 575
agreements issued or approved under section 2919.26 or 3113.31 576
of the Revised Code does not apply to any person serving as a 577
peace officer on March 27, 1979, and the requirement to complete 578
training in crisis intervention does not apply to any person 579
serving as a peace officer on April 4, 1985. Any person who is 580

serving as a peace officer on April 4, 1985, who terminates that 581
employment after that date, and who subsequently is hired as a 582
peace officer by the same or another law enforcement agency 583
shall complete training in crisis intervention as prescribed by 584
rules adopted by the attorney general pursuant to section 585
109.742 of the Revised Code. No peace officer shall have 586
employment as a peace officer terminated and then be reinstated 587
with intent to circumvent this section. 588

(4) Division (B) of this section does not apply to any 589
person serving on a permanent basis on March 28, 1985, as a park 590
officer, forest officer, preserve officer, wildlife officer, or 591
state watercraft officer of the department of natural resources 592
or as an employee of a park district under section 511.232 or 593
1545.13 of the Revised Code, to any person serving on a 594
permanent basis on March 6, 1986, as an employee of a 595
conservancy district designated pursuant to section 6101.75 of 596
the Revised Code, to any person serving on a permanent basis on 597
January 10, 1991, as a preserve officer of the department of 598
natural resources, to any person employed on a permanent basis 599
on July 2, 1992, as a special police officer by the department 600
of mental health and addiction services pursuant to section 601
5119.08 of the Revised Code or by the department of 602
developmental disabilities pursuant to section 5123.13 of the 603
Revised Code, to any person serving on a permanent basis on May 604
17, 2000, as a special police officer employed by a port 605
authority under section 4582.04 or 4582.28 of the Revised Code, 606
to any person serving on a permanent basis on March 19, 2003, as 607
a special police officer employed by a municipal corporation at 608
a municipal airport or other municipal air navigation facility 609
described in division (A)(19) of section 109.71 of the Revised 610
Code, to any person serving on a permanent basis on June 19, 611

1978, as a state university law enforcement officer pursuant to 612
section 3345.04 of the Revised Code and who, immediately prior 613
to June 19, 1978, was serving as a special police officer 614
designated under authority of that section, or to any person 615
serving on a permanent basis on September 20, 1984, as a liquor 616
control investigator, known after June 30, 1999, as an 617
enforcement agent of the department of public safety, engaged in 618
the enforcement of Chapters 4301. and 4303. of the Revised Code. 619

(5) Division (B) of this section does not apply to any 620
person who is appointed as a regional transit authority police 621
officer pursuant to division (Y) of section 306.35 of the 622
Revised Code if, on or before July 1, 1996, the person has 623
completed satisfactorily an approved state, county, municipal, 624
or department of natural resources peace officer basic training 625
program and has been awarded a certificate by the executive 626
director of the Ohio peace officer training commission attesting 627
to the person's satisfactory completion of such an approved 628
program and if, on July 1, 1996, the person is performing peace 629
officer functions for a regional transit authority. 630

(C) No person, after September 20, 1984, shall receive an 631
original appointment on a permanent basis as a veterans' home 632
police officer designated under section 5907.02 of the Revised 633
Code unless the person previously has been awarded a certificate 634
by the executive director of the Ohio peace officer training 635
commission attesting to the person's satisfactory completion of 636
an approved police officer basic training program. Every person 637
who is appointed on a temporary basis or for a probationary term 638
or on other than a permanent basis as a veterans' home police 639
officer designated under section 5907.02 of the Revised Code 640
shall forfeit that position unless the person previously has 641
completed satisfactorily or, within one year from the time of 642

appointment, satisfactorily completes an approved police officer 643
basic training program. 644

(D) No bailiff or deputy bailiff of a court of record of 645
this state and no criminal investigator who is employed by the 646
state public defender shall carry a firearm, as defined in 647
section 2923.11 of the Revised Code, while on duty unless the 648
bailiff, deputy bailiff, or criminal investigator has done or 649
received one of the following: 650

(1) Has been awarded a certificate by the executive 651
director of the Ohio peace officer training commission, which 652
certificate attests to satisfactory completion of an approved 653
state, county, or municipal basic training program for bailiffs 654
and deputy bailiffs of courts of record and for criminal 655
investigators employed by the state public defender that has 656
been recommended by the Ohio peace officer training commission; 657

(2) Has successfully completed a firearms training program 658
approved by the Ohio peace officer training commission prior to 659
employment as a bailiff, deputy bailiff, or criminal 660
investigator; 661

(3) Prior to June 6, 1986, was authorized to carry a 662
firearm by the court that employed the bailiff or deputy bailiff 663
or, in the case of a criminal investigator, by the state public 664
defender and has received training in the use of firearms that 665
the Ohio peace officer training commission determines is 666
equivalent to the training that otherwise is required by 667
division (D) of this section. 668

(E) (1) Before a person seeking a certificate completes an 669
approved peace officer basic training program, the executive 670
director of the Ohio peace officer training commission shall 671

request the person to disclose, and the person shall disclose, 672
any previous criminal conviction of or plea of guilty of that 673
person to a felony. 674

(2) Before a person seeking a certificate completes an 675
approved peace officer basic training program, the executive 676
director shall request a criminal history records check on the 677
person. The executive director shall submit the person's 678
fingerprints to the bureau of criminal identification and 679
investigation, which shall submit the fingerprints to the 680
federal bureau of investigation for a national criminal history 681
records check. 682

Upon receipt of the executive director's request, the 683
bureau of criminal identification and investigation and the 684
federal bureau of investigation shall conduct a criminal history 685
records check on the person and, upon completion of the check, 686
shall provide a copy of the criminal history records check to 687
the executive director. The executive director shall not award 688
any certificate prescribed in this section unless the executive 689
director has received a copy of the criminal history records 690
check on the person to whom the certificate is to be awarded. 691

(3) The executive director of the commission shall not 692
award a certificate prescribed in this section to a person who 693
has been convicted of or has pleaded guilty to a felony or who 694
fails to disclose any previous criminal conviction of or plea of 695
guilty to a felony as required under division (E)(1) of this 696
section. 697

(4) The executive director of the commission shall revoke 698
the certificate awarded to a person as prescribed in this 699
section, and that person shall forfeit all of the benefits 700
derived from being certified as a peace officer under this 701

section, if the person, before completion of an approved peace officer basic training program, failed to disclose any previous criminal conviction of or plea of guilty to a felony as required under division (E) (1) of this section.

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

(a) Pleads guilty to a felony committed on or after January 1, 1997;

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

(2) The executive director of the commission shall suspend any certificate that has been awarded to a person as prescribed in this section if the person is convicted, after trial, of a felony committed on or after January 1, 1997. The executive director shall suspend the certificate pursuant to division (F) (2) of this section pending the outcome of an appeal by the person from that conviction to the highest court to which the appeal is taken or until the expiration of the period in which an appeal is required to be filed. If the person files an appeal that results in that person's acquittal of the felony or conviction of a misdemeanor, or in the dismissal of the felony charge against that person, the executive director shall reinstate the certificate awarded to the person under this

section. If the person files an appeal from that person's 732
conviction of the felony and the conviction is upheld by the 733
highest court to which the appeal is taken or if the person does 734
not file a timely appeal, the executive director shall revoke 735
the certificate awarded to the person under this section. 736

(G) (1) If a person is awarded a certificate under this 737
section and the certificate is revoked pursuant to division (E) 738
(4) or (F) of this section, the person shall not be eligible to 739
receive, at any time, a certificate attesting to the person's 740
satisfactory completion of a peace officer basic training 741
program. 742

(2) The revocation or suspension of a certificate under 743
division (E) (4) or (F) of this section shall be in accordance 744
with Chapter 119. of the Revised Code. 745

(H) (1) A person who was employed as a peace officer of a 746
county, township, or municipal corporation of the state on 747
January 1, 1966, and who has completed at least sixteen years of 748
full-time active service as such a peace officer, or equivalent 749
service as determined by the executive director of the Ohio 750
peace officer training commission, may receive an original 751
appointment on a permanent basis and serve as a peace officer of 752
a county, township, or municipal corporation, or as a state 753
university law enforcement officer, without complying with the 754
requirements of division (B) of this section. 755

(2) Any person who held an appointment as a state highway 756
trooper on January 1, 1966, may receive an original appointment 757
on a permanent basis and serve as a peace officer of a county, 758
township, or municipal corporation, or as a state university law 759
enforcement officer, without complying with the requirements of 760
division (B) of this section. 761

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

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

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

(L) The executive director of the commission shall issue a certificate of completion of a training program required under this section in accordance with section 9.79 of the Revised Code to an individual if either of the following applies:

(1) The individual holds a certificate of completion of such a program in another state.

(2) The individual has satisfactory work experience, a

government certification, or a private certification as 791
described in that section in the same profession, occupation, or 792
occupational activity as the profession, occupation, or 793
occupational activity for which the certificate is required in 794
this state in a state that does not require completion of such a 795
training program. 796

Sec. 109.771. (A) A tactical medical professional may 797
carry firearms while on duty in the same manner, to the same 798
extent, and in the same areas as a law enforcement officer of 799
the law enforcement agency the professional is serving, if all 800
of the following apply: 801

(1) The law enforcement agency that the tactical medical 802
professional is serving has specifically authorized the 803
professional to carry firearms while on duty. 804

(2) The tactical medical professional has done or received 805
one of the following: 806

(a) The professional has been awarded a certificate by the 807
executive director of the Ohio peace officer training 808
commission, which certificate attests to satisfactory completion 809
of an approved state, county, or municipal basic training 810
program or a program at the Ohio peace officer training academy 811
that qualifies the professional to carry firearms while on duty 812
and that conforms to the rules adopted under section 109.748 of 813
the Revised Code. 814

(b) Prior to or during employment as a tactical medical 815
professional and prior to ~~the effective date of this section~~ 816
June 1, 2018, the professional has successfully completed a 817
firearms training program, other than one described in division 818
(A) (2) (a) of this section, that was approved by the Ohio peace 819

officer training commission. 820

(B) A tactical medical professional to whom division (A) 821
of this section applies and who is carrying one or more firearms 822
under authority of that division has protection from potential 823
civil or criminal liability for any conduct occurring while 824
carrying the firearm or firearms to the same extent as a law 825
enforcement officer of the law enforcement agency the 826
professional is serving has such protection. 827

(C) The executive director of the commission shall issue a 828
certificate of completion of a training program required under 829
this section in accordance with section 9.79 of the Revised Code 830
to an individual if either of the following applies: 831

(1) The individual holds a certificate of completion of 832
such a program in another state. 833

(2) The individual has satisfactory work experience, a 834
government certification, or a private certification as 835
described in that section as a tactical medical professional who 836
carries a firearm while on duty in a state that does not require 837
completion of such a training program. 838

Sec. 109.78. (A) The executive director of the Ohio peace 839
officer training commission, on behalf of the commission and in 840
accordance with rules promulgated by the attorney general, shall 841
certify persons who have satisfactorily completed approved 842
training programs designed to qualify persons for positions as 843
special police, security guards, or persons otherwise privately 844
employed in a police capacity and issue appropriate certificates 845
to such persons. Application for approval of a training program 846
designed to qualify persons for such positions shall be made to 847
the commission. An application for approval shall be submitted 848

to the commission with a fee of one hundred twenty-five dollars, 849
which fee shall be refunded if the application is denied. Such 850
programs shall cover only duties and jurisdiction of such 851
security guards and special police privately employed in a 852
police capacity when such officers do not qualify for training 853
under section 109.71 of the Revised Code. A person attending an 854
approved basic training program administered by the state shall 855
pay to the agency administering the program the cost of the 856
person's participation in the program as determined by the 857
agency. A person attending an approved basic training program 858
administered by a county or municipal corporation shall pay the 859
cost of the person's participation in the program, as determined 860
by the administering subdivision, to the county or the municipal 861
corporation. A person who is issued a certificate for 862
satisfactory completion of an approved basic training program 863
shall pay to the commission a fee of fifteen dollars. A 864
duplicate of a lost, spoliated, or destroyed certificate may be 865
issued upon application and payment of a fee of fifteen dollars. 866
Such certificate or the completion of twenty years of active 867
duty as a peace officer shall satisfy the educational 868
requirements for appointment or commission as a special police 869
officer or special deputy of a political subdivision of this 870
state. 871

(B) (1) The executive director of the Ohio peace officer 872
training commission, on behalf of the commission and in 873
accordance with rules promulgated by the attorney general, shall 874
certify basic firearms training programs, and shall issue 875
certificates to class A, B, or C licensees or prospective class 876
A, B, or C licensees under Chapter 4749. of the Revised Code and 877
to registered or prospective employees of such class A, B, or C 878
licensees who have satisfactorily completed a basic firearms 879

training program of the type described in division (A) (1) of 880
section 4749.10 of the Revised Code. 881

Application for approval of a basic firearms training 882
program shall be made to the commission. An application shall be 883
submitted to the commission with a fee of one hundred dollars, 884
which fee shall be refunded if the application is denied. 885

A person who is issued a certificate for satisfactory 886
completion of an approved basic firearms training program shall 887
pay a fee of ten dollars to the commission. A duplicate of a 888
lost, spoliated, or destroyed certificate may be issued upon 889
application and payment of a fee of five dollars. 890

(2) The executive director, on behalf of the commission 891
and in accordance with rules promulgated by the attorney 892
general, also shall certify firearms requalification training 893
programs and instructors for the annual requalification of class 894
A, B, or C licensees under Chapter 4749. of the Revised Code and 895
registered or prospective employees of such class A, B, or C 896
licensees who are authorized to carry a firearm under section 897
4749.10 of the Revised Code. Application for approval of a 898
training program or instructor for such purpose shall be made to 899
the commission. Such an application shall be submitted to the 900
commission with a fee of fifty dollars, which fee shall be 901
refunded if the application is denied. 902

(3) The executive director, upon request, also shall 903
review firearms training received within three years prior to 904
November 23, 1985, by any class A, B, or C licensee or 905
prospective class A, B, or C licensee, or by any registered or 906
prospective employee of any class A, B, or C licensee under 907
Chapter 4749. of the Revised Code to determine if the training 908
received is equivalent to a basic firearms training program that 909

includes twenty hours of handgun training and five hours of 910
training in the use of other firearms, if any other firearm is 911
to be used. If the executive director determines the training 912
was received within the three-year period and that it is 913
equivalent to such a program, the executive director shall issue 914
written evidence of approval of the equivalency training to the 915
licensee or employee. 916

(C) There is hereby established in the state treasury the 917
peace officer private security fund, which shall be used by the 918
Ohio peace officer training commission to administer the 919
training program to qualify persons for positions as special 920
police, security guards, or other private employment in a police 921
capacity, as described in division (A) of this section, and the 922
training program in basic firearms and the training program for 923
firearms requalification, both as described in division (B) of 924
this section. All fees paid to the commission by applicants for 925
approval of a training program designed to qualify persons for 926
such private police positions, basic firearms training program, 927
or a firearms requalification training program or instructor, as 928
required by division (A) or (B) of this section, by persons who 929
satisfactorily complete a private police training program or a 930
basic firearms training program, as required by division (A) or 931
(B) of this section, or by persons who satisfactorily requalify 932
in firearms use, as required by division (B) (2) of section 933
4749.10 of the Revised Code, shall be transmitted to the 934
treasurer of state for deposit in the fund. The fund shall be 935
used only for the purpose set forth in this division. 936

(D) No public or private educational institution or 937
superintendent of the state highway patrol shall employ a person 938
as a special police officer, security guard, or other position 939
in which such person goes armed while on duty, who has not 940

received a certificate of having satisfactorily completed an 941
approved basic peace officer training program, unless the person 942
has completed twenty years of active duty as a peace officer. 943

(E) The executive director of the commission shall issue a 944
certificate of completion of a training program required under 945
division (A) of this section in accordance with section 9.76 of 946
the Revised Code to an individual if either of the following 947
applies: 948

(1) The individual holds a certificate of completion of 949
such a program in another state. 950

(2) The individual has satisfactory work experience, a 951
government certification, or a private certification as 952
described in that section in the same profession, occupation, or 953
occupational activity as the profession, occupation, or 954
occupational activity for which the certificate is required in 955
this state in a state that does not require completion of such a 956
training program. 957

Sec. 109.804. (A) (1) The Ohio peace officer training 958
commission shall develop and conduct a chief of police training 959
course lasting forty hours for newly appointed chiefs of police 960
appointed on or after January 1, 2018. The commission shall 961
determine the course topics, which shall include diversity 962
training with an emphasis on historical perspectives and 963
community-police relations, and shall establish criteria for 964
what constitutes successful completion of the course. The 965
commission shall conduct the course at the Ohio peace officer 966
training academy and shall offer the course at least 967
semiannually. 968

(2) The executive director of the commission shall issue a 969

certificate of completion of a training program required under 970
this section in accordance with section 9.79 of the Revised Code 971
to a newly appointed chief of police if either of the following 972
applies: 973

(a) The person holds a certificate of completion of such a 974
program in another state. 975

(b) The person has satisfactory work experience, a 976
government certification, or a private certification as 977
described in that section as a chief of police in a state that 978
does not require completion of such a training program. 979

(B) A newly appointed chief of police may request an 980
equivalency exemption from a portion of the forty hours of the 981
chief of police training course by submitting to the Ohio peace 982
officer training commission, not more than ten calendar days 983
following the person's appointment as a chief of police, 984
evidence of training or qualification in the subject area of the 985
exempted portion. 986

(C) Upon presentation of evidence by a newly appointed 987
chief of police that because of a medical disability or other 988
good cause the newly appointed chief of police is unable to 989
complete the chief of police training course, the Ohio peace 990
officer training commission may defer the requirement for the 991
newly appointed chief of police to complete the chief of police 992
training course until the disability or cause terminates. 993

(D) A newly appointed chief of police appointed on or 994
after January 1, 2018, shall attend a chief of police training 995
course conducted by the Ohio peace officer training commission 996
pursuant to division (A) of this section not later than six 997
months after the person's appointment as a chief of police. 998

While attending the chief of police training course, a newly 999
appointed chief of police shall receive compensation in the same 1000
manner and amounts as if carrying out the powers and duties of 1001
the office of chief of police. The costs of conducting the chief 1002
of police training course shall be paid from state funds 1003
appropriated to the attorney general. The cost of meals, 1004
lodging, and travel of a newly appointed chief of police 1005
attending the chief of police training course shall be paid from 1006
the budget of the entity for which the newly appointed chief of 1007
police was appointed. 1008

(E) As used in this section: 1009

"Newly appointed chief of police" means a person appointed 1010
chief of police under section 505.49, 737.05, or 737.15 of the 1011
Revised Code or any administrative official that is responsible 1012
for the daily administration and supervision of peace officers 1013
in a law enforcement agency who did not hold the office of chief 1014
of police on the date the person was appointed chief of police. 1015

"Law enforcement agency" means a municipal or township 1016
police department, or any other entity authorized by statute to 1017
appoint peace officers to enforce criminal laws and who have the 1018
statutory power of arrest. "Law enforcement agency" does not 1019
include a county sheriff's office, the state highway patrol, or 1020
the bureau of criminal identification and investigation. 1021

Sec. 147.01. (A) The secretary of state may appoint and 1022
commission as notaries public as many persons who meet the 1023
qualifications of division (B) of this section as the secretary 1024
of state considers necessary. 1025

(B) In order for a person to qualify to be appointed and 1026
commissioned as a notary public, except as provided in division 1027

(F) of this section, the person shall demonstrate to the 1028
secretary of state that the person satisfies all of the 1029
following: 1030

(1) The person has attained the age of eighteen years. 1031

(2) (a) Except as provided in division (B) (2) (b) of this 1032
section, the person is a legal resident of this state. 1033

(b) The person is not a legal resident of this state, but 1034
is an attorney admitted to the practice of law in this state by 1035
the Ohio supreme court, and has the person's principal place of 1036
business or the person's primary practice in this state. 1037

(3) (a) Except as provided in division (B) (3) (b) of this 1038
section, the person has submitted a criminal records check 1039
report completed within the preceding six months in accordance 1040
with section 147.022 of the Revised Code demonstrating that the 1041
applicant has not been convicted of or pleaded guilty or no 1042
contest to a disqualifying offense, or any offense under an 1043
existing or former law of this state, any other state, or the 1044
United States that is substantially equivalent to such a 1045
disqualifying offense. 1046

(b) An attorney admitted to the practice of law in this 1047
state shall not be required to submit a criminal records check 1048
when applying to be appointed a notary public. 1049

(4) (a) Except as provided in divisions (B) (4) (b) and (c) 1050
of this section, the person has successfully completed an 1051
educational program and passed a test administered by the 1052
entities authorized by the secretary of state as required under 1053
section 147.021 of the Revised Code. 1054

(b) An attorney who is commissioned as a notary public in 1055
this state prior to ~~the effective date of this amendment~~ 1056

September 20, 2019, shall not be required to complete an 1057
education program or pass a test as required in division (B) (4) 1058
(a) of this section. 1059

(c) Any attorney who applies to become commissioned as a 1060
notary public in this state after ~~the effective date of this~~ 1061
~~amendment~~ September 20, 2019, shall not be required to pass a 1062
test as required in division (B) (4) (a) of this section, but 1063
shall be required to complete an education program required by 1064
that division. 1065

(C) A notary public shall be appointed and commissioned as 1066
a notary public for the state. The secretary of state may revoke 1067
a commission issued to a notary public upon presentation of 1068
satisfactory evidence of official misconduct or incapacity. 1069

(D) The secretary of state shall oversee the processing of 1070
notary public applications and shall issue all notary public 1071
commissions. The secretary of state shall oversee the creation 1072
and maintenance of the online database of notaries public 1073
commissioned in this state pursuant to section 147.051 of the 1074
Revised Code. The secretary of state may perform all other 1075
duties as required by this section. The entities authorized by 1076
the secretary of state pursuant to section 147.021 or 147.63 of 1077
the Revised Code shall administer the educational program and 1078
required test or course of instruction and examination, as 1079
applicable. 1080

(E) All submissions to the secretary of state for 1081
receiving and renewing commissions, or notifications made under 1082
section 147.05 of the Revised Code, shall be done 1083
electronically. 1084

(F) The secretary of state shall appoint and commission as 1085

a notary public for the state an applicant who is commissioned 1086
or licensed as a notary public in another state in accordance 1087
with section 9.79 of the Revised Code. 1088

Sec. 147.63. (A) A notary public who has been duly 1089
appointed and commissioned under section 147.01 of the Revised 1090
Code, and who is a resident of this state, may apply to the 1091
secretary of state to be authorized to act as an online notary 1092
public during the term of that notary public's commission. A 1093
state resident commissioned as a notary public qualifies to be 1094
an online notary public by paying the fee described in section 1095
147.631 of the Revised Code and submitting to the secretary of 1096
state an application in the form prescribed by the secretary 1097
that demonstrates to the satisfaction of the secretary that the 1098
applicant will comply with the standards adopted in rules under 1099
section 147.62 of the Revised Code and that the applicant is 1100
otherwise qualified to be an online notary. 1101

(B) (1) Before an individual may be authorized to act as an 1102
online notary public, that individual shall successfully 1103
complete a course of instruction approved by the secretary of 1104
state and pass an examination based on the course. The content 1105
of the course shall include notarial rules, procedures, and 1106
ethical obligations pertaining to online notarization contained 1107
in sections 147.60 to 147.66 of the Revised Code or in any other 1108
law or rules of this state. The course may be taken in 1109
conjunction with the educational program required under section 1110
147.021 of the Revised Code for a notary public commission. 1111

(2) The secretary of state shall approve one business 1112
entity comprised of bar associations with statewide scope and 1113
regional presence that have expertise and experience in notary 1114
laws and processes to provide the course and administer the 1115

examination to become an online notary. 1116

(C) The application required under division (A) of this 1117
section shall be transmitted electronically to the secretary of 1118
state and shall include all of the following information: 1119

(1) The applicant's full legal name and official notary 1120
public name to be used in acting as an online notary public; 1121

(2) A description of the technology the applicant intends 1122
to use in performing online notarizations; 1123

(3) A certification that the applicant will comply with 1124
the rules adopted under section 147.62 of the Revised Code; 1125

(4) An electronic mail address of the applicant; 1126

(5) Any decrypting instructions, keys, codes, or software 1127
necessary to enable the application to be read; 1128

(6) Proof of successful completion of the course and 1129
passage of the examination required under division (B) of this 1130
section; 1131

(7) A disclosure of any and all license or commission 1132
revocations or other professional disciplinary actions taken 1133
against the applicant; 1134

(8) Any other information that the secretary of state may 1135
require. 1136

(D) (1) If the secretary of state is satisfied that an 1137
applicant meets the standards adopted in rules under section 1138
147.62 of the Revised Code, and that the applicant is otherwise 1139
qualified to be an online notary public, then the secretary 1140
shall issue to the applicant a written authorization to perform 1141
online notarizations. 1142

The secretary of state shall issue a written authorization 1143
to perform online notarizations to an applicant who holds an 1144
authorization or license to perform online notarizations in 1145
another state in accordance with section 9.79 of the Revised 1146
Code. 1147

(2) Except as provided in division (D)(4) of this section, 1148
the authorization shall expire when the notary public's 1149
commission expires or is revoked under section 147.03, 147.031, 1150
or 147.032 of the Revised Code. 1151

(3) (a) Except as provided in division (D)(5) of this 1152
section, the authorization shall be renewed when the notary 1153
public's commission is renewed. 1154

(b) An authorization to perform online notarizations that 1155
is set to expire shall not be renewed unless the notary submits 1156
to the secretary of state through the entity authorized in this 1157
section all of the following: 1158

(i) A fee, set by the secretary of state, of not more than 1159
four times the fee prescribed in division (B)(2) of section 1160
147.031 of the Revised Code; 1161

(ii) An application for renewal on a form prescribed by 1162
the secretary; 1163

(iii) Evidence of having completed continuing education, 1164
as required under division (G) of this section. 1165

(c) If a notary public's online notarization authorization 1166
expires before the notary submits the application for renewal, 1167
the secretary of state shall not renew that expired 1168
authorization but shall permit that person to apply for a new 1169
online notarization authorization. 1170

(4) An authorization to perform online notarizations 1171
granted to an attorney admitted to the practice of law in this 1172
state by the Ohio supreme court shall expire on the earlier of 1173
five years after the date the authorization is granted or when 1174
the attorney's term of office as a notary public ends. 1175

(5) An attorney authorized to perform online notarizations 1176
may apply to renew the attorney's authorization three months 1177
prior to the authorization's expiration date. 1178

(6) (a) The secretary may deny an application for an online 1179
notary public if any of the required information is missing or 1180
incorrect on the application form. 1181

(b) The secretary may also deny an application if the 1182
technology the applicant identifies pursuant to division (C) (2) 1183
of this section does not conform to the standards developed by 1184
the secretary pursuant to section 147.62 of the Revised Code. 1185

(E) Nothing in this section shall be construed as 1186
prohibiting an online notary public from receiving, installing, 1187
and utilizing a software update to the technology that the 1188
online notary public disclosed pursuant to division (C) (2) of 1189
this section if that software update does not result in a 1190
technology that is materially different from the technology that 1191
the online notary public disclosed pursuant to division (C) (2) 1192
of this section. 1193

(F) (1) If a notary public changes either the hardware or 1194
the software that the notary intends to use to carry out online 1195
notarizations, then the notary shall inform the secretary of 1196
this intent on a form prescribed by the secretary. 1197

(2) If the secretary determines that the new hardware or 1198
software does not meet the standards prescribed in rules under 1199

section 147.62 of the Revised Code, then the secretary may 1200
suspend or revoke the notary's authority to perform online 1201
notarizations. 1202

(G) (1) The secretary of state shall not renew an online 1203
notarization authorization unless the applicant has completed 1204
continuing education as required under rules adopted pursuant to 1205
division (G) (2) of this section. 1206

(2) The secretary shall adopt rules in accordance with 1207
Chapter 119. of the Revised Code related to continuing education 1208
requirements for an online notarization authorization. The rules 1209
shall specify the number of hours of continuing education a 1210
notary must complete over the duration of the notary's license 1211
and may specify content to be included in the continuing 1212
education. 1213

Sec. 169.16. (A) No person, on behalf of any other person, 1214
shall engage in any activity for the purpose of locating, 1215
delivering, recovering, or assisting in the recovery of 1216
unclaimed funds or contents of a safe deposit box, and receive a 1217
fee, compensation, commission, or other remuneration for such 1218
activity, without first having obtained a certificate of 1219
registration from the director of commerce in accordance with 1220
this section. 1221

(B) An application for a certificate of registration shall 1222
be in writing and in the form prescribed by the director. The 1223
application shall be accompanied by a recent full-face color 1224
photograph of the applicant and notarized character reference 1225
letters from two reputable character witnesses. The application 1226
shall, at a minimum, provide all of the following: 1227

(1) The applicant's full name, home address, and work 1228

address; 1229

(2) The name, address, and telephone number of the two 1230
character witnesses who have provided the character reference 1231
letters; 1232

(3) A statement that the applicant has not, during the 1233
ten-year period immediately preceding the submission of the 1234
application, violated division (A) of this section on or after 1235
the effective date of this section, or division (C) of section 1236
169.13 of the Revised Code, or been convicted of, or pleaded 1237
guilty to, any felony or any offense involving moral turpitude, 1238
including theft, attempted theft, falsification, tampering with 1239
records, securing writings by deception, fraud, forgery, and 1240
perjury; 1241

(4) The notarized signature of the applicant immediately 1242
following an acknowledgment that any false or perjured statement 1243
subjects the applicant to criminal liability under section 1244
2921.13 of the Revised Code. 1245

(C) Upon the filing of the application with the division 1246
of unclaimed funds, the division may investigate the applicant 1247
to verify the information provided in the application and to 1248
determine the applicant's eligibility for a certificate of 1249
registration under this section. False information on an 1250
application is grounds for the denial or revocation of the 1251
applicant's certificate of registration. 1252

(D) ~~The~~ (1) Except as provided in division (D)(2) of this 1253
section, the director shall issue a certificate of registration 1254
to an applicant if the director finds that the following 1255
conditions are met: 1256

~~(1)~~ (a) The applicant has not, during the ten-year period 1257

immediately preceding the submission of the application, 1258
violated division (A) of this section on or after the effective 1259
date of this section, or division (C) of section 169.13 of the 1260
Revised Code, or been convicted of, or pleaded guilty to, any 1261
felony or any offense involving moral turpitude, including 1262
theft, attempted theft, falsification, tampering with records, 1263
securing writings by deception, fraud, forgery, and perjury. 1264

~~(2)-(b)~~ The applicant's character and general fitness 1265
command the confidence of the public and warrant the belief that 1266
the applicant's business will be conducted honestly and fairly. 1267

(2) The director shall issue a certificate of registration 1268
in accordance with section 9.79 of the Revised Code to an 1269
applicant if either of the following applies: 1270

(a) The applicant holds a license or certificate of 1271
registration in another state. 1272

(b) The applicant has satisfactory work experience, a 1273
government certification, or a private certification as 1274
described in that section in the same profession, occupation, or 1275
occupational activity as the profession, occupation, or 1276
occupational activity for which the certificate of registration 1277
is required in this state in a state that does not issue such a 1278
license or certificate of registration. 1279

(E) ~~The A~~ certificate of registration ~~issued pursuant to~~ 1280
~~division (D) of this section~~ may be renewed annually if the 1281
director finds that the following conditions are met: 1282

(1) The applicant submits a renewal application form 1283
prescribed by the director. 1284

(2) The applicant meets the conditions set forth in 1285
division (D) of this section. 1286

(3) The applicant's certificate of registration is not 1287
subject to an order of revocation by the director. 1288

Sec. 173.21. (A) The office of the state long-term care 1289
ombudsman program, through the state long-term care ombudsman 1290
and the regional long-term care ombudsman programs, shall 1291
require each representative of the office to complete a training 1292
and certification program in accordance with this section and to 1293
meet the continuing education requirements established under 1294
this section. 1295

(B) The department of aging shall adopt rules in 1296
accordance with Chapter 119. of the Revised Code specifying the 1297
content of training programs for representatives of the office 1298
of the state long-term care ombudsman program. Training for 1299
representatives other than those who are volunteers providing 1300
services through regional long-term care ombudsman programs 1301
shall include instruction regarding federal, state, and local 1302
laws, rules, and policies on long-term care facilities and 1303
community-based long-term care services; investigative 1304
techniques; and other topics considered relevant by the 1305
department and shall consist of the following: 1306

(1) A minimum of forty clock hours of basic instruction, 1307
which shall be completed before the trainee is permitted to 1308
handle complaints without the supervision of a representative of 1309
the office certified under this section; 1310

(2) An additional sixty clock hours of instruction, which 1311
shall be completed within the first fifteen months of 1312
employment; 1313

(3) An internship of twenty clock hours, which shall be 1314
completed within the first twenty-four months of employment, 1315

including instruction in, and observation of, basic nursing care 1316
and long-term care provider operations and procedures. The 1317
internship shall be performed at a site that has been approved 1318
as an internship site by the state long-term care ombudsman. 1319

(4) One of the following, which shall be completed within 1320
the first twenty-four months of employment: 1321

(a) Observation of a survey conducted by the director of 1322
health to certify a nursing facility to participate in the 1323
medicaid program; 1324

(b) Observation of an inspection conducted by the director 1325
of mental health and addiction services to license a residential 1326
facility under section 5119.34 of the Revised Code that provides 1327
accommodations, supervision, and personal care services for 1328
three to sixteen unrelated adults. 1329

(5) Any other training considered appropriate by the 1330
department. 1331

(C) Any person who for a period of at least six months 1332
prior to June 11, 1990, served as an ombudsman through the long- 1333
term care ombudsman program established by the department of 1334
aging under section 173.01 of the Revised Code shall not be 1335
required to complete a training program. Such a person and 1336
persons who complete a training program shall take an 1337
examination administered by the department of aging. On 1338
attainment of a passing score, the person shall be certified by 1339
the department as a representative of the office. The department 1340
shall issue the person an identification card, which the 1341
representative shall show at the request of any person with whom 1342
the representative deals while performing the representative's 1343
duties and which shall be surrendered at the time the 1344

representative separates from the office. 1345

(D) The state ombudsman and each regional program shall 1346
conduct training programs for volunteers on their respective 1347
staffs in accordance with the rules of the department of aging 1348
adopted under division (B) of this section. Training programs 1349
may be conducted that train volunteers to complete some, but not 1350
all, of the duties of a representative of the office. Each 1351
regional office shall bear the cost of training its 1352
representatives who are volunteers. On completion of a training 1353
program, the representative shall take an examination 1354
administered by the department of aging. On attainment of a 1355
passing score, a volunteer shall be certified by the department 1356
as a representative authorized to perform services specified in 1357
the certification. The department shall issue an identification 1358
card, which the representative shall show at the request of any 1359
person with whom the representative deals while performing the 1360
representative's duties and which shall be surrendered at the 1361
time the representative separates from the office. Except as a 1362
supervised part of a training program, no volunteer shall 1363
perform any duty unless the volunteer is certified as a 1364
representative having received appropriate training for that 1365
duty. 1366

(E) The state ombudsman shall provide technical assistance 1367
to regional programs conducting training programs for volunteers 1368
and shall monitor the training programs. 1369

(F) Prior to scheduling an observation of a certification 1370
survey or licensing inspection for purposes of division (B) (4) 1371
of this section, the state ombudsman shall obtain permission to 1372
have the survey or inspection observed from both the long-term 1373
care facility at which the survey or inspection is to take place 1374

and, as the case may be, the director of health or director of 1375
mental health and addiction services. 1376

(G) Notwithstanding the requirements for a certification 1377
under this section, the department shall issue a certificate as 1378
a representative of the office of the state long-term care 1379
ombudsman program in accordance with section 9.79 of the Revised 1380
Code to a person if either of the following applies: 1381

(1) The person holds a license or certificate in another 1382
state. 1383

(2) The person has satisfactory work experience, a 1384
government certification, or a private certification as 1385
described in that section as a representative of a state long- 1386
term care ombudsman program in a state that does not issue that 1387
license or certificate. 1388

(H) The department of aging shall establish continuing 1389
education requirements for representatives of the office. 1390

Sec. 173.391. (A) Subject to section 173.381 of the 1391
Revised Code and except as provided in division (I) of this 1392
section, the department of aging or its designee shall do all of 1393
the following in accordance with Chapter 119. of the Revised 1394
Code: 1395

(1) Certify a provider to provide community-based long- 1396
term care services under a program the department administers if 1397
the provider satisfies the requirements for certification 1398
established by rules adopted under division (B) of this section 1399
and pays the fee, if any, established by rules adopted under 1400
division (G) of this section; 1401

(2) When required to do so by rules adopted under division 1402
(B) of this section, take one or more of the following 1403

disciplinary actions against a provider certified under division	1404
(A) (1) of this section:	1405
(a) Issue a written warning;	1406
(b) Require the submission of a plan of correction or	1407
evidence of compliance with requirements identified by the	1408
department;	1409
(c) Suspend referrals;	1410
(d) Remove clients;	1411
(e) Impose a fiscal sanction such as a civil monetary	1412
penalty or an order that unearned funds be repaid;	1413
(f) Suspend the certification;	1414
(g) Revoke the certification;	1415
(h) Impose another sanction.	1416
(3) Except as provided in division (E) of this section,	1417
hold hearings when there is a dispute between the department or	1418
its designee and a provider concerning actions the department or	1419
its designee takes regarding a decision not to certify the	1420
provider under division (A) (1) of this section or a disciplinary	1421
action under divisions (A) (2) (e) to (h) of this section.	1422
(B) The director of aging shall adopt rules in accordance	1423
with Chapter 119. of the Revised Code establishing certification	1424
requirements and standards for determining which type of	1425
disciplinary action to take under division (A) (2) of this	1426
section in individual situations. The rules shall establish	1427
procedures for all of the following:	1428
(1) Ensuring that providers comply with sections 173.38	1429
and 173.381 of the Revised Code;	1430

(2) Evaluating the services provided by the providers to ensure that the services are provided in a quality manner advantageous to the individual receiving the services;	1431 1432 1433
(3) In a manner consistent with section 173.381 of the Revised Code, determining when to take disciplinary action under division (A) (2) of this section and which disciplinary action to take;	1434 1435 1436 1437
(4) Determining what constitutes another sanction for purposes of division (A) (2) (h) of this section.	1438 1439
(C) The procedures established in rules adopted under division (B) (2) of this section shall require that all of the following be considered as part of an evaluation described in division (B) (2) of this section:	1440 1441 1442 1443
(1) The provider's experience and financial responsibility;	1444 1445
(2) The provider's ability to comply with standards for the community-based long-term care services that the provider provides under a program the department administers;	1446 1447 1448
(3) The provider's ability to meet the needs of the individuals served;	1449 1450
(4) Any other factor the director considers relevant.	1451
(D) The rules adopted under division (B) (3) of this section shall specify that the reasons disciplinary action may be taken under division (A) (2) of this section include good cause, including misfeasance, malfeasance, nonfeasance, confirmed abuse or neglect, financial irresponsibility, or other conduct the director determines is injurious, or poses a threat, to the health or safety of individuals being served.	1452 1453 1454 1455 1456 1457 1458

(E) Subject to division (F) of this section, the 1459
department is not required to hold hearings under division (A) 1460
(3) of this section if any of the following conditions apply: 1461

(1) Rules adopted by the director of aging pursuant to 1462
this chapter require the provider to be a party to a provider 1463
agreement; hold a license, certificate, or permit; or maintain a 1464
certification, any of which is required or issued by a state or 1465
federal government entity other than the department of aging, 1466
and either of the following is the case: 1467

(a) The provider agreement has not been entered into or 1468
the license, certificate, permit, or certification has not been 1469
obtained or maintained. 1470

(b) The provider agreement, license, certificate, permit, 1471
or certification has been denied, revoked, not renewed, or 1472
suspended or has been otherwise restricted. 1473

(2) The provider's certification under this section has 1474
been denied, suspended, or revoked for any of the following 1475
reasons: 1476

(a) A government entity of this state, other than the 1477
department of aging, has terminated or refused to renew any of 1478
the following held by, or has denied any of the following sought 1479
by, a provider: a provider agreement, license, certificate, 1480
permit, or certification. Division (E) (2) (a) of this section 1481
applies regardless of whether the provider has entered into a 1482
provider agreement in, or holds a license, certificate, permit, 1483
or certification issued by, another state. 1484

(b) The provider or a principal owner or manager of the 1485
provider who provides direct care has entered a guilty plea for, 1486
or has been convicted of, an offense materially related to the 1487

medicaid program. 1488

(c) A principal owner or manager of the provider who 1489
provides direct care has entered a guilty plea for, been 1490
convicted of, or been found eligible for intervention in lieu of 1491
conviction for an offense listed or described in divisions (A) 1492
(3) (a) to (e) of section 109.572 of the Revised Code, but only 1493
if the provider, principal owner, or manager does not meet 1494
standards specified by the director in rules adopted under 1495
section 173.38 of the Revised Code. 1496

(d) The department or its designee is required by section 1497
173.381 of the Revised Code to deny or revoke the provider's 1498
certification. 1499

(e) The United States department of health and human 1500
services has taken adverse action against the provider and that 1501
action impacts the provider's participation in the medicaid 1502
program. 1503

(f) The provider has failed to enter into or renew a 1504
provider agreement with the PASSPORT administrative agency, as 1505
that term is defined in section 173.42 of the Revised Code, that 1506
administers programs on behalf of the department of aging in the 1507
region of the state in which the provider is certified to 1508
provide services. 1509

(g) The provider has not billed or otherwise submitted a 1510
claim to the department for payment under the medicaid program 1511
in at least two years. 1512

(h) The provider denied or failed to provide the 1513
department or its designee access to the provider's facilities 1514
during the provider's normal business hours for purposes of 1515
conducting an audit or structural compliance review. 1516

(i) The provider has ceased doing business.	1517
(j) The provider has voluntarily relinquished its certification for any reason.	1518 1519
(3) The provider's provider agreement with the department of medicaid has been suspended under section 5164.36 of the Revised Code.	1520 1521 1522
(4) The provider's provider agreement with the department of medicaid is denied or revoked because the provider or its owner, officer, authorized agent, associate, manager, or employee has been convicted of an offense that caused the provider agreement to be suspended under section 5164.36 of the Revised Code.	1523 1524 1525 1526 1527 1528
(F) If the department does not hold hearings when any condition described in division (E) of this section applies, the department shall send a notice to the provider describing a decision not to certify the provider under division (A) (1) of this section or the disciplinary action the department is taking under divisions (A) (2) (e) to (h) of this section. The notice shall be sent to the provider's address that is on record with the department and may be sent by regular mail.	1529 1530 1531 1532 1533 1534 1535 1536
(G) The director of aging may adopt rules in accordance with Chapter 119. of the Revised Code establishing a fee to be charged by the department of aging or its designee for certification issued under <u>division (A) of</u> this section.	1537 1538 1539 1540
(H) Any amounts collected by the department or its designee under this section shall be deposited in the state treasury to the credit of the provider certification fund, which is hereby created. Money credited to the fund shall be used to pay for community-based long-term care services, administrative	1541 1542 1543 1544 1545

costs associated with provider certification under this section, 1546
and administrative costs related to the publication of the Ohio 1547
long-term care consumer guide. 1548

(I) The director shall certify a provider in accordance 1549
with section 9.79 of the Revised Code if either of the following 1550
applies: 1551

(1) The provider is licensed or certified in another 1552
state. 1553

(2) The provider has satisfactory work experience, a 1554
government certification, or a private certification as 1555
described in that section as a provider of community-based long- 1556
term care services under a state program in a state that does 1557
not issue that license or certificate. 1558

Sec. 173.422. (A) The department of aging shall certify 1559
individuals who meet certification requirements established by 1560
rule to provide long-term care consultations for purposes of 1561
sections 173.42 and 173.421 of the Revised Code. The director of 1562
aging shall adopt rules in accordance with Chapter 119. of the 1563
Revised Code governing the certification process and 1564
requirements. The rules shall specify the education, experience, 1565
or training in long-term care a person must have to qualify for 1566
certification. 1567

(B) Notwithstanding the requirements for a certification 1568
under division (A) of this section, the department shall issue a 1569
certification to provide long-term care consultations in 1570
accordance with section 9.79 of the Revised Code to a person if 1571
either of the following applies: 1572

(1) The person holds a license or certification in another 1573
state. 1574

(2) The person has satisfactory work experience, a 1575
government certification, or a private certification as 1576
described in that section as a provider of long-term care 1577
consultations in a state that does not issue that license or 1578
certification. 1579

Sec. 503.41. (A) A board of township trustees, by 1580
resolution, may regulate and require the registration of massage 1581
establishments and their employees within the unincorporated 1582
territory of the township. In accordance with sections 503.40 to 1583
503.49 of the Revised Code, for that purpose, the board, by a 1584
majority vote of all members, may adopt, amend, administer, and 1585
enforce regulations within the unincorporated territory of the 1586
township. 1587

(B) A board may adopt regulations and amendments under 1588
this section only after public hearing at not fewer than two 1589
regular sessions of the board. The board shall cause to be 1590
published in a newspaper of general circulation in the township, 1591
or as provided in section 7.16 of the Revised Code, notice of 1592
the public hearings, including the time, date, and place, once a 1593
week for two weeks immediately preceding the hearings. The board 1594
shall make available proposed regulations or amendments to the 1595
public at the office of the board. 1596

(C) Regulations or amendments adopted by the board are 1597
effective thirty days after the date of adoption unless, within 1598
thirty days after the adoption of the regulations or amendments, 1599
the township fiscal officer receives a petition, signed by a 1600
number of qualified electors residing in the unincorporated area 1601
of the township equal to not less than ten per cent of the total 1602
vote cast for all candidates for governor in the area at the 1603
most recent general election at which a governor was elected, 1604

requesting the board to submit the regulations or amendments to 1605
the electors of the area for approval or rejection at the next 1606
primary or general election occurring at least ninety days after 1607
the board receives the petition. 1608

No regulation or amendment for which the referendum vote 1609
has been requested is effective unless a majority of the votes 1610
cast on the issue is in favor of the regulation or amendment. 1611
Upon certification by the board of elections that a majority of 1612
the votes cast on the issue was in favor of the regulation or 1613
amendment, the regulation or amendment takes immediate effect. 1614

(D) The board shall make available regulations it adopts 1615
or amends to the public at the office of the board and shall 1616
cause to be published once a notice of the availability of the 1617
regulations in a newspaper of general circulation in the 1618
township within ten days after their adoption or amendment. 1619

(E) Nothing in sections 503.40 to 503.49 of the Revised 1620
Code shall be construed to allow a board of township trustees to 1621
regulate the practice of any limited branch of medicine 1622
specified in section 4731.15 of the Revised Code or the practice 1623
of providing therapeutic massage by a licensed physician, a 1624
licensed chiropractor, a licensed podiatrist, a licensed nurse, 1625
or any other licensed health professional. As used in this 1626
division, "licensed" means licensed, certified, or registered to 1627
practice in this state. 1628

(F) If a township adopts regulations to require the 1629
registration of massage establishments and their employees, the 1630
township shall comply with section 9.79 of the Revised Code. 1631

Sec. 715.27. (A) Any municipal corporation may: 1632

(1) Regulate the erection of fences, billboards, signs, 1633

and other structures, within the municipal corporation, and 1634
provide for the removal and repair of insecure billboards, 1635
signs, and other structures; 1636

(2) Regulate the construction and repair of wires, poles, 1637
plants, and all equipment to be used for the generation and 1638
application of electricity; 1639

(3) Provide for the licensing of house movers; plumbers; 1640
sewer tappers; vault cleaners; and specialty contractors who are 1641
not required to hold a valid license issued pursuant to Chapter 1642
4740. of the Revised Code; 1643

(4) Require all specialty contractors other than those who 1644
hold a valid license issued pursuant to Chapter 4740. of the 1645
Revised Code, to successfully complete an examination, test, or 1646
demonstration of technical skills, and may impose a fee and 1647
additional requirements for a license or registration to engage 1648
in their respective occupations within the jurisdiction of the 1649
municipal corporation. 1650

(B) No municipal corporation shall require any specialty 1651
contractor who holds a valid license issued pursuant to Chapter 1652
4740. of the Revised Code to complete an examination, test, or 1653
demonstration of technical skills to engage in the type of 1654
contracting for which the license is held, within the municipal 1655
corporation. 1656

(C) A municipal corporation may require a specialty 1657
contractor who holds a valid license issued pursuant to Chapter 1658
4740. of the Revised Code to register with the municipal 1659
corporation and pay any fee the municipal corporation imposes 1660
before that specialty contractor may engage within the municipal 1661
corporation in the type of contracting for which the license is 1662

held. Any fee shall be the same for all specialty contractors 1663
who engage in the same type of contracting. A municipal 1664
corporation may require a bond and proof of all of the 1665
following: 1666

(1) Insurance pursuant to division (B) (4) of section 1667
4740.06 of the Revised Code; 1668

(2) Compliance with Chapters 4121. and 4123. of the 1669
Revised Code; 1670

(3) Registration with the tax department of the municipal 1671
corporation. 1672

If a municipal corporation requires registration, imposes 1673
such a fee, or requires a bond or proof of the items listed in 1674
divisions (C) (1), (2), and (3) of this section, the municipal 1675
corporation immediately shall permit a contractor who presents 1676
proof of holding a valid license issued pursuant to Chapter 1677
4740. of the Revised Code, who registers, pays the fee, obtains 1678
a bond, and submits the proof described under divisions (C) (1), 1679
(2), and (3) of this section, as required, to engage in the type 1680
of contracting for which the license is held, within the 1681
municipal corporation. 1682

(D) A municipal corporation may revoke the registration of 1683
a contractor registered with that municipal corporation for good 1684
cause shown. Good cause shown includes the failure of a 1685
contractor to maintain a bond or the items listed in divisions 1686
(C) (1), (2), and (3) of this section, if the municipal 1687
corporation requires those. 1688

(E) A municipal corporation that licenses specialty 1689
contractors pursuant to division (A) (3) of this section may 1690
accept, for purposes of satisfying its licensing requirements, a 1691

valid license issued pursuant to Chapter 4740. of the Revised 1692
Code that a specialty contractor holds, for the construction, 1693
replacement, maintenance, or repair of one-family, two-family, 1694
or three-family dwelling houses or accessory structures 1695
incidental to those dwelling houses. 1696

(F) A municipal corporation shall not register a specialty 1697
contractor who is required to hold a license under Chapter 4740. 1698
of the Revised Code but does not hold a valid license issued 1699
under that chapter. 1700

(G) If a municipal corporation regulates a profession, 1701
occupation, or occupational activity under this section, the 1702
municipal corporation shall comply with section 9.79 of the 1703
Revised Code. 1704

(H) As used in this section, "specialty contractor" means 1705
a heating, ventilating, and air conditioning contractor, 1706
refrigeration contractor, electrical contractor, plumbing 1707
contractor, or hydronics contractor, as those contractors are 1708
described in Chapter 4740. of the Revised Code. 1709

Sec. 903.07. (A) On and after the date that is established 1710
in rules by the director of agriculture, both of the following 1711
apply: 1712

(1) The management and handling of manure at a major 1713
concentrated animal feeding facility, including the land 1714
application of manure or the removal of manure from a manure 1715
storage or treatment facility, shall be conducted only by or 1716
under the supervision of a person holding a livestock manager 1717
certification issued under this section. A person managing or 1718
handling manure who is acting under the instructions and control 1719
of a person holding a livestock manager certification is 1720

considered to be under the supervision of the certificate holder 1721
if the certificate holder is responsible for the actions of the 1722
person and is available when needed even though the certificate 1723
holder is not physically present at the time of the manure 1724
management or handling. 1725

(2) No person shall transport and land apply annually or 1726
buy, sell, or land apply annually the volume of manure 1727
established in rules adopted by the director under division (D) 1728
(5) of section 903.10 of the Revised Code unless the person 1729
holds a livestock manager certification issued under this 1730
section. 1731

(B) The Except as provided in division (D) of this 1732
section, the director shall issue a livestock manager 1733
certification to a person who has submitted a complete 1734
application for certification on a form prescribed and provided 1735
by the director, together with the appropriate application fee, 1736
and who has completed successfully the required training and has 1737
passed the required examination. The director may suspend or 1738
revoke a livestock manager certification and may reinstate a 1739
suspended or revoked livestock manager certification in 1740
accordance with rules. 1741

(C) Information required to be included in an application 1742
for a livestock manager certification, the amount of the 1743
application fee, requirements regarding training and the 1744
examination, requirements governing the management and handling 1745
of manure, including the land application of manure, and 1746
requirements governing the keeping of records regarding the 1747
handling of manure, including the land application of manure, 1748
shall be established in rules. 1749

(D) The director shall issue a livestock manager 1750

certification in accordance with section 9.79 of the Revised 1751
Code to an individual if either of the following applies: 1752

(1) The individual holds a certification in another state. 1753

(2) The individual has satisfactory work experience, a 1754
government certification, or a private certification as 1755
described in that section as a livestock manager in a state that 1756
does not issue that license. 1757

Sec. 905.321. (A) Beginning September thirtieth of the 1758
third year after ~~the effective date of this section~~ August 21, 1759
2014, no person shall apply fertilizer for the purposes of 1760
agricultural production unless that person has been certified to 1761
do so by the director of agriculture under this section and 1762
rules or is acting under the instructions and control of a 1763
person who is so certified. 1764

(B) ~~A~~ Except as otherwise provided in this division, a 1765
person shall be certified to apply fertilizer for purposes of 1766
agricultural production in accordance with rules. A person that 1767
has been so certified shall comply with requirements and 1768
procedures established in those rules. 1769

The director shall issue a certification to apply 1770
fertilizer for purposes of agricultural production in accordance 1771
with section 9.79 of the Revised Code to an individual if either 1772
of the following applies: 1773

(1) The individual holds a license or certification in 1774
another state. 1775

(2) The individual has satisfactory work experience, a 1776
government certification, or a private certification as 1777
described in that section as a fertilizer applicator in a state 1778
that does not issue that license or certification. 1779

(C) A person that has been licensed as a commercial applicator under section 921.06 of the Revised Code or as a private applicator under section 921.11 of the Revised Code may apply to be certified under this section, but shall not be required to pay the application fee for certification established in rules adopted under section 905.322 of the Revised Code.

Sec. 917.09. (A) The director of agriculture may issue the following types of licenses:

- (1) Producer;
- (2) Processor;
- (3) Milk dealer;
- (4) Raw milk retailer;
- (5) Weigher, sampler, or tester;
- (6) Milk hauler.

(B) The director may adopt rules establishing categories for each type of license that are based on the grade or type of dairy product with which the licensee is involved.

(C) Except as provided in section 917.091 of the Revised Code and division (J) of this section, no person shall act as or hold the person's self out as a producer; processor; milk dealer; raw milk retailer; weigher, sampler, or tester; or milk hauler unless the person holds a valid license issued by the director under this section.

(D) Each person desiring a license shall submit to the director a license application on a form prescribed by the director, accompanied by a license fee in an amount specified in

rules adopted under section 917.02 of the Revised Code. The 1807
applicant shall specify on the application the type of license 1808
and category requested and shall include any other information 1809
required by rules adopted under section 917.02 of the Revised 1810
Code. 1811

(E) Each applicant for a weigher, sampler, or tester 1812
license or registration, prior to issuance of the license or 1813
registration, shall pass an examination that is given in 1814
accordance with section 917.08 of the Revised Code and rules 1815
adopted under section 917.02 of the Revised Code. 1816

Each applicant for any other type of license issued under 1817
this section, prior to issuance of the license, shall pass an 1818
inspection that is made in accordance with rules adopted under 1819
section 917.02 of the Revised Code. 1820

(F) The director shall not issue a license to an applicant 1821
unless the director determines, through an inspection or 1822
otherwise, that the applicant is in compliance with the 1823
requirements set forth in this chapter and the rules adopted 1824
under it. 1825

(G) Examinations that must be passed prior to issuance of 1826
a weigher, sampler, or tester license, inspections that must be 1827
passed prior to issuance of any other type of license issued 1828
under this section, procedures for issuing and renewing 1829
licenses, and license terms and renewal periods shall comply 1830
with rules adopted under section 917.02 of the Revised Code. 1831

(H) Suspension and revocation of licenses shall comply 1832
with section 917.22 of the Revised Code and rules adopted under 1833
section 917.02 of the Revised Code. 1834

(I) Each licensed weigher, sampler, and tester annually 1835

shall meet the continuing education requirements established in 1836
rules adopted under division (B) of section 917.02 of the 1837
Revised Code. 1838

(J) A person whose religion prohibits the person from 1839
obtaining a license under this section, in place of a license, 1840
shall register with the director as a producer; processor; milk 1841
dealer; raw milk retailer; weigher, sampler, or tester; or milk 1842
hauler. 1843

The person claiming the exemption from licensure shall 1844
register on a form prescribed by the director and shall meet any 1845
other registration requirements contained in rules adopted under 1846
section 917.02 of the Revised Code. Upon receiving the person's 1847
registration form and determining that the person has satisfied 1848
all requirements for registration, the director shall notify the 1849
person that the person is registered to lawfully operate as a 1850
producer; processor; milk dealer; raw milk retailer; weigher, 1851
sampler, or tester; or milk hauler. 1852

A registrant is subject to all provisions governing 1853
licensees, such as provisions concerning testing, sampling, and 1854
inspection of dairy products. A registrant is subject to 1855
provisions governing issuance of a temporary weigher, sampler, 1856
or tester license under section 917.091 of the Revised Code. A 1857
registration shall be renewed, suspended, and revoked under the 1858
same terms as a license. 1859

(K) Notwithstanding the requirements for a license or 1860
registration under this section, the director shall issue a 1861
license or registration to operate as a producer; processor; 1862
milk dealer; raw milk retailer; weigher, sampler, or tester; or 1863
milk hauler, as applicable, in accordance with section 9.79 of 1864
the Revised Code to an individual if either of the following 1865

applies: 1866

(1) The individual holds a license or registration in another state. 1867
1868

(2) The individual has satisfactory work experience, a government certification, or a private certification as described in that section as a producer; processor; milk dealer; raw milk retailer; weigher, sampler, or tester; or milk hauler, as applicable, in a state that does not issue the applicable license or registration. 1869
1870
1871
1872
1873
1874

Sec. 917.091. The director of agriculture may issue a 1875
temporary weigher, sampler, or tester license to an applicant 1876
upon determining that the applicant has met all qualifications 1877
for licensure under section 917.09 of the Revised Code except 1878
successful completion of an examination. A temporary weigher, 1879
sampler, or tester license is effective for ninety days from the 1880
date of issuance. An applicant who has not taken an examination 1881
for licensure may receive no more than three temporary weigher, 1882
sampler, or tester licenses. An applicant who takes and fails an 1883
examination for licensure may receive no more than two temporary 1884
weigher, sampler, or tester licenses. Section 9.79 of the 1885
Revised Code does not apply to a temporary license issued under 1886
this section. 1887

Sec. 921.06. (A) (1) No individual shall do any of the 1888
following without having a commercial applicator license issued 1889
by the director of agriculture: 1890

(a) Apply pesticides for a pesticide business without 1891
direct supervision; 1892

(b) Apply pesticides as part of the individual's duties 1893
while acting as an employee of the United States government, a 1894

state, county, township, or municipal corporation, or a park 1895
district, port authority, or sanitary district created under 1896
Chapter 1545., 4582., or 6115. of the Revised Code, 1897
respectively; 1898

(c) Apply restricted use pesticides. Division (A) (1) (c) of 1899
this section does not apply to a private applicator or an 1900
immediate family member or a subordinate employee of a private 1901
applicator who is acting under the direct supervision of that 1902
private applicator. 1903

(d) If the individual is the owner of a business other 1904
than a pesticide business or an employee of such an owner, apply 1905
pesticides at any of the following publicly accessible sites 1906
that are located on the property: 1907

(i) Food service operations that are licensed under 1908
Chapter 3717. of the Revised Code; 1909

(ii) Retail food establishments that are licensed under 1910
Chapter 3717. of the Revised Code; 1911

(iii) Golf courses; 1912

(iv) Rental properties of more than four apartment units 1913
at one location; 1914

(v) Hospitals or medical facilities as defined in section 1915
3701.01 of the Revised Code; 1916

(vi) Child day-care centers or school child day-care 1917
centers as defined in section 5104.01 of the Revised Code; 1918

(vii) Facilities owned or operated by a school district 1919
established under Chapter 3311. of the Revised Code, including 1920
an educational service center, a community school established 1921
under Chapter 3314. of the Revised Code, or a chartered or 1922

nonchartered nonpublic school that meets minimum standards	1923
established by the state board of education;	1924
(viii) State institutions of higher education as defined	1925
in section 3345.011 of the Revised Code, nonprofit institutions	1926
holding a certificate of authorization pursuant to Chapter 1713.	1927
of the Revised Code, institutions holding a certificate of	1928
registration from the state board of career colleges and schools	1929
and program authorization for an associate or bachelor's degree	1930
program issued under section 3332.05 of the Revised Code, and	1931
private institutions exempt from regulation under Chapter 3332.	1932
of the Revised Code as prescribed in section 3333.046 of the	1933
Revised Code;	1934
(ix) Food processing establishments as defined in section	1935
3715.021 of the Revised Code;	1936
(x) Any other site designated by rule.	1937
(e) Conduct authorized diagnostic inspections.	1938
(2) Divisions (A) (1) (a) to (d) of this section do not	1939
apply to an individual who is acting as a trained serviceperson	1940
under the direct supervision of a commercial applicator.	1941
(3) Licenses shall be issued for a period of time	1942
established by rule and shall be renewed in accordance with	1943
deadlines established by rule. The fee for each such license	1944
shall be established by rule. If a license is not issued or	1945
renewed, the application fee shall be retained by the state as	1946
payment for the reasonable expense of processing the	1947
application. The director shall by rule classify by pesticide-	1948
use category licenses to be issued under this section. A single	1949
license may include more than one pesticide-use category. No	1950
individual shall be required to pay an additional license fee if	1951

the individual is licensed for more than one category. 1952

The fee for each license or renewal does not apply to an 1953
applicant who is an employee of the department of agriculture 1954
whose job duties require licensure as a commercial applicator as 1955
a condition of employment. 1956

(B) Application for a commercial applicator license shall 1957
be made on a form prescribed by the director. Each application 1958
for a license shall state the pesticide-use category or 1959
categories of license for which the applicant is applying and 1960
other information that the director determines essential to the 1961
administration of this chapter. 1962

(C) ~~If~~ (1) Except as provided in division (C) (2) of this 1963
section, if the director finds that the applicant is competent 1964
to apply pesticides and conduct diagnostic inspections and that 1965
the applicant has passed both the general examination and each 1966
applicable pesticide-use category examination as required under 1967
division (A) of section 921.12 of the Revised Code, the director 1968
shall issue a commercial applicator license limited to the 1969
pesticide-use category or categories for which the applicant is 1970
found to be competent. If the director rejects an application, 1971
the director may explain why the application was rejected, 1972
describe the additional requirements necessary for the applicant 1973
to obtain a license, and return the application. The applicant 1974
may resubmit the application without payment of any additional 1975
fee. 1976

(2) The director shall issue a commercial applicator 1977
license in accordance with section 9.79 of the Revised Code to 1978
an individual if either of the following applies: 1979

(a) The individual holds a commercial applicator license 1980

<u>in another state.</u>	1981
<u>(b) The individual has satisfactory work experience, a</u>	1982
<u>government certification, or a private certification as</u>	1983
<u>described in that section as a commercial applicator in a state</u>	1984
<u>that does not issue that license.</u>	1985
<u>A license issued under this division shall be limited to</u>	1986
<u>the pesticide-use category or categories for which the applicant</u>	1987
<u>is licensed in another state or has satisfactory work</u>	1988
<u>experience, a government certification, or a private</u>	1989
<u>certification in that state.</u>	1990
(D) (1) A person who is a commercial applicator shall be	1991
deemed to hold a private applicator's license for purposes of	1992
applying pesticides on agricultural commodities that are	1993
produced by the commercial applicator.	1994
(2) A commercial applicator shall apply pesticides only in	1995
the pesticide-use category or categories in which the applicator	1996
is licensed under this chapter.	1997
(E) All money collected under this section shall be	1998
credited to the pesticide, fertilizer, and lime program fund	1999
created in section 921.22 of the Revised Code.	2000
Sec. 921.11. (A) (1) No individual shall apply restricted	2001
use pesticides unless the individual is one of the following:	2002
(a) Licensed under section 921.06 of the Revised Code;	2003
(b) Licensed under division (B) of this section;	2004
(c) A trained serviceperson who is acting under the direct	2005
supervision of a commercial applicator;	2006
(d) An immediate family member or a subordinate employee	2007

of a private applicator who is acting under the direct 2008
supervision of that private applicator. 2009

(2) No individual shall directly supervise the application 2010
of a restricted use pesticide unless the individual is one of 2011
the following: 2012

(a) Licensed under section 921.06 of the Revised Code; 2013

(b) Licensed under division (B) of this section. 2014

~~(B) The (1) Subject to division (B) (2) of this section,~~ 2015
the director of agriculture shall adopt rules to establish 2016
standards and procedures for the licensure of private 2017
applicators. An individual shall apply for a private applicator 2018
license to the director, on forms prescribed by the director. 2019
The individual shall include in the application the pesticide- 2020
use category or categories of the license for which the 2021
individual is applying and any other information that the 2022
director determines is essential to the administration of this 2023
chapter. The fee for each license shall be established by rule. 2024
Licenses shall be issued for a period of time established by 2025
rule and shall be renewed in accordance with deadlines 2026
established by rule. If a license is not issued or renewed, the 2027
state shall retain any fee submitted as payment for reasonable 2028
expenses of processing the application. 2029

(2) The director shall issue a private applicator license 2030
in accordance with section 9.79 of the Revised Code to an 2031
individual if either of the following applies: 2032

(a) The individual holds a private applicator license in 2033
another state. 2034

(b) The individual has satisfactory work experience, a 2035
government certification, or a private certification as 2036

described in that section as a private applicator in a state 2037
that does not issue that license. 2038

A license issued under this division shall be limited to 2039
the pesticide-use category or categories for which the applicant 2040
is licensed in another state or has satisfactory work 2041
experience, a government certification, or a private 2042
certification in that state. 2043

(C) An individual who is licensed under this section shall 2044
use or directly supervise the use of a restricted use pesticide 2045
only for the purpose of producing agricultural commodities on 2046
property that is owned or rented by the individual or the 2047
individual's employer. 2048

(D) All money collected under this section shall be 2049
credited to the pesticide, fertilizer, and lime program fund 2050
created in section 921.22 of the Revised Code. 2051

Sec. 921.12. (A) The director of agriculture shall require 2052
each applicant for a license by examination under section 921.06 2053
or 921.11 of the Revised Code to be examined on the applicant's 2054
knowledge and competency in each of the following: 2055

(1) This chapter and rules adopted under it; 2056

(2) The proper use, handling, and application of 2057
pesticides and, if the applicant is applying for a license under 2058
section 921.06 of the Revised Code, in the conducting of 2059
diagnostic inspections in the pesticide-use categories for which 2060
the applicant has applied. 2061

(B) Each application for renewal of a license provided for 2062
in section 921.06 of the Revised Code shall be filed prior to 2063
the deadline established by rule. If filed after the deadline, a 2064
penalty of fifty per cent shall be assessed and added to the 2065

original fee and shall be paid by the applicant before the 2066
renewal license is issued. However, if a license issued under 2067
section 921.06 or 921.11 of the Revised Code is not renewed 2068
within one hundred eighty days after the date of expiration, the 2069
licensee shall be required to take another examination on this 2070
chapter and rules adopted under it and on the proper use, 2071
handling, and application of pesticides and, if applicable, the 2072
proper conducting of diagnostic inspections in the pesticide-use 2073
categories for which the licensee has been licensed. 2074

(C) A person who fails to pass an examination under 2075
division (A) or (B) of this section is not entitled to an 2076
adjudication under Chapter 119. of the Revised Code for that 2077
failure. 2078

(D) The holder of a commercial applicator license may 2079
renew the license within one hundred eighty days after the date 2080
of expiration without re-examination unless the director 2081
determines that a new examination is necessary to insure that 2082
the holder continues to meet the requirements of changing 2083
technology and to assure a continuing level of competence and 2084
ability to use pesticides safely and properly. 2085

(E) The holder of a private applicator license may renew 2086
the license within one hundred eighty days after the date of 2087
expiration without re-examination unless the director determines 2088
that a new examination is necessary to insure that the holder 2089
continues to meet the requirements of changing technology and to 2090
assure a continuing level of competence and ability to use 2091
pesticides safely and properly. 2092

(F) Instead of requiring a commercial applicator or 2093
private applicator to complete re-examination successfully under 2094
division (D) or (E) of this section, the director may require, 2095

in accordance with criteria established by rule, the commercial 2096
applicator or private applicator to participate in training 2097
programs that are designed to foster knowledge of new technology 2098
and to ensure a continuing level of competence and ability to 2099
use pesticides safely and properly. The director or the 2100
director's representative may provide the training or may 2101
authorize a third party to do so. In order for such 2102
authorization to occur, the third party and its training program 2103
shall comply with standards and requirements established by 2104
rule. 2105

Sec. 921.24. No person shall do any of the following: 2106

(A) Apply, use, directly supervise such application or 2107
use, or recommend a pesticide for use inconsistent with the 2108
pesticide's labeling, treatment standards, or other restrictions 2109
imposed by the director of agriculture; 2110

(B) Act as a commercial applicator without being licensed 2111
to do so; 2112

(C) Use any restricted use pesticide, unless the person is 2113
licensed to do so, is a trained serviceperson acting under the 2114
direct supervision of a commercial applicator, or is an 2115
immediate family member or a subordinate employee of a private 2116
applicator under the direct supervision of that private 2117
applicator; 2118

(D) Refuse or fail to keep or maintain records required by 2119
the director in rules adopted under this chapter, or to make 2120
reports when and as required by the director in rules adopted 2121
under this chapter; 2122

(E) Falsely or fraudulently represent the effect of 2123
pesticides or methods to be utilized; 2124

(F) Apply known ineffective or improper materials;	2125
(G) Operate in a negligent manner, which includes the operation of faulty or unsafe equipment;	2126 2127
(H) Impersonate any federal, state, county, or municipal official;	2128 2129
(I) Make false or fraudulent records, invoices, or reports;	2130 2131
(J) Fail to provide training to trained servicepersons in the application of pesticides;	2132 2133
(K) Fail to provide direct supervision as specified in rules adopted under division (C) of section 921.16 of the Revised Code;	2134 2135 2136
(L) Distribute a misbranded or adulterated pesticide;	2137
(M) Use fraud or misrepresentation in making application for a license or registration or renewal of a license or registration;	2138 2139 2140
(N) Refuse, fail, or neglect to comply with any limitation or restriction of a license or registration issued under this chapter or rules adopted thereunder;	2141 2142 2143
(O) Aid or abet a licensee or another person in violating this chapter or rules adopted thereunder;	2144 2145
(P) Make a false or misleading statement in an inspection concerning any infestation of pests or the use of pesticides;	2146 2147
(Q) Refuse or fail to comply with this chapter, the rules adopted thereunder, or any lawful order of the director;	2148 2149
(R) Distribute restricted use pesticides to the ultimate user without a pesticide dealer's license;	2150 2151

(S) Except as provided in division (F) of section 921.26	2152
of the Revised Code, distribute restricted use pesticides to an	2153
ultimate user who is not licensed under section 921.06, 921.08,	2154
or 921.11 of the Revised Code and rules adopted under this	2155
chapter;	2156
(T) Use any pesticide that is under an experimental use	2157
permit contrary to the provisions of the permit;	2158
(U) Engage in fraudulent business practices;	2159
(V) Dispose of any pesticide product or container in such	2160
a manner as to have unreasonable adverse effects on the	2161
environment;	2162
(W) Display any pesticide in any manner to produce	2163
unreasonable adverse effects on the environment, or to	2164
contaminate adjacent food, feed, or other products;	2165
(X) Apply any pesticide by aircraft without being licensed	2166
as a commercial applicator;	2167
(Y) Distribute a pesticide that is not registered with the	2168
director;	2169
(Z) Fail to properly supervise a trained serviceperson.	2170
Sec. 921.26. (A) The penalties provided for violations of	2171
this chapter do not apply to any of the following:	2172
(1) Any carrier while lawfully engaged in transporting a	2173
pesticide or device within this state, if that carrier, upon	2174
request, permits the director of agriculture to copy all records	2175
showing the transactions in the movement of the pesticides or	2176
devices;	2177
(2) Public officials of this state and the federal	2178

government, other than commercial applicators employed by the 2179
federal government, the state, or a political subdivision, while 2180
engaged in the performance of their official duties in 2181
administering state or federal pesticide laws or rules, or while 2182
engaged in pesticide research; 2183

(3) The manufacturer or shipper of a pesticide for 2184
experimental use only by or under supervision of an agency of 2185
this state or of the federal government authorized by law to 2186
conduct research in the field of pesticides, provided that the 2187
manufacturer or shipper is not required to obtain an 2188
experimental use permit from the United States environmental 2189
protection agency; 2190

(4) The manufacturer or shipper of a substance being 2191
tested in which its purpose only is to determine its value for 2192
pesticide purposes or to determine its toxicity or other 2193
properties, and from which the user does not expect to receive 2194
any benefit in pest control from its use; 2195

(5) Persons conducting laboratory research involving 2196
pesticides; 2197

(6) Persons who incidentally use pesticides. The 2198
incidental use shall involve only the application of general use 2199
pesticides. If a person incidentally uses a pesticide, the 2200
pesticide shall be applied in strict accordance with the 2201
manufacturer's label for general use purposes. If further 2202
applications are necessary following the incidental use 2203
application, a pesticide applicator shall apply the pesticide. 2204

(B) No pesticide or device shall be considered in 2205
violation of this chapter when intended solely for export to a 2206
foreign country, and when prepared or packed according to the 2207

specifications or directions of the purchaser. If the pesticide 2208
or device is not so exported, this chapter applies. 2209

(C) No person who is licensed, regulated, or registered 2210
under section 921.02, 921.03, 921.06, ~~921.08~~, 921.09, 921.11, or 2211
921.13 of the Revised Code shall be required to obtain a license 2212
or permit to operate or to be otherwise regulated in such 2213
capacity by any local ordinance, or to meet any other condition 2214
except as otherwise provided by statute or rule of the United 2215
States or of this state. 2216

(D) Section 921.09 of the Revised Code does not apply to 2217
an individual who uses only ground equipment for the individual 2218
or for the individual's neighbors, provided that the individual 2219
meets all of the following requirements: 2220

(1) Is licensed under section 921.11 of the Revised Code; 2221

(2) Operates farm property and operates and maintains 2222
pesticide application equipment primarily for the individual's 2223
own use; 2224

(3) Is not regularly engaged in the business of applying 2225
pesticides for hire or does not publicly hold oneself out as a 2226
pesticide applicator; 2227

(4) Meets any other requirement established by rule. 2228

(E) Section 921.06 of the Revised Code relating to 2229
licenses and requirements for their issuance does not apply to 2230
licensed physicians or veterinarians applying pesticides to 2231
human beings or other animals during the normal course of their 2232
practice, provided that they are not regularly engaged in the 2233
business of applying pesticides for hire amounting to a 2234
principal or regular occupation or do not publicly hold 2235
themselves out as commercial applicators. 2236

(F) Division (S) of section 921.24 of the Revised Code 2237
does not apply to a pesticide dealer who distributes restricted 2238
use pesticides to a nonresident who is licensed in another state 2239
having a state plan approved by the United States environmental 2240
protection agency. 2241

Sec. 926.30. (A) No licensed handler or employee of a 2242
licensed handler who receives an agricultural commodity from a 2243
producer, either for sale or for storage under a bailment 2244
agreement, shall perform a quality test on the commodity for the 2245
purpose of applying a premium, discount, or conditioning charge 2246
unless the person making the test has passed an examination on 2247
the subject that is approved by the director of agriculture. 2248
~~Upon~~ Except as provided in division (D) of this section, upon 2249
application by a person who has passed the examination, the 2250
director shall issue to the person an agricultural commodity 2251
tester certificate that shall be valid for a period of three 2252
years. Except as otherwise provided in this division, an 2253
agricultural commodity tester shall pass an examination on 2254
agricultural commodity testing approved by the director prior to 2255
each renewal of a certificate. The director may exempt from the 2256
examination requirement for certificate renewal an agricultural 2257
commodity tester who, during the year prior to expiration of the 2258
certificate, successfully completes training on agricultural 2259
commodity testing that has been approved by the director. The 2260
director shall establish by rule standards that such training 2261
must meet in order to be approved by the director. The rules 2262
shall require the training to include instructions in the use of 2263
the official grain standards of the United States as a basis for 2264
determining the quality of the commodities tested by an 2265
agricultural commodity tester. An agricultural commodity tester 2266
certificate issued prior to ~~the effective date of this amendment~~ 2267

July 29, 1998, shall be considered to be valid until the date on 2268
which, at the time of issuance, it was scheduled to expire. Upon 2269
expiration of the certificate, the examination requirement for 2270
renewal shall apply. 2271

(B) The director may determine that retraining or review 2272
is necessary for the tester as a result of changes in or 2273
amendments to the official grain standards of the United States, 2274
or if the director has reason to believe that retraining is 2275
necessary as a result of complaints relating to the tester's 2276
inability to accurately test commodities according to the 2277
official grain standards. A fee to cover the cost of issuing 2278
certificates and administering the educational program shall be 2279
established by rule of the director adopted under Chapter 119. 2280
of the Revised Code and shall be deposited into the commodity 2281
handler regulatory program fund created in section 926.19 of the 2282
Revised Code. 2283

(C) The director may suspend or revoke the certificate of 2284
an agricultural commodity tester in accordance with Chapter 119. 2285
of the Revised Code for failure or inability of the tester to 2286
apply the official grain standards of the United States in 2287
testing the quality of an agricultural commodity. 2288

(D) The director shall issue an agricultural commodity 2289
tester certificate in accordance with section 9.79 of the 2290
Revised Code to an individual if either of the following 2291
applies: 2292

(1) The individual holds a license or certificate in 2293
another state. 2294

(2) The individual has satisfactory work experience, a 2295
government certification, or a private certification as 2296

described in that section as a agricultural commodity tester in 2297
a state that does not issue that license. 2298

Sec. 928.02. (A) (1) The director of agriculture shall 2299
establish a program to monitor and regulate hemp cultivation and 2300
processing in this state. Under the program, the director shall 2301
issue hemp cultivation licenses and hemp processing licenses in 2302
accordance with rules adopted under section 928.03 of the 2303
Revised Code. 2304

(2) As authorized by the director, the department of 2305
agriculture or a university may cultivate or process hemp 2306
without a hemp cultivation license or hemp processing license 2307
for research purposes. 2308

(B) Except as authorized under division (A) (2) or (E) of 2309
this section, any person that wishes to cultivate hemp shall 2310
apply for and obtain a hemp cultivation license from the 2311
director in accordance with rules adopted under section 928.03 2312
of the Revised Code. Except as authorized under division (A) (2) 2313
or (E) of this section, any person that wishes to process hemp 2314
shall apply for and obtain a hemp processing license from the 2315
director in accordance with those rules. Such licenses are valid 2316
for three years unless earlier suspended or revoked by the 2317
director. 2318

(C) The department, a university, or any person may, 2319
without a hemp cultivation license or hemp processing license, 2320
possess, buy, or sell hemp or a hemp product. 2321

(D) Notwithstanding any other provision of the Revised 2322
Code to the contrary, the addition of hemp or a hemp product to 2323
any other product does not adulterate that other product. 2324

(E) The director shall issue a hemp cultivation license or 2325

hemp processing license in accordance with section 9.79 of the 2326
Revised Code to an individual if either of the following 2327
applies: 2328

(1) The individual holds the applicable license in another 2329
state. 2330

(2) The individual has satisfactory work experience, a 2331
government certification, or a private certification as 2332
described in that section as a hemp cultivator or hemp processor 2333
in a state that does not issue the applicable license. 2334

Sec. 943.09. Licenses—(A) Except as provided in division 2335
(B) of this section, licenses shall be issued by the department 2336
of agriculture to weighers under such rules and regulations as 2337
the department shall prescribe. Each weigher shall display ~~his~~ 2338
the weigher's license in a conspicuous place on or adjacent to 2339
the weighing facility operated by such weigher. A weigher's 2340
license may be revoked for a violation of section 943.11 of the 2341
Revised Code or of the rules and regulations of the department 2342
relating thereto. The license of any weigher convicted of a 2343
violation of such section shall be promptly revoked. A weigher's 2344
license, unless revoked, shall expire on the thirty-first day of 2345
March of each year and shall be renewed according to the 2346
standard renewal procedure of sections 4745.01 to 4745.03, 2347
inclusive, of the Revised Code. 2348

(B) The director of agriculture shall issue a weigher's 2349
license in accordance with section 9.79 of the Revised Code to 2350
an individual if either of the following applies: 2351

(1) The individual holds a license in another state. 2352

(2) The individual has satisfactory work experience, a 2353
government certification, or a private certification as 2354

described in that section as a weigher in a state that does not 2355
issue that license. 2356

Sec. 956.05. (A) (1) No person shall act as or perform the 2357
functions of a dog broker in this state without a dog broker 2358
license issued by the director of agriculture in accordance with 2359
this section and rules adopted under section 956.03 of the 2360
Revised Code. 2361

(2) The director shall not issue a license under this 2362
section unless the director determines that the applicant will 2363
act as or perform the functions of a dog broker in accordance 2364
with this chapter and rules adopted under it. 2365

(B) A person who is proposing to act as or perform the 2366
functions of a dog broker shall submit an application for a 2367
license to the director. During the month of December, but 2368
before the first day of January of the next year, a person who 2369
is proposing to continue to act as or perform the functions of a 2370
dog broker shall obtain a license from the director for the 2371
following year. 2372

(C) The director shall issue a dog broker license in 2373
accordance with section 9.79 of the Revised Code to a person if 2374
either of the following applies: 2375

(1) The person holds a license in another state. 2376

(2) The person has satisfactory work experience, a 2377
government certification, or a private certification as 2378
described in that section as a dog broker in a state that does 2379
not issue that license. 2380

Sec. 956.06. (A) (1) No person shall operate an animal 2381
rescue for dogs without first registering with the director of 2382
agriculture in accordance with division (C) of this section or 2383

rules adopted under section 956.03 of the Revised Code, as 2384
applicable. A registration is valid for one year. 2385

(2) A registration may be renewed. An application for 2386
renewal shall be submitted to the director at least ninety days 2387
prior to the expiration of the registration. 2388

(3) The director shall not charge a registration fee to an 2389
animal rescue for dogs. However, if a person fails to renew a 2390
registration prior to its expiration, the director shall charge 2391
the person a late renewal fee of two hundred dollars. 2392

(B) The director shall maintain a database of all persons 2393
that are registered to operate an animal rescue for dogs in this 2394
state. 2395

(C) The director shall issue an animal rescue license for 2396
dogs registration in accordance with section 9.79 of the Revised 2397
Code to a person if either of the following applies: 2398

(1) The person holds a license or registration in another 2399
state. 2400

(2) The person has satisfactory work experience, a 2401
government certification, or a private certification as 2402
described in that section as an animal rescue for dogs operator 2403
in a state that does not issue that license or registration. 2404

Sec. 1315.04. (A) (1) After accepting an application for a 2405
money transmitter license described in section 1315.03 of the 2406
Revised Code, the superintendent of financial institutions shall 2407
examine all the facts and circumstances relating to the 2408
application. 2409

(2) At the applicant's expense, the superintendent may 2410
conduct an on-site examination of the applicant's books, 2411

records, and operations. If the superintendent requests, the 2412
applicant shall advance to the superintendent the 2413
superintendent's estimate of the cost of the on-site 2414
examination, with any unconsumed portion to be returned to the 2415
applicant. 2416

(3) The applicant shall pay the cost of its examination 2417
described in division (A) of this section, or any balance of the 2418
cost of its examination in the case of an applicant that 2419
advanced the estimated cost of its examination, within fourteen 2420
days after receiving an invoice for payment. 2421

(B) In making a determination on an application described 2422
in division (A) (1) of this section, the superintendent shall 2423
consider all of the following: 2424

(1) The applicant's financial condition; 2425

(2) The applicant's business practices; 2426

(3) The applicant's and its directors', executive 2427
officers', and controlling persons' experience, competence, 2428
character, and history of compliance with applicable laws. 2429

(C) The superintendent shall not approve an application 2430
described in division (A) (1) of this section if the applicant 2431
does not meet both of the following requirements: 2432

(1) The applicant is a legally established business entity 2433
that is capitalized separately and distinctly from every other 2434
legal entity and is qualified to do business in this state. 2435

(2) The applicant has a minimum net worth of not less than 2436
five hundred thousand dollars, calculated according to generally 2437
accepted accounting principles, but excluding any assets that 2438
the superintendent disqualifies and including any off-balance 2439

sheet liabilities that the superintendent requires. 2440

(D) (1) In approving an application for a money transmitter 2441
license, the superintendent may impose any condition the 2442
superintendent determines to be appropriate. 2443

(2) ~~When~~ Except as provided under division (F) of this 2444
section, when an applicant has satisfied all prior conditions 2445
imposed by the superintendent in approving the applicant's 2446
application for a money transmitter license and has provided a 2447
security device as required by section 1315.07 of the Revised 2448
Code, the superintendent shall issue the applicant a money 2449
transmitter license. A money transmitter license issued pursuant 2450
~~to this section~~ remains in force and effect until surrendered by 2451
the licensee pursuant to section 1315.18 of the Revised Code or 2452
suspended or revoked by the superintendent pursuant to section 2453
1315.151 of the Revised Code. 2454

(E) On or before the first day of July of each year, each 2455
licensee shall pay to the superintendent an annual fee for 2456
carrying on the business as a money transmitter, which fee is 2457
established by the superintendent pursuant to division ~~(B)~~ (A) 2458
(2) of section 1315.13 of the Revised Code. 2459

(F) The superintendent shall issue a money transmitter 2460
license in accordance with section 9.79 of the Revised Code to 2461
an applicant if either of the following applies: 2462

(1) The applicant holds a license in another state. 2463

(2) The applicant has satisfactory work experience, a 2464
government certification, or a private certification as 2465
described in that section as a money transmitter in a state that 2466
does not issue that license. 2467

Sec. 1315.13. ~~Annually~~ (A) Subject to division (B) of this 2468

section, the superintendent annually shall establish both of the 2469
following: 2470

~~(A)~~ (1) The application fee for an application for a 2471
license to transmit money under section 1315.03 of the Revised 2472
Code; 2473

~~(B)~~ (2) An annual fee described in division (E) of section 2474
1315.04 of the Revised Code for each licensee to carry on the 2475
business of a money transmitter. When establishing the annual 2476
fee for each licensee, the superintendent may consider the 2477
number of offices and authorized delegates the licensee has and 2478
the volume of business the licensee does in this state. 2479

(B) When establishing the application fee for an 2480
application for a license to transmit money under section 2481
1315.03 of the Revised Code, the superintendent shall comply 2482
with section 9.79 of the Revised Code. 2483

Sec. 1315.23. (A) Upon the filing of an application for an 2484
original license to engage in the business of cashing checks, 2485
and the payment of the fees for investigation and licensure, the 2486
superintendent of financial institutions shall investigate the 2487
financial condition and responsibility, character, and general 2488
fitness of the applicant. As part of that investigation, the 2489
superintendent shall request that the superintendent of the 2490
bureau of criminal identification and investigation investigate 2491
and determine, with respect to the applicant, whether the bureau 2492
has any information gathered under section 109.57 of the Revised 2493
Code that pertains to that applicant. 2494

~~(B)~~ The (1) Except as provided in division (B) (2) of this 2495
section, the superintendent shall issue a license, which shall 2496
apply to all check-cashing business locations of the applicant, 2497

if the superintendent determines that the applicant meets all 2498
the following requirements: 2499

~~(1)~~ (a) The applicant is financially sound and has a net 2500
worth of at least twenty-five thousand dollars. The applicant's 2501
net worth shall be computed according to generally accepted 2502
accounting principles. The applicant shall maintain a net worth 2503
of at least twenty-five thousand dollars throughout the 2504
licensure period. 2505

~~(2)~~ (b) The applicant is a person of good character and 2506
has the ability and fitness in the capacity involved to engage 2507
in the business of cashing checks. 2508

~~(3)~~ (c) The applicant has not been convicted of, or has 2509
not pleaded guilty or no contest to, a felony. 2510

~~(4)~~ (d) The applicant has never had a check-cashing 2511
license revoked. 2512

(2) The superintendent shall issue a license to engage in 2513
the business of cashing checks in accordance with section 9.79 2514
to an applicant if either of the following applies: 2515

(a) The applicant holds a license in another state. 2516

(b) The applicant has satisfactory work experience, a 2517
government certification, or a private certification as 2518
described in that section in the business of cashing checks in a 2519
state that does not issue that license. 2520

(C) (1) A license issued to a check-cashing business shall 2521
remain in full force and effect through the thirty-first day of 2522
December following its date of issuance, unless earlier 2523
surrendered, suspended, or revoked. 2524

(2) Each check-cashing business shall conspicuously post 2525

and at all times display in every business location its check-cashing license. No check-cashing license is transferable or assignable.

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

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

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

(F) The superintendent may suspend, revoke, or refuse an original or renewal license for failure to comply with this section or for any violation of section 1315.28 of the Revised Code. If a suspension, revocation, or refusal of an original or renewal license is based on a violation of section 1315.28 of the Revised Code that is committed, without the licensee's knowledge, at a check-cashing business location of the licensee, the suspension or revocation applies only to that check-cashing business location. In all other cases, a suspension, revocation, or refusal of an original or renewal license applies to all

check-cashing business locations of the licensee. 2556

(G) No original or renewal license shall be suspended, 2557
revoked, or refused except after a hearing in accordance with 2558
Chapter 119. of the Revised Code. In suspending a license under 2559
this division, the superintendent shall establish the length of 2560
the suspension, provided that no suspension may be for a period 2561
exceeding one year. The superintendent's decision to revoke, 2562
suspend, or refuse an original or renewal license may be 2563
appealed pursuant to Chapter 119. of the Revised Code. 2564

(H) Upon revocation of a license, the licensee shall 2565
immediately send, by certified mail, all license documents 2566
issued pursuant to sections 1310.21 to 1310.28 of the Revised 2567
Code to the superintendent. 2568

(I) The superintendent may, in lieu of a suspension or 2569
revocation of a license, impose a fine of not more than one 2570
thousand dollars for each violation. 2571

Sec. 1321.04. ~~Upon (A) Except as otherwise provided in~~ 2572
division (B) of this section, upon the filing of an application 2573
under section 1321.03 of the Revised Code and payment of fees 2574
pursuant to section 1321.20 of the Revised Code, the division of 2575
financial institutions shall investigate the facts concerning 2576
the applicant and the requirements provided for in divisions (A) 2577
(1) and (B) (2) of this section. 2578

The division shall approve the application and issue and 2579
deliver a license to the applicant if the division finds both of 2580
the following: 2581

~~(A) (1)~~ That the financial responsibility, experience, 2582
reputation, and general fitness of the applicant and of the 2583
members thereof, if the applicant is a partnership or an 2584

association, and of the officers and directors thereof, if the 2585
applicant is a corporation, are such as to warrant the belief 2586
that the business will be operated lawfully, honestly, and 2587
fairly under sections 1321.01 to 1321.19 of the Revised Code and 2588
within the purposes of those sections, that the applicant has 2589
fully complied with those sections, and that the applicant is 2590
qualified to act as a licensed lender; 2591

~~(B)~~ (2) That the applicant has available for the operation 2592
of such business cash or moneys deposited in a readily 2593
accessible fund or account of not less than twenty-five thousand 2594
dollars. 2595

If the division does not so find, it shall enter an order 2596
denying such application and forthwith notify the applicant of 2597
the denial, the grounds for the denial, and the applicant's 2598
reasonable opportunity to be heard on the action in accordance 2599
with Chapter 119. of the Revised Code. In the event of denial, 2600
the division shall return the license fee but shall retain the 2601
investigation fee. 2602

(B) The division shall issue and deliver a license in 2603
accordance with section 9.79 of the Revised Code to an applicant 2604
if either of the following applies: 2605

(1) The applicant holds a license in another state. 2606

(2) The applicant has satisfactory work experience, a 2607
government certification, or a private certification as 2608
described in that section in the business of lending money, 2609
credit, or choses in action in amounts of five thousand dollars 2610
or less in a state that does not issue that license. 2611

Sec. 1321.37. (A) Application for an original or renewal 2612
license to make short-term loans shall be in writing, under 2613

oath, and in the form prescribed by the superintendent of 2614
financial institutions, and shall contain the name and address 2615
of the applicant, the location where the business of making 2616
loans is to be conducted, and any further information as the 2617
superintendent requires. At the time of making an application 2618
for an original license, the applicant shall pay to the 2619
superintendent a nonrefundable investigation fee of two hundred 2620
dollars. No investigation fee or any portion thereof shall be 2621
refunded after an original license has been issued. The 2622
application for an original or renewal license shall be 2623
accompanied by an original or renewal license fee, for each 2624
business location of one thousand dollars, except that 2625
applications for original licenses issued on or after the first 2626
day of July for any year shall be accompanied by an original 2627
license fee of five hundred dollars, and except that an 2628
application for an original or renewal license, for a nonprofit 2629
corporation that is incorporated under Chapter 1702. of the 2630
Revised Code, shall be accompanied by an original or renewal 2631
license fee, for each business location, that is one-half of the 2632
fee otherwise required. All fees paid to the superintendent 2633
pursuant to this division shall be deposited into the state 2634
treasury to the credit of the consumer finance fund. 2635

(B) Upon the filing of an application for an original 2636
license and, with respect to an application filed for a renewal 2637
license, on a schedule determined by the superintendent by rule 2638
adopted pursuant to section 1321.43 of the Revised Code, and the 2639
payment of fees in accordance with division (A) of this section, 2640
the superintendent shall investigate the facts concerning the 2641
applicant and the requirements provided by this division. The 2642
superintendent shall request the superintendent of the bureau of 2643
criminal identification and investigation, or a vendor approved 2644

by the bureau, to conduct a criminal records check based on the 2645
applicant's fingerprints in accordance with section 109.572 of 2646
the Revised Code. Notwithstanding division (K) of section 121.08 2647
of the Revised Code, the superintendent of financial 2648
institutions shall request that criminal record information from 2649
the federal bureau of investigation be obtained as part of the 2650
criminal records check. The superintendent of financial 2651
institutions shall conduct a civil records check. The 2652
superintendent shall approve an application and issue an 2653
original or renewal license to the applicant if the 2654
superintendent finds all of the following: 2655

(1) The financial responsibility, experience, reputation, 2656
and general fitness of the applicant are such as to warrant the 2657
belief that the business of making loans will be operated 2658
lawfully, honestly, and fairly under sections 1321.35 to 1321.48 2659
of the Revised Code and within the purposes of those sections; 2660
that the applicant has fully complied with those sections and 2661
any rule or order adopted or issued pursuant to section 1321.43 2662
of the Revised Code; and that the applicant is qualified to 2663
engage in the business of making loans under sections 1321.35 to 2664
1321.48 of the Revised Code. 2665

(2) The applicant is financially sound and has a net worth 2666
of not less than one hundred thousand dollars, or in the case of 2667
a nonprofit corporation that is incorporated under Chapter 1702. 2668
of the Revised Code, a net worth of not less than fifty thousand 2669
dollars. The applicant's net worth shall be computed according 2670
to generally accepted accounting principles. 2671

(3) The applicant has never had revoked a license to make 2672
loans under sections 1321.35 to 1321.48 of the Revised Code, 2673
under former sections 1315.35 to 1315.44 of the Revised Code, or 2674

to do business under sections 1315.21 to 1315.30 of the Revised 2675
Code. 2676

(4) Neither the applicant nor any senior officer, or 2677
partner of the applicant, has pleaded guilty to or been 2678
convicted of any criminal offense involving theft, receiving 2679
stolen property, embezzlement, forgery, fraud, passing bad 2680
checks, money laundering, or drug trafficking, or any criminal 2681
offense involving money or securities or any violation of an 2682
existing or former law of this state, any other state, or the 2683
United States that substantially is equivalent to a criminal 2684
offense described in that division. However, if the applicant or 2685
any of those other persons has pleaded guilty to or been 2686
convicted of any such offense other than theft, the 2687
superintendent shall not consider the offense if the applicant 2688
has proven to the superintendent, by a preponderance of the 2689
evidence, that the applicant's or other person's activities and 2690
employment record since the conviction show that the applicant 2691
or other person is honest, truthful, and of good reputation, and 2692
there is no basis in fact for believing that the applicant or 2693
other person will commit such an offense again. 2694

(5) Neither the applicant nor any senior officer, or 2695
partner of the applicant, has been subject to any adverse 2696
judgment for conversion, embezzlement, misappropriation of 2697
funds, fraud, misfeasance or malfeasance, or breach of fiduciary 2698
duty, or if the applicant or any of those other persons has been 2699
subject to such a judgment, the applicant has proven to the 2700
superintendent, by a preponderance of the evidence, that the 2701
applicant's or other person's activities and employment record 2702
since the judgment show that the applicant or other person is 2703
honest, truthful, and of good reputation, and there is no basis 2704
in fact for believing that the applicant or other person will be 2705

subject to such a judgment again. 2706

(C) If the superintendent finds that the applicant does 2707
not meet the requirements of division (B) of this section, or 2708
the superintendent finds that the applicant knowingly or 2709
repeatedly contracts with or employs persons to directly engage 2710
in lending activities who have been convicted of a felony crime 2711
listed in division (B)(5) of this section, the superintendent 2712
shall issue an order denying the application for an original or 2713
renewal license and giving the applicant an opportunity for a 2714
hearing on the denial in accordance with Chapter 119. of the 2715
Revised Code. The superintendent shall notify the applicant of 2716
the denial, the grounds for the denial, and the applicant's 2717
opportunity for a hearing. If the application is denied, the 2718
superintendent shall return the annual license fee but shall 2719
retain the investigation fee. 2720

(D) No person licensed under sections 1321.35 to 1321.48 2721
of the Revised Code shall conduct business in this state unless 2722
the licensee has obtained and maintains in effect at all times a 2723
corporate surety bond issued by a bonding company or insurance 2724
company authorized to do business in this state. The bond shall 2725
be in favor of the superintendent and in the penal sum of at 2726
least one hundred thousand dollars, or in the case of a 2727
nonprofit corporation that is incorporated under Chapter 1702. 2728
of the Revised Code, in the amount of fifty thousand dollars. 2729
The term of the bond shall coincide with the term of the 2730
license. The licensee shall file a copy of the bond with the 2731
superintendent. The bond shall be for the exclusive benefit of 2732
any borrower injured by a violation by a licensee or any 2733
employee of a licensee, of any provision of sections 1321.35 to 2734
1321.48 of the Revised Code. 2735

(E) Notwithstanding any provision of this section to the contrary, the superintendent shall issue an original license in accordance with section 9.79 of the Revised Code to an applicant if either of the following applies: 2736
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(1) The applicant holds a license in another state. 2740

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that section as a short-term lender in a state that does not issue that license. 2741
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Sec. 1321.53. (A) (1) An application for a certificate of registration under sections 1321.51 to 1321.60 of the Revised Code shall contain an undertaking by the applicant to abide by those sections. The application shall be in writing, under oath, and in the form prescribed by the division of financial institutions, and shall contain any information that the division may require. Applicants that are foreign corporations shall obtain and maintain a license pursuant to Chapter 1703. of the Revised Code before a certificate is issued or renewed. 2745
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(2) Upon the filing of the application and the payment by the applicant of a nonrefundable two-hundred-dollar investigation fee and a nonrefundable three-hundred-dollar annual registration fee, the division shall investigate the relevant facts. If the application involves investigation outside this state, the applicant may be required by the division to advance sufficient funds to pay any of the actual expenses of such investigation, when it appears that these expenses will exceed two hundred dollars. An itemized statement of any of these expenses which the applicant is required to pay shall be furnished to the applicant by the division. No certificate shall be issued unless all the required fees have 2754
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been submitted to the division. 2766

(3) The investigation undertaken upon application shall 2767
include both a civil and criminal records check of the applicant 2768
including any individual whose identity is required to be 2769
disclosed in the application. Where the applicant is a business 2770
entity the superintendent shall have the authority to require a 2771
civil and criminal background check of those persons that in the 2772
determination of the superintendent have the authority to direct 2773
and control the operations of the applicant. 2774

(4) (a) Notwithstanding division (K) of section 121.08 of 2775
the Revised Code, the superintendent of financial institutions 2776
shall obtain a criminal history records check and, as part of 2777
that records check, request that criminal record information 2778
from the federal bureau of investigation be obtained. To fulfill 2779
this requirement, the superintendent shall request the 2780
superintendent of the bureau of criminal identification and 2781
investigation, or a vendor approved by the bureau, to conduct a 2782
criminal records check based on the applicant's fingerprints or, 2783
if the fingerprints are unreadable, based on the applicant's 2784
social security number, in accordance with section 109.572 of 2785
the Revised Code. 2786

(b) Any fee required under division (C) (3) of section 2787
109.572 of the Revised Code shall be paid by the applicant. 2788

(5) If an application for a certificate of registration 2789
does not contain all of the information required under division 2790
(A) of this section, and if such information is not submitted to 2791
the division within ninety days after the superintendent 2792
requests the information in writing, including by electronic 2793
transmission or facsimile, the superintendent may consider the 2794
application withdrawn. 2795

(6) If the division finds that the financial 2796
responsibility, experience, character, and general fitness of 2797
the applicant command the confidence of the public and warrant 2798
the belief that the business will be operated honestly and 2799
fairly in compliance with the purposes of sections 1321.51 to 2800
1321.60 of the Revised Code and the rules adopted thereunder, 2801
and that the applicant has the applicable net worth and assets 2802
required by division ~~(B)~~(C) of this section, the division shall 2803
thereupon issue a certificate of registration to the applicant. 2804
The superintendent shall not use a credit score as the sole 2805
basis for a registration denial. 2806

(a) (i) Certificates of registration issued on or after 2807
July 1, 2010, shall annually expire on the thirty-first day of 2808
December, unless renewed by the filing of a renewal application 2809
and payment of a three-hundred-dollar nonrefundable annual 2810
registration fee and any assessment as determined by the 2811
superintendent pursuant to division (A) (6) (a) (ii) of this 2812
section on or before the last day of December of each year. No 2813
other fee or assessment shall be required of a registrant by the 2814
state or any political subdivision of this state. 2815

(ii) If the renewal fees billed by the superintendent 2816
pursuant to division (A) (6) (a) (i) of this section are less than 2817
the estimated expenditures of the consumer finance section of 2818
the division of financial institutions, as determined by the 2819
superintendent, for the following fiscal year, the 2820
superintendent may assess each registrant at a rate sufficient 2821
to equal in the aggregate the difference between the renewal 2822
fees billed and the estimated expenditures. Each registrant 2823
shall pay the assessed amount to the superintendent prior to the 2824
last day of June. In no case shall the assessment exceed ten 2825
cents per each one hundred dollars of interest (excluding 2826

charge-off recoveries), points, loan origination charges, and 2827
credit line charges collected by that registrant during the 2828
previous calendar year. If such an assessment is imposed, it 2829
shall not be less than two hundred fifty dollars per registrant 2830
and shall not exceed thirty thousand dollars less the total 2831
renewal fees paid pursuant to division (A) (6) (a) (i) of this 2832
section by each registrant. 2833

(b) Registrants shall timely file renewal applications on 2834
forms prescribed by the division and provide any further 2835
information that the division may require. If a renewal 2836
application does not contain all of the information required 2837
under this section, and if that information is not submitted to 2838
the division within ninety days after the superintendent 2839
requests the information in writing, including by electronic 2840
transmission or facsimile, the superintendent may consider the 2841
application withdrawn. 2842

(c) Renewal shall not be granted if the applicant's 2843
certificate of registration is subject to an order of 2844
suspension, revocation, or an unpaid and past due fine imposed 2845
by the superintendent. 2846

(d) If the division finds the applicant does not meet the 2847
conditions set forth in this section, it shall issue a notice of 2848
intent to deny the application, and forthwith notify the 2849
applicant of the denial, the grounds for the denial, and the 2850
applicant's reasonable opportunity to be heard on the action in 2851
accordance with Chapter 119. of the Revised Code. 2852

(7) If there is a change of five per cent or more in the 2853
ownership of a registrant, the division may make any 2854
investigation necessary to determine whether any fact or 2855
condition exists that, if it had existed at the time of the 2856

original application for a certificate of registration, the fact 2857
or condition would have warranted the division to deny the 2858
application under division (A) (6) of this section. If such a 2859
fact or condition is found, the division may, in accordance with 2860
Chapter 119. of the Revised Code, revoke the registrant's 2861
certificate. 2862

(B) Notwithstanding division (A) of this section, the 2863
division shall issue a certificate of registration in accordance 2864
with section 9.79 of the Revised Code to an applicant if either 2865
of the following applies: 2866

(1) The applicant holds a license or certificate in 2867
another state. 2868

(2) The applicant has satisfactory work experience, a 2869
government certification, or a private certification as 2870
described in that section as a general loan lender in a state 2871
that does not issue that license. 2872

(C) Each registrant that engages in lending under sections 2873
1321.51 to 1321.60 of the Revised Code shall maintain both of 2874
the following: 2875

(1) A net worth of at least fifty thousand dollars; 2876

(2) For each certificate of registration, assets of at 2877
least fifty thousand dollars either in use or readily available 2878
for use in the conduct of the business. 2879

~~(C)~~ (D) Not more than one place of business shall be 2880
maintained under the same certificate, but the division may 2881
issue additional certificates to the same registrant upon 2882
compliance with sections 1321.51 to 1321.60 of the Revised Code, 2883
governing the issuance of a single certificate. No change in the 2884
place of business of a registrant to a location outside the 2885

original municipal corporation shall be permitted under the same 2886
certificate without the approval of a new application, the 2887
payment of the registration fee and, if required by the 2888
superintendent, the payment of an investigation fee of two 2889
hundred dollars. When a registrant wishes to change its place of 2890
business within the same municipal corporation, it shall give 2891
written notice of the change in advance to the division, which 2892
shall provide a certificate for the new address without cost. If 2893
a registrant changes its name, prior to making loans under the 2894
new name it shall give written notice of the change to the 2895
division, which shall provide a certificate in the new name 2896
without cost. Sections 1321.51 to 1321.60 of the Revised Code do 2897
not limit the loans of any registrant to residents of the 2898
community in which the registrant's place of business is 2899
situated. Each certificate shall be kept conspicuously posted in 2900
the place of business of the registrant and is not transferable 2901
or assignable. 2902

~~(D)~~ (E) Sections 1321.51 to 1321.60 of the Revised Code do 2903
not apply to any of the following: 2904

(1) Entities chartered and lawfully doing business under 2905
the authority of any law of this state, another state, or the 2906
United States as a bank, savings bank, trust company, savings 2907
and loan association, or credit union, or a subsidiary of any 2908
such entity, which subsidiary is regulated by a federal banking 2909
agency and is owned and controlled by such a depository 2910
institution; 2911

(2) Life, property, or casualty insurance companies 2912
licensed to do business in this state; 2913

(3) Any person that is a lender making a loan pursuant to 2914
sections 1321.01 to 1321.19 or sections 1321.62 to 1321.701 of 2915

the Revised Code or a business loan as described in division (B) 2916
(6) of section 1343.01 of the Revised Code; 2917

(4) Any political subdivision, or any governmental or 2918
other public entity, corporation, instrumentality, or agency, in 2919
or of the United States or any state of the United States, or 2920
any entity described in division (B) (3) of section 1343.01 of 2921
the Revised Code; 2922

(5) A college or university, or controlled entity of a 2923
college or university, as those terms are defined in section 2924
1713.05 of the Revised Code. 2925

~~(E)~~ (F) No person engaged in the business of selling 2926
tangible goods or services related to tangible goods may receive 2927
or retain a certificate under sections 1321.51 to 1321.60 of the 2928
Revised Code for such place of business. 2929

Sec. 1321.64. (A) An application for a license shall 2930
contain an undertaking by the applicant to abide by those 2931
sections. The application shall be in writing, under oath, and 2932
in the form prescribed by the superintendent of financial 2933
institutions, and shall contain any information that the 2934
superintendent may require. Applicants that are foreign 2935
corporations shall obtain and maintain a license pursuant to 2936
Chapter 1703. of the Revised Code before a license is issued or 2937
renewed. 2938

(B) Upon the filing of the application and the payment by 2939
the applicant of a nonrefundable investigation fee of two 2940
hundred dollars, a nonrefundable annual registration fee of 2941
three hundred dollars, and any additional fee required by the 2942
NMLSR, the division of financial institutions shall investigate 2943
the relevant facts. If the application involves investigation 2944

outside this state, the applicant may be required by the 2945
division to advance sufficient funds to pay any of the actual 2946
expenses of the investigation when it appears that these 2947
expenses will exceed two hundred dollars. An itemized statement 2948
of any of these expenses which the applicant is required to pay 2949
shall be furnished to the applicant by the division. A license 2950
shall not be issued unless all the required fees have been 2951
submitted to the division. 2952

(C) (1) The investigation undertaken upon receipt of an 2953
application shall include both a civil and criminal records 2954
check of any control person. 2955

(2) (a) Notwithstanding division (K) of section 121.08 of 2956
the Revised Code, the superintendent shall obtain a criminal 2957
records check on each control person and, as part of that 2958
records check, request that criminal records information from 2959
the federal bureau of investigation be obtained. To fulfill this 2960
requirement, the superintendent shall do either of the 2961
following: 2962

(i) Request the superintendent of the bureau of criminal 2963
identification and investigation, or a vendor approved by the 2964
bureau, to conduct a criminal records check based on the control 2965
person's fingerprints or, if the fingerprints are unreadable, 2966
based on the control person's social security number, in 2967
accordance with section 109.572 of the Revised Code; 2968

(ii) Authorize the NMLSR to request a criminal records 2969
check of the control person. 2970

(b) Any fee required under division (C) (3) of section 2971
109.572 of the Revised Code or by the NMLSR shall be paid by the 2972
applicant. 2973

(D) If an application for a license does not contain all 2974
of the information required under division (A) of this section, 2975
and if such information is not submitted to the division or to 2976
the NMLSR within ninety days after the superintendent or the 2977
NMLSR requests the information in writing, including by 2978
electronic transmission or facsimile, the superintendent may 2979
consider the application withdrawn. 2980

(E) If the superintendent of financial institutions finds 2981
that the financial responsibility, experience, character, and 2982
general fitness of the applicant command the confidence of the 2983
public and warrant the belief that the business will be operated 2984
honestly and fairly in compliance with the purposes of sections 2985
1321.62 to 1321.702 of the Revised Code and the rules adopted 2986
thereunder, and that the applicant has the requisite net worth 2987
and assets required under section 1321.65 of the Revised Code, 2988
the superintendent shall issue a license to the applicant. The 2989
license shall be valid until the thirty-first day of December of 2990
the year in which it is issued. A person may be licensed under 2991
both sections 1321.51 to 1321.60 and sections 1321.62 to 2992
1321.702 of the Revised Code. 2993

(F) If the superintendent finds that the applicant does 2994
not meet the conditions set forth in this section, the 2995
superintendent shall issue a notice of intent to deny the 2996
application, and promptly notify the applicant of the denial, 2997
the grounds for the denial, and the applicant's reasonable 2998
opportunity to be heard on the action in accordance with Chapter 2999
119. of the Revised Code. 3000

(G) Notwithstanding any provision of this section to the 3001
contrary, the superintendent shall issue a license in accordance 3002
with section 9.79 of the Revised Code to an applicant if either 3003

of the following applies: 3004

(1) The applicant holds a license in another state. 3005

(2) The applicant has satisfactory work experience, a 3006
government certification, or a private certification as 3007
described in that section as a consumer installment loan lender 3008
in a state that does not issue that license. 3009

Sec. 1321.74. (A) Application for a license as a premium 3010
finance company shall be in writing, under oath, in the form 3011
prescribed by the division of financial institutions. An 3012
applicant also shall provide the form of premium finance 3013
agreement it intends to use in doing business under sections 3014
1321.71 to 1321.83 of the Revised Code. Upon the filing of an 3015
application and the payment of the license fee, and upon deposit 3016
of an investigation fee not to exceed three hundred dollars if 3017
the investigation can be conducted in this state or the 3018
estimated costs of the investigation if it must be conducted 3019
outside this state, the division shall make an investigation of 3020
each applicant and shall issue a license if the applicant is 3021
qualified in accordance with sections 1321.71 to 1321.83 of the 3022
Revised Code. An itemized statement of any investigation 3023
expenses incurred which the applicant is required to pay shall 3024
be furnished the applicant by the division, and only the actual 3025
cost of such investigation shall be paid by the applicant, but 3026
at no time shall the investigation fee be less than two hundred 3027
dollars. If the division does not so find, it shall, within a 3028
reasonable period of time after it has received the application, 3029
at the request of the applicant, give the applicant opportunity 3030
for a hearing conducted in accordance with Chapter 119. of the 3031
Revised Code. 3032

(B) The division shall issue or renew a license when it is 3033

satisfied that the applicant: 3034

(1) Is competent and trustworthy and intends to act in 3035
good faith in the capacity involved by the license applied for; 3036

(2) Has a good business reputation and has had experience, 3037
training, or education so as to be qualified in the business for 3038
which the license is applied for; 3039

(3) If a corporation, is a corporation incorporated under 3040
the laws of this state or is a foreign corporation authorized to 3041
transact business in this state; 3042

(4) Has a net worth of at least fifty thousand dollars, as 3043
determined in accordance with generally accepted accounting 3044
principles; 3045

(5) With respect to the issuance of a license, has filed 3046
with the division a form of premium finance agreement that 3047
complies with sections 1321.71 to 1321.83 of the Revised Code. 3048

(C) Not more than one place of business shall be 3049
maintained under the same license, but the division may issue 3050
additional licenses to the same licensee upon compliance with 3051
sections 1321.71 to 1321.83 of the Revised Code. 3052

No change in the place of business of a licensee to a 3053
location outside the original municipal corporation shall be 3054
permitted under the same license without the approval of a new 3055
application, the payment of the license fee as determined by the 3056
superintendent of financial institutions pursuant to section 3057
1321.20 of the Revised Code, and, if required by the 3058
superintendent, the payment of an investigation fee of two 3059
hundred dollars. If a licensee wishes to change its place of 3060
business within the same municipal corporation, it shall give 3061
written notice of the change in advance to the division, which 3062

shall provide a license for the new address without cost. If a 3063
licensee changes its name, it shall give, prior to entering into 3064
or otherwise acquiring premium finance agreements under the new 3065
name, written notice of the change to the division, which shall 3066
provide a license in the new name, without cost. 3067

Each license shall be kept conspicuously posted in the 3068
place of business of the licensee and is not transferable or 3069
assignable. 3070

Notwithstanding any other provision of this section to the 3071
contrary, the division shall issue a license to act as a premium 3072
finance company in accordance with section 9.79 of the Revised 3073
Code to an applicant if either of the following applies: 3074

(1) The applicant is licensed in another state. 3075

(2) The applicant has satisfactory work experience, a 3076
government certification, or a private certification as 3077
described in that section as an operator of a premium finance 3078
company in a state that does not issue that license. 3079

Sec. 1322.07. (A) No person, on the person's own behalf or 3080
on behalf of any other person, shall act as a mortgage lender, 3081
mortgage servicer, or mortgage broker without first having 3082
obtained a certificate of registration from the superintendent 3083
of financial institutions for the principal office and every 3084
branch office to be maintained by the person for the transaction 3085
of business as a mortgage lender, mortgage servicer, or mortgage 3086
broker in this state. A registrant shall maintain an office 3087
location for the transaction of business as a mortgage lender, 3088
mortgage servicer, or mortgage broker in this state. 3089

(B) (1) No individual shall act as a mortgage loan 3090
originator without first having obtained a license from the 3091

superintendent. A mortgage loan originator shall be employed by 3092
or associated with a mortgage lender, mortgage broker, or entity 3093
holding a valid letter of exemption under division (B)(1) of 3094
section 1322.05 of the Revised Code, but shall not be employed 3095
by or associated with more than one registrant or entity holding 3096
a valid letter of exemption under division (B)(1) of section 3097
1322.05 of the Revised Code at any one time. 3098

(2) An individual acting under the individual's authority 3099
as a registered mortgage loan originator shall not be required 3100
to be licensed under division (B)(1) of this section. 3101

~~(3) An individual who holds a valid temporary mortgage 3102
loan originator license issued pursuant to section 1322.24 of 3103
the Revised Code may engage in the business of a mortgage loan 3104
originator in accordance with this chapter during the term of 3105
the temporary license. 3106~~

Sec. 1322.10. (A) Upon the conclusion of the investigation 3107
required under division (B) of section 1322.09 of the Revised 3108
Code, the superintendent of financial institutions shall issue a 3109
certificate of registration to the applicant if the 3110
superintendent finds that the following conditions are met: 3111

(1) The application is accompanied by the application fee 3112
and any fee required by the nationwide mortgage licensing system 3113
and registry. 3114

(a) If a check or other draft instrument is returned to 3115
the superintendent for insufficient funds, the superintendent 3116
shall notify the applicant by certified mail, return receipt 3117
requested, that the application will be withdrawn unless the 3118
applicant, within thirty days after receipt of the notice, 3119
submits the application fee and a one-hundred-dollar penalty to 3120

the superintendent. If the applicant does not submit the 3121
application fee and penalty within that time period, or if any 3122
check or other draft instrument used to pay the fee or penalty 3123
is returned to the superintendent for insufficient funds, the 3124
application shall be withdrawn. 3125

(b) If a check or other draft instrument is returned to 3126
the superintendent for insufficient funds after the certificate 3127
of registration has been issued, the superintendent shall notify 3128
the registrant by certified mail, return receipt requested, that 3129
the certificate of registration issued in reliance on the check 3130
or other draft instrument will be canceled unless the 3131
registrant, within thirty days after receipt of the notice, 3132
submits the application fee and a one-hundred-dollar penalty to 3133
the superintendent. If the registrant does not submit the 3134
application fee and penalty within that time period, or if any 3135
check or other draft instrument used to pay the fee or penalty 3136
is returned to the superintendent for insufficient funds, the 3137
certificate of registration shall be canceled immediately 3138
without a hearing, and the registrant shall cease activity as a 3139
mortgage broker. 3140

(2) If the application is for a location that is a 3141
residence, evidence that the use of the residence to transact 3142
business as a mortgage lender or mortgage broker is not 3143
prohibited. 3144

(3) The applicant maintains all necessary filings and 3145
approvals required by the secretary of state. 3146

(4) The applicant complies with the surety bond 3147
requirements of section 1322.32 of the Revised Code. 3148

(5) The applicant has not made a material misstatement of 3149

fact or material omission of fact in the application. 3150

(6) Neither the applicant nor any person whose identity is 3151
required to be disclosed on an application for a certificate of 3152
registration has had such a certificate of registration or 3153
mortgage loan originator license, or any comparable authority, 3154
revoked in any governmental jurisdiction or has pleaded guilty 3155
or nolo contendere to or been convicted of any of the following 3156
in a domestic, foreign, or military court: 3157

(a) During the seven-year period immediately preceding the 3158
date of application for the certificate of registration, a 3159
misdemeanor involving theft or any felony; 3160

(b) At any time prior to the date the application for the 3161
certificate of registration is approved, a felony involving an 3162
act of fraud, dishonesty, a breach of trust, theft, or money 3163
laundering. 3164

(7) The applicant's operations manager successfully 3165
completed the examination required by section 1322.27 of the 3166
Revised Code. 3167

(8) The applicant's financial responsibility, experience, 3168
character, and general fitness command the confidence of the 3169
public and warrant the belief that the business will be operated 3170
honestly, fairly, and efficiently in compliance with the 3171
purposes of this chapter and the rules adopted thereunder. The 3172
superintendent shall not use a credit score or a bankruptcy as 3173
the sole basis for registration denial. 3174

(B) For purposes of determining whether an applicant that 3175
is a partnership, corporation, or other business entity or 3176
association has met the conditions set forth in divisions (A) (6) 3177
and (8) of this section, the superintendent shall determine 3178

which partners, shareholders, or persons named in the 3179
application must meet those conditions. This determination shall 3180
be based on the extent and nature of the partner's, 3181
shareholder's, or person's ownership interest in the 3182
partnership, corporation, or other business entity or 3183
association that is the applicant and on whether the person is 3184
in a position to direct, control, or adversely influence the 3185
operations of the applicant. 3186

(C) The certificate of registration issued pursuant to 3187
division (A) of this section may be renewed annually on or 3188
before the thirty-first day of December if the superintendent 3189
finds that all of the following conditions are met: 3190

(1) The renewal application is accompanied by a 3191
nonrefundable renewal fee of five hundred dollars for each 3192
location of an office to be maintained by the applicant in 3193
accordance with division (A) of section 1322.07 of the Revised 3194
Code and any fee required by the nationwide mortgage licensing 3195
system and registry. If a check or other draft instrument is 3196
returned to the superintendent for insufficient funds, the 3197
superintendent shall notify the registrant by certified mail, 3198
return receipt requested, that the certificate of registration 3199
renewed in reliance on the check or other draft instrument will 3200
be canceled unless the registrant, within thirty days after 3201
receipt of the notice, submits the renewal fee and a one- 3202
hundred-dollar penalty to the superintendent. If the registrant 3203
does not submit the renewal fee and penalty within that time 3204
period, or if any check or other draft instrument used to pay 3205
the fee or penalty is returned to the superintendent for 3206
insufficient funds, the certificate of registration shall be 3207
canceled immediately without a hearing and the registrant shall 3208
cease activity as a mortgage broker. 3209

(2) The operations manager designated under section 3210
1322.12 of the Revised Code has completed at least eight hours 3211
of continuing education as required under section 1322.28 of the 3212
Revised Code. 3213

(3) The applicant meets the conditions set forth in 3214
divisions (A) (2) to (8) of this section. 3215

(4) The applicant's certificate of registration is not 3216
subject to an order of suspension or an unpaid and past due fine 3217
imposed by the superintendent. 3218

(D) (1) Subject to division (D) (2) of this section, if a 3219
renewal fee or additional fee required by the nationwide 3220
mortgage licensing system and registry is received by the 3221
superintendent after the thirty-first day of December, the 3222
certificate of registration shall not be considered renewed, and 3223
the applicant shall cease activity as a mortgage lender or 3224
mortgage broker. 3225

(2) Division (D) (1) of this section shall not apply if the 3226
applicant, not later than forty-five days after the renewal 3227
deadline, submits the renewal fee or additional fee and a one- 3228
hundred-dollar penalty to the superintendent. 3229

(E) Certificates of registration issued under this chapter 3230
annually expire on the thirty-first day of December. 3231

(F) The pardon or expungement of a conviction shall not be 3232
considered a conviction for purposes of this section. When 3233
determining the eligibility of an applicant, the superintendent 3234
may consider the underlying crime, facts, or circumstances 3235
connected with a pardoned or expunged conviction. 3236

(G) Notwithstanding any provision of this chapter to the 3237
contrary, the superintendent shall issue a certificate of 3238

registration in accordance with section 9.79 of the Revised Code 3239
to an applicant if either of the following applies: 3240

(1) The applicant holds a license or certificate of 3241
registration in another state. 3242

(2) The applicant has satisfactory work experience, a 3243
government certification, or a private certification as 3244
described in that section as a mortgage broker or mortgage 3245
lender in a state that does not issue that license or 3246
certificate of registration. 3247

Sec. 1322.21. (A) Upon the conclusion of the investigation 3248
required under division (C) of section 1322.20 of the Revised 3249
Code, the superintendent of financial institutions shall issue a 3250
mortgage loan originator license to the applicant if the 3251
superintendent finds that the following conditions are met: 3252

(1) The application is accompanied by the application fee 3253
and any fee required by the nationwide mortgage licensing system 3254
and registry. 3255

(a) If a check or other draft instrument is returned to 3256
the superintendent for insufficient funds, the superintendent 3257
shall notify the applicant by certified mail, return receipt 3258
requested, that the application will be withdrawn unless the 3259
applicant, within thirty days after receipt of the notice, 3260
submits the application fee and a one-hundred-dollar penalty to 3261
the superintendent. If the applicant does not submit the 3262
application fee and penalty within that time period, or if any 3263
check or other draft instrument used to pay the fee or penalty 3264
is returned to the superintendent for insufficient funds, the 3265
application shall be withdrawn. 3266

(b) If a check or other draft instrument is returned to 3267

the superintendent for insufficient funds after the license has 3268
been issued, the superintendent shall notify the licensee by 3269
certified mail, return receipt requested, that the license 3270
issued in reliance on the check or other draft instrument will 3271
be canceled unless the licensee, within thirty days after 3272
receipt of the notice, submits the application fee and a one- 3273
hundred-dollar penalty to the superintendent. If the licensee 3274
does not submit the application fee and penalty within that time 3275
period, or if any check or other draft instrument used to pay 3276
the fee or penalty is returned to the superintendent for 3277
insufficient funds, the license shall be canceled immediately 3278
without a hearing, and the licensee shall cease activity as a 3279
loan originator. 3280

(2) The applicant has not made a material misstatement of 3281
fact or material omission of fact in the application. 3282

(3) The applicant has not been convicted of or pleaded 3283
guilty or nolo contendere to any of the following in a domestic, 3284
foreign, or military court: 3285

(a) During the seven-year period immediately preceding the 3286
date of application for the license, a misdemeanor involving 3287
theft or any felony; 3288

(b) At any time prior to the date the application for the 3289
license is approved, a felony involving an act of fraud, 3290
dishonesty, a breach of trust, theft, or money laundering. 3291

(4) The applicant completed the prelicensing instruction 3292
set forth in division (B) of section 1322.20 of the Revised 3293
Code. 3294

(5) The applicant's financial responsibility, character, 3295
and general fitness command the confidence of the public and 3296

warrant the belief that the business will be operated honestly 3297
and fairly in compliance with the purposes of this chapter. The 3298
superintendent shall not use a credit score or bankruptcy as the 3299
sole basis for a license denial. 3300

(6) The applicant is in compliance with the surety bond 3301
requirements of section 1322.32 of the Revised Code. 3302

(7) The applicant has not had a mortgage loan originator 3303
license, or comparable authority, revoked in any governmental 3304
jurisdiction. 3305

(B) The license issued under division (A) of this section 3306
may be renewed annually on or before the thirty-first day of 3307
December if the superintendent finds that all of the following 3308
conditions are met: 3309

(1) The renewal application is accompanied by a 3310
nonrefundable renewal fee of one hundred fifty dollars and any 3311
fee required by the nationwide mortgage licensing system and 3312
registry. If a check or other draft instrument is returned to 3313
the superintendent for insufficient funds, the superintendent 3314
shall notify the licensee by certified mail, return receipt 3315
requested, that the license renewed in reliance on the check or 3316
other draft instrument will be canceled unless the licensee, 3317
within thirty days after receipt of the notice, submits the 3318
renewal fee and a one-hundred-dollar penalty to the 3319
superintendent. If the licensee does not submit the renewal fee 3320
and penalty within that time period, or if any check or other 3321
draft instrument used to pay the fee or penalty is returned to 3322
the superintendent for insufficient funds, the license shall be 3323
canceled immediately without a hearing, and the licensee shall 3324
cease activity as a loan originator. 3325

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

(3) The applicant meets the conditions set forth in divisions (A) (2) to (7) of this section.

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

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

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

(D) Mortgage originator licenses annually expire on the thirty-first day of December.

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

(F) Notwithstanding any provision of this chapter to the contrary, the superintendent shall issue a mortgage loan originator license in accordance with section 9.79 of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license in another state. 3355

(2) The applicant has satisfactory work experience, a 3356
government certification, or a private certification as 3357
described in that section as a mortgage loan originator in a 3358
state that does not issue that license. 3359

Sec. 1513.07. (A) (1) No operator shall conduct a coal 3360
mining operation without a permit for the operation issued by 3361
the chief of the division of mineral resources management. 3362

(2) All permits issued pursuant to this chapter shall be 3363
issued for a term not to exceed five years, except that, if the 3364
applicant demonstrates that a specified longer term is 3365
reasonably needed to allow the applicant to obtain necessary 3366
financing for equipment and the opening of the operation and if 3367
the application is full and complete for the specified longer 3368
term, the chief may grant a permit for the longer term. A 3369
successor in interest to a permittee who applies for a new 3370
permit within thirty days after succeeding to the interest and 3371
who is able to obtain the performance security of the original 3372
permittee may continue coal mining and reclamation operations 3373
according to the approved mining and reclamation plan of the 3374
original permittee until the successor's application is granted 3375
or denied. 3376

(3) A permit shall terminate if the permittee has not 3377
commenced the coal mining operations covered by the permit 3378
within three years after the issuance of the permit, except that 3379
the chief may grant reasonable extensions of the time upon a 3380
showing that the extensions are necessary by reason of 3381
litigation precluding the commencement or threatening 3382
substantial economic loss to the permittee or by reason of 3383
conditions beyond the control and without the fault or 3384

negligence of the permittee, and except that with respect to 3385
coal to be mined for use in a synthetic fuel facility or 3386
specified major electric generating facility, the permittee 3387
shall be deemed to have commenced coal mining operations at the 3388
time construction of the synthetic fuel or generating facility 3389
is initiated. 3390

(4) (a) Any permit issued pursuant to this chapter shall 3391
carry with it the right of successive renewal upon expiration 3392
with respect to areas within the boundaries of the permit. The 3393
holders of the permit may apply for renewal and the renewal 3394
shall be issued unless the chief determines by written findings, 3395
subsequent to fulfillment of the public notice requirements of 3396
this section and section 1513.071 of the Revised Code through 3397
demonstrations by opponents of renewal or otherwise, that one or 3398
more of the following circumstances exists: 3399

(i) The terms and conditions of the existing permit are 3400
not being satisfactorily met. 3401

(ii) The present coal mining and reclamation operation is 3402
not in compliance with the environmental protection standards of 3403
this chapter. 3404

(iii) The renewal requested substantially jeopardizes the 3405
operator's continuing responsibilities on existing permit areas. 3406

(iv) The applicant has not provided evidence that the 3407
performance security in effect for the operation will continue 3408
in effect for any renewal requested in the application. 3409

(v) Any additional, revised, or updated information 3410
required by the chief has not been provided. Prior to the 3411
approval of any renewal of a permit, the chief shall provide 3412
notice to the appropriate public authorities as prescribed by 3413

rule of the chief. 3414

(b) If an application for renewal of a valid permit 3415
includes a proposal to extend the mining operation beyond the 3416
boundaries authorized in the existing permit, the portion of the 3417
application for renewal of a valid permit that addresses any new 3418
land areas shall be subject to the full standards applicable to 3419
new applications under this chapter. 3420

(c) A permit renewal shall be for a term not to exceed the 3421
period of the original permit established by this chapter. 3422
Application for permit renewal shall be made at least one 3423
hundred twenty days prior to the expiration of the valid permit. 3424

(5) A permit issued pursuant to this chapter does not 3425
eliminate the requirements for obtaining a permit to install or 3426
modify a disposal system or any part thereof or to discharge 3427
sewage, industrial waste, or other wastes into the waters of the 3428
state in accordance with Chapter 6111. of the Revised Code. 3429

(B) (1) The permit application shall be submitted in a 3430
manner satisfactory to the chief and shall contain, among other 3431
things, all of the following: 3432

(a) The names and addresses of all of the following: 3433

(i) The permit applicant; 3434

(ii) Every legal owner of record of the property, surface 3435
and mineral, to be mined; 3436

(iii) The holders of record of any leasehold interest in 3437
the property; 3438

(iv) Any purchaser of record of the property under a real 3439
estate contract; 3440

(v) The operator if different from the applicant;	3441
(vi) If any of these are business entities other than a single proprietor, the names and addresses of the principals, officers, and statutory agent for service of process.	3442 3443 3444
(b) The names and addresses of the owners of record of all surface and subsurface areas adjacent to any part of the permit area;	3445 3446 3447
(c) A statement of any current or previous coal mining permits in the United States held by the applicant, the permit identification, and any pending applications;	3448 3449 3450
(d) If the applicant is a partnership, corporation, association, or other business entity, the following where applicable: the names and addresses of every officer, partner, director, or person performing a function similar to a director, of the applicant, the name and address of any person owning, of record, ten per cent or more of any class of voting stock of the applicant, a list of all names under which the applicant, partner, or principal shareholder previously operated a coal mining operation within the United States within the five-year period preceding the date of submission of the application, and a list of the person or persons primarily responsible for ensuring that the applicant complies with the requirements of this chapter and rules adopted pursuant thereto while mining and reclaiming under the permit;	3451 3452 3453 3454 3455 3456 3457 3458 3459 3460 3461 3462 3463 3464
(e) A statement of whether the applicant, any subsidiary, affiliate, or persons controlled by or under common control with the applicant, any partner if the applicant is a partnership, any officer, principal shareholder, or director if the applicant is a corporation, or any other person who has a right to control	3465 3466 3467 3468 3469

or in fact controls the management of the applicant or the 3470
selection of officers, directors, or managers of the applicant: 3471

(i) Has ever held a federal or state coal mining permit 3472
that in the five-year period prior to the date of submission of 3473
the application has been suspended or revoked or has had a coal 3474
mining bond, performance security, or similar security deposited 3475
in lieu of bond forfeited and, if so, a brief explanation of the 3476
facts involved; 3477

(ii) Has been an officer, partner, director, principal 3478
shareholder, or person having the right to control or has in 3479
fact controlled the management of or the selection of officers, 3480
directors, or managers of a business entity that has had a coal 3481
mining or surface mining permit that in the five-year period 3482
prior to the date of submission of the application has been 3483
suspended or revoked or has had a coal mining or surface mining 3484
bond, performance security, or similar security deposited in 3485
lieu of bond forfeited and, if so, a brief explanation of the 3486
facts involved. 3487

(f) A copy of the applicant's advertisement to be 3488
published in a newspaper of general circulation in the locality 3489
of the proposed site at least once a week for four successive 3490
weeks, which shall include the ownership of the proposed mine, a 3491
description of the exact location and boundaries of the proposed 3492
site sufficient to make the proposed operation readily 3493
identifiable by local residents, and the location where the 3494
application is available for public inspection; 3495

(g) A description of the type and method of coal mining 3496
operation that exists or is proposed, the engineering techniques 3497
proposed or used, and the equipment used or proposed to be used; 3498

(h) The anticipated or actual starting and termination 3499
dates of each phase of the mining operation and number of acres 3500
of land to be affected; 3501

(i) An accurate map or plan, to an appropriate scale, 3502
clearly showing the land to be affected, the land upon which the 3503
applicant has the legal right to enter and commence coal mining 3504
operations, and the land for which the applicant will acquire 3505
the legal right to enter and commence coal mining operations 3506
during the term of the permit, copies of those documents upon 3507
which is based the applicant's legal right to enter and commence 3508
coal mining operations or a notarized statement describing the 3509
applicant's legal right to enter and commence coal mining 3510
operations, and a statement whether that right is the subject of 3511
pending litigation. This chapter does not authorize the chief to 3512
adjudicate property title disputes. 3513

(j) The name of the watershed and location of the surface 3514
stream or tributary into which drainage from the operation will 3515
be discharged; 3516

(k) A determination of the probable hydrologic 3517
consequences of the mining and reclamation operations, both on 3518
and off the mine site, with respect to the hydrologic regime, 3519
providing information on the quantity and quality of water in 3520
surface and ground water systems including the dissolved and 3521
suspended solids under seasonal flow conditions and the 3522
collection of sufficient data for the mine site and surrounding 3523
areas so that an assessment can be made by the chief of the 3524
probable cumulative impacts of all anticipated mining in the 3525
area upon the hydrology of the area and particularly upon water 3526
availability, but this determination shall not be required until 3527
hydrologic information of the general area prior to mining is 3528

made available from an appropriate federal or state agency; 3529
however, the permit shall not be approved until the information 3530
is available and is incorporated into the application; 3531

(l) When requested by the chief, the climatological 3532
factors that are peculiar to the locality of the land to be 3533
affected, including the average seasonal precipitation, the 3534
average direction and velocity of prevailing winds, and the 3535
seasonal temperature ranges; 3536

(m) Accurate maps prepared by or under the direction of 3537
and certified by a qualified registered professional engineer, 3538
registered surveyor, or licensed landscape architect to an 3539
appropriate scale clearly showing all types of information set 3540
forth on topographical maps of the United States geological 3541
survey of a scale of not more than four hundred feet to the 3542
inch, including all artificial features and significant known 3543
archeological sites. The map, among other things specified by 3544
the chief, shall show all boundaries of the land to be affected, 3545
the boundary lines and names of present owners of record of all 3546
surface areas abutting the permit area, and the location of all 3547
buildings within one thousand feet of the permit area. 3548

(n) (i) Cross-section maps or plans of the land to be 3549
affected including the actual area to be mined, prepared by or 3550
under the direction of and certified by a qualified registered 3551
professional engineer or certified professional geologist with 3552
assistance from experts in related fields such as hydrology, 3553
hydrogeology, geology, and landscape architecture, showing 3554
pertinent elevations and locations of test borings or core 3555
samplings and depicting the following information: the nature 3556
and depth of the various strata of overburden; the nature and 3557
thickness of any coal or rider seam above the coal seam to be 3558

mined; the nature of the stratum immediately beneath the coal 3559
seam to be mined; all mineral crop lines and the strike and dip 3560
of the coal to be mined within the area to be affected; existing 3561
or previous coal mining limits; the location and extent of known 3562
workings of any underground mines, including mine openings to 3563
the surface; the location of spoil, waste, or refuse areas and 3564
topsoil preservation areas; the location of all impoundments for 3565
waste or erosion control; any settling or water treatment 3566
facility; constructed or natural drainways and the location of 3567
any discharges to any surface body of water on the land to be 3568
affected or adjacent thereto; profiles at appropriate cross 3569
sections of the anticipated final surface configuration that 3570
will be achieved pursuant to the operator's proposed reclamation 3571
plan; the location of subsurface water, if encountered; the 3572
location and quality of aquifers; and the estimated elevation of 3573
the water table. Registered surveyors shall be allowed to 3574
perform all plans, maps, and certifications under this chapter 3575
as they are authorized under Chapter 4733. of the Revised Code. 3576

(ii) A statement of the quality and locations of 3577
subsurface water. The chief shall provide by rule the number of 3578
locations to be sampled, frequency of collection, and parameters 3579
to be analyzed to obtain the statement required. 3580

(o) A statement of the results of test borings or core 3581
samplings from the permit area, including logs of the drill 3582
holes, the thickness of the coal seam found, an analysis of the 3583
chemical properties of the coal, the sulfur content of any coal 3584
seam, chemical analysis of potentially acid or toxic forming 3585
sections of the overburden, and chemical analysis of the stratum 3586
lying immediately underneath the coal to be mined, except that 3587
this division may be waived by the chief with respect to the 3588
specific application by a written determination that its 3589

requirements are unnecessary. If the test borings or core 3590
samplings from the permit area indicate the existence of 3591
potentially acid forming or toxic forming quantities of sulfur 3592
in the coal or overburden to be disturbed by mining, the 3593
application also shall include a statement of the acid 3594
generating potential and the acid neutralizing potential of the 3595
rock strata to be disturbed as calculated in accordance with the 3596
calculation method established under section 1513.075 of the 3597
Revised Code or with another calculation method. 3598

(p) For those lands in the permit application that a 3599
reconnaissance inspection suggests may be prime farmlands, a 3600
soil survey shall be made or obtained according to standards 3601
established by the secretary of the United States department of 3602
agriculture in order to confirm the exact location of the prime 3603
farmlands, if any; 3604

(q) A certificate issued by an insurance company 3605
authorized to do business in this state certifying that the 3606
applicant has a public liability insurance policy in force for 3607
the coal mining and reclamation operations for which the permit 3608
is sought or evidence that the applicant has satisfied other 3609
state self-insurance requirements. The policy shall provide for 3610
personal injury and property damage protection in an amount 3611
adequate to compensate any persons damaged as a result of coal 3612
mining and reclamation operations, including the use of 3613
explosives, and entitled to compensation under the applicable 3614
provisions of state law. The policy shall be maintained in 3615
effect during the term of the permit or any renewal, including 3616
the length of all reclamation operations. The insurance company 3617
shall give prompt notice to the permittee and the chief if the 3618
public liability insurance policy lapses for any reason 3619
including the nonpayment of insurance premiums. Upon the lapse 3620

of the policy, the chief may suspend the permit and all other 3621
outstanding permits until proper insurance coverage is obtained. 3622

(r) The business telephone number of the applicant; 3623

(s) If the applicant seeks an authorization under division 3624
(E) (7) of this section to conduct coal mining and reclamation 3625
operations on areas to be covered by the permit that were 3626
affected by coal mining operations before August 3, 1977, that 3627
have resulted in continuing water pollution from or on the 3628
previously mined areas, such additional information pertaining 3629
to those previously mined areas as may be required by the chief, 3630
including, without limitation, maps, plans, cross sections, data 3631
necessary to determine existing water quality from or on those 3632
areas with respect to pH, iron, and manganese, and a pollution 3633
abatement plan that may improve water quality from or on those 3634
areas with respect to pH, iron, and manganese. 3635

(2) Information pertaining to coal seams, test borings, 3636
core samplings, or soil samples as required by this section 3637
shall be made available by the chief to any person with an 3638
interest that is or may be adversely affected, except that 3639
information that pertains only to the analysis of the chemical 3640
and physical properties of the coal, excluding information 3641
regarding mineral or elemental content that is potentially toxic 3642
in the environment, shall be kept confidential and not made a 3643
matter of public record. 3644

(3) (a) If the chief finds that the probable total annual 3645
production at all locations of any operator will not exceed 3646
three hundred thousand tons, the following activities, upon the 3647
written request of the operator in connection with a permit 3648
application, shall be performed by a qualified public or private 3649
laboratory or another public or private qualified entity 3650

designated by the chief, and the cost of the activities shall be 3651
assumed by the chief, provided that sufficient moneys for such 3652
assistance are available: 3653

(i) The determination of probable hydrologic consequences 3654
required under division (B) (1) (k) of this section; 3655

(ii) The development of cross-section maps and plans 3656
required under division (B) (1) (n) (i) of this section; 3657

(iii) The geologic drilling and statement of results of 3658
test borings and core samplings required under division (B) (1) 3659
(o) of this section; 3660

(iv) The collection of archaeological information required 3661
under division (B) (1) (m) of this section and any other 3662
archaeological and historical information required by the chief, 3663
and the preparation of plans necessitated thereby; 3664

(v) Pre-blast surveys required under division ~~(E)~~ (B) (5) 3665
of section 1513.161 of the Revised Code; 3666

(vi) The collection of site-specific resource information 3667
and production of protection and enhancement plans for fish and 3668
wildlife habitats and other environmental values required by the 3669
chief under this chapter. 3670

(b) A coal operator that has received assistance under 3671
division (B) (3) (a) of this section shall reimburse the chief for 3672
the cost of the services rendered if the chief finds that the 3673
operator's actual and attributed annual production of coal for 3674
all locations exceeds three hundred thousand tons during the 3675
twelve months immediately following the date on which the 3676
operator was issued a coal mining and reclamation permit. 3677

(4) Each applicant for a permit shall submit to the chief 3678

as part of the permit application a reclamation plan that meets 3679
the requirements of this chapter. 3680

(5) Each applicant for a coal mining and reclamation 3681
permit shall file a copy of the application for a permit, 3682
excluding that information pertaining to the coal seam itself, 3683
for public inspection with the county recorder or an appropriate 3684
public office approved by the chief in the county where the 3685
mining is proposed to occur. 3686

(6) Each applicant for a coal mining and reclamation 3687
permit shall submit to the chief as part of the permit 3688
application a blasting plan that describes the procedures and 3689
standards by which the operator will comply with section 3690
1513.161 of the Revised Code. 3691

(C) Each reclamation plan submitted as part of a permit 3692
application shall include, in the detail necessary to 3693
demonstrate that reclamation required by this chapter can be 3694
accomplished and in the detail necessary for the chief to 3695
determine the estimated cost of reclamation if the reclamation 3696
has to be performed by the division of mineral resources 3697
management in the event of forfeiture of the performance 3698
security by the applicant, a statement of: 3699

(1) The identification of the lands subject to coal mining 3700
operations over the estimated life of those operations and the 3701
size, sequence, and timing of the subareas for which it is 3702
anticipated that individual permits for mining will be sought; 3703

(2) The condition of the land to be covered by the permit 3704
prior to any mining, including all of the following: 3705

(a) The uses existing at the time of the application and, 3706
if the land has a history of previous mining, the uses that 3707

preceded any mining; 3708

(b) The capability of the land prior to any mining to 3709
support a variety of uses, giving consideration to soil and 3710
foundation characteristics, topography, and vegetative cover 3711
and, if applicable, a soil survey prepared pursuant to division 3712
(B) (1) (p) of this section; 3713

(c) The productivity of the land prior to mining, 3714
including appropriate classification as prime farmlands as well 3715
as the average yield of food, fiber, forage, or wood products 3716
obtained from the land under high levels of management. 3717

(3) The use that is proposed to be made of the land 3718
following reclamation, including information regarding the 3719
utility and capacity of the reclaimed land to support a variety 3720
of alternative uses, the relationship of the proposed use to 3721
existing land use policies and plans, and the comments of any 3722
owner of the land and state and local governments or agencies 3723
thereof that would have to initiate, implement, approve, or 3724
authorize the proposed use of the land following reclamation; 3725

(4) A detailed description of how the proposed postmining 3726
land use is to be achieved and the necessary support activities 3727
that may be needed to achieve the proposed land use; 3728

(5) The engineering techniques proposed to be used in 3729
mining and reclamation and a description of the major equipment; 3730
a plan for the control of surface water drainage and of water 3731
accumulation; a plan, where appropriate, for backfilling, soil 3732
stabilization, and compacting, grading, and appropriate 3733
revegetation; a plan for soil reconstruction, replacement, and 3734
stabilization, pursuant to the performance standards in section 3735
1513.16 of the Revised Code, for those food, forage, and forest 3736

lands identified in that section; and a statement as to how the 3737
permittee plans to comply with each of the requirements set out 3738
in section 1513.16 of the Revised Code; 3739

(6) A description of the means by which the utilization 3740
and conservation of the solid fuel resource being recovered will 3741
be maximized so that re-affecting the land in the future can be 3742
minimized; 3743

(7) A detailed estimated timetable for the accomplishment 3744
of each major step in the reclamation plan; 3745

(8) A description of the degree to which the coal mining 3746
and reclamation operations are consistent with surface owner 3747
plans and applicable state and local land use plans and 3748
programs; 3749

(9) The steps to be taken to comply with applicable air 3750
and water quality laws and regulations and any applicable health 3751
and safety standards; 3752

(10) A description of the degree to which the reclamation 3753
plan is consistent with local physical, environmental, and 3754
climatological conditions; 3755

(11) A description of all lands, interests in lands, or 3756
options on such interests held by the applicant or pending bids 3757
on interests in lands by the applicant, which lands are 3758
contiguous to the area to be covered by the permit; 3759

(12) The results of test borings that the applicant has 3760
made at the area to be covered by the permit, or other 3761
equivalent information and data in a form satisfactory to the 3762
chief, including the location of subsurface water, and an 3763
analysis of the chemical properties, including acid forming 3764
properties of the mineral and overburden; except that 3765

information that pertains only to the analysis of the chemical 3766
and physical properties of the coal, excluding information 3767
regarding mineral or elemental contents that are potentially 3768
toxic in the environment, shall be kept confidential and not 3769
made a matter of public record; 3770

(13) A detailed description of the measures to be taken 3771
during the mining and reclamation process to ensure the 3772
protection of all of the following: 3773

(a) The quality of surface and ground water systems, both 3774
on- and off-site, from adverse effects of the mining and 3775
reclamation process; 3776

(b) The rights of present users to such water; 3777

(c) The quantity of surface and ground water systems, both 3778
on- and off-site, from adverse effects of the mining and 3779
reclamation process or, where such protection of quantity cannot 3780
be assured, provision of alternative sources of water. 3781

(14) Any other requirements the chief prescribes by rule. 3782

(D) (1) Any information required by division (C) of this 3783
section that is not on public file pursuant to this chapter 3784
shall be held in confidence by the chief. 3785

(2) With regard to requests for an exemption from the 3786
requirements of this chapter for coal extraction incidental to 3787
the extraction of other minerals, as described in division (H) 3788
(1) (a) of section 1513.01 of the Revised Code, confidential 3789
information includes and is limited to information concerning 3790
trade secrets or privileged commercial or financial information 3791
relating to the competitive rights of the persons intending to 3792
conduct the extraction of minerals. 3793

(E) (1) Upon the basis of a complete mining application and 3794
reclamation plan or a revision or renewal thereof, as required 3795
by this chapter, and information obtained as a result of public 3796
notification and public hearing, if any, as provided by section 3797
1513.071 of the Revised Code, the chief shall grant, require 3798
modification of, or deny the application for a permit and notify 3799
the applicant in writing in accordance with division (I) (3) of 3800
this section. An application is deemed to be complete as 3801
submitted to the chief unless the chief, within fourteen days of 3802
the submission, identifies deficiencies in the application in 3803
writing and subsequently submits a copy of a written list of 3804
deficiencies to the applicant. An application shall not be 3805
considered incomplete or denied by reason of right of entry 3806
documentation, provided that the applicant documents the 3807
applicant's legal right to enter and mine at least sixty-seven 3808
per cent of the total area for which coal mining operations are 3809
proposed. 3810

A decision of the chief denying a permit shall state in 3811
writing the specific reasons for the denial. 3812

The applicant for a permit or revision of a permit has the 3813
burden of establishing that the application is in compliance 3814
with all the requirements of this chapter. Within ten days after 3815
the granting of a permit, the chief shall notify the boards of 3816
township trustees and county commissioners, the mayor, and the 3817
legislative authority in the township, county, and municipal 3818
corporation in which the area of land to be affected is located 3819
that a permit has been issued and shall describe the location of 3820
the land. However, failure of the chief to notify the local 3821
officials shall not affect the status of the permit. 3822

(2) No permit application or application for revision of 3823

an existing permit shall be approved unless the application 3824
affirmatively demonstrates and the chief finds in writing on the 3825
basis of the information set forth in the application or from 3826
information otherwise available, which shall be documented in 3827
the approval and made available to the applicant, all of the 3828
following: 3829

(a) The application is accurate and complete and all the 3830
requirements of this chapter have been complied with. 3831

(b) The applicant has demonstrated that the reclamation 3832
required by this chapter can be accomplished under the 3833
reclamation plan contained in the application. 3834

(c) (i) Assessment of the probable cumulative impact of all 3835
anticipated mining in the general and adjacent area on the 3836
hydrologic balance specified in division (B) (1) (k) of this 3837
section has been made by the chief, and the proposed operation 3838
has been designed to prevent material damage to hydrologic 3839
balance outside the permit area. 3840

(ii) There shall be an ongoing process conducted by the 3841
chief in cooperation with other state and federal agencies to 3842
review all assessments of probable cumulative impact of coal 3843
mining in light of post-mining data and any other hydrologic 3844
information as it becomes available to determine if the 3845
assessments were realistic. The chief shall take appropriate 3846
action as indicated in the review process. 3847

(d) The area proposed to be mined is not included within 3848
an area designated unsuitable for coal mining pursuant to 3849
section 1513.073 of the Revised Code or is not within an area 3850
under study for such designation in an administrative proceeding 3851
commenced pursuant to division (A) (3) (c) or (B) of section 3852

1513.073 of the Revised Code unless in an area as to which an 3853
administrative proceeding has commenced pursuant to division (A) 3854
(3) (c) or (B) of section 1513.073 of the Revised Code, the 3855
operator making the permit application demonstrates that, prior 3856
to January 1, 1977, the operator made substantial legal and 3857
financial commitments in relation to the operation for which a 3858
permit is sought. 3859

(e) In cases where the private mineral estate has been 3860
severed from the private surface estate and surface disturbance 3861
will result from the applicant's proposed use of a strip mining 3862
method, the applicant has submitted to the chief one of the 3863
following: 3864

(i) The written consent of the surface owner to the 3865
surface disturbance that will result from the extraction of coal 3866
by the applicant's proposed strip mining method; 3867

(ii) A conveyance that expressly grants or reserves the 3868
right to extract the coal by strip mining methods that cause 3869
surface disturbance; 3870

(iii) If the conveyance does not expressly grant the right 3871
to extract coal by strip mining methods that cause surface 3872
disturbance, the surface-subsurface legal relationship 3873
concerning surface disturbance shall be determined under the law 3874
of this state. This chapter does not authorize the chief to 3875
adjudicate property rights disputes. 3876

(3) (a) The applicant shall file with the permit 3877
application a schedule listing all notices of violations of any 3878
law, rule, or regulation of the United States or of any 3879
department or agency thereof or of any state pertaining to air 3880
or water environmental protection incurred by the applicant in 3881

connection with any coal mining operation during the three-year 3882
period prior to the date of application. The schedule also shall 3883
indicate the final resolution of such a notice of violation. 3884
Upon receipt of an application, the chief shall provide a 3885
schedule listing all notices of violations of this chapter 3886
pertaining to air or water environmental protection incurred by 3887
the applicant during the three-year period prior to receipt of 3888
the application and the final resolution of all such notices of 3889
violation. The chief shall provide this schedule to the 3890
applicant for filing by the applicant with the application filed 3891
for public review, as required by division (B) (5) of this 3892
section. When the schedule or other information available to the 3893
chief indicates that any coal mining operation owned or 3894
controlled by the applicant is currently in violation of such 3895
laws, the permit shall not be issued until the applicant submits 3896
proof that the violation has been corrected or is in the process 3897
of being corrected to the satisfaction of the regulatory 3898
authority, department, or agency that has jurisdiction over the 3899
violation and that any civil penalties owed to the state for a 3900
violation and not the subject of an appeal have been paid. No 3901
permit shall be issued to an applicant after a finding by the 3902
chief that the applicant or the operator specified in the 3903
application controls or has controlled mining operations with a 3904
demonstrated pattern of willful violations of this chapter of a 3905
nature and duration to result in irreparable damage to the 3906
environment as to indicate an intent not to comply with or a 3907
disregard of this chapter. 3908

(b) For the purposes of division (E) (3) (a) of this 3909
section, any violation resulting from an unanticipated event or 3910
condition at a surface coal mining operation on lands eligible 3911
for remining under a permit held by the person submitting an 3912

application for a coal mining permit under this section shall 3913
not prevent issuance of that permit. As used in this division, 3914
"unanticipated event or condition" means an event or condition 3915
encountered in a remining operation that was not contemplated by 3916
the applicable surface coal mining and reclamation permit. 3917

(4) (a) In addition to finding the application in 3918
compliance with division (E) (2) of this section, if the area 3919
proposed to be mined contains prime farmland as determined 3920
pursuant to division (B) (1) (p) of this section, the chief, after 3921
consultation with the secretary of the United States department 3922
of agriculture and pursuant to regulations issued by the 3923
secretary of the interior with the concurrence of the secretary 3924
of agriculture, may grant a permit to mine on prime farmland if 3925
the chief finds in writing that the operator has the 3926
technological capability to restore the mined area, within a 3927
reasonable time, to equivalent or higher levels of yield as 3928
nonmined prime farmland in the surrounding area under equivalent 3929
levels of management and can meet the soil reconstruction 3930
standards in section 1513.16 of the Revised Code. 3931

(b) Division (E) (4) (a) of this section does not apply to a 3932
permit issued prior to August 3, 1977, or revisions or renewals 3933
thereof. 3934

(5) The chief shall issue an order denying a permit after 3935
finding that the applicant has misrepresented or omitted any 3936
material fact in the application for the permit. 3937

(6) The chief may issue an order denying a permit after 3938
finding that the applicant, any partner, if the applicant is a 3939
partnership, any officer, principal shareholder, or director, if 3940
the applicant is a corporation, or any other person who has a 3941
right to control or in fact controls the management of the 3942

applicant or the selection of officers, directors, or managers 3943
of the applicant has been a sole proprietor or partner, officer, 3944
director, principal shareholder, or person having the right to 3945
control or has in fact controlled the management of or the 3946
selection of officers, directors, or managers of a business 3947
entity that ever has had a coal mining license or permit issued 3948
by this or any other state or the United States suspended or 3949
revoked, ever has forfeited a coal or surface mining bond, 3950
performance security, or similar security deposited in lieu of 3951
bond in this or any other state or with the United States, or 3952
ever has substantially or materially failed to comply with this 3953
chapter. 3954

(7) When issuing a permit under this section, the chief 3955
may authorize an applicant to conduct coal mining and 3956
reclamation operations on areas to be covered by the permit that 3957
were affected by coal mining operations before August 3, 1977, 3958
that have resulted in continuing water pollution from or on the 3959
previously mined areas for the purpose of potentially reducing 3960
the pollution loadings of pH, iron, and manganese from 3961
discharges from or on the previously mined areas. Following the 3962
chief's authorization to conduct such operations on those areas, 3963
the areas shall be designated as pollution abatement areas for 3964
the purposes of this chapter. 3965

The chief shall not grant an authorization under division 3966
(E) (7) of this section to conduct coal mining and reclamation 3967
operations on any such previously mined areas unless the 3968
applicant demonstrates to the chief's satisfaction that all of 3969
the following conditions are met: 3970

(a) The applicant's pollution abatement plan for mining 3971
and reclaiming the previously mined areas represents the best 3972

available technology economically achievable. 3973

(b) Implementation of the plan will potentially reduce 3974
pollutant loadings of pH, iron, and manganese resulting from 3975
discharges of surface waters or ground water from or on the 3976
previously mined areas within the permit area. 3977

(c) Implementation of the plan will not cause any 3978
additional degradation of surface water quality off the permit 3979
area with respect to pH, iron, and manganese. 3980

(d) Implementation of the plan will not cause any 3981
additional degradation of ground water. 3982

(e) The plan meets the requirements governing mining and 3983
reclamation of such previously mined pollution abatement areas 3984
established by the chief in rules adopted under section 1513.02 3985
of the Revised Code. 3986

(f) Neither the applicant; any partner, if the applicant 3987
is a partnership; any officer, principal shareholder, or 3988
director, if the applicant is a corporation; any other person 3989
who has a right to control or in fact controls the management of 3990
the applicant or the selection of officers, directors, or 3991
managers of the applicant; nor any contractor or subcontractor 3992
of the applicant, has any of the following: 3993

(i) Responsibility or liability under this chapter or 3994
rules adopted under it as an operator for treating the 3995
discharges of water pollutants from or on the previously mined 3996
areas for which the authorization is sought; 3997

(ii) Any responsibility or liability under this chapter or 3998
rules adopted under it for reclaiming the previously mined areas 3999
for which the authorization is sought; 4000

(iii) During the eighteen months prior to submitting the permit application requesting an authorization under division (E) (7) of this section, had a coal mining and reclamation permit suspended or revoked under division (D) (3) of section 1513.02 of the Revised Code for violating this chapter or Chapter 6111. of the Revised Code or rules adopted under them with respect to water quality, effluent limitations, or surface or ground water monitoring;

(iv) Ever forfeited a coal or surface mining bond, performance security, or similar security deposited in lieu of a bond in this or any other state or with the United States.

(8) In the case of the issuance of a permit that involves a conflict of results between various methods of calculating potential acidity and neutralization potential for purposes of assessing the potential for acid mine drainage to occur at a mine site, the permit shall include provisions for monitoring and record keeping to identify the creation of unanticipated acid water at the mine site. If the monitoring detects the creation of acid water at the site, the permit shall impose on the permittee additional requirements regarding mining practices and site reclamation to prevent the discharge of acid mine drainage from the mine site. As used in division (E) (8) of this section, "potential acidity" and "neutralization potential" have the same meanings as in section 1513.075 of the Revised Code.

(F) (1) During the term of the permit, the permittee may submit an application for a revision of the permit, together with a revised reclamation plan, to the chief.

(2) An application for a revision of a permit shall not be approved unless the chief finds that reclamation required by this chapter can be accomplished under the revised reclamation

plan. The revision shall be approved or disapproved within 4031
ninety days after receipt of a complete revision application. 4032
The chief shall establish, by rule, criteria for determining the 4033
extent to which all permit application information requirements 4034
and procedures, including notice and hearings, shall apply to 4035
the revision request, except that any revisions that propose 4036
significant alterations in the reclamation plan, at a minimum, 4037
shall be subject to notice and hearing requirements. 4038

(3) Any extensions to the area covered by the permit 4039
except incidental boundary revisions shall be made by 4040
application for a permit. 4041

(4) Documents or a notarized statement that form the basis 4042
of the applicant's legal right to enter and commence coal mining 4043
operations on land that is located within an area covered by the 4044
permit and that was legally acquired subsequent to the issuance 4045
of the permit for the area shall be submitted with an 4046
application for a revision of the permit. 4047

(G) No transfer, assignment, or sale of the rights granted 4048
under a permit issued pursuant to this chapter shall be made 4049
without the written approval of the chief. 4050

(H) The chief, within a time limit prescribed in the 4051
chief's rules, shall review outstanding permits and may require 4052
reasonable revision or modification of a permit. A revision or 4053
modification shall be based upon a written finding and subject 4054
to notice and hearing requirements established by rule of the 4055
chief. 4056

(I) (1) If an informal conference has been held pursuant to 4057
section 1513.071 of the Revised Code, the chief shall issue and 4058
furnish the applicant for a permit, persons who participated in 4059

the informal conference, and persons who filed written 4060
objections pursuant to division (B) of section 1513.071 of the 4061
Revised Code, with the written finding of the chief granting or 4062
denying the permit in whole or in part and stating the reasons 4063
therefor within sixty days of the conference, provided that the 4064
chief shall comply with the time frames established in division 4065
(I) (3) of this section. 4066

(2) If there has been no informal conference held pursuant 4067
to section 1513.071 of the Revised Code, the chief shall submit 4068
to the applicant for a permit the written finding of the chief 4069
granting or denying the permit in whole or in part and stating 4070
the reasons therefor within the time frames established in 4071
division (I) (3) of this section. 4072

(3) The chief shall grant or deny a permit not later than 4073
two hundred forty days after the submission of a complete 4074
application for the permit. Any time during which the applicant 4075
is making revisions to an application or providing additional 4076
information requested by the chief regarding an application 4077
shall not be included in the two hundred forty days. If the 4078
chief determines that a permit cannot be granted or denied 4079
within the two-hundred-forty-day time frame, the chief, not 4080
later than two hundred ten days after the submission of a 4081
complete application for the permit, shall provide the applicant 4082
with written notice of the expected delay. 4083

(4) If the application is approved, the permit shall be 4084
issued. However, the permit shall prohibit the commencement of 4085
coal mining operations on any land that is located within an 4086
area covered by the permit if the permittee has not provided to 4087
the chief documents that form the basis of the permittee's legal 4088
right to enter and conduct coal mining operations on that land. 4089

If the application is disapproved, specific reasons therefor 4090
shall be set forth in the notification. Within thirty days after 4091
the applicant is notified of the final decision of the chief on 4092
the permit application, the applicant or any person with an 4093
interest that is or may be adversely affected may appeal the 4094
decision to the reclamation commission pursuant to section 4095
1513.13 of the Revised Code. 4096

(5) Any applicant or any person with an interest that is 4097
or may be adversely affected who has participated in the 4098
administrative proceedings as an objector and is aggrieved by 4099
the decision of the reclamation commission, or if the commission 4100
fails to act within the time limits specified in this chapter, 4101
may appeal in accordance with section 1513.14 of the Revised 4102
Code. 4103

Sec. 1513.161. (A) An operator shall use explosives only 4104
in accordance with Chapter 1567. of the Revised Code and rules 4105
adopted pursuant thereto by the chief of the division of mineral 4106
resources management, and in accordance with this section and 4107
rules adopted pursuant thereto by the chief, and in accordance 4108
with all applicable federal laws and regulations. If, in any 4109
situation involving a coal mining operation, except when 4110
underground coal mining is part or all of the coal mining 4111
operation, a rule adopted pursuant to Chapter 1567. of the 4112
Revised Code is in conflict with a rule adopted pursuant to this 4113
section, the rule adopted pursuant to this section prevails. 4114
When underground coal mining is part or all of the coal mining 4115
operation, the rule adopted pursuant to Chapter 1567. of the 4116
Revised Code prevails. 4117

Before an explosive is set off, sufficient warning shall 4118
be given to allow any person in or approaching the area ample 4119

time to retreat a safe distance. 4120

No blasting shall be done between the hours of sunset and 4121
sunrise. 4122

(B) The chief shall adopt rules to: 4123

~~(A)~~ (1) Provide adequate advance written notice to local 4124
governments and residents who might be affected by the use of 4125
explosives by publication of the planned blasting schedule in a 4126
newspaper of general circulation in the locality of the coal 4127
mining operation, by mailing a copy of the proposed blasting 4128
schedule to every resident living within one-half mile of the 4129
proposed blasting site, and by providing daily notice to 4130
residents or occupants in such areas prior to any blasting; 4131

~~(B)~~ (2) Maintain for a period of at least three years and 4132
make available for public inspection upon request a log 4133
detailing the location of the blasts, the pattern and depth of 4134
the drill holes, the amount of explosives used per hole, and the 4135
order and length of delay in the blasts; 4136

~~(C)~~ (3) Limit the type of explosives and detonating 4137
equipment, the size, and the timing and frequency of blasts 4138
based upon the physical conditions of the site so as to prevent: 4139

~~(1)~~ (a) Injury to persons; 4140

~~(2)~~ (b) Damage to public and private property outside the 4141
permit area; 4142

~~(3)~~ (c) Adverse impacts on any underground mine; 4143

~~(4)~~ (d) Change in the course, channel, or availability of 4144
ground or surface water outside the permit area. 4145

~~(D)~~ (4) Require that all blasting operations be conducted 4146

by trained and competent persons as certified by the chief; 4147

~~(E)~~ (5) Provide that upon the request of a resident or 4148
owner of an artificial dwelling or structure or water supply 4149
within one-half mile of any portion of the permit area, the 4150
applicant or permittee shall conduct a preblasting survey of the 4151
structures or water supply and submit the survey to the chief 4152
and a copy to the resident or owner making the request. The area 4153
of the survey shall be decided by the chief and shall include 4154
such provisions as the chief prescribes. 4155

~~(F) Require~~ (6) Except as provided in division (C) of this 4156
section, require the training, examination, and certification of 4157
persons engaging in or directly responsible for blasting or use 4158
of explosives in coal mining operations. 4159

(C) The chief shall issue a certificate for blasting or 4160
use of explosives in coal mining operations in accordance with 4161
section 9.79 of the Revised Code to an applicant if either of 4162
the following applies: 4163

(1) The applicant holds a license or certificate in 4164
another state. 4165

(2) The applicant has satisfactory work experience, a 4166
government certification, or a private certification as 4167
described in that section as a blaster or user of explosives in 4168
coal mining operations in a state that does not issue that 4169
license or certificate. 4170

(D) The chief, by rule or order, may prohibit blasting in 4171
specific areas where the safety of the public would be 4172
endangered. 4173

(E) No person shall use explosives in violation of this 4174
section, a rule adopted thereunder, or an order of the chief. 4175

Sec. 1514.12. (A) Explosives shall be used in a manner 4176
that prevents injury to persons and damage to public or private 4177
property that is located outside the area for which a permit was 4178
issued under section 1514.02 or 1514.021 of the Revised Code. 4179

(B) The ground vibration resulting from the use of 4180
explosives when measured at any dwelling, public or commercial 4181
building, school, church, or community or institutional building 4182
that is located outside the area for which a permit was issued 4183
under section 1514.02 or 1514.021 of the Revised Code and that 4184
is not owned by the operator shall not exceed the frequency- 4185
dependent particle velocity limits listed in the "report of 4186
investigations 8507, appendix B -- alternative blasting level 4187
criteria, (1980)," published by the former United States bureau 4188
of mines, or other limits established by rule. 4189

(C) The airblast resulting from the use of explosives when 4190
measured with a two hertz high-pass system at any location 4191
listed in division (B) of this section shall not exceed a level 4192
of one hundred thirty-three decibels. 4193

(D) On and after July 1, 2003, all blasting in surface 4194
mining shall be conducted by persons who are trained and 4195
competent in blasting as certified by the chief of the division 4196
of mineral resources management or a certifying authority 4197
approved by the chief. 4198

(E) ~~The Except as provided in division (G) of this~~ 4199
section, the chief shall adopt, and may amend and rescind, rules 4200
in accordance with Chapter 119. of the Revised Code establishing 4201
requirements and standards governing all of the following: 4202

(1) Seismographic monitoring and alternate methods to 4203
prove compliance with the ground vibration limits established 4204

under division (B) of this section and the airblast limits	4205
established under division (C) of this section;	4206
(2) Protection of any building or structure not listed in	4207
division (B) of this section;	4208
(3) Training, examination, and certification of persons	4209
conducting blasting in surface mining and suspension or	4210
revocation of certifications;	4211
(4) Standard blast warning and all-clear signals;	4212
(5) Blasting records and flyrock reporting requirements;	4213
(6) Safety measures for blasting in surface mining.	4214
(F) The chief may adopt rules under this section that	4215
establish limits on the amount of ground vibration resulting	4216
from the use of explosives that is permissible when measured at	4217
the locations described in division (B) of this section.	4218
<u>(G) The chief shall issue a certificate to conduct</u>	4219
<u>blasting in surface mining in accordance with section 9.79 of</u>	4220
<u>the Revised Code to any person if either of the following</u>	4221
<u>applies:</u>	4222
<u>(1) The person holds a license or certificate in another</u>	4223
<u>state.</u>	4224
<u>(2) The person has satisfactory work experience, a</u>	4225
<u>government certification, or a private certification as</u>	4226
<u>described in that section as a surface mining blaster in a state</u>	4227
<u>that does not issue that license or certificate.</u>	4228
Sec. 1514.47. (A) (1) The operator of a surface mining	4229
operation shall employ a certified mine foreperson to be in	4230
charge of the conditions and practices at the mine and to be	4231

responsible for conducting examinations of the surface mining 4232
operation under 30 C.F.R. part 56, as amended. 4233

(2) Examinations of surface mining operations for the 4234
purposes of 30 C.F.R. part 56, as amended, shall be conducted by 4235
one of the following: 4236

~~(i)~~(a) A certified mine foreperson; 4237

~~(ii)~~(b) A person who is qualified to conduct such 4238
examinations as provided in division (D) of this section; 4239

~~(iii)~~(c) A person designated by the certified mine 4240
foreperson as a competent person. 4241

(3) For purposes of this section, a competent person is a 4242
person who has been trained in accordance with 30 C.F.R. part 46 4243
and been determined by a certified mine foreperson to have 4244
demonstrated the ability, training, knowledge, or experience 4245
necessary to perform the duty to which the person is assigned. A 4246
person is not a competent person if the chief of the division of 4247
mineral resources management demonstrates, with good cause, that 4248
the person does not have the ability, training, knowledge, or 4249
experience necessary to perform that duty. 4250

(4) The operator of a surface mining operation shall 4251
maintain records demonstrating that a competent person 4252
designated by a certified mine foreperson has the ability, 4253
training, knowledge, or experience to perform the duty to which 4254
the person is assigned as well as records of the competent 4255
person's training in accordance with 30 C.F.R. part 46. The 4256
operator shall make the records available to the chief upon 4257
request. 4258

~~(B)~~The Except as provided in division (E) of this 4259
section, the chief shall conduct examinations for the position 4260

of certified mine foreperson in accordance with rules. In order 4261
to be eligible for examination as a certified mine foreperson, 4262
an applicant shall file with the chief an affidavit establishing 4263
the applicant's qualifications to take the examination. The 4264
chief shall grade examinations and issue certificates. 4265

(C) (1) A certificate issued under this section shall not 4266
expire unless the certificate holder has not been employed in a 4267
surface mining operation for five consecutive years. If the 4268
certificate holder has not been employed in a surface mining 4269
operation for five consecutive years, the certificate holder may 4270
retake the mine foreperson examination or may petition the chief 4271
to accept past employment history in lieu of fulfilling the 4272
employment requirement established in this division. The chief 4273
shall grant or deny the petition by issuance of an order. If the 4274
chief grants the petition, the chief shall reissue the 4275
certificate. 4276

(2) If a certificate issued under this section is 4277
suspended, the certificate shall not be renewed until the 4278
suspension period expires and the person whose certificate is 4279
suspended successfully completes all actions required by the 4280
chief. ~~If an applicant's license, certificate, or similar~~ 4281
~~authority that is issued by another state to perform specified~~ 4282
~~mining duties is suspended or revoked by that state, the~~ 4283
~~applicant shall be ineligible for examination for or renewal of~~ 4284
~~a certificate in this state during that period of suspension or~~ 4285
~~revocation.~~ A certificate that has been revoked shall not be 4286
renewed. 4287

(3) If a person who has been certified by the chief under 4288
this section purposely violates this chapter, the chief may 4289
suspend or revoke the certificate after an investigation and 4290

hearing conducted in accordance with Chapter 119. of the Revised Code are completed. 4291
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(4) If a person holds a certificate issued under this section that has not expired prior to ~~the effective date of this amendment~~ September 29, 2015, the chief, upon request, shall reissue to that person a certificate that does not expire as provided in division (C) (1) of this section. 4293
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(5) If a person holds a certificate issued under this section that expired on or after April 7, 2012, and has not been issued a new certificate prior to ~~the effective date of this amendment~~ September 29, 2015, the chief, upon request, shall issue to that person a certificate that does not expire as provided in division (C) (1) of this section, provided that the person is in compliance with all other applicable requirements established in this chapter and rules adopted under it. 4298
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(D) In lieu of employing a certified mine foreperson, the operator of a surface mining operation may submit to the chief a detailed training plan under which persons who qualify under the plan may conduct and document examinations at the surface mining operation for purposes of 30 C.F.R. part 56, as amended. The chief shall review the plan and determine if the plan complies with the requirements established in rules. The chief shall approve or deny the plan and notify in writing the operator who submitted the plan of the chief's decision. 4306
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(E) The chief shall issue a mine foreperson certificate in accordance with section 9.79 of the Revised Code to any person if either of the following applies: 4315
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(1) The person holds a license or certificate in another state. 4318
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(2) The person has satisfactory work experience, a 4320
government certification, or a private certification as 4321
described in that section as a mine foreperson in a state that 4322
does not issue that license or certificate. 4323

Sec. 1531.40. (A) As used in this section: 4324

(1) "Nuisance wild animal" means a wild animal that 4325
interferes with the use or enjoyment of property, is causing a 4326
threat to public safety, or may cause damage or harm to a 4327
structure, property, or person. 4328

(2) "Commercial nuisance wild animal control operator" 4329
means an individual or business that provides nuisance wild 4330
animal removal or control services for hire to the owner, the 4331
operator, or the owner's or operator's authorized agent of 4332
property or a structure. 4333

(B) (1) No person shall provide nuisance wild animal 4334
removal or control services for hire without obtaining a license 4335
under this section from the chief of the division of wildlife. 4336

(2) An applicant shall pay a license fee of forty dollars 4337
for the license. The license shall be renewed annually prior to 4338
the first day of March and shall expire on the last day of 4339
February. All money collected under this division shall be 4340
deposited in the state treasury to the credit of the wildlife 4341
fund created in section 1531.17 of the Revised Code. 4342

(3) An individual who is providing nuisance wild animal 4343
removal or control services for hire under a license issued 4344
under this section is exempt from obtaining a hunting license 4345
under section 1533.10 of the Revised Code, a fur taker permit 4346
under section 1533.111 of the Revised Code, or a fishing license 4347
under section 1533.32 of the Revised Code for the purposes of 4348

performing those services. 4349

(4) An individual who is employed by the state, a county, 4350
or a municipal corporation and who performs nuisance wild animal 4351
removal or control services on land that is owned by the state, 4352
county, or municipal corporation, as applicable, as part of the 4353
individual's employment is exempt from obtaining a license under 4354
this section. 4355

(C) (1) Unless otherwise specified by division rule, a 4356
commercial nuisance wild animal control operator and any 4357
individual who is employed by an operator that is engaged in 4358
activities that are part of or related to the removal or control 4359
of nuisance wild animals, including setting or maintaining 4360
traps, shall obtain a certification of completion of a course of 4361
instruction that complies with rules adopted under division (F) 4362
of this section. A certification shall be renewed every three 4363
years. 4364

(2) ~~An~~ Except as provided in division (H) of this section, 4365
an individual who provides nuisance wild animal removal or 4366
control services under a license issued under this section shall 4367
comply with division (C) (1) of this section. 4368

(D) An operator that holds a license issued under this 4369
section is responsible for the acts of each of the operator's 4370
employees in the removal or control of a nuisance wild animal. 4371

(E) If an individual who is licensed under this section 4372
uses a pesticide in the removal or control of a nuisance wild 4373
animal, the individual shall obtain the appropriate license 4374
under Chapter 921. of the Revised Code. 4375

(F) ~~The~~ Except as provided in division (H) of this 4376
section, the chief shall adopt rules under section 1531.10 of 4377

the Revised Code establishing all of the following: 4378

(1) Appropriate methods for trapping, capturing, removing, 4379
relocating, and controlling nuisance wild animals by operators 4380
licensed under this section; 4381

(2) Procedures for issuing, denying, suspending, and 4382
revoking a license under this section; 4383

(3) Requirements governing the certification course 4384
required by division (C)(1) of this section. The rules shall 4385
specify the minimum contents of such a course, including public 4386
safety and health, animal life history, the use of nuisance wild 4387
animal removal and control devices, and the laws and rules 4388
governing those activities. The rules also shall specify who may 4389
conduct such a course. The rules shall require that, in order 4390
for an operator to receive a certification of completion, the 4391
operator shall pass an examination. 4392

(4) Any other requirements and procedures necessary to 4393
administer and enforce this section. 4394

Rules shall be adopted under division (F) of this section 4395
only with the approval of the director of natural resources. 4396

(G) In accordance with Chapter 119. of the Revised Code 4397
and with rules adopted under this section, the chief may suspend 4398
or revoke a license issued under this section if the chief finds 4399
that the holder of the license is violating or has violated this 4400
chapter, Chapter 1533. of the Revised Code, or rules adopted 4401
under those chapters. 4402

(H) The chief shall issue a license to provide nuisance 4403
wild animal removal or control services in accordance with 4404
section 9.79 of the Revised Code to an applicant if either of 4405
the following applies: 4406

(1) The applicant holds a license in another state. 4407

(2) The applicant has satisfactory work experience, a 4408
government certification, or a private certification as 4409
described in that section as an individual who provides nuisance 4410
wild animal removal or control services in a state that does not 4411
issue that license. 4412

Sec. 1533.051. (A) The chief of the division of wildlife 4413
may authorize commercial and noncommercial propagation of 4414
raptors by rules adopted pursuant to section 1531.08 of the 4415
Revised Code. The rules shall be consistent with federal 4416
regulations governing raptor propagation. 4417

(B) No person shall propagate raptors without a permit to 4418
do so issued by the chief. The duration of the permit shall be 4419
consistent with applicable federal requirements. 4420

The fees for permits shall be set by the chief in amounts 4421
sufficient to cover the expenses of the division in exercising 4422
its authority under this section and may vary according to the 4423
type of permit. Moneys received from the sale of permits shall 4424
be paid into the state treasury to the credit of the fund 4425
established in section 1533.15 of the Revised Code. 4426

(C) The chief shall issue a commercial raptor propagation 4427
permit in accordance with section 9.79 of the Revised Code to an 4428
applicant if either of the following applies: 4429

(1) The applicant holds a license or permit in another 4430
state. 4431

(2) The applicant has satisfactory work experience, a 4432
government certification, or a private certification as 4433
described in that section as a person who propogates raptors in 4434
a state that does not issue that license or permit. 4435

(D) A permittee may use a raptor possessed for propagation 4436
in the sport of falconry only if the permittee is in compliance 4437
with section 1533.05 of the Revised Code and the raptor is 4438
reported under permits issued under both that section and this 4439
section. 4440

~~(D)~~ (E) This section does not apply to propagation of 4441
raptors by the state, any agency of the state, the United 4442
States, any agency or instrumentality thereof, or any zoological 4443
park. 4444

Sec. 1533.51. (A) No person shall be or serve as a fishing 4445
guide in the Lake Erie fishing district without a license from 4446
the chief of the division of wildlife. The application for a 4447
license, and the license, shall be in such form as the chief 4448
prescribes. 4449

(B) The chief, with the approval of the wildlife council, 4450
may establish the qualifications for such a license and the 4451
terms, conditions, and restrictions thereof. Such qualifications 4452
when applicable shall include that the applicant possesses a 4453
power boat operator's license from a department, agency, 4454
commission, or instrumentality of the United States. 4455

(C) The chief shall issue a fishing guide license in 4456
accordance with section 9.79 of the Revised Code to an applicant 4457
if either of the following applies: 4458

(1) The applicant holds a license in another state. 4459

(2) The applicant has satisfactory work experience, a 4460
government certification, or a private certification as 4461
described in that section as a fishing guide in a state that 4462
does not issue that license. 4463

(D) Fishing guide licenses shall expire each year on the 4464

fifteenth day of April. Such a license shall be carried ~~by~~ on 4465
the person or the person in command of the boat or person in 4466
charge, ~~upon his person,~~ when such service is being performed, 4467
and shall be exhibited upon demand to any wildlife officer or 4468
other law enforcement officer who has authority to enforce the 4469
wildlife, hunting, and fishing laws. 4470

(E) The license fee for a fishing guide license is fifty 4471
dollars per person. 4472

(F) The license fee for other services or devices, as 4473
approved by the chief, not mentioned in this section shall be an 4474
amount set by the chief with the approval of the wildlife 4475
council, not to exceed twenty-five dollars. 4476

(G) All license fees collected from fishing guides shall 4477
be deposited in the state treasury pursuant to section 1533.33 4478
of the Revised Code. 4479

(H) No person shall fail to comply with any provision of 4480
this section or division rule adopted pursuant to it. 4481

Sec. 1561.07. (A) The mining laws of this state shall 4482
extend to and govern the operation of clay mines and clay 4483
stripping pits in so far as such laws are applicable thereto. 4484
The chief of the division of mineral resources management shall 4485
adopt, publish, and enforce specific rules particularly 4486
applicable to clay mining operations to safeguard life and 4487
property in the clay mining industry and to secure safe and 4488
sanitary working conditions in such clay mines and clay 4489
stripping pits. 4490

Such rules adopted by the chief shall provide that: 4491

~~(A)~~ (1) Distances between break-throughs in clay mines 4492
shall not exceed one hundred feet, unless permission in special 4493

cases is granted by the chief, after maps have been filed with 4494
the chief showing the method of working and ventilating the 4495
same, if such distances would add to increased safety. 4496

~~(B)~~ (2) When, in the opinion of the mine foreperson or 4497
deputy mine inspector, line brattices or other approved methods 4498
of circulation are necessary to deliver sufficient air to the 4499
working face, they shall be provided by the owner, operator, or 4500
lessee. 4501

~~(C)~~ (3) Not more than a two days' supply of explosives 4502
shall be stored in a clay mine at any one time, and not more 4503
than one hundred pounds of explosives shall be stored in any one 4504
place at any one time. 4505

~~(D)~~ (4) Charges of explosives shall be made up at least 4506
one hundred feet away from any storage place for explosives. 4507

~~(E)~~ (5) There shall be no less than two persons in each 4508
working place when shots are being lighted. 4509

~~(F)~~ (6) Misfired shots in clay mines shall be posted on 4510
the bulletin board or other conspicuous place available for 4511
examination by the workers when shots are fired by other than 4512
the loaders. 4513

~~(G)~~ (7) The use of electric blasting caps shall be 4514
encouraged as a safety measure. 4515

(B) The chief, in assigning deputy mine inspectors, shall 4516
designate inspectors who have had experience and are especially 4517
qualified in clay mining operations, to examine and inspect clay 4518
mining operations and enforce the law relating to such 4519
operations. 4520

~~The~~ (C) Except as provided in division (D) of this 4521

section, the chief, in conducting examinations and issuing 4522
certificates for mine forepersons, shall provide by rules 4523
adopted under section 1561.05 of the Revised Code for the 4524
examination of applicants for certificates as mine forepersons 4525
in a clay mine or clay stripping pits to test the applicant on 4526
experience and fitness on the problems and duties peculiar to 4527
the clay mining industry. An applicant for a certificate as a 4528
clay mine foreperson shall have at least three years' experience 4529
in mining operations. 4530

(D) The chief shall issue a certificate as a mine 4531
foreperson in a clay mine or clay stripping pit in accordance 4532
with section 9.79 of the Revised Code to an applicant if either 4533
of the following applies: 4534

(1) The applicant holds a license or certificate in 4535
another state. 4536

(2) The applicant has satisfactory work experience, a 4537
government certification, or a private certification as 4538
described in that section as a mine foreperson in a clay mine or 4539
clay stripping pit in a state that does not issue that license 4540
or certificate. 4541

Sec. 1561.14. A—(A) Except as provided in division (B) of 4542
this section, a person who applies for a certificate as a mine 4543
electrician shall be able to read and write the English 4544
language, and prior to the date of the application for 4545
examination either shall have had at least one year's experience 4546
in performing electrical work underground in a coal mine, in the 4547
surface work area of an underground coal mine, in a surface coal 4548
mine, or in a noncoal mine, or shall have had such experience as 4549
the chief of the division of mineral resources management 4550
determines to be equivalent. Each applicant for examination 4551

shall pay a fee of ten dollars to the chief on the first day of 4552
the examination. Any money collected under this section shall be 4553
paid into the state treasury to the credit of the mining 4554
regulation and safety fund created in section 1513.30 of the 4555
Revised Code. 4556

(B) The chief shall issue a mine electrician certificate 4557
in accordance with section 9.79 of the Revised Code to an 4558
applicant if either of the following applies: 4559

(1) The applicant holds a license or certificate in 4560
another state. 4561

(2) The applicant has satisfactory work experience, a 4562
government certification, or a private certification as 4563
described in that section as a mine electrician in a state that 4564
does not issue that license or certificate. 4565

Sec. 1561.15. An ~~(A)~~ Except as provided in division (B) of 4566
this section, an applicant for a certificate as mine foreperson, 4567
foreperson, mine electrician, shot firer, surface mine blaster, 4568
or fire boss shall apply to the chief of the division of mineral 4569
resources management for examination and shall be examined by 4570
the chief. This shall be a practical examination, a substantial 4571
part of which shall be oral, to determine the competency of the 4572
applicant, based on experience and practical knowledge of the 4573
dangers incident to coal mining, and not upon technical 4574
education, but consideration shall be given such technical 4575
education as the applicant possesses. This examination shall be 4576
held as soon after application is made as practicable in the 4577
district from which the applicant makes application. 4578

(B) The chief may require an applicant for a certificate 4579
as mine foreperson, foreperson, mine electrician, shot firer, 4580

surface mine blaster, or fire boss to pass an examination in 4581
accordance with section 9.79 of the Revised Code. 4582

Sec. 1561.16. (A) As used in this section and sections 4583
1561.17 to 1561.21 of the Revised Code, "actual practical 4584
experience" means previous employment that involved a person's 4585
regular presence in the type of mining operation in which the 4586
experience is required to exist; participation in functions 4587
relating to the hazards involved in and the utilization of 4588
equipment, tools, and work crews and individuals for that type 4589
of mining; and regular exposure to the methods, procedures, and 4590
safety laws applicable to that type of mining. Credit of up to 4591
one year for a portion of the required experience time may be 4592
given upon documentation to the chief of the division of mineral 4593
resources management of an educational degree in a field related 4594
to mining. Credit of up to two years of the required experience 4595
time may be given upon presentation to the chief of proof of 4596
graduation from an accredited school of mines or mining after a 4597
four-year course of study with employment in the mining industry 4598
during interim breaks during the school years. 4599

(B) ~~A~~ Except as provided in division (G) of this section, 4600
a person who applies for a certificate as a mine foreperson of 4601
gaseous mines shall be able to read and write the English 4602
language; shall have had at least five years' actual practical 4603
experience in the underground workings of a gaseous mine or the 4604
equivalent thereof in the judgment of the chief; and shall have 4605
had practical experience obtained by actual contact with gas in 4606
mines and have knowledge of the dangers and nature of noxious 4607
and explosive gases and ventilation of gaseous mines. An 4608
applicant for a certificate as a foreperson of gaseous mines 4609
shall meet the same requirements, except that the applicant 4610
shall have had at least three years' actual practical experience 4611

in the underground workings of a gaseous mine or the equivalent 4612
thereof in the judgment of the chief. Each applicant for 4613
examination shall pay a fee established in rules adopted under 4614
this section to the chief on the first day of such examination. 4615

(C) A person who has been issued a certificate as a mine 4616
foreperson or a foreperson of a gaseous mine and who has not 4617
worked in an underground coal mine for a period of more than two 4618
calendar years shall apply for and obtain recertification from 4619
the chief in accordance with rules adopted under this section 4620
before performing the duties of a mine foreperson or a 4621
foreperson of a gaseous mine. An applicant for recertification 4622
shall pay a fee established in rules adopted under this section 4623
at the time of application for recertification. 4624

(D) A person who has been issued a certificate as a mine 4625
foreperson or a foreperson of a gaseous mine and who has not 4626
worked in an underground coal mine for a period of one or more 4627
calendar years shall successfully complete a retraining course 4628
in accordance with rules adopted under this section before 4629
performing the duties of a mine foreperson or a foreperson of a 4630
gaseous mine. 4631

(E) The chief, in consultation with a statewide 4632
association representing the coal mining industry and a 4633
statewide association representing employees of coal mines, 4634
shall adopt rules in accordance with Chapter 119. of the Revised 4635
Code that do all of the following: 4636

(1) Prescribe requirements, criteria, and procedures for 4637
the recertification of a mine foreperson or a foreperson of a 4638
gaseous mine who has not worked in an underground coal mine for 4639
a period of more than two calendar years; 4640

(2) Prescribe requirements, criteria, and procedures for the retraining of a mine foreperson or a foreperson of a gaseous mine who has not worked in an underground coal mine for a period of one or more calendar years;

(3) Establish fees for the examination and recertification of mine forepersons or forepersons of gaseous mines under this section;

(4) Prescribe any other requirements, criteria, and procedures that the chief determines are necessary to administer this section.

(F) Any money collected under this section shall be paid into the state treasury to the credit of the mining regulation and safety fund created in section 1513.30 of the Revised Code.

(G) The chief shall issue a certificate as a foreperson of gaseous mines in accordance with section 9.79 of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license or certificate in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that section as a foreperson of gaseous mines in a state that does not issue that license or certificate.

Sec. 1561.17. (A) ~~Except as provided in division (F) of this section,~~ a person who applies for a certificate as mine foreperson or foreperson of nongaseous mines shall be able to read and write the English language; shall have had at least three years' actual practical experience in mines, or the equivalent thereof in the judgment of the chief of the division of mineral resources management; and shall have knowledge of the

dangers and nature of noxious gases. Each applicant for 4670
examination shall pay a fee established in rules adopted under 4671
this section to the chief on the first day of the examination. 4672

(B) A person who has been issued a certificate as a mine 4673
foreperson or a foreperson of a nongaseous coal mine and who has 4674
not worked in an underground coal mine for a period of more than 4675
two calendar years shall apply for and obtain recertification 4676
from the chief in accordance with rules adopted under this 4677
section before performing the duties of a mine foreperson or a 4678
foreperson of a nongaseous coal mine. An applicant for 4679
recertification shall pay a fee established in rules adopted 4680
under this section at the time of application for 4681
recertification. 4682

(C) A person who has been issued a certificate as a mine 4683
foreperson or a foreperson of a nongaseous coal mine and who has 4684
not worked in an underground coal mine for a period of one or 4685
more calendar years shall successfully complete a retraining 4686
course in accordance with rules adopted under this section 4687
before performing the duties of a mine foreperson or a 4688
foreperson of a nongaseous coal mine. 4689

(D) The chief, in consultation with a statewide 4690
association representing the coal mining industry and a 4691
statewide association representing employees of coal mines, 4692
shall adopt rules in accordance with Chapter 119. of the Revised 4693
Code that do all of the following: 4694

(1) Prescribe requirements, criteria, and procedures for 4695
the recertification of a mine foreperson or a foreperson of a 4696
nongaseous coal mine who has not worked in an underground coal 4697
mine for a period of more than two calendar years; 4698

(2) Prescribe requirements, criteria, and procedures for the retraining of a mine foreperson or a foreperson of a nongaseous coal mine who has not worked in an underground coal mine for a period of one or more calendar years;

(3) Establish fees for the examination and recertification of mine forepersons or forepersons of nongaseous coal mines under this section;

(4) Prescribe any other requirements, criteria, and procedures that the chief determines are necessary to administer this section.

(E) Any money collected under this section shall be paid into the state treasury to the credit of the mining regulation and safety fund created in section 1513.30 of the Revised Code.

(F) The chief shall issue a certificate as a foreperson of nongaseous mines in accordance with section 9.79 of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license or certificate in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that section as a foreperson of nongaseous mines in a state that does not issue that license or certificate.

Sec. 1561.18. ~~A~~ (A) Except as provided in division (B) of this section, a person who applies for a certificate as a foreperson of surface maintenance facilities at underground or surface mines shall be able to read and write the English language and shall have had at least three years' actual practical experience in or around the surface maintenance facilities of underground or surface mines or the equivalent

thereof in the judgment of the chief of the division of mineral 4728
resources management. Each applicant for examination shall pay a 4729
fee of ten dollars to the chief on the first day of the 4730
examination. 4731

(B) The chief shall issue a certificate as a foreperson of 4732
surface maintenance facilities at underground or surface mines 4733
in accordance with section 9.79 of the Revised Code to an 4734
applicant if either of the following applies: 4735

(1) The applicant holds a license or certificate in 4736
another state. 4737

(2) The applicant has satisfactory work experience, a 4738
government certification, or a private certification as 4739
described in that section as a foreperson of surface maintenance 4740
facilities at underground or surface mines in a state that does 4741
not issue that license or certificate. 4742

(C) Any money collected under this section shall be paid 4743
into the state treasury to the credit of the mining regulation 4744
and safety fund created in section 1513.30 of the Revised Code. 4745

Sec. 1561.19. ~~A~~ (A) Except as provided in division (B) of 4746
this section, a person who applies for a certificate as a mine 4747
foreperson of surface mines shall be able to read and write the 4748
English language and shall have had at least five years' actual 4749
practical experience in surface mines. An applicant for a 4750
certificate as a foreperson of surface mines shall meet the same 4751
requirements, except that the applicant shall have had at least 4752
three years' actual practical experience in surface mines or the 4753
equivalent thereof in the judgment of the chief of the division 4754
of mineral resources management. Each applicant for examination 4755
shall pay a fee of ten dollars to the chief on the first day of 4756

the examination. 4757

(B) The chief shall issue a certificate as a foreperson of surface mines in accordance with section 9.79 of the Revised Code to an applicant if either of the following applies: 4758
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(1) The applicant holds a license or certificate in another state. 4761
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(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that section as a foreperson of surface mines in a state that does not issue that license or certificate. 4763
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(C) Any money collected under this section shall be paid into the state treasury to the credit of the mining regulation and safety fund created in section 1513.30 of the Revised Code. 4767
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Sec. 1561.20. ~~A~~ (A) Except as provided in division (B) of this section, a person who applies for a certificate as a surface mine blaster shall be able to read and write the English language; shall have had at least one year's actual practical experience in surface mines or the equivalent thereof in the judgment of the chief of the division of mineral resources management; shall have knowledge of the dangers and nature of the use of explosives, related equipment, and blasting techniques; and shall have knowledge of safety laws and rules, including those related to the storage, use, and transportation of explosives. Each applicant for examination shall pay a fee of ten dollars to the chief on the first day of the examination. 4770
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(B) The chief shall issue a surface mine blaster certificate in accordance with section 9.79 of the Revised Code to an applicant if either of the following applies: 4782
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(1) The applicant holds a license or certificate in 4785

another state. 4786

(2) The applicant has satisfactory work experience, a 4787
government certification, or a private certification as 4788
described in that section as a surface mine blaster in a state 4789
that does not issue that license or certificate. 4790

(C) Any money collected under this section shall be paid 4791
into the state treasury to the credit of the mining regulation 4792
and safety fund created in section 1513.30 of the Revised Code. 4793

Sec. 1561.21. ~~A~~(A) Except as provided in division (B) of 4794
this section, a person who applies for a certificate as a shot 4795
firer shall be able to read and write the English language; 4796
shall have had at least one year's actual practical experience 4797
in the underground workings of mines or the equivalent thereof 4798
in the judgment of the chief of the division of mineral 4799
resources management; shall have knowledge of the dangers and 4800
nature of noxious and explosive gases; shall have knowledge of 4801
the dangers and nature of the use of explosives, related 4802
equipment, and blasting techniques; and shall have knowledge of 4803
safety laws and rules, including those related to the 4804
underground storage, use, and transportation of explosives. Each 4805
applicant for examination shall pay a fee of ten dollars to the 4806
chief on the first day of the examination. 4807

(B) The chief shall issue a shot firer certificate in 4808
accordance with section 9.79 of the Revised Code to an applicant 4809
if either of the following applies: 4810

(1) The applicant holds a license or certificate in 4811
another state. 4812

(2) The applicant has satisfactory work experience, a 4813
government certification, or a private certification as 4814

described in that section as a shot firer in a state that does 4815
not issue that license or certificate. 4816

(C) Any money collected under this section shall be paid 4817
into the state treasury to the credit of the mining regulation 4818
and safety fund created in section 1513.30 of the Revised Code. 4819

(D) Any person who possesses a mine foreperson or 4820
foreperson certificate issued by the chief shall be considered 4821
certified as a shot firer. 4822

Sec. 1561.22. ~~A~~ (A) Except as provided in division (B) of 4823
this section, a person who applies for a certificate as fire 4824
boss shall be able to read and write the English language; shall 4825
have had at least three years' actual practical experience in 4826
the underground workings of a gaseous mine or the equivalent 4827
thereof in the judgment of the chief of the division of mineral 4828
resources management; and shall have knowledge of the dangers 4829
and nature of noxious and explosive gases gained by actual 4830
contact with gas in mines and ventilation of gaseous mines. Each 4831
applicant for examination shall pay a fee of ten dollars to the 4832
chief on the first day of the examination. 4833

(B) The chief shall issue a fire boss certificate in 4834
accordance with section 9.79 of the Revised Code to an applicant 4835
if either of the following applies: 4836

(1) The applicant holds a license or certificate in 4837
another state. 4838

(2) The applicant has satisfactory work experience, a 4839
government certification, or a private certification as 4840
described in that section as a fire boss in a state that does 4841
not issue that license or certificate. 4842

(C) Any money collected under this section shall be paid 4843

into the state treasury to the credit of the mining regulation 4844
and safety fund created in section 1513.30 of the Revised Code. 4845

Sec. 1565.06. (A) In emergencies arising at a mine because 4846
of accident, death, illness, or any other cause, an operator may 4847
appoint noncertificate persons as forepersons and fire bosses to 4848
act until certified forepersons and fire bosses satisfactory to 4849
the operator can be secured. Such appointee may not serve in 4850
such capacity for a period longer than six months or until such 4851
time thereafter as an examination is held for such certified 4852
persons under section 1561.13 of the Revised Code. The employer 4853
of such noncertificate person shall, upon appointment of such 4854
noncertificate person in this capacity, forward the name of such 4855
noncertificate person to the chief of the division of mineral 4856
resources management. 4857

(B) An operator may appoint as a temporary foreperson or 4858
fire boss a noncertificate person who is within six months of 4859
possessing the necessary actual practical experience to qualify 4860
to take the examination for certification for the position to 4861
which the person is temporarily appointed. Upon appointment of a 4862
noncertificate person, the operator shall forward the name, 4863
social security number, and brief summary of the person's actual 4864
practical experience to the chief, and the chief shall issue the 4865
person a temporary certificate for the position to which the 4866
person has been temporarily appointed. A temporary certificate 4867
issued under this division is valid for six months or until such 4868
time thereafter as an examination is held under section 1561.13 4869
of the Revised Code for the position to which the person has 4870
been temporarily appointed. 4871

(C) A nonresident person who possesses a valid certificate 4872
issued by another state for a position for which the chief 4873

issues a certificate shall be eligible for a temporary 4874
certificate from the chief upon presentation to the chief of a 4875
copy of the certificate from that other state. Section 9.79 of 4876
the Revised Code does not apply to a certificate issued under 4877
this section. A temporary certificate issued under this division 4878
shall be valid for six months. 4879

No operator of a mine shall violate or fail to comply with 4880
this section. 4881

Sec. 1565.15. (A) As used in this section: 4882

(1) "EMT-basic," "EMT-I," "paramedic," and "emergency 4883
medical service organization" have the same meanings as in 4884
section 4765.01 of the Revised Code. 4885

(2) "First aid provider" includes a mine medical 4886
responder, an EMT-basic, an EMT-I, a paramedic, or an employee 4887
at a surface coal mine who has satisfied the training 4888
requirements established in division (D)(1) of this section. 4889

(3) "Mine medical responder" means a person who has 4890
satisfied the requirements established in rules adopted under 4891
division (E) (1) of this section or has been issued a certificate 4892
under division (E) (2) of this section. 4893

(B) The operator of an underground coal mine where twenty 4894
or more persons are employed on a shift, including all persons 4895
working at different locations at the mine within a ten-mile 4896
radius, shall provide at least one mine medical responder, EMT- 4897
basic, or EMT-I on duty at the underground coal mine whenever 4898
employees at the mine are actively engaged in the extraction, 4899
production, or preparation of coal. The operator shall provide 4900
mine medical responders, EMTs-basic, or EMTs-I on duty at the 4901
underground coal mine at times and in numbers sufficient to 4902

ensure that no miner works in a mine location that cannot be 4903
reached within a reasonable time by a mine medical responder, an 4904
EMT-basic, or an EMT-I. Mine medical responders, EMTs-basic, and 4905
EMTs-I shall be employed on their regular coal mining duties at 4906
locations convenient for quick response to emergencies in order 4907
to provide emergency medical services inside the underground 4908
coal mine and transportation of injured or sick employees to the 4909
entrance of the mine. The operator shall provide for the 4910
services of at least one emergency medical service organization 4911
to be available on call to reach the entrance of the underground 4912
coal mine within thirty minutes at any time that employees are 4913
engaged in the extraction, production, or preparation of coal in 4914
order to provide emergency medical services and transportation 4915
to a hospital. 4916

The operator shall make available to mine medical 4917
responders, EMTs-basic, and EMTs-I all of the equipment for 4918
first aid and emergency medical services that is necessary for 4919
those personnel to function and to comply with the regulations 4920
pertaining to first aid and emergency medical services that are 4921
adopted under the "Federal Mine Safety and Health Act of 1977," 4922
91 Stat. 1290, 30 U.S.C.A. 801, and amendments to it. The 4923
operator of the underground coal mine shall install telephone 4924
service or equivalent facilities that enable two-way voice 4925
communication between the mine medical responders, EMTs-basic, 4926
or EMTs-I in the mine and the emergency medical service 4927
organization outside the mine that provides emergency medical 4928
services on a regular basis. 4929

(C) The operator of a surface coal mine shall provide at 4930
least one first aid provider on duty at the mine whenever 4931
employees at the mine are actively engaged in the extraction, 4932
production, or preparation of coal. The operator shall provide 4933

first aid providers on duty at the surface coal mine at times 4934
and in numbers sufficient to ensure that no miner works in a 4935
mine location that cannot be reached within a reasonable time by 4936
a first aid provider. First aid providers shall be employed on 4937
their regular coal mining duties at locations convenient for 4938
quick response to emergencies in order to provide emergency 4939
medical services and transportation of injured or sick employees 4940
to the entrance of the surface coal mine. The operator shall 4941
provide for the services of at least one emergency medical 4942
service organization to be available on call to reach the 4943
entrance of the surface coal mine within thirty minutes at any 4944
time that employees are engaged in the extraction, production, 4945
or preparation of coal in order to provide emergency medical 4946
services and transportation to a hospital. 4947

The operator shall provide at the mine site all of the 4948
equipment for first aid and emergency medical services that is 4949
necessary for those personnel to function and to comply with the 4950
regulations pertaining to first aid and emergency medical 4951
services that are adopted under the "Federal Mine Safety and 4952
Health Act of 1977," 91 Stat. 1290, 30 U.S.C.A. 801, and 4953
amendments to it. 4954

(D) (1) An employee at a surface coal mine shall be 4955
considered to be a first aid provider for the purposes of this 4956
section if the employee has received from an instructor approved 4957
by the chief of the division of mineral resources management ten 4958
hours of initial first aid training as a selected supervisory 4959
employee under 30 C.F.R. 77.1703 and receives five hours of 4960
refresher first aid training as a selected supervisory employee 4961
under 30 C.F.R. 77.1705 in each subsequent calendar year. 4962

(2) Each miner employed at a surface coal mine who is not 4963

a first aid provider shall receive from an instructor approved 4964
by the chief three hours of initial first aid training and two 4965
hours of refresher first aid training in each subsequent 4966
calendar year. 4967

(3) The training received in accordance with division (D) 4968
of this section shall consist of a course of instruction 4969
established in the manual issued by the mine safety and health 4970
administration in the United States department of labor entitled 4971
"first aid, a bureau of mines instruction manual" or its 4972
successor or any other curriculum approved by the chief. The 4973
training shall be included in the hours of instruction provided 4974
to miners in accordance with training requirements established 4975
under 30 C.F.R. part 48, subpart (B), as amended, and 30 C.F.R. 4976
part 77, as amended. 4977

(E) ~~The (1) Except as provided in division (E) (2) of this~~ 4978
section, the chief, in consultation with persons certified under 4979
Chapter 4765. of the Revised Code to teach in an emergency 4980
medical services training program, shall adopt rules in 4981
accordance with Chapter 119. of the Revised Code that do all of 4982
the following: 4983

~~(1)~~ (a) Prescribe training requirements for a mine medical 4984
responder that specifically focus on treating injuries and 4985
illnesses associated with underground coal mining; 4986

~~(2)~~ (b) Prescribe an examination for a mine medical 4987
responder; 4988

~~(3)~~ (c) Prescribe continuing training requirements for a 4989
mine medical responder; 4990

~~(4)~~ (d) Establish the fee for examination for a mine 4991
medical responder; 4992

~~(5)-(e) Prescribe any other requirements, criteria, and procedures that the chief determines are necessary regarding the training, examination, and continuing training of mine medical responders.~~ 4993
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~~If a person qualifies as a mine medical responder or similar classification in another state, the person may provide emergency medical services as a mine medical responder in this state without completing the training or passing the examination that is required in rules adopted under this division, provided that the chief determines that the person's qualifications from the other state satisfy all of the applicable requirements that are established in rules adopted under this division.~~ 4997
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(2) The chief shall issue a mine medical responder certificate in accordance with section 9.79 of the Revised Code to an applicant if either of the following applies: 5005
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(a) The applicant holds a certificate in another state. 5008

(b) The applicant has satisfactory work experience, a government certification, or a private certification as described in that section as a mine medical responder in a state that does not issue that certificate. 5009
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(F) Each operator of a surface coal mine shall establish, keep current, and make available for inspection an emergency medical plan that includes the telephone numbers of the division of mineral resources management and of an emergency medical services organization the services of which are required to be retained under division (C) of this section. The chief shall adopt rules in accordance with Chapter 119. of the Revised Code that establish any additional information required to be included in an emergency medical plan. 5013
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(G) Each operator of an underground coal mine or surface coal mine shall provide or contract to obtain emergency medical services training or first aid training, as applicable, at the operator's expense, that is sufficient to train and maintain the certification of the number of employees necessary to comply with division (B) of this section and that is sufficient to train employees as required under division (D) of this section and to comply with division (C) of this section.

(H) The division may provide emergency medical services training for coal mine employees by operating an emergency medical services training program accredited under section 4765.17 of the Revised Code or by contracting with the operator of an emergency medical services training program accredited under that section to provide that training. The division may charge coal mine operators a uniform part of the unit cost per trainee.

(I) No coal mine operator shall violate or fail to comply with this section.

Sec. 1707.15. (A) Application for a dealer's license shall be made in accordance with this section and by filing with the division of securities the information, materials, and forms specified in rules adopted by the division, along with all of the following information:

(1) The name and address of the applicant;

(2) The location and addresses of the principal office and all other offices of the applicant;

(3) A general description of the business of the applicant done prior to the application, including a list of states in which the applicant is a licensed dealer.

(B) (1) The division may investigate any applicant for a license, and may require such additional information as it deems necessary to determine the applicant's business repute and qualifications to act as a dealer in securities.

(2) If the application for any license involves investigation outside of this state, the applicant may be required by the division to advance sufficient funds to pay any of the actual expenses of such examination. An itemized statement of any such expenses which the applicant is required to pay shall be furnished the applicant by the division.

(C) The division shall by rule require one natural person who is a principal, officer, director, general partner, manager, or employee of a dealer to pass an examination designated by the division. Each dealer that is not a natural person shall notify the division of the name and relationship to the dealer of the natural person who has passed the examination on behalf of the dealer and who will serve as the designated principal on behalf of the dealer.

(D) Dealers shall employ as salespersons only those salespersons who are licensed under this chapter. If at any time a salesperson resigns or is discharged or a new salesperson is added, the dealer shall promptly notify the division.

(E) ~~If (1) Except as provided in division (E) (2) of this section, if~~ the division finds that the applicant is of good business repute, appears qualified to act as a dealer in securities, and has fully complied with this chapter and rules adopted under this chapter by the division, the division, upon payment of the fees prescribed by division (B) of section 1707.17 of the Revised Code, shall issue to the applicant a license authorizing the applicant to act as a dealer.

(2) The division shall issue a license to act as a dealer 5081
in accordance with section 9.79 of the Revised Code to an 5082
applicant if either of the following applies: 5083

(a) The applicant holds a license in another state; 5084

(b) The applicant has satisfactory work experience, a 5085
government certification, or a private certification as 5086
described in that section as a dealer in a state that does not 5087
issue that license. 5088

Sec. 1707.151. (A) Application for an investment adviser's 5089
license shall be made in accordance with this section and by 5090
filing with the division of securities the information, 5091
materials, and forms specified in rules adopted by the division. 5092

(B) (1) The division may investigate any applicant for a 5093
license and may require any additional information as it 5094
considers necessary to determine the applicant's business repute 5095
and qualifications to act as an investment adviser. 5096

(2) If the application for any license involves 5097
investigation outside of this state, the applicant may be 5098
required by the division to advance sufficient funds to pay any 5099
of the actual expenses of the examination. The division shall 5100
furnish the applicant with an itemized statement of such 5101
expenses that the applicant is required to pay. 5102

(C) The division shall by rule require a natural person 5103
who is an applicant for an investment adviser's license to pass 5104
an examination designated by the division or achieve a specified 5105
professional designation. 5106

(D) An investment adviser licensed under section 1707.141 5107
of the Revised Code shall employ only investment adviser 5108
representatives licensed, or exempted from licensure, under 5109

section 1707.161 of the Revised Code. 5110

(E) If (1) Except as provided in division (E) (2) of this 5111
section, if the division finds that the applicant is of good 5112
business repute, appears to be qualified to act as an investment 5113
adviser, and has complied with this chapter and rules adopted 5114
under this chapter by the division, the division, upon payment 5115
of the fees prescribed by division (B) of section 1707.17 of the 5116
Revised Code, shall issue to the applicant a license authorizing 5117
the applicant to act as an investment adviser. 5118

(2) The division shall issue a license to act as an 5119
investment adviser in accordance with section 9.79 of the 5120
Revised Code to an applicant if either of the following applies: 5121

(a) The applicant holds a license in another state. 5122

(b) The applicant has satisfactory work experience, a 5123
government certification, or a private certification as 5124
described in that section as an investment adviser in a state 5125
that does not issue that license. 5126

Sec. 1707.16. (A) Every salesperson of securities must be 5127
licensed by the division of securities and shall be employed, 5128
authorized, or appointed only by the licensed dealer specified 5129
in the salesperson's license. If the relationship between the 5130
salesperson and the dealer is severed, the salesperson's license 5131
shall be void. 5132

(B) Application for a salesperson's license shall be made 5133
in accordance with this section and by filing with the division 5134
the information, materials, and forms specified in rules adopted 5135
by the division, along with all of the following information: 5136

(1) The name and complete residence and business addresses 5137
of the applicant; 5138

(2) The name of the dealer who is employing the applicant 5139
or who intends to employ the applicant; 5140

(3) The applicant's age and education, and the applicant's 5141
experience in the sale of securities; whether the applicant has 5142
ever been licensed by the division, and if so, when; whether the 5143
applicant has ever been refused a license by the division; and 5144
whether the applicant has ever been licensed or refused a 5145
license or any similar permit by any division or commissioner of 5146
securities, whatsoever name known or designated, anywhere. 5147

(C) The division shall by rule require an applicant to 5148
pass an examination designated by the division. 5149

~~(D) If~~ (1) Except as provided in division (D) (2) of this 5150
section, if the division finds that the applicant is of good 5151
business repute, appears to be qualified to act as a salesperson 5152
of securities, and has fully complied with this chapter, and 5153
that the dealer named in the application is a licensed dealer, 5154
the division shall, upon payment of the fees prescribed by 5155
section 1707.17 of the Revised Code, issue a license to the 5156
applicant authorizing the applicant to act as salesperson for 5157
the dealer named in the application. 5158

(2) The division shall issue a license to act as a 5159
salesperson of securities in accordance with section 9.79 of the 5160
Revised Code to an applicant if either of the following applies: 5161

(a) The applicant holds a license in another state. 5162

(b) The applicant has satisfactory work experience, a 5163
government certification, or a private certification as 5164
described in that section as a salesperson of securities in a 5165
state that does not issue that license. 5166

Sec. 1707.161. (A) No person shall act as an investment 5167

adviser representative, unless one of the following applies: 5168

(1) The person is licensed as an investment adviser 5169
representative by the division of securities. 5170

(2) The person is a natural person who is licensed as an 5171
investment adviser by the division, and does not act as an 5172
investment adviser representative for another investment 5173
adviser; however, a natural person who is licensed as an 5174
investment adviser by the division may act as an investment 5175
adviser representative for another investment adviser if the 5176
natural person also is licensed by the division, or is properly 5177
excepted from licensure, as an investment adviser representative 5178
of the other investment adviser. 5179

(3) The person is employed by or associated with an 5180
investment adviser registered under section 203 of the 5181
"Investment Advisers Act of 1940," 15 U.S.C. 80b-3, and does not 5182
have a place of business in this state. 5183

(4) The person is employed by or associated with an 5184
investment adviser that is excepted from licensure pursuant to 5185
division (A) (3), (4), (5), or (6) of section 1707.141 of the 5186
Revised Code or excepted from notice filing pursuant to division 5187
(B) (3) of section 1707.141 of the Revised Code. 5188

(B) (1) No investment adviser representative required to be 5189
licensed under this section shall act as an investment adviser 5190
representative for more than two investment advisers. An 5191
investment adviser representative that acts as an investment 5192
adviser representative for two investment advisers shall do so 5193
only after the occurrence of both of the following: 5194

(a) Being properly licensed, or properly excepted from 5195
licensure under this section, as an investment adviser 5196

representative for both investment advisers; 5197

(b) Complying with the requirements set forth in rules 5198
adopted by the division regarding consent of both investment 5199
advisers and notice. 5200

(2) Nothing in this section shall be construed to prohibit 5201
a natural person from being licensed by the division as both an 5202
investment adviser and an investment adviser representative. 5203

(3) Nothing in this section shall be construed to prohibit 5204
a natural person from being licensed by the division as both a 5205
salesperson and an investment adviser representative. 5206

(4) Nothing in this section shall be construed to prohibit 5207
a natural person from being licensed by the division as both a 5208
dealer and an investment adviser representative. 5209

(C) An investment adviser representative's license issued 5210
under this section shall not be effective during any period when 5211
the investment adviser representative is not employed by or 5212
associated with an investment adviser that is licensed by the 5213
division or that is in compliance with the notice filing 5214
requirements of division (B) of section 1707.141 of the Revised 5215
Code. Notice of the commencement and termination of the 5216
employment or association of an investment adviser 5217
representative licensed under this section shall be given to the 5218
division within thirty days after the commencement or 5219
termination by either of the following: 5220

(1) The investment adviser, in the case of an investment 5221
adviser representative licensed under this section and employed 5222
by or associated with, or formerly employed by or associated 5223
with, an investment adviser licensed under section 1707.141 of 5224
the Revised Code; 5225

(2) The investment adviser representative, in the case of 5226
an investment adviser representative licensed under this section 5227
and employed by or associated with, or formerly employed by or 5228
associated with, an investment adviser that is subject to the 5229
notice filings requirements of division (B) of section 1707.141 5230
of the Revised Code. 5231

(D) (1) Application for an investment adviser 5232
representative license shall be made in accordance with this 5233
section and by filing with the division the information, 5234
materials, and forms specified in rules adopted by the division. 5235

(2) The division shall by rule require an applicant to 5236
pass an examination designated by the division or achieve a 5237
specified professional designation. 5238

(3) Prior to issuing the investment adviser representative 5239
license, the division may require the applicant to reimburse the 5240
division for the actual expenses incurred in investigating the 5241
applicant. An itemized statement of any such expenses that the 5242
applicant is required to pay shall be furnished to the applicant 5243
by the division. 5244

(E) ~~If (1)~~ Except as provided in division (E) (2) of this 5245
section, if the division finds that the applicant is of good 5246
business repute, appears to be qualified to act as an investment 5247
adviser representative, and has complied with sections 1707.01 5248
to 1707.45 of the Revised Code and the rules adopted under those 5249
sections by the division, the division, upon payment of the fees 5250
prescribed by division (B) of section 1707.17 of the Revised 5251
Code, shall issue to the applicant a license authorizing the 5252
applicant to act as an investment adviser representative for the 5253
investment adviser, or investment advisers that are under common 5254
ownership or control, named in the application. 5255

(2) The division shall issue a license to act as an investment adviser representative in accordance with section 9.79 of the Revised Code to an applicant if either of the following applies: 5256
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(a) The applicant holds a license in another state. 5260

(b) The applicant has satisfactory work experience, a government certification, or a private certification as described in that section as an investment adviser representative in a state that does not issue that license. 5261
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Sec. 1707.163. (A) Application for a state retirement system investment officer's license shall be made in accordance with this section by filing with the division of securities the information, materials, and forms specified in rules adopted by the division. 5265
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(B) (1) The division may investigate any applicant for a license and may require any additional information as it considers necessary to determine the applicant's business repute and qualifications to act as an investment officer. 5270
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(2) If the application for a state retirement system investment officer's license involves investigation outside of this state, the applicant may be required by the division to advance sufficient funds to pay any of the actual expenses of the investigation. The division shall furnish the applicant with an itemized statement of the expenses the applicant is required to pay. 5274
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(C) The division shall by rule require an applicant for a state retirement system investment officer's license to pass an examination designated by the division or achieve a specified professional designation unless the applicant meets both of the 5281
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following requirements: 5285

(1) Acts as a state retirement system investment officer 5286
~~on the effective date of this section~~ September 15, 2004; 5287

(2) Has experience or equivalent education acceptable to 5288
the division. 5289

~~(D) If (1) Except as provided in division (D) (2) of this~~ 5290
~~section, if~~ the division finds that the applicant is of good 5291
business repute, appears to be qualified to act as a state 5292
retirement system investment officer, and has complied with this 5293
chapter and rules adopted under this chapter by the division, 5294
the division, on payment of the fees prescribed by division (B) 5295
of section 1707.17 of the Revised Code, shall issue to the 5296
applicant a license authorizing the applicant to act as a state 5297
retirement system investment officer. 5298

(2) The division shall issue a license authorizing an 5299
applicant to act as a state retirement system investment officer 5300
in accordance with section 9.79 of the Revised Code to an 5301
applicant if either of the following applies: 5302

(a) The applicant holds a license in another state. 5303

(b) The applicant has satisfactory work experience, a 5304
government certification, or a private certification as 5305
described in that section as a state retirement system 5306
investment officer in a state that does not issue that license. 5307

Sec. 1707.165. (A) Application for a bureau of workers' 5308
compensation chief investment officer's license shall be made in 5309
accordance with this section by filing with the division of 5310
securities the information, materials, and forms specified in 5311
rules adopted by the division. 5312

(B) The division may investigate any applicant for a 5313
license and may require any additional information as it 5314
considers necessary to determine the applicant's business repute 5315
and qualifications to act as a chief investment officer. If the 5316
application for a bureau of workers' compensation chief 5317
investment officer's license involves investigation outside of 5318
this state, the applicant may be required by the division to 5319
advance sufficient funds to pay any of the actual expenses of 5320
the investigation. The division shall furnish the applicant with 5321
an itemized statement of the expenses the applicant is required 5322
to pay. 5323

(C) The division shall by rule require an applicant for a 5324
bureau of workers' compensation chief investment officer's 5325
license to pass an examination designated by the division or 5326
achieve a specified professional designation unless the 5327
applicant meets both of the following requirements: 5328

(1) Acts as a bureau of workers' compensation chief 5329
investment officer ~~on the effective date of this section~~ 5330
September 29, 2005; 5331

(2) Has experience or education acceptable to the 5332
division. 5333

~~(D) If (1) Except as provided in division (D) (2) of this~~ 5334
section, if the division finds that the applicant is of good 5335
business repute, appears to be qualified to act as a bureau of 5336
workers' compensation chief investment officer, and has complied 5337
with this chapter and rules adopted by the division under this 5338
chapter, the division, upon receipt of the fees prescribed by 5339
division (B) of section 1707.17 of the Revised Code, shall issue 5340
to the applicant a license authorizing the applicant to act as a 5341
bureau of workers' compensation chief investment officer. 5342

(2) The division shall issue a license to act as a bureau of workers' compensation chief investment officer in accordance with section 9.79 of the Revised Code to an applicant if either of the following applies: 5343
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(a) The applicant holds a license in another state. 5347

(b) The applicant has satisfactory work experience, a government certification, or a private certification as described in that section as a bureau of workers' compensation chief investment officer in a state that does not issue that license. 5348
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Sec. 1717.06. (A) A county humane society organized under section 1717.05 of the Revised Code may appoint agents for the purpose of prosecuting any person guilty of an act of cruelty to persons or animals. Such agents may arrest any person found violating this chapter or any other law for protecting persons or animals or preventing acts of cruelty thereto. Upon making an arrest the agent forthwith shall convey the person arrested before some court or magistrate having jurisdiction of the offense, and there make complaint against the person on oath or affirmation of the offense. 5353
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(B) All appointments of agents under this section shall be approved by the mayor of the municipal corporation for which they are made. If the society exists outside a municipal corporation, such appointments shall be approved by the probate judge of the county for which they are made. The mayor or probate judge shall keep a record of such appointments. 5363
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(C) In order to qualify for appointment as a humane agent under this section, a person first shall successfully complete a minimum of twenty hours of training on issues relating to the 5369
5370
5371

investigation and prosecution of cruelty to and neglect of 5372
animals. The training shall comply with rules recommended by the 5373
peace officer training commission under section 109.73 of the 5374
Revised Code and shall include, without limitation, instruction 5375
regarding animal husbandry practices as described in division 5376
(A) (12) of that section. A person who has been appointed as a 5377
humane agent under this section prior to April 9, 2003, may 5378
continue to act as a humane agent for a period of time on and 5379
after April 9, 2003, without completing the training. However, 5380
on or before December 31, 2004, a person who has been appointed 5381
as a humane agent under this section prior to April 9, 2003, 5382
shall successfully complete the training described in this 5383
paragraph and submit proof of its successful completion to the 5384
appropriate appointing mayor or probate judge in order to 5385
continue to act as a humane agent after December 31, 2004. 5386

(D) The Ohio peace officer training commission shall issue 5387
a certificate of completion of the training program required for 5388
appointment as a humane agent under this section in accordance 5389
with section 9.79 of the Revised Code to an individual if either 5390
of the following applies: 5391

(1) The individual holds a certificate of completion of 5392
such a program in another state. 5393

(2) The individual has satisfactory work experience, a 5394
government certification, or a private certification as 5395
described in that section as a humane agent in a state that does 5396
not require a certificate of completion of such a program. 5397

(E) An agent of a county humane society only has the 5398
specific authority granted to the agent under this section and 5399
section 1717.08 of the Revised Code. 5400

Sec. 3101.10. A minister upon producing to the secretary 5401
of state, credentials of the minister's being a regularly 5402
ordained or licensed minister of any religious society or 5403
congregation, shall be entitled to receive from the secretary of 5404
state a license authorizing the minister to solemnize marriages 5405
in this state so long as the minister continues as a regular 5406
minister in that society or congregation. A minister shall 5407
produce for inspection the minister's license to solemnize 5408
marriages upon demand of any party to a marriage at which the 5409
minister officiates or proposes to officiate or upon demand of 5410
any probate judge. The secretary of state shall issue a license 5411
to solemnize marriages in this state in accordance with section 5412
9.79 of the Revised Code to a minister if either of the 5413
following applies: 5414

(A) The minister holds a license in another state. 5415

(B) The minister has satisfactory work experience, a 5416
government certification, or a private certification as 5417
described in that section as a minister who solemnizes marriages 5418
in a state that does not issue a license to solemnize marriages. 5419

Sec. 3301.071. (A) (1) ~~In~~ Except as provided in division 5420
(E) of this section, in the case of nontax-supported schools, 5421
standards for teacher certification prescribed under section 5422
3301.07 of the Revised Code shall provide for certification, 5423
without further educational requirements, of any administrator, 5424
supervisor, or teacher who has attended and received a 5425
bachelor's degree from a college or university accredited by a 5426
national or regional association in the United States except 5427
that, at the discretion of the state board of education, this 5428
requirement may be met by having an equivalent degree from a 5429
foreign college or university of comparable standing. 5430

(2) ~~In Except as provided in division (E) of this section,~~ 5431
in the case of nonchartered, nontax-supported schools, the 5432
standards for teacher certification prescribed under section 5433
3301.07 of the Revised Code shall provide for certification, 5434
without further educational requirements, of any administrator, 5435
supervisor, or teacher who has attended and received a diploma 5436
from a "bible college" or "bible institute" described in 5437
division (E) of section 1713.02 of the Revised Code. 5438

(3) A certificate issued under division (A) (3) of this 5439
section shall be valid only for teaching foreign language, 5440
music, religion, computer technology, or fine arts. 5441

Notwithstanding division (A) (1) of this section and except 5442
as provided in division (E) of this section, the standards for 5443
teacher certification prescribed under section 3301.07 of the 5444
Revised Code shall provide for certification of a person as a 5445
teacher upon receipt by the state board of an affidavit signed 5446
by the chief administrative officer of a chartered nonpublic 5447
school seeking to employ the person, stating that the person 5448
meets one of the following conditions: 5449

(a) The person has specialized knowledge, skills, or 5450
expertise that qualifies the person to provide instruction. 5451

(b) The person has provided to the chief administrative 5452
officer evidence of at least three years of teaching experience 5453
in a public or nonpublic school. 5454

(c) The person has provided to the chief administrative 5455
officer evidence of completion of a teacher training program 5456
named in the affidavit. 5457

(B) Each person applying for a certificate under this 5458
section for purposes of serving in a nonpublic school chartered 5459

by the state board under section 3301.16 of the Revised Code 5460
shall pay a fee in the amount established under division (A) of 5461
section 3319.51 of the Revised Code. Any fees received under 5462
this division shall be paid into the state treasury to the 5463
credit of the state board of education certification fund 5464
established under division (B) of section 3319.51 of the Revised 5465
Code. 5466

(C) A person applying for or holding any certificate 5467
pursuant to this section for purposes of serving in a nonpublic 5468
school chartered by the state board is subject to sections 5469
3123.41 to 3123.50 of the Revised Code and any applicable rules 5470
adopted under section 3123.63 of the Revised Code and sections 5471
3319.31 and 3319.311 of the Revised Code. 5472

(D) Divisions (B) and (C) of this section and sections 5473
3319.291, 3319.31, and 3319.311 of the Revised Code do not apply 5474
to any administrators, supervisors, or teachers in nonchartered, 5475
nontax-supported schools. 5476

(E) The state board shall issue a certificate to serve in 5477
a nonpublic school as an administrator, supervisor, or teacher 5478
in accordance with section 9.79 of the Revised Code to an 5479
applicant if either of the following applies: 5480

(1) The applicant holds a certificate in another state. 5481

(2) The applicant has satisfactory work experience, a 5482
government certification, or a private certification as 5483
described in that section as a nonpublic school administrator, 5484
supervisor, or teacher in a state that does not issue one or 5485
more of those certificates. 5486

Sec. 3301.074. (A) ~~The~~ Except as provided in division (E) 5487
of this section, the state board of education shall, by rule 5488

adopted in accordance with Chapter 119. of the Revised Code, 5489
establish standards for licensing school district treasurers and 5490
business managers, for the renewal of such licenses, and for the 5491
issuance of duplicate copies of licenses. Licenses of the 5492
following types shall be issued or renewed by the board to 5493
applicants who meet the standards for the license or the renewal 5494
of the license for which application is made: 5495

(1) Treasurer, valid for serving as treasurer of a school 5496
district in accordance with section 3313.22 of the Revised Code; 5497

(2) Business manager, valid for serving as business 5498
manager of a school district in accordance with section 3319.03 5499
of the Revised Code. 5500

(B) Each application for a license or renewal or duplicate 5501
copy of a license shall be accompanied by the payment of a fee 5502
in the amount established under division (A) of section 3319.51 5503
of the Revised Code. Any fees received under this section shall 5504
be paid into the state treasury to the credit of the state board 5505
of education licensure fund established under division (B) of 5506
section 3319.51 of the Revised Code. 5507

(C) Any person employed under section 3313.22 of the 5508
Revised Code as a treasurer on July 1, 1983, shall be considered 5509
to meet the standards for licensure as a treasurer and for 5510
renewal of such license. Any person employed under section 5511
3319.03 of the Revised Code as a business manager on July 1, 5512
1983, shall be considered to meet the standards for licensure as 5513
a business manager and for renewal of such license. 5514

(D) Any person applying for or holding any license 5515
pursuant to this section is subject to sections 3123.41 to 5516
3123.50 of the Revised Code and any applicable rules adopted 5517

under section 3123.63 of the Revised Code and sections 3319.31 5518
and 3319.311 of the Revised Code. 5519

(E) The state board shall issue a license to act as a 5520
school district treasurer or business manager in accordance with 5521
section 9.79 of the Revised Code to an applicant if either of 5522
the following applies: 5523

(1) The applicant holds a license in another state. 5524

(2) The applicant has satisfactory work experience, a 5525
government certification, or a private certification as 5526
described in that section as a school district treasurer or 5527
business manager in a state that does not issue one of those 5528
licenses or both. 5529

Sec. 3319.088. As used in this section, "educational 5530
assistant" means any nonteaching employee in a school district 5531
who directly assists a teacher as defined in section 3319.09 of 5532
the Revised Code, by performing duties for which a license 5533
issued pursuant to sections 3319.22 to 3319.30 of the Revised 5534
Code is not required. 5535

(A) ~~The~~ Except as provided in division (G) of this 5536
section, the state board of education shall issue educational 5537
aide permits and educational paraprofessional licenses for 5538
educational assistants and shall adopt rules for the issuance 5539
and renewal of such permits and licenses which shall be 5540
consistent with the provisions of this section. Educational aide 5541
permits and educational paraprofessional licenses may be of 5542
several types and the rules shall prescribe the minimum 5543
qualifications of education, health, and character for the 5544
service to be authorized under each type. The prescribed minimum 5545
qualifications may require special training or educational 5546

courses designed to qualify a person to perform effectively the 5547
duties authorized under an educational aide permit or 5548
educational paraprofessional license. 5549

(B) (1) Any Except as provided in division (G) of this 5550
section, any application for a permit or license, or a renewal 5551
or duplicate of a permit or license, under this section shall be 5552
accompanied by the payment of a fee in the amount established 5553
under division (A) of section 3319.51 of the Revised Code. Any 5554
fees received under this division shall be paid into the state 5555
treasury to the credit of the state board of education licensure 5556
fund established under division (B) of section 3319.51 of the 5557
Revised Code. 5558

(2) Any person applying for or holding a permit or license 5559
pursuant to this section is subject to sections 3123.41 to 5560
3123.50 of the Revised Code and any applicable rules adopted 5561
under section 3123.63 of the Revised Code and sections 3319.31 5562
and 3319.311 of the Revised Code. 5563

(C) Educational assistants shall at all times while in the 5564
performance of their duties be under the supervision and 5565
direction of a teacher as defined in section 3319.09 of the 5566
Revised Code. Educational assistants may assist a teacher to 5567
whom assigned in the supervision of pupils, in assisting with 5568
instructional tasks, and in the performance of duties which, in 5569
the judgment of the teacher to whom the assistant is assigned, 5570
may be performed by a person not licensed pursuant to sections 5571
3319.22 to 3319.30 of the Revised Code and for which a teaching 5572
license, issued pursuant to sections 3319.22 to 3319.30 of the 5573
Revised Code is not required. The duties of an educational 5574
assistant shall not include the assignment of grades to pupils. 5575
The duties of an educational assistant need not be performed in 5576

the physical presence of the teacher to whom assigned, but the 5577
activity of an educational assistant shall at all times be under 5578
the direction of the teacher to whom assigned. The assignment of 5579
an educational assistant need not be limited to assisting a 5580
single teacher. In the event an educational assistant is 5581
assigned to assist more than one teacher the assignments shall 5582
be clearly delineated and so arranged that the educational 5583
assistant shall never be subject to simultaneous supervision or 5584
direction by more than one teacher. 5585

Educational assistants assigned to supervise children 5586
shall, when the teacher to whom assigned is not physically 5587
present, maintain the degree of control and discipline that 5588
would be maintained by the teacher. 5589

Educational assistants may not be used in place of 5590
classroom teachers or other employees and any payment of 5591
compensation by boards of education to educational assistants 5592
for such services is prohibited. The ratio between the number of 5593
licensed teachers and the pupils in a school district may not be 5594
decreased by utilization of educational assistants and no 5595
grouping, or other organization of pupils, for utilization of 5596
educational assistants shall be established which is 5597
inconsistent with sound educational practices and procedures. A 5598
school district may employ up to one full time equivalent 5599
educational assistant for each six full time equivalent licensed 5600
employees of the district. Educational assistants shall not be 5601
counted as licensed employees for purposes of state support in 5602
the school foundation program and no grouping or regrouping of 5603
pupils with educational assistants may be counted as a class or 5604
unit for school foundation program purposes. Neither special 5605
courses required by the regulations of the state board of 5606
education, prescribing minimum qualifications of education for 5607

an educational assistant, nor years of service as an educational 5608
assistant shall be counted in any way toward qualifying for a 5609
teacher license, for a teacher contract of any type, or for 5610
determining placement on a salary schedule in a school district 5611
as a teacher. 5612

(D) Educational assistants employed by a board of 5613
education shall have all rights, benefits, and legal protection 5614
available to other nonteaching employees in the school district, 5615
except that provisions of Chapter 124. of the Revised Code shall 5616
not apply to any person employed as an educational assistant, 5617
and shall be members of the school employees retirement system. 5618
Educational assistants shall be compensated according to a 5619
salary plan adopted annually by the board. 5620

Except as provided in this section nonteaching employees 5621
shall not serve as educational assistants without first 5622
obtaining an appropriate educational aide permit or educational 5623
paraprofessional license from the state board of education. A 5624
nonteaching employee who is the holder of a valid educational 5625
aide permit or educational paraprofessional license shall 5626
neither render nor be required to render services inconsistent 5627
with the type of services authorized by the permit or license 5628
held. No person shall receive compensation from a board of 5629
education for services rendered as an educational assistant in 5630
violation of this provision. 5631

Nonteaching employees whose functions are solely 5632
secretarial-clerical and who do not perform any other duties as 5633
educational assistants, even though they assist a teacher and 5634
work under the direction of a teacher shall not be required to 5635
hold a permit or license issued pursuant to this section. 5636
Students preparing to become licensed teachers or educational 5637

assistants shall not be required to hold an educational aide 5638
permit or paraprofessional license for such periods of time as 5639
such students are assigned, as part of their training program, 5640
to work with a teacher in a school district. Such students shall 5641
not be compensated for such services. 5642

Following the determination of the assignment and general 5643
job description of an educational assistant and subject to 5644
supervision by the teacher's immediate administrative officer, a 5645
teacher to whom an educational assistant is assigned shall make 5646
all final determinations of the duties to be assigned to such 5647
assistant. Teachers shall not be required to hold a license 5648
designated for being a supervisor or administrator in order to 5649
perform the necessary supervision of educational assistants. 5650

(E) No person who is, or who has been employed as an 5651
educational assistant shall divulge, except to the teacher to 5652
whom assigned, or the administrator of the school in the absence 5653
of the teacher to whom assigned, or when required to testify in 5654
a court or proceedings, any personal information concerning any 5655
pupil in the school district which was obtained or obtainable by 5656
the educational assistant while so employed. Violation of this 5657
provision is grounds for disciplinary action or dismissal, or 5658
both. 5659

(F) Notwithstanding anything to the contrary in this 5660
section, the superintendent of a school district may allow an 5661
employee who does not hold a permit or license issued under this 5662
section to work as a substitute for an educational assistant who 5663
is absent on account of illness or on a leave of absence, or to 5664
fill a temporary position created by an emergency, provided that 5665
the superintendent believes the employee's application materials 5666
indicate that the employee is qualified to obtain a permit or 5667

license under this section. 5668

An employee shall begin work as a substitute under this 5669
division not earlier than on the date on which the employee 5670
files an application with the state board for a permit or 5671
license under this section. An employee shall cease working as a 5672
substitute under this division on the earliest of the following: 5673

(1) The date on which the employee files a valid permit or 5674
license issued under this section with the superintendent; 5675

(2) The date on which the employee is denied a permit or 5676
license under this section; 5677

(3) Sixty days following the date on which the employee 5678
began work as a substitute under this division. 5679

The superintendent shall ensure that an employee assigned 5680
to work as a substitute under division (F) of this section has 5681
undergone a criminal records check in accordance with section 5682
3319.391 of the Revised Code. 5683

(G) The state board shall issue an educational aide permit 5684
or educational paraprofessional license in accordance with 5685
section 9.79 of the Revised Code to an applicant if either of 5686
the following applies: 5687

(1) The applicant holds a permit or license in another 5688
state. 5689

(2) The applicant has satisfactory work experience, a 5690
government certification, or a private certification as 5691
described in that section as an educational aide or educational 5692
paraprofessional in a state that does not issue that permit or 5693
license or both. 5694

Sec. 3319.22. (A) (1) The state board of education shall 5695

issue the following educator licenses: 5696

(a) A resident educator license, which shall be valid for 5697
four years and shall be renewable for reasons specified by rules 5698
adopted by the state board pursuant to division (A)(3) of this 5699
section. The state board, on a case-by-case basis, may extend 5700
the license's duration as necessary to enable the license holder 5701
to complete the Ohio teacher residency program established under 5702
section 3319.223 of the Revised Code; 5703

(b) A professional educator license, which shall be valid 5704
for five years and shall be renewable; 5705

(c) A senior professional educator license, which shall be 5706
valid for five years and shall be renewable; 5707

(d) A lead professional educator license, which shall be 5708
valid for five years and shall be renewable. 5709

Licenses issued under division (A)(1) of this section on 5710
and after ~~the effective date of this amendment~~ November 2, 2018, 5711
shall specify whether the educator is licensed to teach grades 5712
pre-kindergarten through five, grades four through nine, or 5713
grades seven through twelve. The changes to the grade band 5714
specifications under this amendment shall not apply to a person 5715
who holds a license under division (A)(1) of this section prior 5716
to ~~the effective date of this amendment~~ November 2, 2018. 5717
Further, the changes to the grade band specifications under this 5718
amendment shall not apply to any license issued to teach in the 5719
area of computer information science, bilingual education, 5720
dance, drama or theater, world language, health, library or 5721
media, music, physical education, teaching English to speakers 5722
of other languages, career-technical education, or visual arts 5723
or to any license issued to an intervention specialist, 5724

including a gifted intervention specialist, or to any other 5725
license that does not align to the grade band specifications. 5726

(2) The state board may issue any additional educator 5727
licenses of categories, types, and levels the board elects to 5728
provide. 5729

(3) ~~The~~ Except as provided in division (I) of this 5730
section, the state board shall adopt rules establishing the 5731
standards and requirements for obtaining each educator license 5732
issued under this section. The rules shall also include the 5733
reasons for which a resident educator license may be renewed 5734
under division (A) (1) (a) of this section. 5735

(B) ~~The~~ Except as provided in division (I) of this 5736
section, the rules adopted under this section shall require at 5737
least the following standards and qualifications for the 5738
educator licenses described in division (A) (1) of this section: 5739

(1) An applicant for a resident educator license shall 5740
hold at least a bachelor's degree from an accredited teacher 5741
preparation program or be a participant in the teach for America 5742
program and meet the qualifications required under section 5743
3319.227 of the Revised Code. 5744

(2) An applicant for a professional educator license 5745
shall: 5746

(a) Hold at least a bachelor's degree from an institution 5747
of higher education accredited by a regional accrediting 5748
organization; 5749

(b) Have successfully completed the Ohio teacher residency 5750
program established under section 3319.223 of the Revised Code, 5751
if the applicant's current or most recently issued license is a 5752
resident educator license issued under this section or an 5753

alternative resident educator license issued under section 5754
3319.26 of the Revised Code. 5755

(3) An applicant for a senior professional educator 5756
license shall: 5757

(a) Hold at least a master's degree from an institution of 5758
higher education accredited by a regional accrediting 5759
organization; 5760

(b) Have previously held a professional educator license 5761
issued under this section or section 3319.222 or under former 5762
section 3319.22 of the Revised Code; 5763

(c) Meet the criteria for the accomplished or 5764
distinguished level of performance, as described in the 5765
standards for teachers adopted by the state board under section 5766
3319.61 of the Revised Code. 5767

(4) An applicant for a lead professional educator license 5768
shall: 5769

(a) Hold at least a master's degree from an institution of 5770
higher education accredited by a regional accrediting 5771
organization; 5772

(b) Have previously held a professional educator license 5773
or a senior professional educator license issued under this 5774
section or a professional educator license issued under section 5775
3319.222 or former section 3319.22 of the Revised Code; 5776

(c) Meet the criteria for the distinguished level of 5777
performance, as described in the standards for teachers adopted 5778
by the state board under section 3319.61 of the Revised Code; 5779

(d) Either hold a valid certificate issued by the national 5780
board for professional teaching standards or meet the criteria 5781

for a master teacher or other criteria for a lead teacher 5782
adopted by the educator standards board under division (F) (4) or 5783
(5) of section 3319.61 of the Revised Code. 5784

(C) The state board shall align the standards and 5785
qualifications for obtaining a principal license with the 5786
standards for principals adopted by the state board under 5787
section 3319.61 of the Revised Code. 5788

(D) If the state board requires any examinations for 5789
educator licensure, the department of education shall provide 5790
the results of such examinations received by the department to 5791
the chancellor of higher education, in the manner and to the 5792
extent permitted by state and federal law. 5793

(E) Any rules the state board of education adopts, amends, 5794
or rescinds for educator licenses under this section, division 5795
(D) of section 3301.07 of the Revised Code, or any other law 5796
shall be adopted, amended, or rescinded under Chapter 119. of 5797
the Revised Code except as follows: 5798

(1) Notwithstanding division (E) of section 119.03 and 5799
division (A) (1) of section 119.04 of the Revised Code, in the 5800
case of the adoption of any rule or the amendment or rescission 5801
of any rule that necessitates institutions' offering preparation 5802
programs for educators and other school personnel that are 5803
approved by the chancellor of higher education under section 5804
3333.048 of the Revised Code to revise the curriculum of those 5805
programs, the effective date shall not be as prescribed in 5806
division (E) of section 119.03 and division (A) (1) of section 5807
119.04 of the Revised Code. Instead, the effective date of such 5808
rules, or the amendment or rescission of such rules, shall be 5809
the date prescribed by section 3333.048 of the Revised Code. 5810

(2) Notwithstanding the authority to adopt, amend, or 5811
rescind emergency rules in division (G) of section 119.03 of the 5812
Revised Code, this authority shall not apply to the state board 5813
of education with regard to rules for educator licenses. 5814

(F) (1) The rules adopted under this section establishing 5815
standards requiring additional coursework for the renewal of any 5816
educator license shall require a school district and a chartered 5817
nonpublic school to establish local professional development 5818
committees. In a nonpublic school, the chief administrative 5819
officer shall establish the committees in any manner acceptable 5820
to such officer. The committees established under this division 5821
shall determine whether coursework that a district or chartered 5822
nonpublic school teacher proposes to complete meets the 5823
requirement of the rules. The department of education shall 5824
provide technical assistance and support to committees as the 5825
committees incorporate the professional development standards 5826
adopted by the state board of education pursuant to section 5827
3319.61 of the Revised Code into their review of coursework that 5828
is appropriate for license renewal. The rules shall establish a 5829
procedure by which a teacher may appeal the decision of a local 5830
professional development committee. 5831

(2) In any school district in which there is no exclusive 5832
representative established under Chapter 4117. of the Revised 5833
Code, the professional development committees shall be 5834
established as described in division (F) (2) of this section. 5835

Not later than the effective date of the rules adopted 5836
under this section, the board of education of each school 5837
district shall establish the structure for one or more local 5838
professional development committees to be operated by such 5839
school district. The committee structure so established by a 5840

district board shall remain in effect unless within thirty days 5841
prior to an anniversary of the date upon which the current 5842
committee structure was established, the board provides notice 5843
to all affected district employees that the committee structure 5844
is to be modified. Professional development committees may have 5845
a district-level or building-level scope of operations, and may 5846
be established with regard to particular grade or age levels for 5847
which an educator license is designated. 5848

Each professional development committee shall consist of 5849
at least three classroom teachers employed by the district, one 5850
principal employed by the district, and one other employee of 5851
the district appointed by the district superintendent. For 5852
committees with a building-level scope, the teacher and 5853
principal members shall be assigned to that building, and the 5854
teacher members shall be elected by majority vote of the 5855
classroom teachers assigned to that building. For committees 5856
with a district-level scope, the teacher members shall be 5857
elected by majority vote of the classroom teachers of the 5858
district, and the principal member shall be elected by a 5859
majority vote of the principals of the district, unless there 5860
are two or fewer principals employed by the district, in which 5861
case the one or two principals employed shall serve on the 5862
committee. If a committee has a particular grade or age level 5863
scope, the teacher members shall be licensed to teach such grade 5864
or age levels, and shall be elected by majority vote of the 5865
classroom teachers holding such a license and the principal 5866
shall be elected by all principals serving in buildings where 5867
any such teachers serve. The district superintendent shall 5868
appoint a replacement to fill any vacancy that occurs on a 5869
professional development committee, except in the case of 5870
vacancies among the elected classroom teacher members, which 5871

shall be filled by vote of the remaining members of the 5872
committee so selected. 5873

Terms of office on professional development committees 5874
shall be prescribed by the district board establishing the 5875
committees. The conduct of elections for members of professional 5876
development committees shall be prescribed by the district board 5877
establishing the committees. A professional development 5878
committee may include additional members, except that the 5879
majority of members on each such committee shall be classroom 5880
teachers employed by the district. Any member appointed to fill 5881
a vacancy occurring prior to the expiration date of the term for 5882
which a predecessor was appointed shall hold office as a member 5883
for the remainder of that term. 5884

The initial meeting of any professional development 5885
committee, upon election and appointment of all committee 5886
members, shall be called by a member designated by the district 5887
superintendent. At this initial meeting, the committee shall 5888
select a chairperson and such other officers the committee deems 5889
necessary, and shall adopt rules for the conduct of its 5890
meetings. Thereafter, the committee shall meet at the call of 5891
the chairperson or upon the filing of a petition with the 5892
district superintendent signed by a majority of the committee 5893
members calling for the committee to meet. 5894

(3) In the case of a school district in which an exclusive 5895
representative has been established pursuant to Chapter 4117. of 5896
the Revised Code, professional development committees shall be 5897
established in accordance with any collective bargaining 5898
agreement in effect in the district that includes provisions for 5899
such committees. 5900

If the collective bargaining agreement does not specify a 5901

different method for the selection of teacher members of the 5902
committees, the exclusive representative of the district's 5903
teachers shall select the teacher members. 5904

If the collective bargaining agreement does not specify a 5905
different structure for the committees, the board of education 5906
of the school district shall establish the structure, including 5907
the number of committees and the number of teacher and 5908
administrative members on each committee; the specific 5909
administrative members to be part of each committee; whether the 5910
scope of the committees will be district levels, building 5911
levels, or by type of grade or age levels for which educator 5912
licenses are designated; the lengths of terms for members; the 5913
manner of filling vacancies on the committees; and the frequency 5914
and time and place of meetings. However, in all cases, except as 5915
provided in division (F) (4) of this section, there shall be a 5916
majority of teacher members of any professional development 5917
committee, there shall be at least five total members of any 5918
professional development committee, and the exclusive 5919
representative shall designate replacement members in the case 5920
of vacancies among teacher members, unless the collective 5921
bargaining agreement specifies a different method of selecting 5922
such replacements. 5923

(4) Whenever an administrator's coursework plan is being 5924
discussed or voted upon, the local professional development 5925
committee shall, at the request of one of its administrative 5926
members, cause a majority of the committee to consist of 5927
administrative members by reducing the number of teacher members 5928
voting on the plan. 5929

(G) (1) The department of education, educational service 5930
centers, county boards of developmental disabilities, college 5931

and university departments of education, head start programs, 5932
and the Ohio education computer network may establish local 5933
professional development committees to determine whether the 5934
coursework proposed by their employees who are licensed or 5935
certificated under this section or section 3319.222 of the 5936
Revised Code, or under the former version of either section as 5937
it existed prior to October 16, 2009, meet the requirements of 5938
the rules adopted under this section. They may establish local 5939
professional development committees on their own or in 5940
collaboration with a school district or other agency having 5941
authority to establish them. 5942

Local professional development committees established by 5943
county boards of developmental disabilities shall be structured 5944
in a manner comparable to the structures prescribed for school 5945
districts in divisions (F)(2) and (3) of this section, as shall 5946
the committees established by any other entity specified in 5947
division (G)(1) of this section that provides educational 5948
services by employing or contracting for services of classroom 5949
teachers licensed or certificated under this section or section 5950
3319.222 of the Revised Code, or under the former version of 5951
either section as it existed prior to October 16, 2009. All 5952
other entities specified in division (G)(1) of this section 5953
shall structure their committees in accordance with guidelines 5954
which shall be issued by the state board. 5955

(2) Educational service centers may establish local 5956
professional development committees to serve educators who are 5957
not employed in schools in this state, including pupil services 5958
personnel who are licensed under this section. Local 5959
professional development committees shall be structured in a 5960
manner comparable to the structures prescribed for school 5961
districts in divisions (F)(2) and (3) of this section. 5962

These committees may agree to review the coursework, 5963
continuing education units, or other equivalent activities 5964
related to classroom teaching or the area of licensure that is 5965
proposed by an individual who satisfies both of the following 5966
conditions: 5967

(a) The individual is licensed or certificated under this 5968
section or under the former version of this section as it 5969
existed prior to October 16, 2009. 5970

(b) The individual is not currently employed as an 5971
educator or is not currently employed by an entity that operates 5972
a local professional development committee under this section. 5973

Any committee that agrees to work with such an individual 5974
shall work to determine whether the proposed coursework, 5975
continuing education units, or other equivalent activities meet 5976
the requirements of the rules adopted by the state board under 5977
this section. 5978

(3) Any public agency that is not specified in ~~divisions~~ 5979
division (G) (1) or (2) of this section but provides educational 5980
services and employs or contracts for services of classroom 5981
teachers licensed or certificated under this section or section 5982
3319.222 of the Revised Code, or under the former version of 5983
either section as it existed prior to October 16, 2009, may 5984
establish a local professional development committee, subject to 5985
the approval of the department of education. The committee shall 5986
be structured in accordance with guidelines issued by the state 5987
board. 5988

(H) Not later than July 1, 2016, the state board, in 5989
accordance with Chapter 119. of the Revised Code, shall adopt 5990
rules pursuant to division (A) (3) of this section that do both 5991

of the following: 5992

(1) Exempt consistently high-performing teachers from the 5993
requirement to complete any additional coursework for the 5994
renewal of an educator license issued under this section or 5995
section 3319.26 of the Revised Code. The rules also shall 5996
specify that such teachers are exempt from any requirements 5997
prescribed by professional development committees established 5998
under divisions (F) and (G) of this section. 5999

(2) For purposes of division (H)(1) of this section, the 6000
state board shall define the term "consistently high-performing 6001
teacher." 6002

(I) The state board shall issue a resident educator 6003
license, professional educator license, senior professional 6004
educator license, lead professional educator license, or any 6005
other educator license in accordance with section 9.79 of the 6006
Revised Code to an applicant if either of the following applies: 6007

(1) The applicant holds a license in another state. 6008

(2) The applicant has satisfactory work experience, a 6009
government certification, or a private certification as 6010
described in that section as a resident educator, professional 6011
educator, senior professional educator, lead professional 6012
educator, or any other type of educator in a state that does not 6013
issue one or more of those licenses. 6014

Sec. 3319.226. (A) Beginning July 1, 2019, the state board 6015
of education shall issue educator licenses for substitute 6016
teaching only under this section. 6017

(B) The Except as provided in division (D) of this 6018
section, the state board shall adopt rules establishing 6019
standards and requirements for obtaining a license under this 6020

section and for renewal of the license. Except as provided in 6021
division (F) of section 3319.229 of the Revised Code, the rules 6022
shall require an applicant to hold a post-secondary degree, but 6023
not in any specified subject area. The rules also shall allow 6024
the holder of a license issued under this section to work: 6025

(1) For an unlimited number of school days if the license 6026
holder has a post-secondary degree in either education or a 6027
subject area directly related to the subject of the class the 6028
license holder will teach; 6029

(2) For one full semester, subject to the approval of the 6030
employing school district board of education, if the license 6031
holder has a post-secondary degree in a subject area that is not 6032
directly related to the subject of the class that the license 6033
holder will teach. 6034

The district superintendent may request that the board 6035
approve one or more additional subsequent semester-long periods 6036
of teaching for the license holder. 6037

(C) Any license issued or renewed under former section 6038
3319.226 of the Revised Code that was still in force on ~~the~~ 6039
~~effective date of this section~~ November 2, 2018, shall remain in 6040
force for the remainder of the term for which it was issued or 6041
renewed. Upon the expiration of that term, the holder of that 6042
license shall be subject to licensure under the rules adopted 6043
under this section. 6044

(D) The state board shall issue an educator license for 6045
substitute teaching in accordance with section 9.79 of the 6046
Revised Code to an applicant if either of the following applies: 6047

(1) The applicant holds a license in another state. 6048

(2) The applicant has satisfactory work experience, a 6049

government certification, or a private certification as 6050
described in that section as a substitute teacher in a state 6051
that does not issue that license. 6052

Sec. 3319.229. (A) (1) Notwithstanding the repeal of former 6053
section 3319.229 of the Revised Code by this act, the state 6054
board of education shall accept applications for new, and for 6055
renewal of, professional career-technical teaching licenses 6056
through June 30, 2019, and issue them on the basis of the 6057
applications received by that date in accordance with the rules 6058
described in that former section. Except as otherwise provided 6059
in divisions (A) (2) and (3) of this section, beginning July 1, 6060
2019, the state board shall issue career-technical workforce 6061
development educator licenses only under this section. 6062

(2) An individual who, on July 1, 2019, holds a 6063
professional career-technical teaching license issued under the 6064
rules described in former section 3319.229 of the Revised Code, 6065
may continue to renew that license in accordance with those 6066
rules for the remainder of the individual's teaching career. 6067
However, nothing in this division shall be construed to prohibit 6068
the individual from applying to the state board for a career- 6069
technical workforce development educator license under this 6070
section. 6071

(3) An individual who, on July 1, 2019, holds an 6072
alternative resident educator license for teaching career- 6073
technical education issued under section 3319.26 of the Revised 6074
Code may, upon the expiration of the license, apply for a 6075
professional career-technical teaching license issued under the 6076
rules described in former section 3319.229 of the Revised Code. 6077
Such an individual may continue to renew the professional 6078
license in accordance with those rules for the remainder of the 6079

individual's teaching career. However, nothing in this division 6080
shall be construed to prohibit the individual from applying to 6081
the state board for a career-technical workforce development 6082
educator license under this section. 6083

(B) ~~The~~ Except as provided in division (G) of this 6084
section, the state board, in collaboration with the chancellor 6085
of higher education, shall adopt rules establishing standards 6086
and requirements for obtaining a two-year initial career- 6087
technical workforce development educator license and a five-year 6088
advanced career-technical workforce development educator 6089
license. Each license shall be valid for teaching career- 6090
technical education or workforce development programs in grades 6091
four through twelve. The rules shall require applicants for 6092
either license to have a high school diploma. 6093

(C) (1) ~~The~~ Except as provided in division (G) of this 6094
section, the state board shall issue an initial career-technical 6095
workforce development educator license to an applicant upon 6096
request from the superintendent of a school district that has 6097
agreed to employ the applicant. In making the request, the 6098
superintendent shall provide documentation, in accordance with 6099
procedures prescribed by the department of education, showing 6100
that the applicant has at least five years of work experience, 6101
or the equivalent, in the subject area in which the applicant 6102
will teach. The license shall be valid for teaching only in the 6103
requesting district. The superintendent also shall provide 6104
documentation, in accordance with procedures prescribed by the 6105
department, that the applicant is enrolled in a career-technical 6106
workforce development educator preparation program offered by an 6107
institution of higher education that has an existing teacher 6108
preparatory program in place that meets all of the following 6109
criteria: 6110

- (a) Is approved by the chancellor of higher education to provide instruction in teaching methods and principles; 6111
6112
- (b) Provides classroom support to the license holder; 6113
- (c) Includes at least three semester hours of coursework in the teaching of reading in the subject area; 6114
6115
- (d) Is aligned with career-technical education and workforce development competencies developed by the department; 6116
6117
- (e) Uses a summative performance-based assessment developed by the program and aligned to the competencies described in division (C) (1) (d) of this section to evaluate the license holder's knowledge and skills; 6118
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- (f) Consists of not less than twenty-four semester hours of coursework, or the equivalent. 6122
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- (2) As a condition of continuing to hold the initial career-technical workforce development license, the holder of the license shall be participating in a career-technical workforce development educator preparation program described in division (C) (1) of this section. 6124
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- (3) The state board shall renew an initial career-technical workforce development educator license if the supervisor of the program described in division (C) (1) of this section and the superintendent of the employing school district indicate that the applicant is making sufficient progress in both the program and the teaching position. 6129
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- (D) ~~The~~ Except as provided in division (G) of this section, the state board shall issue an advanced career-technical workforce development educator license to an applicant who has successfully completed the program described in division 6135
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(C) (1) of this section, as indicated by the supervisor of the 6139
program, and who demonstrates mastery of the applicable career- 6140
technical education and workforce development competencies 6141
described in division (C) (1) (d) of this section in the teaching 6142
position, as indicated by the superintendent of the employing 6143
school district. 6144

(E) The holder of an advanced career-technical workforce 6145
development educator license shall work with a local 6146
professional development committee established under section 6147
3319.22 of the Revised Code in meeting requirements for renewal 6148
of the license. 6149

(F) Notwithstanding the provisions of section 3319.226 of 6150
the Revised Code, the state board shall not require any 6151
applicant for an educator license for substitute teaching who 6152
holds a license issued under this section to hold a post- 6153
secondary degree in order to be issued a license under section 6154
3319.226 of the Revised Code to work as a substitute teacher for 6155
career-technical education classes. 6156

(G) The state board shall issue a license to practice as 6157
an initial career-technical workforce development educator or 6158
advanced career-technical workforce development educator in 6159
accordance with section 9.79 of the Revised Code to an applicant 6160
if either of the following applies: 6161

(1) The applicant holds a license in another state. 6162

(2) The applicant has satisfactory work experience, a 6163
government certification, or a private certification as 6164
described in that section as a career-technical workforce 6165
development educator in a state that does not issue one or both 6166
of those licenses. 6167

Sec. 3319.26. (A) ~~The Except as provided in division (H)~~ 6168
~~of this section, the~~ state board of education shall adopt rules 6169
establishing the standards and requirements for obtaining an 6170
alternative resident educator license for teaching in grades 6171
kindergarten to twelve, or the equivalent, in a designated 6172
subject area or in the area of intervention specialist, as 6173
defined by rule of the state board. The rules shall also include 6174
the reasons for which an alternative resident educator license 6175
may be renewed under division (D) of this section. 6176

(B) The superintendent of public instruction and the 6177
chancellor of higher education jointly shall develop an 6178
intensive pedagogical training institute to provide instruction 6179
in the principles and practices of teaching for individuals 6180
seeking an alternative resident educator license. The 6181
instruction shall cover such topics as student development and 6182
learning, pupil assessment procedures, curriculum development, 6183
classroom management, and teaching methodology. 6184

(C) ~~The Except as provided in division (H) of this~~ 6185
~~section, the~~ rules adopted under this section shall require 6186
applicants for the alternative resident educator license to 6187
satisfy the following conditions prior to issuance of the 6188
license, but they shall not require applicants to have completed 6189
a major or coursework in the subject area for which application 6190
is being made: 6191

(1) Hold a minimum of a baccalaureate degree; 6192

(2) Successfully complete the pedagogical training 6193
institute described in division (B) of this section or the 6194
preservice training provided to participants of a teacher 6195
preparation program that has been approved by the chancellor. 6196
The chancellor may approve any such program that requires 6197

participants to hold a bachelor's degree; have either a 6198
cumulative undergraduate grade point average of at least 2.5 out 6199
of 4.0, or its equivalent or a cumulative graduate school grade 6200
point average of at least 3.0 out of 4.0; and successfully 6201
complete the program's preservice training. 6202

(3) Pass an examination in the subject area for which 6203
application is being made. 6204

(D) An alternative resident educator license shall be 6205
valid for four years and shall be renewable for reasons 6206
specified by rules adopted by the state board pursuant to 6207
division (A) of this section. The state board, on a case-by-case 6208
basis, may extend the license's duration as necessary to enable 6209
the license holder to complete the Ohio teacher residency 6210
program established under section 3319.223 of the Revised Code. 6211

(E) The rules shall require the holder of an alternative 6212
resident educator license, as a condition of continuing to hold 6213
the license, to do all of the following: 6214

(1) Participate in the Ohio teacher residency program; 6215

(2) Show satisfactory progress in taking and successfully 6216
completing one of the following: 6217

(a) At least twelve additional semester hours, or the 6218
equivalent, of college coursework in the principles and 6219
practices of teaching in such topics as student development and 6220
learning, pupil assessment procedures, curriculum development, 6221
classroom management, and teaching methodology; 6222

(b) Professional development provided by a teacher 6223
preparation program that has been approved by the chancellor 6224
under division (C) (2) of this section. 6225

- (3) Take an assessment of professional knowledge in the second year of teaching under the license. 6226
6227
- (F) The rules shall provide for the granting of a professional educator license to a holder of an alternative resident educator license upon successfully completing all of the following: 6228
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- (1) Four years of teaching under the alternative license; 6232
- (2) The additional college coursework or professional development described in division (E)(2) of this section; 6233
6234
- (3) The assessment of professional knowledge described in division (E)(3) of this section. The standards for successfully completing this assessment and the manner of conducting the assessment shall be the same as for any other individual who is required to take the assessment pursuant to rules adopted by the state board under section 3319.22 of the Revised Code. 6235
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- (4) The Ohio teacher residency program; 6241
- (5) All other requirements for a professional educator license adopted by the state board under section 3319.22 of the Revised Code. 6242
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- (G) A person who is assigned to teach in this state as a participant in the teach for America program or who has completed two years of teaching in another state as a participant in that program shall be eligible for a license only under section 3319.227 of the Revised Code and shall not be eligible for a license under this section. 6245
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- (H) The board shall issue an alternative resident educator license in accordance with section 9.79 of the Revised Code to an applicant if either of the following applies: 6251
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(1) The applicant holds a license in another state. 6254

(2) The applicant has satisfactory work experience, a 6255
government certification, or a private certification as 6256
described in that section as an educator for grades kindergarten 6257
through twelve in a state that does not issue that license. 6258

Sec. 3319.261. (A) Notwithstanding any other provision of 6259
the Revised Code or any rule adopted by the state board of 6260
education to the contrary and except as provided in division (C) 6261
of this section, the state board shall issue an alternative 6262
resident educator license under division (C) of section 3319.26 6263
of the Revised Code to each applicant who meets the following 6264
conditions: 6265

(1) Holds a bachelor's degree from an accredited 6266
institution of higher education; 6267

(2) Has successfully completed a teacher education program 6268
offered by one of the following entities: 6269

(a) The American Montessori society; 6270

(b) The association Montessori internationale; 6271

(c) An institution accredited by the Montessori 6272
accreditation council for teacher education. 6273

(3) Is employed in a school that operates a program that 6274
uses the Montessori method endorsed by the American Montessori 6275
society, the Montessori accreditation council for teacher 6276
education, or the association Montessori internationale as its 6277
primary method of instruction. 6278

(B) The holder of an alternative resident educator license 6279
issued under this section shall be subject to divisions (A), 6280
(B), (D), and (E) of section 3319.26 of the Revised Code and 6281

shall be granted a professional educator license upon successful 6282
completion of the requirements described in division (F) of 6283
section 3319.26 of the Revised Code. 6284

(C) The state board shall issue an alternative resident 6285
educator license under this section in accordance with section 6286
9.79 of the Revised Code to an applicant if either of the 6287
following applies: 6288

(1) The applicant holds a license in another state. 6289

(2) The applicant has satisfactory work experience, a 6290
government certification, or a private certification as 6291
described in that section as an educator providing instruction 6292
in a Montessori-method school in a state that does not issue 6293
that license. 6294

Sec. 3319.262. (A) Notwithstanding any other provision of 6295
the Revised Code or any rule adopted by the state board of 6296
education to the contrary and except as provided in division (C) 6297
of this section, the state board shall adopt rules establishing 6298
standards and requirements for obtaining a nonrenewable four- 6299
year initial early college high school educator license for 6300
teaching grades seven through twelve at an early college high 6301
school described in section 3313.6013 of the Revised Code to any 6302
applicant who meets the following conditions: 6303

(1) Has a graduate or terminal degree from an accredited 6304
institution of higher education in a field related to the 6305
subject area to be taught, as determined by the department of 6306
education; 6307

(2) Has obtained a passing score on an examination in the 6308
subject area to be taught, as prescribed by the state board; 6309

(3) Has experience teaching students at any grade level, 6310

including post-secondary students; 6311

(4) Has proof that an early college high school intends to 6312
employ the applicant pending a valid license under this section. 6313

An individual licensed under this section shall be subject 6314
to sections 3319.291 and 3319.39 of the Revised Code. An initial 6315
educator license issued under division (A) of this section shall 6316
be valid for teaching only at the employing school described in 6317
division (A) (4) of this section. 6318

(B) After four years of teaching under an initial early 6319
college high school educator license issued under this section, 6320
an individual may apply for a renewable five-year professional 6321
educator license in the same subject area named in the initial 6322
license. The state board shall issue the applicant a 6323
professional educator license if the applicant attains a passing 6324
score on an assessment of professional knowledge prescribed by 6325
the state board. Nothing in division (B) of this section shall 6326
be construed to prohibit an individual from applying for a 6327
professional ~~education~~ educator license under section 3319.22 6328
of the Revised Code. 6329

(C) The state board shall issue an initial early college 6330
high school educator license in accordance with section 9.79 of 6331
the Revised Code to an applicant if either of the following 6332
applies: 6333

(1) The applicant holds a license in another state. 6334

(2) The applicant has satisfactory work experience, a 6335
government certification, or a private certification as 6336
described in that section as an early college high school 6337
educator in a state that does not issue that license. 6338

Sec. 3319.27. (A) The ~~Except as provided in division (C)~~ 6339

of this section, the state board of education shall adopt rules 6340
that establish an alternative principal license. The rules 6341
establishing an alternative principal license shall include a 6342
requirement that an applicant have obtained classroom teaching 6343
experience. Beginning on the effective date of the rules, the 6344
state board shall cease to issue temporary educator licenses 6345
pursuant to section 3319.225 of the Revised Code for employment 6346
as a principal. Any person who on the effective date of the 6347
rules holds a valid temporary educator license issued under that 6348
section and is employed as a principal shall be allowed to 6349
continue employment as a principal until the expiration of the 6350
license. Employment of any such person as a principal by a 6351
school district after the expiration of the temporary educator 6352
license shall be contingent upon the state board issuing the 6353
person an alternative principal license in accordance with the 6354
rules adopted under this division. 6355

(B) The Except as provided in division (C) of this 6356
section, the state board shall adopt rules that establish an 6357
alternative administrator license, which shall be valid for 6358
employment as a superintendent or in any other administrative 6359
position except principal. Beginning on the effective date of 6360
the rules, the state board shall cease to issue temporary 6361
educator licenses pursuant to section 3319.225 of the Revised 6362
Code for employment as a superintendent or in any other 6363
administrative position except principal. Any person who on the 6364
effective date of the rules holds a valid temporary educator 6365
license issued under that section and is employed as a 6366
superintendent or in any other administrative position except 6367
principal shall be allowed to continue employment in that 6368
position until the expiration of the license. Employment of any 6369
such person as a superintendent or in any other administrative 6370

position except principal by a school district after the 6371
expiration of the temporary educator license shall be contingent 6372
upon the state board issuing the person an alternative 6373
administrator license in accordance with the rules adopted under 6374
this division. 6375

(C) The state board shall issue an alternative principal 6376
or alternative administrator license in accordance with section 6377
9.79 of the Revised Code to an applicant if either of the 6378
following applies: 6379

(1) The applicant holds a license in another state. 6380

(2) The applicant has satisfactory work experience, a 6381
government certification, or a private certification as 6382
described in that section as a school principal or school 6383
administrator in a state that does not issue one or both of 6384
those licenses. 6385

Sec. 3319.28. (A) As used in this section, "STEM school" 6386
means a science, technology, engineering, and mathematics school 6387
established under Chapter 3326. of the Revised Code. 6388

(B) Notwithstanding any other provision of the Revised 6389
Code or any rule adopted by the state board of education to the 6390
contrary and except as provided in division (F) of this section, 6391
the state board shall issue a two-year provisional educator 6392
license for teaching science, technology, engineering, or 6393
mathematics in grades six through twelve in a STEM school to any 6394
applicant who meets the following conditions: 6395

(1) Holds a bachelor's degree from an accredited 6396
institution of higher education in a field related to the 6397
subject area to be taught; 6398

(2) Has passed an examination prescribed by the state 6399

board in the subject area to be taught. 6400

(C) The holder of a provisional educator license issued 6401
under this section shall complete a structured apprenticeship 6402
program provided by an educational service center or a teacher 6403
preparation program approved under section 3333.048 of the 6404
Revised Code, in partnership with the STEM school that employs 6405
the license holder. The apprenticeship program shall include the 6406
following: 6407

(1) Mentoring by a teacher or administrator who regularly 6408
observes the license holder's classroom instruction, provides 6409
feedback on the license holder's teaching strategies and 6410
classroom management, and engages the license holder in 6411
discussions about methods for fostering and measuring student 6412
learning; 6413

(2) Regularly scheduled seminars or meetings that address 6414
the following topics: 6415

(a) The statewide academic standards adopted by the state 6416
board under section 3301.079 of the Revised Code and the 6417
importance of aligning curriculum with those standards; 6418

(b) The achievement assessments prescribed by section 6419
3301.0710 of the Revised Code; 6420

(c) The school district and building accountability system 6421
established under Chapter 3302. of the Revised Code; 6422

(d) Instructional methods and strategies; 6423

(e) Student development; 6424

(f) Assessing student progress and providing remediation 6425
and intervention, as necessary, to meet students' special needs; 6426

(g) Classroom management and record keeping. 6427

(D) After two years of teaching under a provisional 6428
educator license issued under this section, a person may apply 6429
for a five-year professional educator license in the same 6430
subject area named in the provisional license. The state board 6431
shall issue the applicant a professional educator license if the 6432
applicant meets the following conditions: 6433

(1) The applicant completed the apprenticeship program 6434
described in division (C) of this section. 6435

(2) The applicant receives a positive recommendation 6436
indicating that the applicant is an effective teacher from both 6437
of the following: 6438

(a) The chief administrative officer of the STEM school 6439
that most recently employed the applicant as a classroom 6440
teacher; 6441

(b) The educational service center or teacher preparation 6442
program administrator in charge of the apprenticeship program 6443
completed by the applicant. 6444

(3) The applicant meets all other requirements for a 6445
professional educator license adopted by the state board under 6446
section 3319.22 of the Revised Code. 6447

(E) The department of education shall evaluate the 6448
experiences of STEM schools with classroom teachers holding 6449
provisional educator licenses issued under this section. The 6450
evaluation shall cover the first two school years for which 6451
licenses are issued and shall consider at least the schools' 6452
satisfaction with the teachers and the operation of the 6453
apprenticeship programs. 6454

(F) The state board shall issue a provisional educator license for teaching in a STEM school in accordance with section 9.79 of the Revised Code to an applicant if either of the following applies: 6455
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(1) The applicant holds a license in another state. 6459

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that section as a STEM educator in a state that does not issue that license. 6460
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Sec. 3319.301. (A) As used in this section, "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code. 6464
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(B) The state board of education shall issue permits to individuals who are not licensed as required by sections 3319.22 to 3319.30 of the Revised Code, but who are otherwise qualified, to teach classes for not more than a total of twelve hours a week, except that an individual teaching in a STEM school may teach classes for not more than a total of forty hours a week. The state board, by rule, shall set forth the qualifications, other than licensure under sections 3319.22 to 3319.30 of the Revised Code, to be met by individuals in order to be issued a permit as provided in this section. Such qualifications shall include the possession of a baccalaureate, master's, or doctoral degree in, or significant experience related to, the subject the individual is to teach. Applications for permits pursuant to this section shall be made in accordance with section 3319.29 of the Revised Code. 6467
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The state board, by rule, shall authorize the board of education of each school district and each STEM school to engage 6482
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individuals holding permits issued under this section to teach 6484
classes for not more than the total number of hours a week 6485
specified in the permit. The rules shall include provisions with 6486
regard to each of the following: 6487

(1) That a board of education or STEM school shall engage 6488
a nonlicensed individual to teach pursuant to this section on a 6489
volunteer basis, or by entering into a contract with the 6490
individual or the individual's employer on such terms and 6491
conditions as are agreed to between the board or school and the 6492
individual or the individual's employer; 6493

(2) That an employee of the board of education or STEM 6494
school who is licensed under sections 3319.22 to 3319.30 of the 6495
Revised Code shall directly supervise a nonlicensed individual 6496
who is engaged to teach pursuant to this section until the 6497
superintendent of the school district or the chief 6498
administrative officer of the STEM school is satisfied that the 6499
nonlicensed individual has sufficient understanding of, and 6500
experience in, effective teaching methods to teach without 6501
supervision. 6502

(C) A nonlicensed individual engaged to teach pursuant to 6503
this section is a teacher for the purposes of Title XXXVIII of 6504
the Revised Code except for the purposes of Chapters 3307. and 6505
3317. and sections 3319.07 to 3319.31 of the Revised Code. Such 6506
an individual is not an employee of the board of education or 6507
STEM school for the purpose of Titles I or XLI or Chapter 3309. 6508
of the Revised Code. 6509

(D) Students enrolled in a class taught by a nonlicensed 6510
individual pursuant to this section and rules adopted thereunder 6511
shall receive the same credit as if the class had been taught by 6512
an employee licensed pursuant to sections 3319.22 to 3319.30 of 6513

the Revised Code. 6514

(E) No board of education of any school district shall 6515
engage any one or more nonlicensed individuals if such 6516
employment displaces from employment an existing licensed 6517
employee of the district. 6518

(F) Section 9.79 of the Revised Code does not apply to 6519
permits issued under this section. 6520

Sec. 3319.303. (A) ~~The~~ Except as provided in division (D) 6521
of this section, the state board of education shall adopt rules 6522
establishing standards and requirements for obtaining a pupil- 6523
activity program permit for any individual who does not hold a 6524
valid educator license, certificate, or permit issued by the 6525
state board under section 3319.22, 3319.26, or 3319.27 of the 6526
Revised Code. The permit issued under this section shall be 6527
valid for coaching, supervising, or directing a pupil-activity 6528
program under section 3313.53 of the Revised Code. Subject to 6529
the provisions of section 3319.31 of the Revised Code, a permit 6530
issued under this division shall be valid for three years and 6531
shall be renewable. 6532

(B) The state board shall adopt rules applicable to 6533
individuals who hold valid educator licenses, certificates, or 6534
permits issued by the state board under section 3319.22, 6535
3319.26, or 3319.27 of the Revised Code setting forth standards 6536
to assure any such individual's competence to direct, supervise, 6537
or coach a pupil-activity program described in section 3313.53 6538
of the Revised Code. The rules adopted under this division shall 6539
not be more stringent than the standards set forth in rules 6540
applicable to individuals who do not hold such licenses, 6541
certificates, or permits adopted under division (A) of this 6542
section. Subject to the provisions of section 3319.31 of the 6543

Revised Code, a permit issued to an individual under this 6544
division shall be valid for the same number of years as the 6545
individual's educator license, certificate, or permit issued 6546
under section 3319.22, 3319.26, or 3319.27 of the Revised Code 6547
and shall be renewable. 6548

~~(C) As a condition to issuing or renewing a pupil activity 6549
program permit to coach interscholastic athletics: 6550~~

(1) The Except as provided in division (D) of this 6551
section, as a condition to issuing a pupil-activity program 6552
permit to coach interscholastic athletics, the state board shall 6553
require each individual applying for a first permit on or after 6554
April 26, 2013, to successfully complete a training program that 6555
is specifically focused on brain trauma and brain injury 6556
management. 6557

(2) The state board shall require, as a condition to 6558
renewing a pupil-activity program permit to coach 6559
interscholastic athletics, each individual applying for a permit 6560
renewal on or after that date to present evidence that the 6561
individual has successfully completed, within the previous three 6562
years, a training program in recognizing the symptoms of 6563
concussions and head injuries to which the department of health 6564
has provided a link on its internet web site under section 6565
3707.52 of the Revised Code or a training program authorized and 6566
required by an organization that regulates interscholastic 6567
athletic competition and conducts interscholastic athletic 6568
events. 6569

(D) The state board shall issue a permit for coaching, 6570
supervising, or directing a pupil-activity program in accordance 6571
with section 9.79 of the Revised Code to an applicant if either 6572
of the following applies: 6573

(1) The applicant holds a license or permit in another state. 6574
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(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that section as a coach, supervisor, or pupil-activity program director in a state that does not issue that permit. 6576
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Sec. 3319.361. (A) The Except as provided in division (F) of this section, the state board of education shall establish rules for the issuance of a supplemental teaching license. This license shall be issued at the request of the superintendent of a city, local, exempted village, or joint vocational school district, educational service center, or the governing authority of a STEM school, chartered nonpublic school, or community school to an individual who meets all of the following criteria: 6581
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(1) Holds a current professional or permanent Ohio teaching certificate or resident educator license, professional educator license, senior professional educator license, or lead professional educator license, as issued under section 3319.22 or 3319.26 of the Revised Code; 6589
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(2) Is of good moral character; 6594

(3) Is employed in a supplemental licensure area or teaching field, as defined by the state board; 6595
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(4) Completes an examination prescribed by the state board in the licensure area; 6597
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(5) Completes, while employed under the supplemental teaching license and subsequent renewals thereof, additional coursework, if applicable, and testing requirements for full licensure in the supplemental area as a condition of holding and 6599
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teaching under a supplemental teaching license. 6603

(B) The employing school district, service center, or 6604
school shall assign a mentor to the individual holding a 6605
supplemental teaching license. The assigned mentor shall be an 6606
experienced teacher who currently holds a license in the same, 6607
or a related, content area as the supplemental license. 6608

(C) Before the department of education will issue an 6609
individual a supplemental teaching license in another area, the 6610
supplemental licensee must complete the supplemental licensure 6611
program, or its equivalent, and be issued a standard teaching 6612
license in the area of the currently held supplemental license. 6613

(D) An individual may advance from a supplemental teaching 6614
license to a standard teaching license upon: 6615

(1) Verification from the employing superintendent or 6616
governing authority that the individual holding the supplemental 6617
teaching license has taught successfully in the licensure area 6618
for a minimum of two years; and 6619

(2) Completing requirements as applicable to the licensure 6620
area or teaching field as established by the state board. 6621

(E) A licensee who has filed an application under this 6622
section may work in the supplemental licensure area for up to 6623
sixty school days while completing the requirements in division 6624
(A) (4) of this section. If the requirements are not completed 6625
within sixty days, the application shall be declined. 6626

(F) The state board shall issue a supplemental teaching 6627
license in accordance with section 9.79 of the Revised Code to 6628
an applicant if either of the following applies: 6629

(1) The applicant holds a license in another state. 6630

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that section as an educator providing supplemental instruction in a state that does not issue that license.

Sec. 3327.10. (A) ~~No~~Except as provided in division (L) of this section, no person shall be employed as driver of a school bus or motor van, owned and operated by any school district or educational service center or privately owned and operated under contract with any school district or service center in this state, who has not received a certificate from either the educational service center governing board that has entered into an agreement with the school district under section 3313.843 or 3313.845 of the Revised Code or the superintendent of the school district, certifying that such person is at least eighteen years of age and is of good moral character and is qualified physically and otherwise for such position. The service center governing board or the superintendent, as the case may be, shall provide for an annual physical examination that conforms with rules adopted by the state board of education of each driver to ascertain the driver's physical fitness for such employment. The examination shall be performed by one of the following:

(1) A person licensed under Chapter 4731. or 4734. of the Revised Code or by another state to practice medicine and surgery, osteopathic medicine and surgery, or chiropractic;

(2) A physician assistant;

(3) A certified nurse practitioner;

(4) A clinical nurse specialist;

(5) A certified nurse-midwife;

(6) A medical examiner who is listed on the national

registry of certified medical examiners established by the 6660
federal motor carrier safety administration in accordance with 6661
49 C.F.R. part 390. 6662

Any certificate may be revoked by the authority granting 6663
the same on proof that the holder has been guilty of failing to 6664
comply with division (D) (1) of this section, or upon a 6665
conviction or a guilty plea for a violation, or any other 6666
action, that results in a loss or suspension of driving rights. 6667
Failure to comply with such division may be cause for 6668
disciplinary action or termination of employment under division 6669
(C) of section 3319.081, or section 124.34 of the Revised Code. 6670

(B) ~~No~~ Except as provided in division (L) of this section, 6671
no person shall be employed as driver of a school bus or motor 6672
van not subject to the rules of the department of education 6673
pursuant to division (A) of this section who has not received a 6674
certificate from the school administrator or contractor 6675
certifying that such person is at least eighteen years of age, 6676
is of good moral character, and is qualified physically and 6677
otherwise for such position. Each driver shall have an annual 6678
physical examination which conforms to the state highway patrol 6679
rules, ascertaining the driver's physical fitness for such 6680
employment. The examination shall be performed by one of the 6681
following: 6682

(1) A person licensed under Chapter 4731. or 4734. of the 6683
Revised Code or by another state to practice medicine and 6684
surgery, osteopathic medicine and surgery, or chiropractic; 6685

(2) A physician assistant; 6686

(3) A certified nurse practitioner; 6687

(4) A clinical nurse specialist; 6688

(5) A certified nurse-midwife; 6689

(6) A medical examiner who is listed on the national 6690
registry of certified medical examiners established by the 6691
federal motor carrier safety administration in accordance with 6692
49 C.F.R. part 390. 6693

Any written documentation of the physical examination 6694
shall be completed by the individual who performed the 6695
examination. 6696

Any certificate may be revoked by the authority granting 6697
the same on proof that the holder has been guilty of failing to 6698
comply with division (D) (2) of this section. 6699

(C) Any person who drives a school bus or motor van must 6700
give satisfactory and sufficient bond except a driver who is an 6701
employee of a school district and who drives a bus or motor van 6702
owned by the school district. 6703

(D) No person employed as driver of a school bus or motor 6704
van under this section who is convicted of a traffic violation 6705
or who has had the person's commercial driver's license 6706
suspended shall drive a school bus or motor van until the person 6707
has filed a written notice of the conviction or suspension, as 6708
follows: 6709

(1) If the person is employed under division (A) of this 6710
section, the person shall file the notice with the 6711
superintendent, or a person designated by the superintendent, of 6712
the school district for which the person drives a school bus or 6713
motor van as an employee or drives a privately owned and 6714
operated school bus or motor van under contract. 6715

(2) If employed under division (B) of this section, the 6716
person shall file the notice with the employing school 6717

administrator or contractor, or a person designated by the 6718
administrator or contractor. 6719

(E) In addition to resulting in possible revocation of a 6720
certificate as authorized by divisions (A) and (B) of this 6721
section, violation of division (D) of this section is a minor 6722
misdemeanor. 6723

(F) (1) Not later than thirty days after June 30, 2007, 6724
each owner of a school bus or motor van shall obtain the 6725
complete driving record for each person who is currently 6726
employed or otherwise authorized to drive the school bus or 6727
motor van. An owner of a school bus or motor van shall not 6728
permit a person to operate the school bus or motor van for the 6729
first time before the owner has obtained the person's complete 6730
driving record. Thereafter, the owner of a school bus or motor 6731
van shall obtain the person's driving record not less frequently 6732
than semiannually if the person remains employed or otherwise 6733
authorized to drive the school bus or motor van. An owner of a 6734
school bus or motor van shall not permit a person to resume 6735
operating a school bus or motor van, after an interruption of 6736
one year or longer, before the owner has obtained the person's 6737
complete driving record. 6738

(2) The owner of a school bus or motor van shall not 6739
permit a person to operate the school bus or motor van for ten 6740
years after the date on which the person pleads guilty to or is 6741
convicted of a violation of section 4511.19 of the Revised Code 6742
or a substantially equivalent municipal ordinance. 6743

(3) An owner of a school bus or motor van shall not permit 6744
any person to operate such a vehicle unless the person meets all 6745
other requirements contained in rules adopted by the state board 6746
of education prescribing qualifications of drivers of school 6747

buses and other student transportation. 6748

(G) No superintendent of a school district, educational 6749
service center, community school, or public or private employer 6750
shall permit the operation of a vehicle used for pupil 6751
transportation within this state by an individual unless both of 6752
the following apply: 6753

(1) Information pertaining to that driver has been 6754
submitted to the department of education, pursuant to procedures 6755
adopted by that department. Information to be reported shall 6756
include the name of the employer or school district, name of the 6757
driver, driver license number, date of birth, date of hire, 6758
status of physical evaluation, and status of training. 6759

(2) The most recent criminal records check required by 6760
division (J) of this section has been completed and received by 6761
the superintendent or public or private employer. 6762

(H) A person, school district, educational service center, 6763
community school, nonpublic school, or other public or nonpublic 6764
entity that owns a school bus or motor van, or that contracts 6765
with another entity to operate a school bus or motor van, may 6766
impose more stringent restrictions on drivers than those 6767
prescribed in this section, in any other section of the Revised 6768
Code, and in rules adopted by the state board. 6769

(I) For qualified drivers who, on July 1, 2007, are 6770
employed by the owner of a school bus or motor van to drive the 6771
school bus or motor van, any instance in which the driver was 6772
convicted of or pleaded guilty to a violation of section 4511.19 6773
of the Revised Code or a substantially equivalent municipal 6774
ordinance prior to two years prior to July 1, 2007, shall not be 6775
considered a disqualifying event with respect to division (F) of 6776

this section. 6777

(J) (1) This division applies to persons hired by a school 6778
district, educational service center, community school, 6779
chartered nonpublic school, or science, technology, engineering, 6780
and mathematics school established under Chapter 3326. of the 6781
Revised Code to operate a vehicle used for pupil transportation. 6782

For each person to whom this division applies who is hired 6783
on or after November 14, 2007, the employer shall request a 6784
criminal records check in accordance with section 3319.39 of the 6785
Revised Code and every six years thereafter. For each person to 6786
whom this division applies who is hired prior to that date, the 6787
employer shall request a criminal records check by a date 6788
prescribed by the department of education and every six years 6789
thereafter. 6790

(2) This division applies to persons hired by a public or 6791
private employer not described in division (J) (1) of this 6792
section to operate a vehicle used for pupil transportation. 6793

For each person to whom this division applies who is hired 6794
on or after November 14, 2007, the employer shall request a 6795
criminal records check prior to the person's hiring and every 6796
six years thereafter. For each person to whom this division 6797
applies who is hired prior to that date, the employer shall 6798
request a criminal records check by a date prescribed by the 6799
department and every six years thereafter. 6800

(3) Each request for a criminal records check under 6801
division (J) of this section shall be made to the superintendent 6802
of the bureau of criminal identification and investigation in 6803
the manner prescribed in section 3319.39 of the Revised Code, 6804
except that if both of the following conditions apply to the 6805

person subject to the records check, the employer shall request 6806
the superintendent only to obtain any criminal records that the 6807
federal bureau of investigation has on the person: 6808

(a) The employer previously requested the superintendent 6809
to determine whether the bureau of criminal identification and 6810
investigation has any information, gathered pursuant to division 6811
(A) of section 109.57 of the Revised Code, on the person in 6812
conjunction with a criminal records check requested under 6813
section 3319.39 of the Revised Code or under division (J) of 6814
this section. 6815

(b) The person presents proof that the person has been a 6816
resident of this state for the five-year period immediately 6817
prior to the date upon which the person becomes subject to a 6818
criminal records check under this section. 6819

Upon receipt of a request, the superintendent shall 6820
conduct the criminal records check in accordance with section 6821
109.572 of the Revised Code as if the request had been made 6822
under section 3319.39 of the Revised Code. However, as specified 6823
in division (B) (2) of section 109.572 of the Revised Code, if 6824
the employer requests the superintendent only to obtain any 6825
criminal records that the federal bureau of investigation has on 6826
the person for whom the request is made, the superintendent 6827
shall not conduct the review prescribed by division (B) (1) of 6828
that section. 6829

(K) (1) Until the effective date of the amendments to rule 6830
3301-83-23 of the Ohio Administrative Code required by the 6831
second paragraph of division (E) of section 3319.39 of the 6832
Revised Code, any person who is the subject of a criminal 6833
records check under division (J) of this section and has been 6834
convicted of or pleaded guilty to any offense described in 6835

division (B) (1) of section 3319.39 of the Revised Code shall not
be hired or shall be released from employment, as applicable,
unless the person meets the rehabilitation standards prescribed
for nonlicensed school personnel by rule 3301-20-03 of the Ohio
Administrative Code.

(2) Beginning on the effective date of the amendments to
rule 3301-83-23 of the Ohio Administrative Code required by the
second paragraph of division (E) of section 3319.39 of the
Revised Code, any person who is the subject of a criminal
records check under division (J) of this section and has been
convicted of or pleaded guilty to any offense that, under the
rule, disqualifies a person for employment to operate a vehicle
used for pupil transportation shall not be hired or shall be
released from employment, as applicable, unless the person meets
the rehabilitation standards prescribed by the rule.

(L) The superintendent of a school district or an
educational service center governing board shall issue a
certificate as a driver of a school bus or motor van or a
certificate to operate a vehicle used for pupil transportation
in accordance with section 9.79 of the Revised Code to an
applicant if either of the following applies:

(1) The applicant holds a certificate in another state.

(2) The applicant has satisfactory work experience, a
government certification, or a private certification as
described in that section as a school bus or motor van driver or
a pupil transportation vehicle operator in a state that does not
issue one or both of those certificates.

Sec. 3703.01. (A) Except as otherwise provided in this
section, the division of industrial compliance in the department

of commerce shall do all of the following: 6865

(1) Inspect all nonresidential buildings within the 6866
meaning of section 3781.06 of the Revised Code; 6867

(2) Condemn all unsanitary or defective plumbing that is 6868
found in connection with those places; 6869

(3) Order changes in plumbing necessary to insure the 6870
safety of the public health. 6871

(B) (1) (a) The division of industrial compliance, boards of 6872
health of city and general health districts, and county building 6873
departments shall not inspect plumbing or collect fees for 6874
inspecting plumbing in particular types of buildings in any 6875
municipal corporation that is certified by the board of building 6876
standards under section 3781.10 of the Revised Code to exercise 6877
enforcement authority for plumbing in those types of buildings. 6878

(b) The division shall not inspect plumbing or collect 6879
fees for inspecting plumbing in particular types of buildings in 6880
any health district that employs one or more plumbing inspectors 6881
certified pursuant to division (D) of this section to enforce 6882
Chapters 3781. and 3791. of the Revised Code and the rules 6883
adopted pursuant to those chapters relating to plumbing in those 6884
types of buildings. 6885

(c) The division shall not inspect plumbing or collect 6886
fees for inspecting plumbing in particular types of buildings in 6887
any health district where the county building department is 6888
authorized to inspect those types of buildings pursuant to a 6889
contract described in division (C) (1) of this section. 6890

(d) The division shall not inspect plumbing or collect 6891
fees for inspecting plumbing in particular types of buildings in 6892
any health district where the board of health has entered into a 6893

contract with the board of health of another district to conduct 6894
inspections pursuant to division (C) (2) of this section. 6895

(2) No county building department shall inspect plumbing 6896
or collect fees for inspecting plumbing in any type of building 6897
in a health district unless the department is authorized to 6898
inspect that type of building pursuant to a contract described 6899
in division (C) (1) of this section. 6900

(3) No municipal corporation shall inspect plumbing or 6901
collect fees for inspecting plumbing in types of buildings for 6902
which it is not certified by the board of building standards 6903
under section 3781.10 of the Revised Code to exercise 6904
enforcement authority. 6905

(4) No board of health of a health district shall inspect 6906
plumbing or collect fees for inspecting plumbing in types of 6907
buildings for which it does not have a plumbing inspector 6908
certified pursuant to division (D) of this section. 6909

(C) (1) The board of health of a health district may enter 6910
into a contract with a board of county commissioners to 6911
authorize the county building department to inspect plumbing in 6912
buildings within the health district. The contract may designate 6913
that the department inspect either residential or nonresidential 6914
buildings, as those terms are defined in section 3781.06 of the 6915
Revised Code, or both types of buildings, so long as the 6916
department employs or contracts with a plumbing inspector 6917
certified pursuant to division (D) of this section to inspect 6918
the types of buildings the contract designates. The board of 6919
health may enter into a contract regardless of whether the 6920
health district employs any certified plumbing inspectors to 6921
enforce Chapters 3781. and 3791. of the Revised Code. 6922

(2) The board of health of a health district, regardless 6923
of whether it employs any certified plumbing inspectors to 6924
enforce Chapters 3781. and 3791. of the Revised Code, may enter 6925
into a contract with the board of health of another health 6926
district to authorize that board to inspect plumbing in 6927
buildings within the contracting board's district. The contract 6928
may designate the inspection of either residential or 6929
nonresidential buildings as defined in section 3781.06 of the 6930
Revised Code, or both types of buildings, so long as the board 6931
that performs the inspections employs a plumbing inspector 6932
certified pursuant to division (D) of this section to inspect 6933
the types of buildings the contract designates. 6934

(D) The superintendent of industrial compliance shall 6935
adopt rules prescribing minimum qualifications based on 6936
education, training, experience, or demonstrated ability, that 6937
the superintendent shall use in certifying or recertifying 6938
plumbing inspectors to do plumbing inspections for health 6939
districts and county building departments that are authorized to 6940
perform inspections pursuant to a contract under division (C)(1) 6941
of this section, and for continuing education of plumbing 6942
inspectors. Those minimum qualifications shall be related to the 6943
types of buildings for which a person seeks certification. 6944

(E) ~~(1)~~ The superintendent may enter into reciprocal 6945
registration, licensure, or certification agreements with ~~other~~ 6946
~~states and~~ other agencies of this state relative to plumbing 6947
inspectors if both of the following apply: 6948

~~(1)~~ ~~(a)~~ The requirements for registration, licensure, or 6949
certification of plumbing inspectors under the ~~laws of the other~~ 6950
~~state or~~ laws administered by the other agency are substantially 6951
equal to the requirements the superintendent adopts under 6952

division (D) of this section for certifying plumbing inspectors. 6953

~~(2) (b) The other state or agency extends similar~~ 6954
reciprocity to persons certified under this chapter. 6955

(2) The superintendent shall certify a plumbing inspector 6956
in accordance with section 9.79 of the Revised Code if either of 6957
the following applies: 6958

(a) The applicant holds a license or certification in 6959
another state. 6960

(b) The applicant has satisfactory work experience, a 6961
government certification, or a private certification as 6962
described in that section as a plumbing inspector in a state 6963
that does not issue that certification. 6964

(F) The superintendent may select and contract with one or 6965
more persons to do all of the following regarding examinations 6966
for certification of plumbing inspectors: 6967

(1) Prepare, administer, score, and maintain the 6968
confidentiality of the examination; 6969

(2) Maintain responsibility for all expenses required to 6970
comply with division (F) (1) of this section; 6971

(3) Charge each applicant a fee for administering the 6972
examination in an amount the superintendent authorizes; 6973

(4) Design the examination for certification of plumbing 6974
inspectors to determine an applicant's competence to inspect 6975
plumbing. 6976

(G) Standards and methods prescribed in local plumbing 6977
regulations shall not be less than those prescribed in Chapters 6978
3781. and 3791. of the Revised Code and the rules adopted 6979

pursuant to those chapters. 6980

(H) Notwithstanding any other provision of this section, 6981
the division shall make a plumbing inspection of any building or 6982
other place that there is reason to believe is in a condition to 6983
be a menace to the public health. 6984

Sec. 3703.21. (A) Within ninety days after September 16, 6985
2004, the superintendent of industrial compliance shall appoint 6986
a backflow advisory board consisting of not more than ten 6987
members, who shall serve at the pleasure of the superintendent. 6988
The superintendent shall appoint a representative from the 6989
plumbing section of the division of industrial compliance, three 6990
representatives recommended by the plumbing administrator of the 6991
division of industrial compliance, a representative of the 6992
drinking water program of the Ohio environmental protection 6993
agency, three representatives recommended by the director of 6994
environmental protection, and not more than two members who are 6995
not employed by the plumbing or water industry. 6996

The board shall advise the superintendent on matters 6997
pertaining to the training and certification of backflow 6998
technicians. 6999

(B) The superintendent shall adopt rules in accordance 7000
with Chapter 119. of the Revised Code to provide for the 7001
certification of backflow technicians. The rules shall establish 7002
all of the following requirements, specifications, and 7003
procedures: 7004

(1) Requirements and procedures for the initial 7005
certification of backflow technicians, including eligibility 7006
criteria and application requirements and fees; 7007

(2) Specifications concerning and procedures for taking 7008

examinations required for certification as a backflow technician, including eligibility criteria to take the examination and application requirements and fees for taking the examination; 7009
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(3) Specifications concerning and procedures for renewing a certification as a backflow technician, including eligibility criteria, application requirements, and fees for renewal; 7013
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(4) Specifications concerning and procedures for both of the following: 7016
7017

(a) Approval of training agencies authorized to teach required courses to candidates for certification as backflow technicians or continuing education courses to certified backflow technicians; 7018
7019
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7021

(b) Renewal of the approval described in division (B) (4) (a) of this section. 7022
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(5) Education requirements that candidates for initial certification as backflow technicians must satisfy and continuing education requirements that certified backflow technicians must satisfy; 7024
7025
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(6) Grounds and procedures for denying, suspending, or revoking certification, or denying the renewal of certification, as a backflow technician; 7028
7029
7030

(7) Procedures for issuing administrative orders for the remedy of any violation of this section or any rule adopted pursuant to division (B) of this section, including, but not limited to, procedures for assessing a civil penalty authorized under division ~~(D)~~ (E) of this section; 7031
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(8) Any provision the superintendent determines is 7036

necessary to administer or enforce this section. 7037

(C) The superintendent shall certify a backflow technician 7038
in accordance with section 9.79 of the Revised Code if either of 7039
the following applies: 7040

(1) The individual holds a license or certification in 7041
another state. 7042

(2) The individual has satisfactory work experience, a 7043
government certification, or a private certification as 7044
described in that section as a backflow technician in a state 7045
that does not issue that certification. 7046

(D) No individual shall engage in the installation, 7047
testing, or repair of any isolation backflow prevention device 7048
unless that individual possesses a valid certification as a 7049
backflow technician. This division does not apply with respect 7050
to the installation, testing, or repair of any containment 7051
backflow prevention device. 7052

~~(D)~~ (E) Whoever violates division ~~(C)~~ ~~(D)~~ of this section 7053
or any rule adopted pursuant to division (B) of this section 7054
shall pay a civil penalty of not more than five thousand dollars 7055
for each day that the violation continues. The superintendent 7056
may, by order, assess a civil penalty under this division, or 7057
may request the attorney general to bring a civil action to 7058
impose the civil penalty in the court of common pleas of the 7059
county in which the violation occurred or where the violator 7060
resides. 7061

~~(E)~~ (F) Any action taken under a rule adopted pursuant to 7062
division (B) (6) of this section is subject to the appeal process 7063
of Chapter 119. of the Revised Code. An administrative order 7064
issued pursuant to rules adopted under division (B) (7) of this 7065

section and an appeal to that type of administrative order shall 7066
be executed in accordance with Chapter 119. of the Revised Code. 7067

~~(F)~~ (G) As used in this section: 7068

(1) "Isolation backflow prevention device" means a device 7069
for the prevention of the backflow of liquids, solids, or gases 7070
that is regulated by the building code adopted pursuant to 7071
section 3781.10 of the Revised Code and rules adopted pursuant 7072
to this section. 7073

(2) "Containment backflow prevention device" means a 7074
device for the prevention of the backflow of liquids, solids, or 7075
gases that is installed by the supplier of, or as a requirement 7076
of, any public water system as defined in division (A) of 7077
section 6109.01 of the Revised Code. 7078

Sec. 3704.14. (A) (1) If the director of environmental 7079
protection determines that implementation of a motor vehicle 7080
inspection and maintenance program is necessary for the state to 7081
effectively comply with the federal Clean Air Act after June 30, 7082
2019, the director may provide for the implementation of the 7083
program in those counties in this state in which such a program 7084
is federally mandated. Upon making such a determination, the 7085
director of environmental protection may request the director of 7086
administrative services to extend the terms of the contract that 7087
was entered into under the authority of Am. Sub. H.B. 64 of the 7088
131st general assembly. Upon receiving the request, the director 7089
of administrative services shall extend the contract, beginning 7090
on July 1, 2019, in accordance with this section. The contract 7091
shall be extended for a period of up to twenty-four months with 7092
the contractor who conducted the motor vehicle inspection and 7093
maintenance program under that contract. 7094

(2) Prior to the expiration of the contract extension that 7095
is authorized by division (A)(1) of this section, the director 7096
of environmental protection shall request the director of 7097
administrative services to enter into a contract with a vendor 7098
to operate a decentralized motor vehicle inspection and 7099
maintenance program in each county in this state in which such a 7100
program is federally mandated through June 30, 2023, with an 7101
option for the state to renew the contract for a period of up to 7102
twenty-four months through June 30, 2025. The contract shall 7103
ensure that the decentralized motor vehicle inspection and 7104
maintenance program achieves at least the same emission 7105
reductions as achieved by the program operated under the 7106
authority of the contract that was extended under division (A) 7107
(1) of this section. The director of administrative services 7108
shall select a vendor through a competitive selection process in 7109
compliance with Chapter 125. of the Revised Code. 7110

(3) Notwithstanding any law to the contrary, the director 7111
of administrative services shall ensure that a competitive 7112
selection process regarding a contract to operate a 7113
decentralized motor vehicle inspection and maintenance program 7114
in this state incorporates the following, which shall be 7115
included in the contract: 7116

(a) For purposes of expanding the number of testing 7117
locations for consumer convenience, a requirement that the 7118
vendor utilize established local businesses, auto repair 7119
facilities, or leased properties to operate state-approved 7120
inspection and maintenance testing facilities; 7121

(b) A requirement that the vendor selected to operate the 7122
program provide notification of the program's requirements to 7123
each owner of a motor vehicle that is required to be inspected 7124

under the program. The contract shall require the notification 7125
to be provided not later than sixty days prior to the date by 7126
which the owner of the motor vehicle is required to have the 7127
motor vehicle inspected. The director of environmental 7128
protection and the vendor shall jointly agree on the content of 7129
the notice. However, the notice shall include at a minimum the 7130
locations of all inspection facilities within a specified 7131
distance of the address that is listed on the owner's motor 7132
vehicle registration; 7133

(c) A requirement that the vendor comply with testing 7134
methodology and supply the required equipment approved by the 7135
director of environmental protection as specified in the 7136
competitive selection process in compliance with Chapter 125. of 7137
the Revised Code. 7138

(4) A decentralized motor vehicle inspection and 7139
maintenance program operated under this section shall comply 7140
with division (B) of this section. The director of environmental 7141
protection shall administer the decentralized motor vehicle 7142
inspection and maintenance program operated under this section. 7143

(B) The decentralized motor vehicle inspection and 7144
maintenance program authorized by this section, at a minimum, 7145
shall do all of the following: 7146

(1) Comply with the federal Clean Air Act; 7147

(2) Provide for the issuance of inspection certificates; 7148

(3) Provide for a new car exemption for motor vehicles 7149
four years old or newer and provide that a new motor vehicle is 7150
exempt for four years regardless of whether legal title to the 7151
motor vehicle is transferred during that period. 7152

(C) (1) The director of environmental protection shall 7153

adopt rules in accordance with Chapter 119. of the Revised Code 7154
that the director determines are necessary to implement this 7155
section. The director may continue to implement and enforce 7156
rules pertaining to the motor vehicle inspection and maintenance 7157
program previously implemented under former section 3704.14 of 7158
the Revised Code as that section existed prior to its repeal and 7159
reenactment by Am. Sub. H.B. 66 of the 126th general assembly, 7160
provided that the rules do not conflict with this section. 7161

(2) The director of environmental protection shall issue 7162
an inspection certificate provided for under division (B) (2) of 7163
this section in accordance with section 9.79 of the Revised Code 7164
to an applicant if either of the following applies: 7165

(a) The individual holds a certificate or license in 7166
another state. 7167

(b) The individual has satisfactory work experience, a 7168
government certification, or a private certification as 7169
described in that section as a vehicle inspector in a state that 7170
does not issue that certificate. 7171

(D) There is hereby created in the state treasury the auto 7172
emissions test fund, which shall consist of money received by 7173
the director from any cash transfers, state and local grants, 7174
and other contributions that are received for the purpose of 7175
funding the program established under this section. The director 7176
of environmental protection shall use money in the fund solely 7177
for the implementation, supervision, administration, operation, 7178
and enforcement of the motor vehicle inspection and maintenance 7179
program established under this section. Money in the fund shall 7180
not be used for either of the following: 7181

(1) To pay for the inspection costs incurred by a motor 7182

vehicle dealer so that the dealer may provide inspection 7183
certificates to an individual purchasing a motor vehicle from 7184
the dealer when that individual resides in a county that is 7185
subject to the motor vehicle inspection and maintenance program; 7186

(2) To provide payment for more than one free passing 7187
emissions inspection or a total of three emissions inspections 7188
for a motor vehicle in any three-hundred-sixty-five-day period. 7189
The owner or lessee of a motor vehicle is responsible for 7190
inspection fees that are related to emissions inspections beyond 7191
one free passing emissions inspection or three total emissions 7192
inspections in any three-hundred-sixty-five-day period. 7193
Inspection fees that are charged by a contractor conducting 7194
emissions inspections under a motor vehicle inspection and 7195
maintenance program shall be approved by the director of 7196
environmental protection. 7197

(E) The motor vehicle inspection and maintenance program 7198
established under this section expires upon the termination of 7199
all contracts entered into under this section and shall not be 7200
implemented beyond the final date on which termination occurs. 7201

Sec. 3713.05. (A) Applications to register to import, 7202
manufacture, renovate, wholesale, make, or reupholster stuffed 7203
toys or bedding in this state shall be made in writing on forms 7204
provided by the superintendent of industrial compliance. The 7205
application shall be accompanied by a registration fee of fifty 7206
dollars per person unless the applicant engages only in 7207
renovation, in which case the registration fee shall be thirty- 7208
five dollars. 7209

~~(B)~~. Upon receipt of the application and the appropriate 7210
fee, the superintendent shall register the applicant and assign 7211
a registration number to the registrant. 7212

(B) The superintendent shall register an applicant in accordance with section 9.79 of the Revised Code if either of the following applies: 7213
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(1) The applicant is licensed or registered to import, manufacture, renovate, wholesale, make, or reupholster stuffed toys or bedding in another state. 7216
7217
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(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that section with or for importing, manufacturing, renovating, wholesaling, making, or reupholstering stuffed toys or bedding in a state that does not issue that registration. 7219
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(C) Notwithstanding section 3713.02 of the Revised Code and division (A) of this section, the following are exempt from registration: 7224
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(1) An organization described in section 501(c)(3) of the "Internal Revenue Code of 1986," and exempt from income tax under section 501(a) of that code and that is operated exclusively to provide recreation or social services; 7227
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7229
7230

(2) A person who is not regularly engaged in the business of manufacturing, making, wholesaling, or importing stuffed toys but who manufactures or makes stuffed toys as a leisure pursuit and who sells one hundred or fewer stuffed toys within one calendar year; 7231
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(3) A person who is not regularly engaged in the business of manufacturing, making, wholesaling, or importing quilts, comforters, pillows, or cushions, but who manufactures or makes these items as a leisure pursuit and who sells five or fewer quilts, ten or fewer comforters, or twenty or fewer pillows or cushions within one calendar year. 7236
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(D) Notwithstanding division (C) (2) or (3) of this section, a person exempt under that division must attach a label to each stuffed toy that contains all of the following information:

(1) The person's name and address;

(2) A statement that the person is not registered by the state of Ohio;

(3) A statement that the contents of the product have not been inspected.

Sec. 3717.09. (A) In accordance with rules adopted under section 3717.51 of the Revised Code, the director of health shall approve courses of study for certification in food protection as it pertains to retail food establishments and as it pertains to food service operations. ~~The~~ Except as provided for in division (B), the director shall certify individuals in food protection who successfully complete a course of study approved under this section and meet all other certification requirements specified in rules adopted under section 3717.51 of the Revised Code.

(B) The director shall issue a certification in food protection in accordance with section 9.79 of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license or certification in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that section working in food protection in a state that does not issue that certification.

Sec. 3723.03. Pursuant to division (B) of section 3723.02 7270
of the Revised Code, an individual, business entity, or 7271
government entity that holds a valid license issued by another 7272
state authorizing practice as a radon tester, mitigation 7273
specialist, or mitigation contractor under the laws of that 7274
state may practice in this state without a license issued under 7275
this chapter for not more than ninety days in any calendar year 7276
as a radon tester, mitigation specialist, or mitigation 7277
contractor, if the director of health finds that the 7278
requirements for licensure in that state are comparable to the 7279
requirements for licensure under this chapter and the rules 7280
adopted under it and the individual, business entity, or 7281
government entity provides notice to the director of health, in 7282
accordance with rules adopted under section 3723.09 of the 7283
Revised Code, prior to commencing practice in this state._ 7284
Section 9.79 of the Revised Code does not apply to a nonresident 7285
individual authorized to practice under this section. 7286

Sec. 3723.06. (A) The director of health shall license 7287
radon testers, mitigation specialists, and mitigation 7288
contractors. Each applicant for a license shall submit a 7289
completed application to the director on a form the director 7290
shall prescribe and furnish. 7291

(B) ~~In~~ Except as provided in division (F) of this section 7292
and in accordance with rules adopted under section 3723.09 of 7293
the Revised Code, the director shall issue the appropriate 7294
license to each applicant that pays the license fee prescribed 7295
by the director, meets the licensing criteria established by the 7296
director, and complies with any other licensing and training 7297
requirements established by the director. An individual, 7298
business entity, or government entity may hold more than one 7299
license issued under this section, but a separate application is 7300

required for each license. 7301

(C) Notwithstanding division (B) of this section and 7302
except as provided in division (F) of this section, the director 7303
shall issue a radon mitigation contractor license on request to 7304
the holder of a radon mitigation specialist license if the 7305
license holder is the owner or chief stockholder of a business 7306
entity for which the license holder is the only individual who 7307
will work as a radon mitigation specialist. The licensing 7308
criteria and any other licensing and training requirements the 7309
individual was required to meet to qualify for the radon 7310
mitigation specialist license are hereby deemed to satisfy any 7311
and all criteria and requirements for a radon mitigation 7312
contractor license. A license issued under this division shall 7313
expire at the same time as the individual's radon mitigation 7314
specialist license. No license fee shall be imposed for a 7315
license issued under this division. 7316

(D) A license issued under this section expires biennially 7317
and may be renewed by the director in accordance with criteria 7318
and procedures established in rules adopted under section 7319
3723.09 of the Revised Code and on payment of the license 7320
renewal fee prescribed in those rules. 7321

(E) In accordance with Chapter 119. of the Revised Code, 7322
the director may do either of the following: 7323

(1) Refuse to issue a license to an individual, business 7324
entity, or government entity that does not meet the requirements 7325
of this chapter or the rules adopted under it or has been in 7326
violation of those requirements; 7327

(2) Suspend, revoke, or refuse to renew the license of an 7328
individual, business entity, or government entity that is or has 7329

been in violation of the requirements of this chapter or the 7330
rules adopted under it. 7331

(F) The director shall issue a radon tester, mitigation 7332
specialist, or mitigation contractor license in accordance with 7333
section 9.79 of the Revised Code to an applicant if either of 7334
the following applies: 7335

(1) The applicant holds a license in another state. 7336

(2) The applicant has satisfactory work experience, a 7337
government certification, or a private certification as 7338
described in that section as a radon tester, mitigation 7339
specialist, or mitigation contractor in a state that does not 7340
issue one or more of those licenses. 7341

Sec. 3737.83. The state fire marshal shall, as part of the 7342
state fire code, adopt rules to: 7343

(A) Establish minimum standards of performance for fire 7344
protection equipment and fire fighting equipment; 7345

(B) Establish minimum standards of training, fix minimum 7346
qualifications, and require certificates for all persons who 7347
engage in the business for profit of installing, testing, 7348
repairing, or maintaining fire protection equipment; 7349

(C) Provide for the issuance of certificates required 7350
under division (B) of this section and establish the fees to be 7351
charged for such certificates. A certificate shall be granted, 7352
renewed, or revoked according to rules the state fire marshal 7353
shall adopt, except that the state fire marshal shall grant a 7354
certificate in accordance with section 9.79 of the Revised Code 7355
to an applicant if either of the following applies: 7356

(1) The applicant holds a license or certificate in 7357

another state. 7358

(2) The applicant has satisfactory work experience, a 7359
government certification, or a private certification as 7360
described in that section as a person engaged in the business of 7361
installing, testing, repairing, or maintaining fire protection 7362
equipment in a state that does not issue that certificate. 7363

(D) Establish minimum standards of flammability for 7364
consumer goods in any case where the federal government or any 7365
department or agency thereof has established, or may from time 7366
to time establish standards of flammability for consumer goods. 7367
The standards established by the state fire marshal shall be 7368
identical to the minimum federal standards. 7369

In any case where the federal government or any department 7370
or agency thereof, establishes standards of flammability for 7371
consumer goods subsequent to the adoption of a flammability 7372
standard by the state fire marshal, standards previously adopted 7373
by the state fire marshal shall not continue in effect to the 7374
extent such standards are not identical to the minimum federal 7375
standards. 7376

With respect to the adoption of minimum standards of 7377
flammability, this division shall supersede any authority 7378
granted a political subdivision by any other section of the 7379
Revised Code. 7380

(E) Establish minimum standards pursuant to section 7381
5104.05 of the Revised Code for fire prevention and fire safety 7382
in child day-care centers and in type A family day-care homes, 7383
as defined in section 5104.01 of the Revised Code. 7384

(F) Establish minimum standards for fire prevention and 7385
safety in a residential facility licensed under section 5119.34 7386

of the Revised Code that provides accommodations, supervision, 7387
and personal care services for three to sixteen unrelated 7388
adults. The state fire marshal shall adopt the rules under this 7389
division in consultation with the director of mental health and 7390
addiction services and interested parties designated by the 7391
director of mental health and addiction services. 7392

Sec. 3737.881. (A) The state fire marshal shall certify 7393
underground storage tank systems installers who meet the 7394
standards for certification established in rules adopted under 7395
division (D) (1) of this section, pass the certification 7396
examination required by this division, and pay the certificate 7397
fee established in rules adopted under division (D) (5) of this 7398
section. Any individual who wishes to obtain certification as an 7399
installer shall apply to the state fire marshal on a form 7400
prescribed by the state fire marshal. The application shall be 7401
accompanied by the application and examination fees established 7402
in rules adopted under division (D) (5) of this section. 7403

The state fire marshal shall prescribe an examination 7404
designed to test the knowledge of applicants for certification 7405
as underground storage tank system installers in the 7406
installation, repair, abandonment, and removal of those systems. 7407
The examination shall also test the applicants' knowledge and 7408
understanding of the requirements and standards established in 7409
rules adopted under sections 3737.88 and 3737.882 of the Revised 7410
Code pertaining to the installation, repair, abandonment, and 7411
removal of those systems. 7412

Installer certifications issued under this division shall 7413
be renewed annually, upon submission of a certification renewal 7414
form prescribed by the state fire marshal, provision of proof of 7415
successful completion of continuing education requirements, and 7416

payment of the certification renewal fee established in rules 7417
adopted under division (D) (5) of this section. In addition, the 7418
fire marshal may from time to time prescribe an examination for 7419
certification renewal and may require applicants to pass the 7420
examination and pay the fee established for it in rules adopted 7421
under division (D) (5) of this section. 7422

The state fire marshal may, in accordance with Chapter 7423
119. of the Revised Code, deny, suspend, revoke, or refuse to 7424
renew an installer's certification or renewal thereof after 7425
finding that any of the following applies: 7426

(1) The applicant for certification or certificate holder 7427
fails to meet the standards for certification or renewal thereof 7428
under this section and rules adopted under it; 7429

(2) The certification was obtained through fraud or 7430
misrepresentation; 7431

(3) The certificate holder recklessly caused or permitted 7432
a person under the certificate holder's supervision to install, 7433
perform major repairs on site to, abandon, or remove an 7434
underground storage tank system in violation of the performance 7435
standards set forth in rules adopted under section 3737.88 or 7436
3737.882 of the Revised Code. 7437

As used in division (A) (3) of this section, "recklessly" 7438
has the same meaning as in section 2901.22 of the Revised Code. 7439

(B) The state fire marshal shall certify persons who 7440
sponsor training programs for underground storage tank system 7441
installers who meet the criteria for certification established 7442
in rules adopted by the state fire marshal under division (D) (4) 7443
of this section and pay the certificate fee established in rules 7444
adopted under division (D) (5) of this section. Any person who 7445

wishes to obtain certification to sponsor such a training 7446
program shall apply to the state fire marshal on a form 7447
prescribed by the state fire marshal. Training program 7448
certificates issued under this division shall expire annually. 7449
Upon submission of a certification renewal application form 7450
prescribed by the state fire marshal and payment of the 7451
application and certification renewal fees established in rules 7452
adopted under division (D) (5) of this section, the state fire 7453
marshal shall issue a training program renewal certificate to 7454
the applicant. 7455

The state fire marshal may, in accordance with Chapter 7456
119. of the Revised Code, deny an application for, suspend, or 7457
revoke a training program certificate or renewal or renewal of a 7458
training program certificate after finding that the training 7459
program does not or will not meet the standards for 7460
certification established in rules adopted under division (D) (4) 7461
of this section. 7462

(C) The state fire marshal may conduct or cause to be 7463
conducted training programs for underground storage tank systems 7464
installers as the fire marshal considers to be necessary or 7465
appropriate. The state fire marshal is not subject to division 7466
(B) of this section with respect to training programs conducted 7467
by employees of the office of the state fire marshal. 7468

(D) The state fire marshal shall adopt, and may amend and 7469
rescind, rules doing all of the following: 7470

(1) Defining the activities that constitute supervision 7471
over the installation, performance of major repairs on site to, 7472
abandonment of, and removal of underground storage tank systems; 7473

(2) Establishing standards and procedures for 7474

certification of underground storage tank systems installers;	7475
(3) Establishing standards and procedures for continuing education for certification renewal, subject to the provisions of section 5903.12 of the Revised Code relating to active duty military service;	7476 7477 7478 7479
(4) Establishing standards and procedures for certification of training programs for installers;	7480 7481
(5) Establishing fees for applications for certifications under this section, the examinations prescribed under division (A) of this section, the issuance and renewal of certificates under divisions (A) and (B) of this section, and attendance at training programs conducted by the fire marshal under division (C) of this section. Fees received under this section shall be credited to the underground storage tank administration fund created in section 3737.02 of the Revised Code and shall be used to defray the costs of implementing, administering, and enforcing this section and the rules adopted thereunder, conducting training sessions, and facilitating prevention of releases.	7482 7483 7484 7485 7486 7487 7488 7489 7490 7491 7492 7493
(6) That are necessary or appropriate for the implementation, administration, and enforcement of this section.	7494 7495
(E) Nothing in this section or the rules adopted under it prohibits an owner or operator of an underground storage tank system from installing, making major repairs on site to, abandoning, or removing an underground storage tank system under the supervision of an installer certified under division (A) of this section who is a full-time or part-time employee of the owner or operator.	7496 7497 7498 7499 7500 7501 7502
(F) On and after January 7, 1990, no person shall do any	7503

of the following: 7504

(1) Install, make major repairs on site to, abandon, or 7505
remove an underground storage tank system unless the activity is 7506
performed under the supervision of a qualified individual who 7507
holds a valid installer certificate issued under division (A) of 7508
this section; 7509

(2) Act in the capacity of providing supervision for the 7510
installation of, performance of major repairs on site to, 7511
abandonment of, or removal of an underground storage tank system 7512
unless the person holds a valid installer certificate issued 7513
under division (A) of this section; 7514

(3) Except as provided in division (C) of this section, 7515
sponsor a training program for underground storage tank systems 7516
installers unless the person holds a valid training program 7517
certificate issued under division (B) of this section. 7518

(G) Notwithstanding any provision of this section to the 7519
contrary, the state fire marshal shall issue an installer's 7520
certification or a training program certificate in accordance 7521
with section 9.79 of the Revised Code to an applicant if either 7522
of the following applies: 7523

(1) The applicant holds an installer's license or 7524
certification or a training program license or certificate in 7525
another state. 7526

(2) The applicant has satisfactory work experience, a 7527
government certification, or a private certification as 7528
described in that section as an installer of underground storage 7529
tank systems in a state that does not issue one or both of those 7530
certifications. 7531

Sec. 3742.05. (A) (1) The director of health shall issue 7532

lead inspector, lead abatement contractor, lead risk assessor, 7533
lead abatement project designer, lead abatement worker, and 7534
clearance technician licenses. ~~The~~ Except as provided in 7535
division (C) of this section, the director shall issue a license 7536
to an applicant who meets all of the following requirements: 7537

(a) Submits an application to the director on a form 7538
prescribed by the director; 7539

(b) Meets the licensing and training requirements 7540
established in rules adopted under section 3742.03 of the 7541
Revised Code; 7542

(c) Successfully completes the licensing examination for 7543
the applicant's area of expertise administered under section 7544
3742.08 of the Revised Code and any training required by the 7545
director under that section; 7546

(d) Pays the license fee established in rules adopted 7547
under section 3742.03 of the Revised Code; 7548

(e) Provides the applicant's social security number and 7549
any information the director may require to demonstrate the 7550
applicant's compliance with this chapter and the rules adopted 7551
under it. 7552

(2) An individual may hold more than one license issued 7553
under this section, but a separate application is required for 7554
each license. 7555

(B) A license issued under this section expires two years 7556
after the date of issuance. The director shall renew a license 7557
in accordance with the standard renewal procedure set forth in 7558
Chapter 4745. of the Revised Code, if the licensee does all of 7559
the following: 7560

(1) Continues to meet the requirements of division (A) of this section; 7561
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(2) Demonstrates compliance with procedures to prevent public exposure to lead hazards and for worker protection during lead abatement projects established in rules adopted under section 3742.03 of the Revised Code; 7563
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(3) Meets the record-keeping and reporting requirements for lead abatement projects or clearance examinations established in rules adopted under section 3742.03 of the Revised Code; 7567
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(4) Pays the license renewal fee established in rules adopted under section 3742.03 of the Revised Code. 7571
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~~(C) An individual licensed, certified, or otherwise approved under the law of another state to perform functions substantially similar to those of~~ The director shall issue a 7573
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lead inspector, lead abatement contractor, lead risk assessor, lead abatement project designer, lead abatement worker, or clearance technician may apply to the director of health for licensure in accordance with the procedures set forth in division (A) of this section. The director shall license an individual under this division on a determination that the standards for licensure, certification, or approval in that state are at least substantially equivalent to those established by this chapter and the rules adopted under it. The director may require an examination for licensure under this division_
license in accordance with section 9.79 of the Revised Code to an applicant if either of the following applies: 7587

(1) The applicant holds a license in another state. 7588

(2) The applicant has satisfactory work experience, a 7589

government certification, or a private certification as 7590
described in that section as a lead inspector, lead abatement 7591
contractor, lead risk assessor, lead abatement project designer, 7592
lead abatement worker, or clearance technician in a state that 7593
does not issue one or more of those licenses. 7594

Sec. 3743.40. (A) Any person who resides in another state 7595
and who intends to ship fireworks into this state shall submit 7596
to the state fire marshal an application for a shipping permit. 7597
As used in this section, "fireworks" includes only 1.3G and 1.4G 7598
fireworks. The application shall be submitted prior to shipping 7599
fireworks into this state, shall be on a form prescribed by the 7600
state fire marshal, shall contain the information required by 7601
division (B) of this section and all information requested by 7602
the state fire marshal, and shall be accompanied by the fee and 7603
the documentation described in division (C) of this section. 7604

The state fire marshal shall prescribe a form for 7605
applications for shipping permits and make a copy of the form 7606
available, upon request, to persons who seek such a permit. 7607

(B) In an application for a shipping permit, the applicant 7608
shall specify the types of fireworks to be shipped into this 7609
state. 7610

(C) An application for a shipping permit shall be 7611
accompanied by a fee of two thousand seven hundred fifty 7612
dollars. 7613

An application for a shipping permit shall be accompanied 7614
by a certified copy or other copy acceptable to the state fire 7615
marshal of the applicant's license or permit issued in the 7616
applicant's state of residence and authorizing the applicant to 7617
engage in the manufacture, wholesale sale, or transportation of 7618

fireworks in that state, if that state issues such a license or 7619
permit, and by a statement by the applicant that the applicant 7620
understands and will abide by rules adopted by the state fire 7621
marshal pursuant to section 3743.58 of the Revised Code for 7622
transporting fireworks. 7623

(D) Except as otherwise provided in this division, and 7624
subject to section 3743.70 of the Revised Code, the state fire 7625
marshal shall issue a shipping permit to an applicant only if 7626
the state fire marshal determines that the applicant is a 7627
resident of another state and is the holder of a license or 7628
permit issued by that state authorizing it to engage in the 7629
manufacture, wholesale sale, or transportation of fireworks in 7630
that state, and the state fire marshal is satisfied that the 7631
application and documentation are complete and in conformity 7632
with this section and that the applicant will transport 7633
fireworks into this state in accordance with rules adopted by 7634
the state fire marshal pursuant to section 3743.58 of the 7635
Revised Code. The state fire marshal shall issue a shipping 7636
permit to an applicant if the applicant meets all of the 7637
requirements of this section for the issuance of a shipping 7638
permit except that the applicant does not hold a license or 7639
permit issued by the state of residence authorizing the 7640
applicant to engage in the manufacture, wholesale sale, or 7641
transportation of fireworks in that state because that state 7642
does not issue such a license or permit. 7643

(E) Each permit issued pursuant to this section shall 7644
contain a distinct number assigned to the particular permit 7645
holder, and contain the information described in division (B) of 7646
this section. 7647

The state fire marshal shall maintain a list of all 7648

persons issued shipping permits. In this list next to each 7649
person's name, the state fire marshal shall insert the date upon 7650
which the permit was issued and the information described in 7651
division (B) of this section. 7652

(F) A shipping permit is valid for one year from the date 7653
of issuance by the state fire marshal and only if the permit 7654
holder ships the fireworks directly into this state to the 7655
holder of a license issued under section 3743.03 or 3743.16 of 7656
the Revised Code or a license holder under section 3743.51 of 7657
the Revised Code who possesses a valid exhibition permit issued 7658
in accordance with section 3743.54 of the Revised Code and the 7659
fireworks shipped are to be used at the specifically permitted 7660
exhibition. The permit authorizes the permit holder to ship 7661
fireworks, as described in rules adopted by the state fire 7662
marshal under Chapter 119. of the Revised Code, directly to the 7663
holder of a license issued under section 3743.03 or 3743.16 of 7664
the Revised Code, and to possess the fireworks in this state 7665
while the permit holder is in the course of shipping them 7666
directly into this state. 7667

The holder of a shipping permit shall have the permit in 7668
the holder's possession in this state at all times while in the 7669
course of shipping the fireworks directly into this state. A 7670
shipping permit is not transferable or assignable. 7671

(G) The state fire marshal shall not require a person 7672
holding a shipping permit issued under this section to obtain a 7673
shipping permit pursuant to section 9.79 of the Revised Code. 7674

Sec. 3743.51. (A) If a person submits an application for 7675
licensure as an exhibitor of fireworks, together with the fee, 7676
as required by section 3743.50 of the Revised Code, the state 7677
fire marshal shall review the application and determine whether 7678

the applicant satisfies sections 3743.50 to 3743.55 of the Revised Code and the rules adopted by the state fire marshal pursuant to division (A) of section 3743.53 of the Revised Code.

(B) ~~Subject~~ Except as provided in division (D) of this section and subject to section 3743.70 of the Revised Code, the state fire marshal shall issue a license in accordance with Chapter 119. of the Revised Code to the applicant for licensure as an exhibitor of fireworks only if the applicant satisfies sections 3743.50 to 3743.55 of the Revised Code and the rules adopted by the state fire marshal pursuant to division (A) of section 3743.53 of the Revised Code, and only if the state fire marshal is satisfied that the application is complete and in conformity with section 3743.50 of the Revised Code.

(C) Each license issued pursuant to this section shall contain a distinct number assigned to the particular exhibitor. The state fire marshal shall maintain a list of all licensed exhibitors of fireworks. In this list next to each exhibitor's name, the state fire marshal shall insert the period of licensure and the license number of the particular exhibitor.

(D) The state fire marshal shall issue a license to act as an exhibitor of fireworks in accordance with section 9.79 of the Revised Code to an applicant if either of the following applies:

(1) The applicant is licensed in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that section as an exhibitor of fireworks in a state that does not issue that license.

Sec. 3745.14. (A) As used in this section:

(1) "Compliance review" means the review of an application

for a permit, renewal of a permit, or plan approval, or 7708
modification thereof, for an existing or proposed facility, 7709
source, or activity and the accompanying engineering plans, 7710
specifications, and materials and information that are submitted 7711
under Chapter 3704., 3734., 6109., or 6111. of the Revised Code 7712
and rules adopted under them for compliance with performance 7713
standards under the applicable chapter and rules adopted under 7714
it. "Compliance review" does not include the review of an 7715
application for a hazardous waste facility installation and 7716
operation permit or the renewal or modification of such a 7717
permit, a permit to establish or modify an infectious waste 7718
treatment facility, a permit to install a solid waste 7719
incineration facility that also would treat infectious wastes, 7720
or a permit to modify a solid waste incineration facility to 7721
also treat infectious wastes under Chapter 3734. of the Revised 7722
Code. 7723

(2) "Engineer" includes both of the following: 7724

(a) A professional engineer registered under Chapter 4733. 7725
of the Revised Code; 7726

(b) A firm, partnership, association, or corporation 7727
providing engineering services in this state in compliance with 7728
Chapter 4733. of the Revised Code. 7729

(B) (1) The director of environmental protection, in 7730
accordance with Chapter 119. of the Revised Code, shall adopt, 7731
and may amend and rescind, rules establishing a program for the 7732
certification of engineers to conduct compliance reviews. The 7733
rules, at a minimum, shall do all of the following: 7734

~~(1)~~ (a) Require that the program be administered by the 7735
director; 7736

~~(2)~~ (b) Establish eligibility criteria for certification to
conduct compliance reviews; 7737
7738

~~(3)~~ (c) Establish criteria for denying, suspending, and
revoking certifications and renewals of certifications issued 7739
pursuant to rules adopted under division (B) of this section; 7740
7741

~~(4)~~ (d) Require the periodic renewal of certifications 7742
issued pursuant to rules adopted under division (B) of this 7743
section; 7744

~~(5)~~ (e) Establish an application fee and fee for issuance 7745
for certifications under this section. The fees shall be 7746
established at a level calculated to defray the costs to the 7747
environmental protection agency for administering the 7748
certification program established by rules adopted under 7749
division (B) of this section. All such application and 7750
certification fees received by the director shall be deposited 7751
into the state treasury to the credit of the permit review fund 7752
created in division (E) of this section. 7753

(2) The director shall issue a certification to conduct 7754
compliance reviews in accordance with section 9.79 of the 7755
Revised Code to an applicant if either of the following applies: 7756

(a) The applicant holds a certification or license in 7757
another state. 7758

(b) The applicant has satisfactory work experience, a 7759
government certification, or a private certification as 7760
described in that section conducting compliance reviews in a 7761
state that does not issue that certification. 7762

(C) The director shall maintain a current list of all 7763
engineers who are certified to conduct compliance reviews 7764
pursuant to rules adopted under this section. The list shall 7765

indicate the types of permits, permit renewals, and plan 7766
approvals that each engineer is certified to review and the 7767
types or categories of facilities, sources, or activities in 7768
connection with which the engineer is certified to conduct the 7769
reviews. Upon request, the director shall provide a copy of the 7770
list to anyone requesting it. 7771

(D) An applicant for a permit, renewal of a permit, plan 7772
approval, or modification thereof, under Chapter 3704., 3734., 7773
6109., or 6111. of the Revised Code and applicable rules adopted 7774
under them, other than a hazardous waste facility installation 7775
and operation permit or renewal or modification of such a 7776
permit, a permit to establish or modify an infectious waste 7777
treatment facility, a permit to install a solid waste 7778
incineration facility that also would treat infectious wastes, 7779
or a permit to modify a solid waste incineration facility to 7780
also treat infectious wastes under Chapter 3734. of the Revised 7781
Code, may submit a written request to the director to have the 7782
compliance review conducted by an engineer certified under this 7783
section. The request shall accompany the permit application, 7784
shall indicate the applicant's choice from among the certified 7785
engineers on the director's list who are qualified to conduct 7786
the compliance review, shall be accompanied by separate 7787
certifications by the applicant and the engineer indicating that 7788
the applicant does not have and has not had during the preceding 7789
two years a financial interest in the engineer and has not 7790
employed or retained the engineer to perform services for the 7791
applicant during the preceding two years, and may be accompanied 7792
by a draft proposal for conducting the compliance review that 7793
was developed by the applicant and the engineer. No such draft 7794
proposal is binding upon the director. 7795

Within seven days after receiving a request under this 7796

division, the director shall do all of the following, as 7797
appropriate: 7798

(1) In the director's discretion, approve or disapprove 7799
the applicant's request to have the compliance review of the 7800
application conducted by an engineer on the list of certified 7801
engineers prepared under this section; 7802

(2) If the director approves the conducting of the 7803
compliance review by such a certified engineer, approve or 7804
disapprove, in the director's discretion, the applicant's choice 7805
of the engineer; 7806

(3) Mail written notice of decisions made under divisions 7807
(D) (1) and (2) of this section to the applicant. 7808

If the director fails to mail notice of the director's 7809
decisions on the request to the applicant within seven days 7810
after receiving the request, it is conclusively presumed that 7811
the director approved the applicant's request to have the 7812
compliance review conducted by a certified engineer and the 7813
applicant's choice of the engineer, and the director shall enter 7814
into a contract with the engineer chosen by the applicant. If 7815
the director disapproves the applicant's choice of an engineer 7816
and provides timely notice of the disapproval to the applicant, 7817
the director and applicant, by mutual agreement, shall select 7818
another engineer from the list prepared under this section to 7819
conduct the compliance review, and the director shall enter into 7820
a contract with that engineer. 7821

(E) The director may enter into contracts for conducting 7822
performance reviews under division (D) of this section without 7823
advertising for bids. The commencement of any work under such a 7824
contract shall be contingent upon the director's receipt of 7825

payment from the applicant of an amount that is equal to one 7826
hundred ten per cent of the amount specified in the contract, 7827
excluding contingencies for any additional work that may be 7828
needed to properly complete the review and that was not 7829
anticipated when the contract was made. Moneys received by the 7830
director from an applicant shall be deposited into the permit 7831
review fund, which is hereby created in the state treasury. The 7832
director shall use moneys in the fund to pay the cost of 7833
compliance reviews conducted pursuant to contracts entered into 7834
under division (D) of this section and to administer the 7835
certification program established under division (B) of this 7836
section. The director may use any moneys in the fund not needed 7837
for those purposes to administer the environmental laws or 7838
programs of this state. 7839

If, while conducting a compliance review, the engineer 7840
finds that work in addition to that upon which the cost under 7841
the contract was based, or any additional work previously 7842
authorized under this division, is needed to properly review the 7843
application and accompanying information for compliance with the 7844
applicable performance standards, the engineer shall notify the 7845
director of that fact and of the cost of the additional work, as 7846
determined pursuant to the terms of the contract. If the 7847
director finds that the additional work is needed and that the 7848
costs of performing the work have been determined in accordance 7849
with the terms of the contract, the director shall authorize the 7850
contractor to perform the work. Upon completion of the 7851
additional work, the contractor shall submit to the director an 7852
invoice for the cost of performing the additional work, and the 7853
director shall forward a copy of the invoice to the applicant. 7854
The applicant is liable to the state for an amount equal to one 7855
hundred ten per cent of the cost of performing the additional 7856

work and, within thirty days after receiving a copy of the invoice, shall pay to the director an amount equal to one hundred ten per cent of the amount indicated on the invoice. Upon receiving this payment, the director shall forward the moneys to the treasurer of state, who shall deposit them into the state treasury to the credit of the permit review fund.

Until the applicant pays to the director the amount due in connection with the additional work, the director shall not issue to the applicant any permit, renewal of a permit, or plan approval, or modification thereof, for which an application is pending before the director. The director also may certify the unpaid amount to the attorney general and request that the attorney general bring a civil action against the applicant to recover that amount. Any moneys so recovered shall be deposited into the state treasury to the credit of the permit review fund.

(F) Upon completing a compliance review conducted under this section, the engineer shall make a certification to the director as to whether the existing or proposed facility, source, activity, or modification will comply with the applicable performance standards. If the certification indicates that the existing or proposed facility, source, activity, or modification will not comply, the engineer shall include in the certification the engineer's findings as to the causes of the noncompliance.

(G) When a compliance review is conducted by an engineer certified under this section, the other activities in connection with the consideration, approval, and issuance of the permit, renewal of the permit, or plan approval, or modification thereof, shall be conducted by the director in accordance with the applicable provisions of Chapter 3704., 3734., 6109., or

6111. of the Revised Code and rules adopted under the applicable 7887
chapter. 7888

(H) All expenses incurred by the attorney general in 7889
bringing a civil action under this section shall be reimbursed 7890
from the permit review fund in accordance with Chapter 109. of 7891
the Revised Code. 7892

Sec. 3746.041. The director of environmental protection 7893
shall issue an environmental professional certification provided 7894
for under division (B)(5) of section 3746.04 of the Revised Code 7895
in accordance with section 9.79 of the Revised Code if an 7896
applicant either holds a certification or license in another 7897
state, or the applicant has satisfactory work experience, a 7898
government certification, or a private certification as 7899
described in section 9.79 of the Revised Code as an 7900
environmental professional in a state that does not issue that 7901
certification. 7902

Sec. 3748.07. (A) ~~Every~~ Except as provided in division (G) 7903
of this section, every facility that proposes to handle 7904
radioactive material or radiation-generating equipment for which 7905
licensure or registration, respectively, by its handler is 7906
required shall apply in writing to the director of health on 7907
forms prescribed and provided by the director for licensure or 7908
registration. Terms and conditions of licenses and certificates 7909
of registration may be amended in accordance with rules adopted 7910
under section 3748.04 of the Revised Code or orders issued by 7911
the director pursuant to section 3748.05 of the Revised Code. 7912

(B) (1) ~~An~~ Except as provided in division (G) of this 7913
section, an applicant proposing to handle radioactive material 7914
shall pay for a license or renewal of a license the appropriate 7915
fee specified in rules adopted under section 3748.04 of the 7916

Revised Code and listed on an invoice provided by the director. 7917

The applicant shall pay the fee on receipt of the invoice. 7918

(2) (a) Except as provided in division (B) (2) (b) of this 7919
section, until fees are established in rules adopted under 7920
division (A) (8) (b) of section 3748.04 of the Revised Code, an 7921
applicant proposing to handle radiation-generating equipment 7922
shall pay for a certificate of registration or renewal of a 7923
certificate a biennial registration fee of two hundred sixty-two 7924
dollars. 7925

Except as provided in division (B) (2) (b) of this section, 7926
on and after the effective date of the rules in which fees are 7927
established under division (A) (8) (b) of section 3748.04 of the 7928
Revised Code, an applicant proposing to handle radiation- 7929
generating equipment shall pay for a certificate of registration 7930
or renewal of a certificate the appropriate fee established in 7931
those rules. 7932

The applicant shall pay the fees described in division (B) 7933
(2) (a) of this section at the time of applying for a certificate 7934
of registration or renewal of a certificate. 7935

(b) An applicant that is, or is operated by, a medical 7936
practitioner or medical-practitioner group and proposes to 7937
handle radiation-generating equipment shall pay for a 7938
certificate of registration or renewal of a certificate a 7939
biennial registration fee of two hundred sixty-two dollars. The 7940
applicant shall pay the fee at the time of applying for a 7941
certificate of registration or renewal of the certificate. 7942

(C) All fees collected under this section shall be 7943
deposited in the state treasury to the credit of the general 7944
operations fund created in section 3701.83 of the Revised Code. 7945

The fees shall be used solely to administer and enforce this chapter and rules adopted under it.

(D) Any fee required under this section that remains unpaid on the ninety-first day after the original invoice date shall be assessed an additional amount equal to ten per cent of the original fee.

(E) The director shall grant a license or registration to any applicant who has paid the required fee and is in compliance with this chapter and rules adopted under it.

(F) Except as provided in division (B) (2) of this section, licenses and certificates of registration shall be effective for the applicable period established in rules adopted under section 3748.04 of the Revised Code. Licenses and certificates of registration shall be renewed in accordance with the renewal procedure established in rules adopted under section 3748.04 of the Revised Code.

(G) The director shall issue a license to handle radioactive material or a certificate of registration to handle radiation-generating equipment in accordance with section 9.79 of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license or certificate in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification in handling radioactive material or radiation-generating equipment in a state that does not issue that license or certification or both.

Sec. 3748.12. The (A) Except as provided in division (C) of this section, the director of health shall certify radiation

experts pursuant to rules adopted under division (C) of section 7975
3748.04 of the Revised Code. The director shall issue a 7976
certificate to each person certified under this section. An 7977
individual certified by the director is qualified to develop, 7978
provide periodic review of, and conduct audits of the quality 7979
assurance program for sources of radiation for which such a 7980
program is required under division (A) of section 3748.13 of the 7981
Revised Code. 7982

(B) The director shall establish an application fee for 7983
applying for certification and a biennial certification renewal 7984
fee in rules adopted under division (C) of section 3748.04 of 7985
the Revised Code. A certificate issued under this section shall 7986
expire two years after the date of its issuance. To maintain 7987
certification, a radiation expert shall apply to the director 7988
for renewal of certification in accordance with the standard 7989
renewal procedures established in Chapter 4745. of the Revised 7990
Code. The certification renewal fee is not required for initial 7991
certification, but shall be paid for every renewal of 7992
certification. Fees collected under this section shall be 7993
deposited into the state treasury to the credit of the general 7994
operations fund created in section 3701.83 of the Revised Code. 7995
The fees shall be used solely to administer and enforce this 7996
chapter and rules adopted under it. Any fee required under this 7997
section that remains unpaid on the ninety-first day after the 7998
original invoice date shall be assessed an additional amount 7999
equal to ten per cent of the original fee. 8000

(C) The director shall issue a certificate in accordance 8001
with section 9.79 of the Revised Code to an applicant if either 8002
of the following applies: 8003

(1) The applicant holds a license or certificate in 8004

another state. 8005

(2) The applicant has satisfactory work experience, a 8006
government certification, or a private certification as a 8007
radiation expert in a state that does not issue that 8008
certificate. 8009

Sec. 3769.03. The state racing commission shall prescribe 8010
the rules and conditions under which horse racing may be 8011
conducted and may issue, deny, suspend, diminish, or revoke 8012
permits to conduct horse racing as authorized by sections 8013
3769.01 to 3769.14 of the Revised Code. The commission may 8014
impose, in addition to any other penalty imposed by the 8015
commission, fines in an amount not to exceed ten thousand 8016
dollars on any permit holder or any other person who violates 8017
the rules or orders of the commission. The commission may 8018
prescribe the forms of wagering that are permissible, the number 8019
of races, the procedures on wagering, and the wagering 8020
information to be provided to the public. 8021

The commission may require totalizator equipment to 8022
display the amount of wagering in each wagering pool. The 8023
commission shall initiate safeguards as necessary to account for 8024
the amount of money wagered at each track in each wagering pool. 8025
It may require permit holders to install equipment that will 8026
provide a complete check and analysis of the functioning of any 8027
computers and require safeguards on their performance. The 8028
commission shall require all permit holders, except those 8029
holding state fair, county fair, or other fair permits, to 8030
provide a photographic recording, approved by the commission, of 8031
the entire running of all races conducted by the permit holder. 8032

The state racing commission may issue, deny, suspend, or 8033
revoke licenses to those persons engaged in racing and to those 8034

employees of permit holders as is in the public interest for the 8035
purpose of maintaining a proper control over horse-racing 8036
meetings. The commission, as is in the public interest for the 8037
purpose of maintaining proper control over horse-racing 8038
meetings, also may rule any person off a permit holder's 8039
premises. License fees shall include registration fees and shall 8040
be set by the commission. Each license issued by the commission, 8041
unless revoked for cause, shall be for the period of one year 8042
from the first day of January of the year in which it is issued, 8043
except as otherwise provided in section 3769.07 of the Revised 8044
Code. Applicants for licenses issued by the commission shall 8045
submit their fingerprints to the commission, and the commission 8046
may forward the fingerprints to the federal bureau of 8047
investigation or to any other agency, or to both, for 8048
examination. The commission shall issue a license to a person 8049
engaged in racing or an employee of a permit holder in 8050
accordance with section 9.79 of the Revised Code if that person 8051
or employee holds a license in another state, or that person or 8052
employee has satisfactory work experience, a government 8053
certification, or a private certification in horse racing in a 8054
state that does not issue that license. 8055

There is hereby created in the state treasury the state 8056
racing commission operating fund. All license fees established 8057
and collected by the commission pursuant to this section, and 8058
the amounts specified in divisions (B) and (C) of section 8059
3769.08 and division (A) (5) of section 3769.087 of the Revised 8060
Code, shall be paid into the state treasury to the credit of the 8061
fund. Moneys in the fund shall be expended by the commission to 8062
defray its operating costs, salaries and expenses, and the cost 8063
of administering and enforcing this chapter. 8064

The commission may deny a permit to any permit holder that 8065

has defaulted in payments to the public, employees, or the 8066
horsemen and may deny a permit to any successor purchaser of a 8067
track for as long as any of those defaults have not been 8068
satisfied by either the seller or purchaser. 8069

The commission shall deny a permit to any permit holder 8070
that has defaulted in payments to the state or has defaulted in 8071
payments required under section 3769.089 or 3769.0810 of the 8072
Revised Code and shall deny a permit to any successor purchaser 8073
of a track for as long as those defaults have not been satisfied 8074
by either the seller or purchaser. 8075

Any violation of this chapter, of any rule of racing 8076
adopted by the commission, or of any law or rule with respect to 8077
racing in any jurisdiction shall be sufficient reason for a 8078
refusal to issue a license, or a suspension or revocation of any 8079
license issued, pursuant to this section. 8080

With respect to the issuance, denial, suspension, or 8081
revocation of a license to a participant in horse racing, the 8082
action of the commission shall be subject to Chapter 119. of the 8083
Revised Code. 8084

The commission may sue and be sued in its own name. Any 8085
action against the commission shall be brought in the court of 8086
common pleas of Franklin county. Any appeal from a determination 8087
or decision of the commission rendered in the exercise of its 8088
powers and duties under this chapter shall be brought in the 8089
court of common pleas of Franklin county. 8090

The commission, biennially, shall make a full report to 8091
the governor of its proceedings for the two-year period ending 8092
with the thirty-first day of December preceding the convening of 8093
the general assembly and shall include its recommendations in 8094

the report. The commission, semiannually, on the thirtieth day 8095
of June and on the thirty-first day of December of each year, 8096
shall make a report and accounting to the governor. 8097

Sec. 3770.05. (A) As used in this section, "person" means 8098
any individual, association, corporation, limited liability 8099
company, partnership, club, trust, estate, society, receiver, 8100
trustee, person acting in a fiduciary or representative 8101
capacity, instrumentality of the state or any of its political 8102
subdivisions, or any other business entity or combination of 8103
individuals meeting the requirements set forth in this section 8104
or established by rule or order of the state lottery commission. 8105

(B) The director of the state lottery commission may 8106
license any person as a lottery sales agent. 8107

~~Before~~ (1) Except as provided in division (B) (2) of this 8108
section, before issuing any license to a lottery sales agent, 8109
the director shall consider all of the following: 8110

~~(1)~~ (a) The financial responsibility and security of the 8111
applicant and the applicant's business or activity; 8112

~~(2)~~ (b) The accessibility of the applicant's place of 8113
business or activity to the public; 8114

~~(3)~~ (c) The sufficiency of existing licensed agents to 8115
serve the public interest; 8116

~~(4)~~ (d) The volume of expected sales by the applicant; 8117

~~(5)~~ (e) Any other factors pertaining to the public 8118
interest, convenience, or trust. 8119

(2) The director of the state lottery commission shall 8120
issue a lottery sales agent license in accordance with section 8121
9.79 of the Revised Code to a video lottery terminal sales agent 8122

<u>employee if either of the following applies:</u>	8123
<u>(a) The employee holds a license in another state.</u>	8124
<u>(b) The employee has satisfactory work experience, a</u>	8125
<u>government certification, or a private certification as</u>	8126
<u>described in that section as a lottery sales agent in a state</u>	8127
<u>that does not issue that license.</u>	8128
(C) Except as otherwise provided in division (F) of this	8129
section, the director of the state lottery commission may refuse	8130
to grant, or may suspend or revoke, a license if the applicant	8131
or licensee:	8132
(1) Has been convicted of a felony or has been convicted	8133
of a crime involving moral turpitude;	8134
(2) Has been convicted of an offense that involves illegal	8135
gambling;	8136
(3) Has been found guilty of fraud or misrepresentation in	8137
any connection;	8138
(4) Has been found to have violated any rule or order of	8139
the commission; or	8140
(5) Has been convicted of illegal trafficking in	8141
supplemental nutrition assistance program benefits.	8142
(D) Except as otherwise provided in division (F) of this	8143
section, the director of the state lottery commission may refuse	8144
to grant, or may suspend or revoke, a license if the applicant	8145
or licensee is a corporation or other business entity, and any	8146
of the following applies:	8147
(1) Any of the directors, officers, managers, or	8148
controlling shareholders has been found guilty of any of the	8149

activities specified in divisions (C) (1) to (5) of this section; 8150

(2) It appears to the director of the state lottery 8151
commission that, due to the experience, character, or general 8152
fitness of any director, officer, manager, or controlling 8153
shareholder, the granting of a license as a lottery sales agent 8154
would be inconsistent with the public interest, convenience, or 8155
trust; 8156

(3) The corporation or other business entity is not the 8157
owner or lessee of the business at which it would conduct a 8158
lottery sales agency pursuant to the license applied for; 8159

(4) Any person, firm, association, or corporation other 8160
than the applicant or licensee shares or will share in the 8161
profits of the applicant or licensee, other than receiving 8162
dividends or distributions as a shareholder, or participates or 8163
will participate in the management of the affairs of the 8164
applicant or licensee. 8165

(E) (1) The director of the state lottery commission shall 8166
refuse to grant a license to an applicant for a lottery sales 8167
agent license and shall revoke a lottery sales agent license if 8168
the applicant or licensee is or has been convicted of a 8169
violation of division (A) or (C) (1) of section 2913.46 of the 8170
Revised Code. 8171

(2) The director shall refuse to grant a license to an 8172
applicant for a lottery sales agent license that is a 8173
corporation and shall revoke the lottery sales agent license of 8174
a corporation if the corporation is or has been convicted of a 8175
violation of division (A) or (C) (1) of section 2913.46 of the 8176
Revised Code. 8177

(F) The director of the state lottery commission shall 8178

request the bureau of criminal identification and investigation, 8179
the department of public safety, or any other state, local, or 8180
federal agency to supply the director with the criminal records 8181
of any applicant for a lottery sales agent license, and may 8182
periodically request the criminal records of any person to whom 8183
a lottery sales agent license has been issued. At or prior to 8184
the time of making such a request, the director shall require an 8185
applicant or licensee to obtain fingerprint impressions on 8186
fingerprint cards prescribed by the superintendent of the bureau 8187
of criminal identification and investigation at a qualified law 8188
enforcement agency, and the director shall cause those 8189
fingerprint cards to be forwarded to the bureau of criminal 8190
identification and investigation, to the federal bureau of 8191
investigation, or to both bureaus. The commission shall assume 8192
the cost of obtaining the fingerprint cards. 8193

The director shall pay to each agency supplying criminal 8194
records for each investigation a reasonable fee, as determined 8195
by the agency. 8196

The commission may adopt uniform rules specifying time 8197
periods after which the persons described in divisions (C) (1) to 8198
(5) and (D) (1) to (4) of this section may be issued a license 8199
and establishing requirements for those persons to seek a court 8200
order to have records sealed in accordance with law. 8201

(G) (1) Each applicant for a lottery sales agent license 8202
shall do both of the following: 8203

(a) Pay fees to the state lottery commission, if required 8204
by rule adopted by the director under Chapter 119. of the 8205
Revised Code and the controlling board approves the fees; 8206

(b) Prior to approval of the application, obtain a surety 8207

bond in an amount the director determines by rule adopted under 8208
Chapter 119. of the Revised Code or, alternatively, with the 8209
director's approval, deposit the same amount into a dedicated 8210
account for the benefit of the state lottery. The director also 8211
may approve the obtaining of a surety bond to cover part of the 8212
amount required, together with a dedicated account deposit to 8213
cover the remainder of the amount required. The director also 8214
may establish an alternative program or policy, with the 8215
approval of the commission by rule adopted under Chapter 119. of 8216
the Revised Code, that otherwise ensures the lottery's financial 8217
interests are adequately protected. If such an alternative 8218
program or policy is established, an applicant or lottery sales 8219
agent, subject to the director's approval, may be permitted to 8220
participate in the program or proceed under that policy in lieu 8221
of providing a surety bond or dedicated amount. 8222

A surety bond may be with any company that complies with 8223
the bonding and surety laws of this state and the requirements 8224
established by rules of the commission pursuant to this chapter. 8225
A dedicated account deposit shall be conducted in accordance 8226
with policies and procedures the director establishes. 8227

A surety bond, dedicated account, other established 8228
program or policy, or any combination of these resources, as 8229
applicable, may be used to pay for the lottery sales agent's 8230
failure to make prompt and accurate payments for lottery ticket 8231
sales, for missing or stolen lottery tickets, for damage to 8232
equipment or materials issued to the lottery sales agent, or to 8233
pay for expenses the commission incurs in connection with the 8234
lottery sales agent's license. 8235

(2) A lottery sales agent license is effective for at 8236
least one year, but not more than three years. 8237

A licensed lottery sales agent, on or before the date 8238
established by the director, shall renew the agent's license and 8239
provide at that time evidence to the director that the surety 8240
bond, dedicated account deposit, or both, required under 8241
division (G)(1)(b) of this section has been renewed or is 8242
active, whichever applies. 8243

Before the commission renews a lottery sales agent 8244
license, the lottery sales agent shall submit a renewal fee to 8245
the commission, if one is required by rule adopted by the 8246
director under Chapter 119. of the Revised Code and the 8247
controlling board approves the renewal fee. The renewal fee 8248
shall not exceed the actual cost of administering the license 8249
renewal and processing changes reflected in the renewal 8250
application. The renewal of the license is effective for at 8251
least one year, but not more than three years. 8252

(3) A lottery sales agent license shall be complete, 8253
accurate, and current at all times during the term of the 8254
license. Any changes to an original license application or a 8255
renewal application may subject the applicant or lottery sales 8256
agent, as applicable, to paying an administrative fee that shall 8257
be in an amount that the director determines by rule adopted 8258
under Chapter 119. of the Revised Code, and that the controlling 8259
board approves, and that shall not exceed the actual cost of 8260
administering and processing the changes to an application. 8261

(4) The relationship between the commission and a lottery 8262
sales agent is one of trust. A lottery sales agent collects 8263
funds on behalf of the commission through the sale of lottery 8264
tickets for which the agent receives a compensation. 8265

(H) Pending a final resolution of any question arising 8266
under this section, the director of the state lottery commission 8267

may issue a temporary lottery sales agent license, subject to 8268
the terms and conditions the director considers appropriate. 8269

(I) If a lottery sales agent's rental payments for the 8270
lottery sales agent's premises are determined, in whole or in 8271
part, by the amount of retail sales the lottery sales agent 8272
makes, and if the rental agreement does not expressly provide 8273
that the amount of those retail sales includes the amounts the 8274
lottery sales agent receives from lottery ticket sales, only the 8275
amounts the lottery sales agent receives as compensation from 8276
the state lottery commission for selling lottery tickets shall 8277
be considered to be amounts the lottery sales agent receives 8278
from the retail sales the lottery sales agent makes, for the 8279
purpose of computing the lottery sales agent's rental payments. 8280

Sec. 3772.13. (A) No person may be employed as a key 8281
employee of a casino operator, management company, or holding 8282
company unless the person is the holder of a valid key employee 8283
license issued by the commission. 8284

(B) No person may be employed as a key employee of a 8285
gaming-related vendor unless that person is either the holder of 8286
a valid key employee license issued by the commission, or the 8287
person, at least five business days prior to the first day of 8288
employment as a key employee, has filed a notification of 8289
employment with the commission and subsequently files a 8290
completed application for a key employee license within the 8291
first thirty days of employment as a key employee. 8292

(C) Each applicant shall, before the issuance of any key 8293
employee license, produce information, documentation, and 8294
assurances as are required by this chapter and rules adopted 8295
thereunder. In addition, each applicant shall, in writing, 8296
authorize the examination of all bank accounts and records as 8297

may be deemed necessary by the commission. 8298

(D) To be eligible for a key employee license, the 8299
applicant shall be at least twenty-one years of age and shall 8300
meet the criteria set forth by rule by the commission. 8301

(E) Each application for a key employee license shall be 8302
on a form prescribed by the commission and shall contain all 8303
information required by the commission. The applicant shall set 8304
forth in the application if the applicant has been issued prior 8305
gambling-related licenses; if the applicant has been licensed in 8306
any other state under any other name, and, if so, the name under 8307
which the license was issued and the applicant's age at the time 8308
the license was issued; any criminal conviction the applicant 8309
has had; and if a permit or license issued to the applicant in 8310
any other state has been suspended, restricted, or revoked, and, 8311
if so, the cause and the duration of each action. The applicant 8312
also shall complete a cover sheet for the application on which 8313
the applicant shall disclose the applicant's name, the business 8314
address of the casino operator, management company, holding 8315
company, or gaming-related vendor employing the applicant, the 8316
business address and telephone number of such employer, and the 8317
county, state, and country in which the applicant's residence is 8318
located. 8319

(F) Each applicant shall submit with each application, on 8320
a form provided by the commission, two sets of fingerprints and 8321
a photograph. The commission shall charge each applicant an 8322
application fee set by the commission to cover all actual costs 8323
generated by each licensee and all background checks under this 8324
section and section 3772.07 of the Revised Code. 8325

(G) (1) The casino operator, management company, or holding 8326
company by whom a person is employed as a key employee shall 8327

terminate the person's employment in any capacity requiring a 8328
license under this chapter and shall not in any manner permit 8329
the person to exercise a significant influence over the 8330
operation of a casino facility if: 8331

(a) The person does not apply for and receive a key 8332
employee license within three months of being issued a 8333
provisional license, as established under commission rule. 8334

(b) The person's application for a key employee license is 8335
denied by the commission. 8336

(c) The person's key employee license is revoked by the 8337
commission. 8338

The commission shall notify the casino operator, 8339
management company, or holding company who employs such a person 8340
by certified mail of any such finding, denial, or revocation. 8341

(2) A casino operator, management company, or holding 8342
company shall not pay to a person whose employment is terminated 8343
under division (G) (1) of this section, any remuneration for any 8344
services performed in any capacity in which the person is 8345
required to be licensed, except for amounts due for services 8346
rendered before notice was received under that division. A 8347
contract or other agreement for personal services or for the 8348
conduct of any casino gaming at a casino facility between a 8349
casino operator, management company, or holding company and a 8350
person whose employment is terminated under division (G) (1) of 8351
this section may be terminated by the casino operator, 8352
management company, or holding company without further liability 8353
on the part of the casino operator, management company, or 8354
holding company. Any such contract or other agreement is deemed 8355
to include a term authorizing its termination without further 8356

liability on the part of the casino operator, management 8357
company, or holding company upon receiving notice under division 8358
(G) (1) of this section. That a contract or other agreement does 8359
not expressly include such a term is not a defense in any action 8360
brought to terminate the contract or other agreement, and is not 8361
grounds for relief in any action brought questioning termination 8362
of the contract or other agreement. 8363

(3) A casino operator, management company, or holding 8364
company, without having obtained the prior approval of the 8365
commission, shall not enter into any contract or other agreement 8366
with a person who has been found unsuitable, who has been denied 8367
a license, or whose license has been revoked under division (G) 8368
(1) of this section, or with any business enterprise under the 8369
control of such a person, after the date on which the casino 8370
operator, management company, or holding company receives notice 8371
under that division. 8372

(H) Notwithstanding the requirements for a license under 8373
this section, the commission shall issue a key employee license 8374
in accordance with section 9.79 of the Revised Code to an 8375
applicant if either of the following applies: 8376

(1) The applicant holds a license in another state. 8377

(2) The applicant has satisfactory work experience, a 8378
government certification, or a private certification as 8379
described in that section as a key employee of a casino 8380
operator, management company, or holding company in a state that 8381
does not issue that license. 8382

Sec. 3772.131. (A) All casino gaming employees are 8383
required to have a casino gaming employee license. "Casino 8384
gaming employee" means the following and their supervisors: 8385

(1) Individuals involved in operating a casino gaming pit,	8386
including dealers, shills, clerks, hosts, and junket	8387
representatives;	8388
(2) Individuals involved in handling money, including	8389
cashiers, change persons, count teams, and coin wrappers;	8390
(3) Individuals involved in operating casino games;	8391
(4) Individuals involved in operating and maintaining slot	8392
machines, including mechanics, floor persons, and change and	8393
payoff persons;	8394
(5) Individuals involved in security, including guards and	8395
game observers;	8396
(6) Individuals with duties similar to those described in	8397
divisions (A) (1) to (5) of this section or other persons as the	8398
commission determines. "Casino gaming employee" does not include	8399
an individual whose duties are related solely to nongaming	8400
activities such as entertainment, hotel operation, maintenance,	8401
or preparing or serving food and beverages.	8402
(B) The commission may issue a casino gaming employee	8403
license to an applicant after it has determined that the	8404
applicant is eligible for a license under rules adopted by the	8405
commission and paid any applicable fee. All applications shall	8406
be made under oath.	8407
(C) To be eligible for a casino gaming employee license,	8408
an applicant shall be at least twenty-one years of age.	8409
(D) Each application for a casino gaming employee license	8410
shall be on a form prescribed by the commission and shall	8411
contain all information required by the commission. The	8412
applicant shall set forth in the application if the applicant	8413

has been issued prior gambling-related licenses; if the 8414
applicant has been licensed in any other state under any other 8415
name, and, if so, the name under which the license was issued 8416
and the applicant's age at the time the license was issued; any 8417
criminal conviction the applicant has had; and if a permit or 8418
license issued to the applicant in any other state has been 8419
suspended, restricted, or revoked, and, if so, the cause and the 8420
duration of each action. 8421

(E) Each applicant shall submit with each application, on 8422
a form provided by the commission, two sets of the applicant's 8423
fingerprints and a photograph. The commission shall charge each 8424
applicant an application fee to cover all actual costs generated 8425
by each licensee and all background checks. 8426

(F) Notwithstanding the requirements for a license under 8427
this section, the commission shall issue a casino gaming 8428
employee license in accordance with section 9.79 of the Revised 8429
Code to an applicant if either of the following applies: 8430

(1) The applicant holds a license in another state. 8431

(2) The applicant has satisfactory work experience, a 8432
government certification, or a private certification as 8433
described in that section as a casino gaming employee in a state 8434
that does not issue that license. 8435

Sec. 3773.36. (A) Upon the proper filing of an application 8436
to conduct any public or private competition that involves 8437
boxing, mixed martial arts, kick boxing, tough man contests, 8438
tough guy contests, or any other form of boxing or martial arts, 8439
accompanied by the surety bond and the application fee, or upon 8440
the proper filing of an application to conduct any public or 8441
private competition that involves wrestling accompanied by the 8442

application fee, the Ohio athletic commission shall issue a 8443
promoter's license to the applicant if it finds that the 8444
applicant is not in default on any payment, obligation, or debt 8445
payable to the state under sections 3773.31 to 3773.57 of the 8446
Revised Code, is financially responsible, and is knowledgeable 8447
in the proper conduct of such matches or exhibitions. 8448

(B) Notwithstanding the requirements for a license under 8449
division (A) of this section, the commission shall issue a 8450
promoter's license in accordance with section 9.79 of the 8451
Revised Code to an applicant if either of the following applies: 8452

(1) The applicant holds a license in another state. 8453

(2) The applicant has satisfactory work experience, a 8454
government certification, or a private certification as 8455
described in that section as a promoter in a state that does not 8456
issue that license. 8457

(C) Each license issued pursuant to this section shall 8458
bear the name of the licensee, the post office address of the 8459
licensee, the date of expiration, an identification number 8460
designated by the commission, and the seal of the commission. 8461

(D) A promoter's license shall expire twelve months after 8462
its date of issuance and shall become invalid on that date 8463
unless renewed. A promoter's license may be renewed upon 8464
application to the commission and upon payment of the renewal 8465
fee prescribed in section 3773.43 of the Revised Code. The 8466
commission shall renew the license unless it denies the 8467
application for renewal for one or more reasons stated in 8468
section 3123.47 or 3773.53 of the Revised Code. 8469

Sec. 3773.421. ~~A member of the~~ The Ohio athletic 8470
commission ~~may grant~~ shall issue a referee's, judge's, 8471

matchmaker's, timekeeper's, manager's, trainer's, contestant's, 8472
or second's license at any time prior to the beginning of a 8473
public boxing match or exhibition in accordance with section 8474
9.79 of the Revised Code to an applicant ~~from~~ if either of the 8475
following applies: 8476

(A) The applicant holds a license in another state who 8477
wishes to participate as specified in section 3773.41 of the 8478
Revised Code and who furnishes satisfactory proof to the member 8479
that the applicant holds a license that is not under suspension, 8480
revocation, or other disciplinary action, if the license was 8481
issued by an agency that is similar to the commission, is a 8482
member of the association of boxing commissions, and has 8483
licensing requirements that are at least as stringent as those 8484
established by the commission. 8485

(B) The applicant has satisfactory work experience, a 8486
government certification, or a private certification as 8487
described in that section as a referee, judge, matchmaker, 8488
timekeeper, manager, trainer, contestant, or second in a state 8489
that does not issue that license. 8490

Sec. 3774.02. (A) (1) A fantasy contest operator may not 8491
offer a fantasy contest in this state without first obtaining a 8492
license from the commission. 8493

(2) The commission shall issue a fantasy contest operator 8494
license in accordance with section 9.79 of the Revised Code to 8495
an applicant if either of the following applies: 8496

(a) The applicant holds a license in another state. 8497

(b) The applicant has satisfactory work experience, a 8498
government certification, or a private certification as 8499
described in that section as a fantasy contest operator in a 8500

state that does not issue that license. 8501

(B) (1) In order to obtain or renew a license to operate 8502
fantasy contests in this state, a fantasy contest operator shall 8503
pay to the commission a nonrefundable license fee. 8504

(2) Unless a license issued under this chapter is 8505
suspended, expires, or is revoked, a license may be renewed. 8506
After a determination by the commission that the licensee is in 8507
compliance with this chapter and rules adopted by the commission 8508
under this chapter or division (L) of section 3772.03 of the 8509
Revised Code, the license shall be renewed for not more than 8510
three years, as determined by commission rule adopted under this 8511
chapter or division (L) of section 3772.03 of the Revised Code. 8512

(C) Notwithstanding division (B) of this section, the 8513
commission may investigate a licensee at any time the commission 8514
determines it is necessary to ensure that the licensee remains 8515
in compliance with this chapter and the rules adopted under this 8516
chapter or division (L) of section 3772.03 of the Revised Code. 8517
Any fantasy contest operator that applies for or holds a license 8518
under this chapter shall establish the operator's suitability 8519
for a license by clear and convincing evidence. 8520

Sec. 3781.10. (A) (1) The board of building standards shall 8521
formulate and adopt rules governing the erection, construction, 8522
repair, alteration, and maintenance of all buildings or classes 8523
of buildings specified in section 3781.06 of the Revised Code, 8524
including land area incidental to those buildings, the 8525
construction of industrialized units, the installation of 8526
equipment, and the standards or requirements for materials used 8527
in connection with those buildings. The board shall incorporate 8528
those rules into separate residential and nonresidential 8529
building codes. The standards shall relate to the conservation 8530

of energy and the safety and sanitation of those buildings. 8531

(2) The rules governing nonresidential buildings are the 8532
lawful minimum requirements specified for those buildings and 8533
industrialized units, except that no rule other than as provided 8534
in division (C) of section 3781.108 of the Revised Code that 8535
specifies a higher requirement than is imposed by any section of 8536
the Revised Code is enforceable. The rules governing residential 8537
buildings are uniform requirements for residential buildings in 8538
any area with a building department certified to enforce the 8539
state residential building code. In no case shall any local code 8540
or regulation differ from the state residential building code 8541
unless that code or regulation addresses subject matter not 8542
addressed by the state residential building code or is adopted 8543
pursuant to section 3781.01 of the Revised Code. 8544

(3) The rules adopted pursuant to this section are 8545
complete, lawful alternatives to any requirements specified for 8546
buildings or industrialized units in any section of the Revised 8547
Code. Except as otherwise provided in division (I) of this 8548
section, the board shall, on its own motion or on application 8549
made under sections 3781.12 and 3781.13 of the Revised Code, 8550
formulate, propose, adopt, modify, amend, or repeal the rules to 8551
the extent necessary or desirable to effectuate the purposes of 8552
sections 3781.06 to 3781.18 of the Revised Code. 8553

(B) The board shall report to the general assembly 8554
proposals for amendments to existing statutes relating to the 8555
purposes declared in section 3781.06 of the Revised Code that 8556
public health and safety and the development of the arts require 8557
and shall recommend any additional legislation to assist in 8558
carrying out fully, in statutory form, the purposes declared in 8559
that section. The board shall prepare and submit to the general 8560

assembly a summary report of the number, nature, and disposition 8561
of the petitions filed under sections 3781.13 and 3781.14 of the 8562
Revised Code. 8563

(C) On its own motion or on application made under 8564
sections 3781.12 and 3781.13 of the Revised Code, and after 8565
thorough testing and evaluation, the board shall determine by 8566
rule that any particular fixture, device, material, process of 8567
manufacture, manufactured unit or component, method of 8568
manufacture, system, or method of construction complies with 8569
performance standards adopted pursuant to section 3781.11 of the 8570
Revised Code. The board shall make its determination with regard 8571
to adaptability for safe and sanitary erection, use, or 8572
construction, to that described in any section of the Revised 8573
Code, wherever the use of a fixture, device, material, method of 8574
manufacture, system, or method of construction described in that 8575
section of the Revised Code is permitted by law. The board shall 8576
amend or annul any rule or issue an authorization for the use of 8577
a new material or manufactured unit on any like application. No 8578
department, officer, board, or commission of the state other 8579
than the board of building standards or the board of building 8580
appeals shall permit the use of any fixture, device, material, 8581
method of manufacture, newly designed product, system, or method 8582
of construction at variance with what is described in any rule 8583
the board of building standards adopts or issues or that is 8584
authorized by any section of the Revised Code. Nothing in this 8585
section shall be construed as requiring approval, by rule, of 8586
plans for an industrialized unit that conforms with the rules 8587
the board of building standards adopts pursuant to section 8588
3781.11 of the Revised Code. 8589

(D) The board shall recommend rules, codes, and standards 8590
to help carry out the purposes of section 3781.06 of the Revised 8591

Code and to help secure uniformity of state administrative 8592
rulings and local legislation and administrative action to the 8593
bureau of workers' compensation, the director of commerce, any 8594
other department, officer, board, or commission of the state, 8595
and to legislative authorities and building departments of 8596
counties, townships, and municipal corporations, and shall 8597
recommend that they audit those recommended rules, codes, and 8598
standards by any appropriate action that they are allowed 8599
pursuant to law or the constitution. 8600

(E) (1) The board shall certify municipal, township, and 8601
county building departments, the personnel of those building 8602
departments, persons described in division (E) (7) of this 8603
section, and employees of individuals, firms, the state, or 8604
corporations described in division (E) (7) of this section to 8605
exercise enforcement authority, to accept and approve plans and 8606
specifications, and to make inspections, pursuant to sections 8607
3781.03, 3791.04, and 4104.43 of the Revised Code. 8608

(2) The board shall certify departments, personnel, and 8609
persons to enforce the state residential building code, to 8610
enforce the nonresidential building code, or to enforce both the 8611
residential and the nonresidential building codes. Any 8612
department, personnel, or person may enforce only the type of 8613
building code for which certified. 8614

(3) The board shall not require a building department, its 8615
personnel, or any persons that it employs to be certified for 8616
residential building code enforcement if that building 8617
department does not enforce the state residential building code. 8618
The board shall specify, in rules adopted pursuant to Chapter 8619
119. of the Revised Code, the requirements for certification for 8620
residential and nonresidential building code enforcement, which 8621

shall be consistent with this division. The requirements for 8622
residential and nonresidential certification may differ. Except 8623
as otherwise provided in this division, the requirements shall 8624
include, but are not limited to, the satisfactory completion of 8625
an initial examination and, to remain certified, the completion 8626
of a specified number of hours of continuing building code 8627
education within each three-year period following the date of 8628
certification which shall be not less than thirty hours. The 8629
rules shall provide that continuing education credits and 8630
certification issued by the council of American building 8631
officials, national model code organizations, and agencies or 8632
entities the board recognizes are acceptable for purposes of 8633
this division. The rules shall specify requirements that are 8634
consistent with the provisions of section 5903.12 of the Revised 8635
Code relating to active duty military service and are 8636
compatible, to the extent possible, with requirements the 8637
council of American building officials and national model code 8638
organizations establish. 8639

(4) The board shall establish and collect a certification 8640
and renewal fee for building department personnel, and persons 8641
and employees of persons, firms, or corporations as described in 8642
this section, who are certified pursuant to this division. 8643

(5) Any individual certified pursuant to this division 8644
shall complete the number of hours of continuing building code 8645
education that the board requires or, for failure to do so, 8646
forfeit certification. 8647

(6) This division does not require or authorize the board 8648
to certify personnel of municipal, township, and county building 8649
departments, and persons and employees of persons, firms, or 8650
corporations as described in this section, whose 8651

responsibilities do not include the exercise of enforcement 8652
authority, the approval of plans and specifications, or making 8653
inspections under the state residential and nonresidential 8654
building codes. 8655

(7) Enforcement authority for approval of plans and 8656
specifications and enforcement authority for inspections may be 8657
exercised, and plans and specifications may be approved and 8658
inspections may be made on behalf of a municipal corporation, 8659
township, or county, by any of the following who the board of 8660
building standards certifies: 8661

(a) Officers or employees of the municipal corporation, 8662
township, or county; 8663

(b) Persons, or employees of persons, firms, or 8664
corporations, pursuant to a contract to furnish architectural, 8665
engineering, or other services to the municipal corporation, 8666
township, or county; 8667

(c) Officers or employees of, and persons under contract 8668
with, a municipal corporation, township, county, health 8669
district, or other political subdivision, pursuant to a contract 8670
to furnish architectural, engineering, or other services; 8671

(d) Officers or employees of the division of industrial 8672
compliance in the department of commerce pursuant to a contract 8673
authorized by division (B) of section 121.083 of the Revised 8674
Code. 8675

(8) Municipal, township, and county building departments 8676
have jurisdiction within the meaning of sections 3781.03, 8677
3791.04, and 4104.43 of the Revised Code, only with respect to 8678
the types of buildings and subject matters for which they are 8679
certified under this section. 8680

(9) A certified municipal, township, or county building department may exercise enforcement authority, accept and approve plans and specifications, and make inspections pursuant to sections 3781.03, 3791.04, and 4104.43 of the Revised Code for a park district created pursuant to Chapter 1545. of the Revised Code upon the approval, by resolution, of the board of park commissioners of the park district requesting the department to exercise that authority and conduct those activities, as applicable.

(10) Certification shall be granted upon application by the municipal corporation, the board of township trustees, or the board of county commissioners and approval of that application by the board of building standards. The application shall set forth:

(a) Whether the certification is requested for residential or nonresidential buildings, or both;

(b) The number and qualifications of the staff composing the building department;

(c) The names, addresses, and qualifications of persons, firms, or corporations contracting to furnish work or services pursuant to division (E) (7) (b) of this section;

(d) The names of any other municipal corporation, township, county, health district, or political subdivision under contract to furnish work or services pursuant to division (E) (7) of this section;

(e) The proposed budget for the operation of the building department.

(11) The board of building standards shall adopt rules governing all of the following:

(a) The certification of building department personnel and 8710
persons and employees of persons, firms, or corporations 8711
exercising authority pursuant to division (E) (7) of this 8712
section. The rules shall disqualify any employee of the 8713
department or person who contracts for services with the 8714
department from performing services for the department when that 8715
employee or person would have to pass upon, inspect, or 8716
otherwise exercise authority over any labor, material, or 8717
equipment the employee or person furnishes for the construction, 8718
alteration, or maintenance of a building or the preparation of 8719
working drawings or specifications for work within the 8720
jurisdictional area of the department. The department shall 8721
provide other similarly qualified personnel to enforce the 8722
residential and nonresidential building codes as they pertain to 8723
that work. 8724

(b) The minimum services to be provided by a certified 8725
building department. 8726

(12) The board of building standards may revoke or suspend 8727
certification to enforce the residential and nonresidential 8728
building codes, on petition to the board by any person affected 8729
by that enforcement or approval of plans, or by the board on its 8730
own motion. Hearings shall be held and appeals permitted on any 8731
proceedings for certification or revocation or suspension of 8732
certification in the same manner as provided in section 3781.101 8733
of the Revised Code for other proceedings of the board of 8734
building standards. 8735

(13) Upon certification, and until that authority is 8736
revoked, any county or township building department shall 8737
enforce the residential and nonresidential building codes for 8738
which it is certified without regard to limitation upon the 8739

authority of boards of county commissioners under Chapter 307. 8740
of the Revised Code or boards of township trustees under Chapter 8741
505. of the Revised Code. 8742

(14) The board shall certify a person to exercise 8743
enforcement authority, to accept and approve plans and 8744
specifications, or to make inspections in this state in 8745
accordance with section 9.79 of the Revised Code if either of 8746
the following applies: 8747

(a) The person holds a license or certificate in another 8748
state. 8749

(b) The person has satisfactory work experience, a 8750
government certification, or a private certification as 8751
described in that section in the same profession, occupation, or 8752
occupational activity as the profession, occupation, or 8753
occupational activity for which the certificate is required in 8754
this state in a state that does not issue that license or 8755
certificate. 8756

(F) In addition to hearings sections 3781.06 to 3781.18 8757
and 3791.04 of the Revised Code require, the board of building 8758
standards shall make investigations and tests, and require from 8759
other state departments, officers, boards, and commissions 8760
information the board considers necessary or desirable to assist 8761
it in the discharge of any duty or the exercise of any power 8762
mentioned in this section or in sections 3781.06 to 3781.18, 8763
3791.04, and 4104.43 of the Revised Code. 8764

(G) The board shall adopt rules and establish reasonable 8765
fees for the review of all applications submitted where the 8766
applicant applies for authority to use a new material, assembly, 8767
or product of a manufacturing process. The fee shall bear some 8768

reasonable relationship to the cost of the review or testing of 8769
the materials, assembly, or products and for the notification of 8770
approval or disapproval as provided in section 3781.12 of the 8771
Revised Code. 8772

(H) The residential construction advisory committee shall 8773
provide the board with a proposal for a state residential 8774
building code that the committee recommends pursuant to division 8775
(D) (1) of section 4740.14 of the Revised Code. Upon receiving a 8776
recommendation from the committee that is acceptable to the 8777
board, the board shall adopt rules establishing that code as the 8778
state residential building code. 8779

(I) (1) The committee may provide the board with proposed 8780
rules to update or amend the state residential building code 8781
that the committee recommends pursuant to division (E) of 8782
section 4740.14 of the Revised Code. 8783

(2) If the board receives a proposed rule to update or 8784
amend the state residential building code as provided in 8785
division (I) (1) of this section, the board either may accept or 8786
reject the proposed rule for incorporation into the residential 8787
building code. If the board does not act to either accept or 8788
reject the proposed rule within ninety days after receiving the 8789
proposed rule from the committee as described in division (I) (1) 8790
of this section, the proposed rule shall become part of the 8791
residential building code. 8792

(J) The board shall cooperate with the director of job and 8793
family services when the director promulgates rules pursuant to 8794
section 5104.05 of the Revised Code regarding safety and 8795
sanitation in type A family day-care homes. 8796

(K) The board shall adopt rules to implement the 8797

requirements of section 3781.108 of the Revised Code. 8798

Sec. 3781.102. (A) Any county or municipal building 8799
department certified pursuant to division (E) of section 3781.10 8800
of the Revised Code as of September 14, 1970, and that, as of 8801
that date, was inspecting single-family, two-family, and three- 8802
family residences, and any township building department 8803
certified pursuant to division (E) of section 3781.10 of the 8804
Revised Code, is hereby declared to be certified to inspect 8805
single-family, two-family, and three-family residences 8806
containing industrialized units, and shall inspect the buildings 8807
or classes of buildings subject to division (E) of section 8808
3781.10 of the Revised Code. 8809

(B) Each board of county commissioners may adopt, by 8810
resolution, rules establishing standards and providing for the 8811
licensing of electrical and heating, ventilating, and air 8812
conditioning contractors who are not required to hold a valid 8813
and unexpired license pursuant to Chapter 4740. of the Revised 8814
Code. 8815

Rules adopted by a board of county commissioners pursuant 8816
to this division may be enforced within the unincorporated areas 8817
of the county and within any municipal corporation where the 8818
legislative authority of the municipal corporation has 8819
contracted with the board for the enforcement of the county 8820
rules within the municipal corporation pursuant to section 8821
307.15 of the Revised Code. The rules shall not conflict with 8822
rules adopted by the board of building standards pursuant to 8823
section 3781.10 of the Revised Code or by the department of 8824
commerce pursuant to Chapter 3703. of the Revised Code. This 8825
division does not impair or restrict the power of municipal 8826
corporations under Section 3 of Article XVIII, Ohio 8827

Constitution, to adopt rules concerning the erection, 8828
construction, repair, alteration, and maintenance of buildings 8829
and structures or of establishing standards and providing for 8830
the licensing of specialty contractors pursuant to section 8831
715.27 of the Revised Code. 8832

A board of county commissioners, pursuant to this 8833
division, may require all electrical contractors and heating, 8834
ventilating, and air conditioning contractors, other than those 8835
who hold a valid and unexpired license issued pursuant to 8836
Chapter 4740. of the Revised Code, to successfully complete an 8837
examination, test, or demonstration of technical skills, and may 8838
impose a fee and additional requirements for a license to engage 8839
in their respective occupations within the jurisdiction of the 8840
board's rules under this division. 8841

(C) No board of county commissioners shall require any 8842
specialty contractor who holds a valid and unexpired license 8843
issued pursuant to Chapter 4740. of the Revised Code to 8844
successfully complete an examination, test, or demonstration of 8845
technical skills in order to engage in the type of contracting 8846
for which the license is held, within the unincorporated areas 8847
of the county and within any municipal corporation whose 8848
legislative authority has contracted with the board for the 8849
enforcement of county regulations within the municipal 8850
corporation, pursuant to section 307.15 of the Revised Code. 8851

(D) A board may impose a fee for registration of a 8852
specialty contractor who holds a valid and unexpired license 8853
issued pursuant to Chapter 4740. of the Revised Code before that 8854
specialty contractor may engage in the type of contracting for 8855
which the license is held within the unincorporated areas of the 8856
county and within any municipal corporation whose legislative 8857

authority has contracted with the board for the enforcement of 8858
county regulations within the municipal corporation, pursuant to 8859
section 307.15 of the Revised Code, provided that the fee is the 8860
same for all specialty contractors who wish to engage in that 8861
type of contracting. If a board imposes such a fee, the board 8862
immediately shall permit a specialty contractor who presents 8863
proof of holding a valid and unexpired license and pays the 8864
required fee to engage in the type of contracting for which the 8865
license is held within the unincorporated areas of the county 8866
and within any municipal corporation whose legislative authority 8867
has contracted with the board for the enforcement of county 8868
regulations within the municipal corporation, pursuant to 8869
section 307.15 of the Revised Code. 8870

(E) The political subdivision associated with each 8871
municipal, township, and county building department the board of 8872
building standards certifies pursuant to division (E) of section 8873
3781.10 of the Revised Code may prescribe fees to be paid by 8874
persons, political subdivisions, or any department, agency, 8875
board, commission, or institution of the state, for the 8876
acceptance and approval of plans and specifications, and for the 8877
making of inspections, pursuant to sections 3781.03 and 3791.04 8878
of the Revised Code. 8879

(F) Each political subdivision that prescribes fees 8880
pursuant to division (E) of this section shall collect, on 8881
behalf of the board of building standards, fees equal to the 8882
following: 8883

(1) Three per cent of the fees the political subdivision 8884
collects in connection with nonresidential buildings; 8885

(2) One per cent of the fees the political subdivision 8886
collects in connection with residential buildings. 8887

(G) (1) The board shall adopt rules, in accordance with 8888
Chapter 119. of the Revised Code, specifying the manner in which 8889
the fee assessed pursuant to division (F) of this section shall 8890
be collected and remitted monthly to the board. The board shall 8891
pay the fees into the state treasury to the credit of the 8892
industrial compliance operating fund created in section 121.084 8893
of the Revised Code. 8894

(2) All money credited to the industrial compliance 8895
operating fund under this division shall be used exclusively for 8896
the following: 8897

(a) Operating costs of the board; 8898

(b) Providing services, including educational programs, 8899
for the building departments that are certified by the board 8900
pursuant to division (E) of section 3781.10 of the Revised Code; 8901

(c) Paying the expenses of the residential construction 8902
advisory committee, including the expenses of committee members 8903
as provided in section 4740.14 of the Revised Code. 8904

(H) A board of county commissioners that adopts rules 8905
providing for the licensing of electrical and heating, 8906
ventilating, and air conditioning contractors, pursuant to 8907
division (B) of this section, may accept, for purposes of 8908
satisfying the requirements of rules adopted under that 8909
division, a valid and unexpired license issued pursuant to 8910
Chapter 4740. of the Revised Code that is held by an electrical 8911
or heating, ventilating, and air conditioning contractor, for 8912
the construction, replacement, maintenance, or repair of one- 8913
family, two-family, or three-family dwelling houses or accessory 8914
structures incidental to those dwelling houses. 8915

(I) A board of county commissioners shall not register a 8916

specialty contractor who is required to hold a license under 8917
Chapter 4740. of the Revised Code but does not hold a valid 8918
license issued under that chapter. 8919

(J) If a board of county commissioners regulates a 8920
profession, occupation, or occupational activity under this 8921
section, the board shall comply with section 9.79 of the Revised 8922
Code. 8923

(K) As used in this section, "specialty contractor" means 8924
a heating, ventilating, and air conditioning contractor, 8925
refrigeration contractor, electrical contractor, plumbing 8926
contractor, or hydronics contractor, as those contractors are 8927
described in Chapter 4740. of the Revised Code. 8928

Sec. 3781.105. (A) The board of building standards shall 8929
certify individuals who design fire protection systems for 8930
buildings and who meet the requirements specified in this 8931
section. The board may establish separate certification 8932
categories for specific types of fire protection systems. 8933

(B) Any individual who wishes to obtain certification 8934
shall make application to the board on a form prescribed by the 8935
board. The application shall be accompanied by an application 8936
fee and an initial certification fee. The initial certification 8937
fee shall be refunded if the applicant fails to obtain 8938
certification. Certification may be renewed annually upon 8939
payment of a renewal fee. 8940

Fees required to be paid under this division shall be 8941
established by rule adopted by the board. The application fee 8942
shall bear a reasonable relationship to processing the 8943
individual's application, the certification fee shall bear a 8944
reasonable relationship to certifying the individual, and the 8945

certification renewal fee shall bear a reasonable relationship 8946
to renewing the individual's certification. 8947

(C) Each applicant shall submit evidence satisfactory to 8948
the board that the applicant has directly engaged in designing 8949
and preparing drawings for the category of the type of fire 8950
protection system for which the applicant seeks certification. 8951

(D) The board shall certify any qualified applicant who 8952
passes an examination prescribed either by the board or by the 8953
national institute for certification in engineering 8954
technologies. The examination shall demonstrate the applicant's 8955
knowledge and understanding of the category of the type of fire 8956
protection system for which the applicant seeks certification. 8957

(E) The board, after a hearing in accordance with Chapter 8958
119. of the Revised Code, may suspend or revoke any category of 8959
certification of any individual who proves at any time to be 8960
incompetent to submit and certify plans and specifications for 8961
that category to the appropriate building department under 8962
section 3791.04 of the Revised Code, and may suspend or revoke 8963
all categories of certification of any individual who engages in 8964
any illegal or fraudulent acts in connection with the design of 8965
fire protection systems. 8966

~~(H)~~(F) The board may adopt rules in accordance with 8967
Chapter 119. of the Revised Code for the administration and 8968
enforcement of this section. 8969

(G) Notwithstanding any other provision of this section to 8970
the contrary, the board shall certify an applicant in accordance 8971
with section 9.79 of the Revised Code if either of the following 8972
applies: 8973

(1) The applicant is licensed or certified in another 8974

state. 8975

(2) The applicant has satisfactory work experience, a 8976
government certification, or a private certification as 8977
described in that section as a designer of fire protection 8978
systems in a state that does not issue that license or 8979
certificate. 8980

Sec. 3905.041. ~~(A)(1) An~~ The superintendent of insurance 8981
shall issue an insurance agent license to an individual who 8982
applies for ~~a resident~~ an insurance agent license in this state 8983
within ninety days after establishing a principal place of 8984
residence ~~or principal place of business~~ in this state ~~shall not~~ 8985
~~be required under~~ in accordance with section 3905.04-9.79 of the 8986
Revised Code ~~to complete a program of insurance education or to~~ 8987
~~pass a written examination if the individual has paid all~~ 8988
~~applicable fees required under this chapter and if either of the~~ 8989
following applies: 8990

~~(a)(A)~~ The individual is currently licensed in another 8991
~~state and is in good standing for the line or lines of authority~~ 8992
~~requested.~~ 8993

~~(b)~~ The individual was previously licensed in another 8994
~~state, the individual's application for a resident insurance~~ 8995
~~agent license in this state is received within ninety days after~~ 8996
~~the cancellation of the individual's previous license, and, at~~ 8997
~~the time of license cancellation, the individual was in good~~ 8998
~~standing for the line or lines of authority requested.~~ 8999

~~(2) To determine an applicant's licensure status and~~ 9000
~~standing in another state, the superintendent of insurance may~~ 9001
~~utilize the producer database maintained by the NAIC or its~~ 9002
~~affiliates or subsidiaries. If that information is not available~~ 9003

~~on the producer database, the superintendent may require~~ 9004
~~documentation from the prior home state.~~ 9005

~~(B) An individual who applies for a temporary insurance~~ 9006
~~agent license in this state shall not be required under section~~ 9007
~~3905.04 of the Revised Code to complete any prelicensing~~ 9008
~~education or to pass a written examination.~~ 9009

~~(C) The superintendent may exempt any limited lines~~ 9010
~~insurance from the examination requirement of section 3905.04 of~~ 9011
~~the Revised Code~~ 9012

(B) The individual has satisfactory work experience, a 9013
government certification, or a private certification as 9014
described in that section as an insurance agent in a state that 9015
does not issue that license. 9016

Sec. 3905.062. (A) As used in this section: 9017

(1) "Customer" means a person who purchases portable 9018
electronics or services. 9019

(2) "Enrolled customer" means a customer who elects 9020
coverage under a portable electronics insurance policy issued to 9021
a vendor of portable electronics by an insurer. 9022

(3) "Endorsee" means an employee or authorized 9023
representative of a vendor authorized to sell or offer portable 9024
electronics insurance. 9025

(4) "Location" means any physical location in this state 9026
or any web site, call center site, or similar location directed 9027
to residents of this state. 9028

(5) "Portable electronics" means a personal, self- 9029
contained, battery-operated electronic communication, viewing, 9030
listening, recording, gaming, computing, or global positioning 9031

device that is easily carried by an individual, including a 9032
cellular or satellite telephone; pager; personal global 9033
positioning satellite unit; portable computer; portable audio 9034
listening, video viewing or recording device; digital camera; 9035
video camcorder; portable gaming system; docking station; 9036
automatic answering device; and any other similar device, and 9037
any accessory related to the use of the device. 9038

(6) "Portable electronics insurance" means insurance 9039
providing coverage for the repair or replacement of portable 9040
electronics, which may be offered on a month-to-month or other 9041
periodic basis as a group or master commercial inland marine 9042
policy issued to a vendor by an insurer, and may cover portable 9043
electronics against loss, theft, inoperability due to mechanical 9044
failure, malfunction, damage, or other applicable perils. 9045
"Portable electronics insurance" does not mean any of the 9046
following: 9047

(a) A consumer goods service contract governed by section 9048
3905.423 of the Revised Code; 9049

(b) A policy of insurance covering a seller's or a 9050
manufacturer's obligations under a warranty; 9051

(c) A homeowner's, renter's, private passenger automobile, 9052
commercial multi-peril, or similar insurance policy. 9053

(7) "Portable electronics transaction" means the sale or 9054
lease of portable electronics by a vendor to a customer or the 9055
sale of a service related to the use of portable electronics by 9056
a vendor to a customer. 9057

(8) "Supervising entity" means an insurer or a business 9058
entity licensed as an insurance agent under section 3905.06 of 9059
the Revised Code that is appointed by an insurer to supervise 9060

the administration of a portable electronics insurance program. 9061

(9) "Vendor" means a person in the business of engaging in 9062
portable electronics transactions directly or indirectly. 9063

(B) (1) Except as provided in division (B) (2) of this 9064
section, no vendor or vendor's employee shall offer, sell, 9065
solicit, or place portable electronics insurance unless the 9066
vendor is licensed under section 3905.041, 3905.06, or ~~3905.07-~~ 9067
3905.08 of the Revised Code with a portable electronics 9068
insurance line of authority. 9069

(2) Any vendor offering or selling portable electronics 9070
insurance on or before ~~the effective date of this section~~ March 9071
22, 2012, that wishes to continue offering or selling that 9072
insurance shall apply for a license within ninety days after the 9073
superintendent of insurance makes the application available. 9074

(C) (1) The superintendent shall issue a resident business 9075
entity license to a vendor under section 3905.06 of the Revised 9076
Code if the vendor satisfies the requirements of sections 9077
3905.05 and 3905.06 of the Revised Code, except that the 9078
application for a portable electronics insurance license shall 9079
satisfy the following additional requirements: 9080

(a) The application shall include the location of the 9081
vendor's home office. 9082

(b) If the application requires the vendor to designate an 9083
individual or entity as a responsible insurance agent, that 9084
agent shall not be required to be an employee of the applicant 9085
and may be the supervising entity or an individual agent who is 9086
an employee of the supervising entity. 9087

(c) If the vendor derives less than fifty per cent of the 9088
vendor's revenue from the sale of portable electronics 9089

insurance, the application for a portable electronics insurance 9090
license may require the vendor to provide the name, residence 9091
address, and other information required by the superintendent 9092
for one employee or officer of the vendor who is designated by 9093
the vendor as the person responsible for the vendor's compliance 9094
with the requirements of this chapter. 9095

(d) If the vendor derives fifty per cent or more of the 9096
vendor's revenue from the sale of portable electronics 9097
insurance, the application may require the information listed 9098
under division (C) (1) (c) of this section for all owners with at 9099
least ten per cent interest or voting interest, partners, 9100
officers, and directors of the vendor, or members or managers of 9101
a vendor that is a limited liability company. 9102

(2) The superintendent shall issue a nonresident business 9103
entity license to a vendor if the vendor satisfies the 9104
requirements of section 3905.07 of the Revised Code. However, if 9105
the nonresident vendor's home state does not issue a limited 9106
lines license for portable electronics insurance, the 9107
nonresident vendor may apply for a resident license under 9108
section 3905.06 of the Revised Code in the same manner and with 9109
the same rights and privileges as if the vendor were a resident 9110
of this state. 9111

(D) The holder of a limited lines license may not sell, 9112
solicit, or negotiate insurance on behalf of any insurer unless 9113
appointed to represent that insurer under section 3905.20 of the 9114
Revised Code. 9115

(E) Division (B) (34) of section 3905.14 of the Revised 9116
Code shall not apply to portable electronics vendors or the 9117
vendors' endorsees. 9118

(F) (1) A vendor may authorize any endorsee of the vendor 9119
to sell or offer portable electronics insurance to a customer at 9120
any location at which the vendor engages in portable electronics 9121
transactions. 9122

(2) An endorsee is not required to be licensed as an 9123
insurance agent under this chapter if the vendor is licensed 9124
under this section and the insurer issuing the portable 9125
electronics insurance either directly supervises or appoints a 9126
supervising entity to supervise the administration of the 9127
portable electronics insurance program including development of 9128
a training program for endorsees in accordance with division (G) 9129
of this section. 9130

(3) No endorsee shall do any of the following: 9131

(a) Advertise, represent, or otherwise represent the 9132
endorsee's self as an insurance agent licensed under section 9133
3905.06 of the Revised Code; 9134

(b) Offer, sell, or solicit the purchase of portable 9135
electronics insurance except in conjunction with and incidental 9136
to the sale or lease of portable electronics; 9137

(c) Make any statement or engage in any conduct, express 9138
or implied, that would lead a customer to believe any of the 9139
following: 9140

(i) That the insurance policies offered by the endorsee 9141
provide coverage not already provided by a customer's 9142
homeowner's insurance policy, renter's insurance policy, or by 9143
another source of coverage; 9144

(ii) That the purchase by the customer of portable 9145
electronics insurance is required in order to purchase or lease 9146
portable electronics or services from the portable electronics 9147

vendor; 9148

(iii) That the portable electronics vendor or its 9149
endorsees are qualified to evaluate the adequacy of the 9150
customer's existing insurance coverage. 9151

(G) Each vendor, or the supervising entity to that vendor, 9152
shall provide a training and education program for all endorsees 9153
who sell or offer portable electronics insurance. The program 9154
may be provided as a web-based training module or in any other 9155
electronic or recorded video form. The training and education 9156
program shall meet all of the following minimum standards: 9157

(1) The training shall be delivered to each endorsee of 9158
each vendor who sells or offers portable electronics insurance 9159
and the endorsee shall complete the training; 9160

(2) If the training is conducted in an electronic form, 9161
the supervising entity shall implement a supplemental education 9162
program regarding portable electronics insurance that is 9163
conducted and overseen by employees of the supervising entity 9164
who are licensed as insurance agents under section 3905.06 of 9165
the Revised Code; 9166

(3) The training and education program shall include basic 9167
information about portable electronics insurance and information 9168
concerning all of the following prohibited actions of endorsees: 9169

(a) No endorsee shall advertise, represent, or otherwise 9170
represent the endorsee's self as a licensed insurance agent. 9171

(b) No endorsee shall offer, sell, or solicit the purchase 9172
of portable electronics insurance except in conjunction with and 9173
incidental to the sale or lease of portable electronics. 9174

(c) No endorsee shall make any statement or engage in any 9175

conduct, express or implied, that would lead a customer to 9176
believe any of the following: 9177

(i) That the insurance policies offered by the endorsee 9178
provide coverage not already provided by a customer's 9179
homeowner's insurance policy, renter's insurance policy, or by 9180
another source of coverage; 9181

(ii) That the purchase by the customer of portable 9182
electronics insurance is required in order to purchase or lease 9183
portable electronics or services from the portable electronics 9184
vendor; 9185

(iii) That the portable electronics vendor or its 9186
endorsees are qualified to evaluate the adequacy of the 9187
customer's existing insurance coverage. 9188

(H) A supervising entity appointed to supervise the 9189
administration of a portable electronics insurance program under 9190
division (F) (2) of this section shall maintain a registry of 9191
locations supervised by that entity that are authorized to sell 9192
or solicit portable electronics insurance in this state. The 9193
supervising entity shall make the registry available to the 9194
superintendent upon request by the superintendent if the 9195
superintendent provides ten days' notice to the vendor or 9196
supervising entity. 9197

(I) At every location where a vendor offers portable 9198
electronics insurance to customers, the vendor shall provide 9199
brochures or other written materials to prospective customers 9200
that include all of the following: 9201

(1) A summary of the material terms of the insurance 9202
coverage, including all of the following: 9203

(a) The identity of the insurer; 9204

(b) The identity of the supervising entity;	9205
(c) The amount of any applicable deductible and how it is to be paid;	9206 9207
(d) Benefits of the coverage;	9208
(e) Key terms and conditions of coverage such as whether portable electronics may be replaced with a similar make and model, replaced with a reconditioned device, or repaired with nonoriginal manufacturer parts or equipment.	9209 9210 9211 9212
(2) A summary of the process for filing a claim, including a description of how to return portable electronics equipment and the maximum fee applicable if a customer fails to comply with any equipment return requirements;	9213 9214 9215 9216
(3) A disclosure that portable electronics insurance may provide a duplication of coverage already provided by a customer's homeowner's insurance policy, renter's insurance policy, or other source of coverage;	9217 9218 9219 9220
(4) A disclosure that the enrollment by the customer in a portable electronics insurance program is not required to purchase or lease portable electronics or services;	9221 9222 9223
(5) A disclosure that neither the endorsee nor the vendor is qualified to evaluate the adequacy of the customer's existing insurance coverage;	9224 9225 9226
(6) A disclosure that the customer may cancel enrollment for coverage under a portable electronics insurance policy at any time and receive a refund of any applicable premium.	9227 9228 9229
(J) (1) The charges for portable electronics insurance may be billed and collected by the vendor of portable electronics, and the vendor may receive compensation for performing billing	9230 9231 9232

and collection services, if either of the following conditions 9233
are met: 9234

(a) If the charge to the customer for coverage is not 9235
included in the cost associated with the purchase or lease of 9236
portable electronics or related services, the charge for 9237
coverage is separately itemized on the customer's bill. 9238

(b) If the charge to the customer for coverage is included 9239
in the cost associated with the purchase or lease of portable 9240
electronics or related services, the vendor clearly and 9241
conspicuously discloses to the customer that the charge for 9242
portable electronics insurance coverage is included with the 9243
charge for portable electronics or related services. 9244

(2) All funds received by a vendor from a customer for the 9245
sale of portable electronics insurance shall be considered funds 9246
held in trust by the vendor in a fiduciary capacity for the 9247
benefit of the insurer. Vendors that bill and collect such 9248
charges are not required to maintain those funds in a segregated 9249
account if the vendor is authorized by the insurer to hold those 9250
funds in an alternate manner and the vendor remits the amount of 9251
the charges to the supervising entity within sixty days after 9252
receiving the charges. 9253

(K) (1) Except as otherwise provided in divisions (K) (2) 9254
and (3) of this section, an insurer may terminate or otherwise 9255
change the terms and conditions of a policy of portable 9256
electronics insurance only upon providing the vendor 9257
policyholder and enrolled customers with at least sixty days' 9258
prior notice. If the insurer changes the terms and conditions, 9259
the insurer shall promptly provide the vendor policyholder with 9260
a revised policy or endorsement and each enrolled customer with 9261
a revised certificate, endorsement, updated brochure, or other 9262

evidence indicating that a change in the terms and conditions 9263
has occurred and a summary of material changes. 9264

(2) An insurer may terminate an enrolled customer's 9265
enrollment under a portable electronics insurance policy upon 9266
fifteen days' prior notice for discovery of fraud or material 9267
misrepresentation in obtaining coverage or in the presentation 9268
of a claim under the policy. 9269

(3) An insurer may immediately terminate an enrolled 9270
customer's enrollment under a portable electronics insurance 9271
policy for any of the following reasons: 9272

(a) The enrolled customer fails to pay the required 9273
premium; 9274

(b) The enrolled customer ceases to have an active service 9275
plan, if applicable, with the vendor of portable electronics; 9276

(c) The enrolled customer exhausts the aggregate limit of 9277
liability, if any, under the terms of the portable electronics 9278
insurance policy and the insurer sends notice of termination to 9279
the customer within thirty calendar days after exhaustion of the 9280
limit. However, if the insurer does not send the notice within 9281
the thirty-day time frame, enrollment shall continue 9282
notwithstanding the aggregate limit of liability until the 9283
insurer sends notice of termination to the enrolled customer. 9284

(4) If a portable electronics insurance policy is 9285
terminated by a vendor policyholder, the vendor policyholder 9286
shall provide notice to each enrolled customer advising the 9287
customer of the termination of the policy and the effective date 9288
of the termination. The written notice shall be mailed or 9289
delivered to the customer at least thirty days prior to the 9290
termination. 9291

(5) Notice required pursuant to this section shall be provided in writing, either via mail or by electronic means.	9292 9293
(a) If notice is provided via mail, it shall be mailed or delivered to the vendor at the vendor's mailing address and to all affected enrolled customers at the last known mailing addresses of those customers on file with the insurer. The insurer or vendor of portable electronics shall maintain proof of mailing in a form authorized or accepted by the United States postal service or other commercial mail delivery service.	9294 9295 9296 9297 9298 9299 9300
(b) If notice is provided electronically, it shall be transmitted via facsimile or electronic mail to the vendor at the vendor's facsimile number or electronic mail address and to all affected enrolled customers at the last known facsimile numbers or electronic mail addresses of those customers on file with the insurer. The insurer or vendor shall maintain proof that the notice was sent.	9301 9302 9303 9304 9305 9306 9307
(L) An enrolled customer may cancel the enrolled customer's coverage under a portable electronics insurance policy at any time. Upon cancellation, the insurer shall refund any applicable unearned premium.	9308 9309 9310 9311
(M) A license issued pursuant to this section shall authorize the vendor and its endorsees to engage only in those activities that are expressly permitted by this section.	9312 9313 9314
(N) (1) If a vendor or a vendor's endorsee violates any provision of this section, the superintendent may revoke or suspend the license issued or impose any other sanctions provided under section 3905.14 of the Revised Code.	9315 9316 9317 9318
(2) If any provision of this section is violated by a vendor or a vendor's endorsee at a particular location, the	9319 9320

superintendent may issue a cease and desist order to a 9321
particular location, or take any other administrative action 9322
authorized in section 3901.22 and division (D) of section 9323
3905.14 of the Revised Code. 9324

(3) If any person violates division (B) or (F)(3) of this 9325
section, the superintendent may issue a cease and desist order 9326
in addition to taking any other administrative action provided 9327
for in sections 3901.22 and division (D) of section 3905.14 of 9328
the Revised Code. 9329

(4) If the superintendent determines that a violation of 9330
this section or section 3905.14 of the Revised Code has 9331
occurred, the superintendent may assess a civil penalty in 9332
amount not exceeding twenty-five thousand dollars per violation 9333
and an administrative fee to cover the expenses incurred by the 9334
department in the administrative action, including costs 9335
incurred in the investigation and hearing process. 9336

(O) The superintendent may adopt rules implementing this 9337
section. 9338

Sec. 3905.063. (A) As used in this section: 9339

(1) "Customer" means a person who obtains the use of 9340
storage space from a self-service storage facility under the 9341
terms of a self-storage rental agreement. 9342

(2) "Endorsee" means an employee or authorized 9343
representative of a self-service storage facility authorized to 9344
sell or offer self-service storage insurance. 9345

(3) "Enrolled customer" means a customer who elects 9346
coverage under a self-service storage insurance policy issued to 9347
a self-service storage facility by an insurer or a policy issued 9348
directly to a customer from an insurer. 9349

(4) "Location" means any physical location in this state 9350
or any web site, call center site, or similar location directed 9351
to residents of this state. 9352

(5) "Owner" means the owner, operator, property management 9353
company, lessor, or sublessor of a self-service storage 9354
facility. "Owner" does not mean an occupant. 9355

(6) "Personal property" means moveable property not 9356
affixed to land, and includes goods, merchandise, furniture, and 9357
household items. 9358

(7) (a) "Self-service storage insurance" means insurance 9359
providing coverage for the loss of, or damage to, tangible 9360
personal property that is contained in storage space or in 9361
transit during a self-service storage rental agreement period, 9362
which may be offered on a month-to-month or other periodic basis 9363
under an individual policy, or as a group, commercial, or master 9364
policy issued to a self-service storage facility to provide 9365
insurance for the self-service storage facility's customers. 9366

(b) "Self-service storage insurance" does not mean any of 9367
the following: 9368

(i) A consumer goods service contract governed by section 9369
3905.423 of the Revised Code; 9370

(ii) A policy of insurance covering a seller's or a 9371
manufacturer's obligations under a warranty; 9372

(iii) A homeowner's, renter's, private passenger 9373
automobile, or similar insurance policy. 9374

(8) "Self-service storage rental agreement" means a 9375
written agreement containing the terms and conditions governing 9376
the use of storage space provided by a self-service storage 9377

facility. 9378

(9) "Supervising entity" means an insurer or a business 9379
entity licensed as an insurance agent under section 3905.041, 9380
3905.06, or ~~3905.07~~3905.08 of the Revised Code that is 9381
appointed by an insurer to supervise the administration of self- 9382
service storage insurance. 9383

(B) (1) Except as provided in division (B) (2) of this 9384
section, no self-service storage facility or self-service 9385
storage facility's endorsee shall offer, sell, solicit, or place 9386
self-service storage insurance unless the self-service storage 9387
facility is licensed under section 3905.041, 3905.06, or ~~3905.07~~ 9388
3905.08 of the Revised Code with a self-service storage 9389
insurance line of authority and the offer, sale, solicitation, 9390
or placement is incidental to the lease of self-service storage. 9391

(2) Any self-service storage facility offering or selling 9392
self-service storage insurance on or before ~~the effective date~~ 9393
~~of this section~~ March 23, 2015, that wishes to continue offering 9394
or selling that insurance shall apply for a license within 9395
ninety days after the superintendent of insurance makes the 9396
application available. 9397

(C) (1) The superintendent shall issue a resident insurance 9398
license to a self-service storage facility under section 3905.06 9399
of the Revised Code if the self-service storage facility 9400
satisfies the requirements of sections 3905.05 and 3905.06 of 9401
the Revised Code, except that the application for a self-service 9402
storage insurance license shall satisfy the following additional 9403
requirements: 9404

(a) The application shall include the location, including 9405
the address for each location, of the self-service storage 9406

facility's home office and any location at which the facility 9407
engages in self-service storage transactions. 9408

(b) If the application requires the self-service storage 9409
facility to designate an individual or entity as a responsible 9410
insurance agent, that agent shall not be required to be an 9411
employee of the applicant and may be an individual agent who is 9412
an employee of the supervising entity. 9413

(c) If the self-service storage facility derives less than 9414
fifty per cent of the self-service storage facility's revenue 9415
from the sale of self-service storage insurance, the application 9416
for a self-service storage insurance license may require the 9417
self-service storage facility to provide the name, residence 9418
address, and other information required by the superintendent 9419
for one employee or officer of the self-service storage facility 9420
who is designated by the self-service storage facility as the 9421
person responsible for the self-service storage facility's 9422
compliance with the requirements of this chapter. 9423

(d) If the self-service storage facility derives fifty per 9424
cent or more of the self-service storage facility's revenue from 9425
the sale of self-service storage insurance, the application may 9426
require the information listed under division (C)(1)(c) of this 9427
section for all owners with at least ten per cent interest or 9428
voting interest, partners, officers, and directors of the self- 9429
service storage facility, or members or managers of a self- 9430
service storage facility that is a limited liability company. 9431

(2) The superintendent shall issue a nonresident insurance 9432
agent license to a self-service storage facility if the self- 9433
service storage facility satisfies the requirements of section 9434
3905.07 of the Revised Code. However, if the nonresident self- 9435
service storage facility's home state does not issue a limited 9436

lines license for self-service storage insurance, the 9437
nonresident self-service storage facility may apply for a 9438
resident license under sections 3905.05 and 3905.06 of the 9439
Revised Code in the same manner and with the same rights and 9440
privileges as if the self-service storage facility were a 9441
resident of this state. 9442

(D) The holder of a limited lines license may not sell, 9443
solicit, or negotiate insurance on behalf of any insurer unless 9444
appointed to represent that insurer under section 3905.20 of the 9445
Revised Code. 9446

(E) Division (B) (34) of section 3905.14 of the Revised 9447
Code shall not apply to the self-service storage facility or the 9448
self-service storage facility's endorsees. 9449

(F) If insurance is required as a condition of a self- 9450
service storage rental agreement, the requirement may be 9451
satisfied by the customer's purchase of self-service storage 9452
insurance that is sold, solicited, or negotiated by the self- 9453
service storage facility or presentation to the self-service 9454
storage facility of evidence of other applicable insurance 9455
coverage. 9456

Evidence of applicable insurance coverage includes a 9457
representation by a licensed Ohio insurance agent that the 9458
customer satisfies the requirements of this division. 9459

(G) (1) A self-service storage facility may authorize any 9460
endorsee of the self-service storage facility to sell or offer 9461
self-service storage insurance to a customer at any location at 9462
which the self-service storage facility engages in self-service 9463
storage transactions. 9464

(2) An endorsee is not required to be licensed as an 9465

insurance agent under this chapter if the self-service storage 9466
facility is licensed under this section and the insurer issuing 9467
the self-service storage insurance either directly supervises or 9468
appoints a supervising entity to supervise the administration of 9469
the self-service storage insurance including development of a 9470
training program for endorsees in accordance with division (H) 9471
of this section. 9472

(3) No endorsee shall do any of the following: 9473

(a) Advertise, represent, or otherwise represent the 9474
endorsee's self as an insurance agent licensed under section 9475
3905.06 or 3905.07 of the Revised Code; 9476

(b) Offer, sell, or solicit the purchase of self-service 9477
storage insurance except in conjunction with and incidental to 9478
the sale or lease of self-service storage; 9479

(c) Make any statement or engage in any conduct, express 9480
or implied, that would lead a customer to believe either of the 9481
following: 9482

(i) That, if insurance is required as a condition of a 9483
self-service storage rental agreement, the purchase by the 9484
customer of self-service storage insurance offered by the self- 9485
service storage facility is the only method by which that 9486
condition may be met; 9487

(ii) That the self-service storage facility or its 9488
endorsees are qualified to evaluate the adequacy of the 9489
customer's existing insurance coverage. 9490

(4) An endorsee shall disclose that self-service storage 9491
insurance may duplicate coverage already provided under a 9492
customer's homeowner's insurance policy, renter's insurance 9493
policy, or other coverage. 9494

(H) Each self-service storage facility, or the supervising entity to that self-service storage facility, shall provide a training and education program for all endorsees who sell or offer self-service storage insurance. The program may be provided as a web-based training module or in any other electronic or recorded video form. The training and education program shall meet all of the following minimum standards:

(1) The training shall be delivered to each endorsee of each self-service storage facility who sells or offers self-service storage insurance and the endorsee shall complete the training.

(2) If the training is conducted in an electronic form, the supervising entity shall implement a supplemental education program regarding self-service storage insurance that is conducted and overseen by employees of the supervising entity who are licensed as insurance agents under section 3905.06 or ~~3905.07~~3905.08 of the Revised Code.

(3) The training and education program shall include basic information about self-service storage insurance and information concerning all of the following prohibited actions of endorsees:

(a) No endorsee shall advertise, represent, or otherwise represent the endorsee's self as a licensed insurance agent.

(b) No endorsee shall offer, sell, or solicit the purchase of self-service storage insurance except in conjunction with and incidental to the rental of a storage space by the self-service storage facility.

(c) No endorsee shall make any statement or engage in any conduct, express or implied, that would lead a customer to believe any of the following:

(i) That the insurance policies offered by the endorsee 9524
provide coverage not already provided by a customer's 9525
homeowner's insurance policy, renter's insurance policy, or by 9526
another source of coverage; 9527

(ii) That, if insurance is required as a condition of a 9528
self-service storage rental agreement, the purchase by the 9529
customer of self-service storage insurance offered by the self- 9530
service storage facility is the only method by which that 9531
condition may be met; 9532

(iii) That the self-service storage facility or its 9533
endorsees are qualified to evaluate the adequacy of the 9534
customer's existing insurance coverage. 9535

(I) A supervising entity appointed to supervise the 9536
administration of self-service storage insurance under division 9537
(G) (2) of this section shall maintain a registry of locations 9538
supervised by that entity that are authorized to sell or solicit 9539
self-service storage insurance in this state and the endorsees 9540
at each location. The supervising entity shall make the registry 9541
available to the superintendent upon request. 9542

(J) (1) At every location where a self-service storage 9543
facility offers self-service storage insurance to customers, the 9544
self-service storage facility shall provide brochures or other 9545
written materials to prospective customers that include all of 9546
the following: 9547

(a) A summary of the material terms of the insurance 9548
coverage, including all of the following: 9549

(i) The identity of the insurer; 9550

(ii) The identity of the supervising entity; 9551

(iii) The amount of any applicable deductible and how it is to be paid;	9552 9553
(iv) Benefits of the coverage;	9554
(v) Key terms and conditions of coverage.	9555
(b) A summary of the process for filing a claim;	9556
(c) A disclosure that self-service storage insurance may provide a duplication of coverage already provided by a customer's homeowner's insurance policy, renter's insurance policy, or other source of coverage;	9557 9558 9559 9560
(d) A disclosure that, if insurance is required as a condition of a self-service storage rental agreement, the requirement may be satisfied by either of the following:	9561 9562 9563
(i) The customer's purchase of self-service storage insurance that is sold, solicited, or negotiated by the self-service storage facility;	9564 9565 9566
(ii) The customer's presentation to the self-service storage facility of evidence of other applicable insurance coverage such as a representation by a licensed Ohio insurance agent that the customer satisfies the coverage requirement ^{7.1} ;	9567 9568 9569 9570
(e) A disclosure that neither the endorsee nor the self-service storage facility is qualified to evaluate the adequacy of the customer's existing insurance coverage;	9571 9572 9573
(f) A disclosure that the customer may cancel enrollment for coverage under a self-service storage insurance policy at any time and receive a refund of any applicable premium.	9574 9575 9576
(2) A self-service storage facility shall provide to every customer who purchases self-service storage insurance a	9577 9578

certificate that is evidence of the coverage. 9579

(K) (1) The charges for self-service storage insurance may 9580
be billed and collected by the self-service storage facility, 9581
and the self-service storage facility may receive compensation 9582
for performing billing and collection services, if either of the 9583
following conditions are met: 9584

(a) If the charge to the customer for coverage is not 9585
included in the cost associated with the purchase or lease of 9586
self-service storage or related services, the charge for 9587
coverage is separately itemized on the customer's bill. 9588

(b) If the charge to the customer for coverage is included 9589
in the cost associated with the lease of self-service storage, 9590
the self-service storage facility clearly and conspicuously 9591
discloses to the customer that the charge for self-service 9592
storage insurance coverage is included with the lease for self- 9593
service storage. 9594

(2) All funds received by a self-service storage facility 9595
from a customer for the sale of self-service storage insurance 9596
shall be considered funds held in trust by the self-service 9597
storage facility in a fiduciary capacity for the benefit of the 9598
insurer. Self-service storage facilities that bill and collect 9599
such charges are not required to maintain those funds in a 9600
segregated account if the self-service storage facility is 9601
authorized by the insurer to hold those funds in an alternate 9602
manner and the self-service storage facility remits the amount 9603
of the charges to the supervising entity within sixty days after 9604
receiving the charges. 9605

(L) (1) Except as otherwise provided in divisions (L) (2) 9606
and (3) of this section, an insurer may terminate or otherwise 9607

change the terms and conditions of a policy of self-service 9608
storage insurance only upon providing the self-service storage 9609
facility policyholder and enrolled customers with at least sixty 9610
days' prior notice. If the insurer changes the terms and 9611
conditions, the insurer shall promptly provide the self-service 9612
storage facility policyholder with a revised policy or 9613
endorsement and each enrolled customer with a revised 9614
certificate, endorsement, updated brochure, or other evidence 9615
indicating that a change in the terms and conditions has 9616
occurred and a summary of material changes. 9617

(2) An insurer may terminate an enrolled customer's 9618
enrollment under a self-service storage insurance policy upon 9619
fifteen days' prior notice for discovery of fraud or material 9620
misrepresentation in obtaining coverage or in the presentation 9621
of a claim under the policy. 9622

(3) An insurer may immediately terminate an enrolled 9623
customer's enrollment under a self-service storage insurance 9624
policy for any of the following reasons: 9625

(a) The enrolled customer fails to pay the required 9626
premium; 9627

(b) The enrolled customer ceases to have an active lease 9628
at the self-service storage facility; 9629

(c) The enrolled customer exhausts the aggregate limit of 9630
liability, if any, under the terms of the self-service storage 9631
insurance policy and the insurer sends notice of termination to 9632
the customer within thirty calendar days after exhaustion of the 9633
limit. However, if the insurer does not send the notice within 9634
the thirty-day time frame, enrollment shall continue 9635
notwithstanding the aggregate limit of liability until the 9636

insurer sends notice of termination to the enrolled customer. 9637

(4) If a self-service storage insurance policy is 9638
terminated by a self-service storage facility policyholder, the 9639
self-service storage facility policyholder shall provide notice 9640
to each enrolled customer advising the customer of the 9641
termination of the policy and the effective date of the 9642
termination. The written notice shall be sent by mail, 9643
electronic mail, or delivery to the customer at least thirty 9644
days prior to the termination. 9645

(5) Notice required pursuant to this section may be sent 9646
by any of the following methods: 9647

(a) Electronically, in accordance with section 3901.41 of 9648
the Revised Code; 9649

(b) Via ordinary, registered, or certified mail, return 9650
receipt requested and postage prepaid; 9651

(c) By overnight delivery using a nationally recognized 9652
carrier. 9653

(M) An enrolled customer may cancel the enrolled 9654
customer's coverage under a self-service storage insurance 9655
policy at any time. Upon cancellation, the insurer shall refund 9656
any applicable unearned premium. 9657

(N) A license issued pursuant to this section shall 9658
authorize the self-service storage facility and its endorsees to 9659
engage only in those activities that are expressly permitted by 9660
this section. 9661

(O) (1) If a self-service storage facility or a self- 9662
service storage facility's endorsee violates any provision of 9663
this section, the superintendent may revoke or suspend the 9664

license issued or impose any other sanctions provided under 9665
section 3905.14 of the Revised Code. 9666

(2) If any provision of this section is violated by a 9667
self-service storage facility, a self-service storage facility's 9668
endorsee at a particular location, a supervising entity, or an 9669
agent, the facility, endorsee, supervising entity, or agent is 9670
deemed to have engaged in an unfair and deceptive act or 9671
practice in the business of insurance under sections 3901.19 to 9672
3901.26 of the Revised Code. 9673

(3) If the superintendent determines that a violation of 9674
this section or section 3905.14 of the Revised Code has 9675
occurred, the superintendent may assess a civil penalty in an 9676
amount not exceeding twenty-five thousand dollars per violation 9677
and an administrative fee to cover the expenses incurred by the 9678
department in the administrative action, including costs 9679
incurred in the investigation and hearing process. 9680

(P) (1) Notwithstanding any other provision of law, if a 9681
self-service storage facility's insurance-related activities, 9682
and those of its endorsees, employees, and authorized 9683
representatives, are limited to offering and disseminating self- 9684
service storage insurance on behalf of and under the direction 9685
of a limited lines self-service storage insurance agent that 9686
meets the requirements of this section, the facility is 9687
authorized to offer and disseminate insurance and receive 9688
related compensation for these services if the self-service 9689
storage facility is registered by the limited lines self-service 9690
storage insurance agent as described in division (I) of this 9691
section. Any compensation paid to a self-service storage 9692
facility's endorsee, employee, or authorized representative for 9693
the services described in this section shall be incidental to 9694

the endorsee's, employee's, or authorized representative's 9695
overall compensation and not based primarily on the number of 9696
customers who purchase self-service storage insurance coverage. 9697

(2) Nothing in this section shall be construed to prohibit 9698
payment of compensation to a self-service storage facility or 9699
its employees, endorsees, or authorized representatives for 9700
activities under the limited lines self-service storage 9701
insurance agent's license that are incidental to the overall 9702
compensation of the self-service storage facility or the 9703
employees, endorsees, or authorized representatives of the 9704
facility. 9705

(3) All costs paid or charged to a consumer for the 9706
purchase of self-service storage insurance or related services, 9707
including compensation to the self-service storage facility, 9708
shall be separately itemized on the customer's bill. 9709

(Q) The superintendent may adopt rules implementing this 9710
section. 9711

Sec. 3905.07. (A) The superintendent of insurance shall 9712
issue a nonresident insurance agent license to ~~an applicant that~~ 9713
~~is a nonresident person-business entity~~ upon payment of all 9714
applicable fees required under this chapter if the 9715
superintendent finds all of the following: 9716

(1) The applicant is currently licensed as a resident and 9717
is in good standing in the applicant's home state. 9718

(2) The applicant is licensed in the applicant's home 9719
state for the lines of authority requested in this state. 9720

(3) The applicant has submitted or has had transmitted to 9721
the superintendent the application for licensure that the 9722
applicant submitted to the applicant's home state or a completed 9723

applicable uniform application. 9724

(4) The applicant has not committed any act that is a 9725
ground for the denial, suspension, or revocation of a license 9726
under section 3905.14 of the Revised Code. 9727

(5) The applicant is of good reputation and character, is 9728
honest and trustworthy, and is otherwise suitable to be 9729
licensed. 9730

(6) The applicant's home state issues nonresident 9731
insurance agent licenses to residents of this state on the same 9732
basis as set forth in division (A) of this section. 9733

(7) ~~If the applicant is a business entity, the~~ The 9734
applicant has designated an insurance agent licensed as an agent 9735
in this state to be responsible for the applicant's compliance 9736
with the insurance laws of this state. 9737

(8) The applicant has submitted any other documents 9738
requested by the superintendent. 9739

(B) To determine an applicant's licensure and standing 9740
status in another state, the superintendent may utilize the 9741
producer database maintained by the NAIC or its affiliates or 9742
subsidiaries. If that information is not available on the 9743
producer database, the superintendent may require a 9744
certification letter from the applicant's home state. 9745

(C) (1) ~~An individual seeking to renew a nonresident~~ 9746
~~insurance agent license shall apply biennially for a renewal of~~ 9747
~~the license on or before the last day of the licensee's birth~~ 9748
~~month.~~ A business entity seeking to renew a nonresident 9749
insurance agent license shall apply biennially for a renewal of 9750
the license on or before the date determined by the 9751
superintendent. 9752

Applications shall be submitted to the superintendent on 9753
forms prescribed by the superintendent. Each application shall 9754
be accompanied by a biennial renewal fee. The superintendent 9755
also may require an applicant to submit any document reasonably 9756
necessary to verify the information contained in the renewal 9757
application. 9758

(2) To be eligible for renewal, an applicant shall 9759
maintain a resident license in the applicant's home state for 9760
the lines of authority held in this state. 9761

(3) If an applicant submits a completed renewal 9762
application, qualifies for renewal pursuant to divisions (C) (1) 9763
and (2) of this section, and has not committed any act that is a 9764
ground for the refusal to issue, suspension of, or revocation of 9765
a license under section 3905.14 of the Revised Code, the 9766
superintendent shall renew the applicant's nonresident insurance 9767
agent license. 9768

(D) If ~~an individual or a~~ business entity does not apply 9769
for the renewal of the ~~individual or~~ business entity's license 9770
on or before the license renewal date specified in division (C) 9771
(1) of this section, the ~~individual or~~ business entity may 9772
submit a late renewal application along with all applicable fees 9773
required under this chapter prior to the first day of the second 9774
month following the license renewal date. 9775

(E) A license issued under this section that is not 9776
renewed on or before its renewal date pursuant to division (C) 9777
of this section or its late renewal date pursuant to division 9778
(D) of this section automatically is suspended for nonrenewal on 9779
the first day of the second month following the renewal date. If 9780
a license is suspended for nonrenewal pursuant to this division, 9781
the ~~individual or~~ business entity is eligible to apply for a 9782

reinstatement of the license within the twelve-month period 9783
following the date by which the license should have been renewed 9784
by complying with the reinstatement procedure established by the 9785
superintendent and paying all applicable fees required under 9786
this chapter. 9787

(F) A license that is suspended for nonrenewal that is not 9788
reinstated pursuant to division (E) of this section 9789
automatically is canceled unless the superintendent is 9790
investigating any allegations of wrongdoing by the agent or has 9791
initiated proceedings under Chapter 119. of the Revised Code. In 9792
that case, the license automatically is canceled after the 9793
completion of the investigation or proceedings unless the 9794
superintendent revokes the license. 9795

~~(G) An individual licensed as a nonresident insurance 9796
agent who is unable to comply with the license renewal 9797
procedures established under this section and who is unable to 9798
engage in the business of insurance due to military service, a 9799
long term medical disability, or some other extenuating 9800
circumstance may request an extension of the renewal date of the 9801
individual's license. To be eligible for such an extension, the 9802
individual shall submit a written request with supporting 9803
documentation to the superintendent. At the superintendent's 9804
discretion, the superintendent may not consider a written 9805
request made after the renewal date of the license. 9806~~

~~(H)~~ Notwithstanding any other provision of this chapter, a 9807
nonresident ~~person~~ business entity licensed as a surplus lines 9808
producer in the applicant's home state shall receive a 9809
nonresident surplus lines broker license pursuant to division 9810
(A) of this section. Nothing in this section otherwise affects 9811
or supersedes any provision of sections 3905.30 to 3905.37 of 9812

the Revised Code. 9813

Sec. 3905.071. (A) (1) If a nonresident person licensed as 9814
a nonresident insurance agent under section ~~3905.07~~ 3905.08 of 9815
the Revised Code changes the person's address within the 9816
person's state of residence, the person shall, within thirty 9817
days after making that change, file a change of address with the 9818
superintendent of insurance or the superintendent's designee. 9819

(2) If a nonresident person licensed as a nonresident 9820
insurance agent under section ~~3905.07~~ 3905.08 of the Revised 9821
Code changes the person's home state, the person shall, within 9822
thirty days after making that change, file a change of address 9823
with the superintendent and provide the superintendent with 9824
certification from the new home state. 9825

(B) If a nonresident insurance agent complies with 9826
division (A) of this section and the agent is in good standing 9827
with the superintendent, no fee or license application shall be 9828
required. A change in the residency status of an agent's license 9829
under this section does not change the license renewal date 9830
established by the initial license under section ~~3905.07~~ 9831
3905.041 of the Revised Code. 9832

Sec. 3905.072. ~~Notwithstanding any other provision of this~~ 9833
~~chapter, the~~ The superintendent of insurance shall issue ~~to a~~ 9834
~~nonresident person licensed as a limited line credit insurance~~ 9835
~~agent or other type of limited lines insurance agent in the~~ 9836
~~person's home state~~ a nonresident limited lines insurance agent 9837
license in accordance with ~~division (A) of section 3905.07~~ 9.79 9838
of the Revised Code, ~~with the same scope of authority as the~~ 9839
~~person has under the license issued by the person's home state.~~ 9840
~~However, the recognition of a limited lines authority under this~~ 9841
~~section shall not create any new line of authority.~~ 9842

~~For purposes of this section, "limited lines insurance" means any authority granted by the home state that is less than the total authority provided in the associated major lines set forth in divisions (B) (1) to (6) of section 3905.06 of the Revised Code to an individual who is a nonresident if either of the following applies:~~ 9843
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(A) The individual is licensed as a limited line credit insurance agent or other type of limited lines insurance agent in the person's home state. 9849
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(B) The individual has satisfactory work experience, a government certification, or a private certification as described in that section as a limited line credit insurance agent or other type of limited lines insurance agent in a home state that does not issue that license. 9852
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Sec. 3905.08. (A) The superintendent of insurance shall ~~waive all requirements under this chapter for issue a nonresident insurance agent license to an applicant with a valid in accordance with section 9.79 of the Revised Code if either of the following applies:~~ 9857
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(1) The applicant holds a license from the applicant's home state, except the requirements set forth in sections 3905.07 to 3905.072 of the Revised Code, if the applicant's home state awards nonresident agent licenses to residents of this state on the same basis. 9862
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(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that section as an insurance agent in a home state that does not issue that license. 9867
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(B) A nonresident insurance agent's satisfaction of the 9871

continuing education requirements for insurance agents of the 9872
agent's home state shall constitute satisfaction of the 9873
continuing education requirements for insurance agents of this 9874
state as set forth in section 3905.481 of the Revised Code. 9875

Sec. 3905.09. (A) The superintendent of insurance may 9876
issue a temporary insurance agent license to any of the 9877
following persons if the superintendent determines that the 9878
license is necessary for the servicing of insurance business: 9879

(1) The surviving spouse or court-appointed personal 9880
representative of a licensed insurance agent who dies or becomes 9881
mentally or physically disabled, to allow adequate time for the 9882
sale of the insurance business owned by the agent or for the 9883
recovery or return of the agent to the business, or to provide 9884
for the training and licensing of new personnel to operate the 9885
agent's business; 9886

(2) A member or employee of a business entity licensed as 9887
an insurance agent, upon the death or disability of the sole or 9888
remaining licensed insurance agent; 9889

(3) The designee of a licensed insurance agent entering 9890
active service in the United States armed forces; 9891

(4) Any other person if the superintendent determines that 9892
the public interest will best be served by the issuance of the 9893
license. 9894

(B) A temporary license issued under division (A) of this 9895
section shall remain in force for a period not to exceed one 9896
hundred eighty days. However, a temporary license may not 9897
continue in force under any of the circumstances described in 9898
division (A) of this section after the owner of the business or 9899
the owner's personal representative disposes of the business. 9900

(C) The superintendent may, by order, limit the authority of any temporary license in any way deemed necessary to protect insureds and the public. The superintendent may also, by order, rescind a temporary license if the interests of insureds or the public are endangered.

(D) A temporary licensee shall be sponsored by a licensed insurance agent or insurer, which sponsor shall be responsible for all acts of the licensee. The superintendent may impose any other requirement on temporary licensees that the superintendent considers necessary to protect insureds and the public.

(E) Chapter 119. of the Revised Code shall not apply to the issuance, restriction, or rescission of a temporary license under this section.

(F) Section 9.79 of the Revised Code does not apply to a nonresident person issued a temporary license under this section.

Sec. 3905.30. (A) As used in sections 3905.30 to 3905.38 of the Revised Code:

(1) Notwithstanding section 3905.01 of the Revised Code, "home state" means the state in which an insured maintains its principal place of business or, in the case of an individual, the individual's principal residence except in the case of either of the following:

(a) If one hundred per cent of the insured risk is located out of the state in which an insured maintains its principal place of business or principal residence as described in division (A)(1)(a) of this section, "home state" means the state to which the greatest percentage of the insured's taxable premium for that insurance contract is allocated.

(b) If more than one insured from an affiliated group are 9930
named insureds on a single unauthorized insurance contract, 9931
"home state" means the state in which the member of the 9932
affiliated group that has the largest percentage of premium 9933
attributed to it under such insurance contract. 9934

(2) "Principal place of business" means the state where 9935
the insured maintains the insured's headquarters and where the 9936
insured's high-level officers direct, control, and coordinate 9937
the business activities of the insured. 9938

(B) ~~The Except as provided in division (D) of this~~ 9939
~~section, the~~ superintendent of insurance may issue a surplus 9940
lines broker's license to any natural person who is a resident 9941
of this or any other state or to a business entity that is 9942
organized under the laws of this or any other state. To be 9943
eligible for a resident surplus lines broker's license, a person 9944
must have both a property license and a casualty license. ~~To be~~ 9945
~~eligible for a nonresident surplus lines broker's license, a~~ 9946
~~person must hold an active surplus lines broker license in the~~ 9947
~~person's home state. A nonresident surplus lines broker shall~~ 9948
~~obtain a nonresident license with a property and casualty line~~ 9949
~~of authority in this state if the broker is or will be~~ 9950
~~personally performing the due diligence requirements under~~ 9951
~~section 3905.33 of the Revised Code.~~ 9952

(C) (1) A surplus lines broker's license permits the person 9953
named in the license to negotiate for and obtain insurance, 9954
other than life insurance, on property or persons in this state 9955
from both of the following: 9956

(a) Insurers not authorized to transact business in this 9957
state; 9958

(b) An insurer designated as a domestic surplus lines insurer pursuant to section 3905.332 of the Revised Code. 9959
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(2) Each such license expires on the thirty-first day of January next after the year in which it is issued, and may be then renewed. 9961
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(D) The superintendent shall issue a surplus lines broker's license in accordance with section 9.79 of the Revised Code to an individual if either of the following applies: 9964
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(1) The individual holds a license in another state. 9967

(2) The individual has satisfactory work experience, a government certification, or a private certification as described in that section as a surplus lines broker in a state that does not issue that license. 9968
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Sec. 3905.471. (A) No individual or entity shall act as or hold itself out to be an insurance navigator unless that individual or entity is certified as an insurance navigator under this section and is receiving funding under division (i) of section 1311 of the Affordable Care Act. 9972
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(B) An insurance navigator who complies with the requirements of this section may do any of the following: 9977
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(1) Conduct public education activities to raise awareness of the availability of qualified health plans; 9979
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(2) Distribute fair and impartial general information concerning enrollment in all qualified health plans offered within the exchange and the availability of the premium tax credits under section 36B of the Internal Revenue Code of 1986, 26 U.S.C. 36B, and cost-sharing reductions under section 1402 of the Affordable Care Act; 9981
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(3) Facilitate enrollment in qualified health plans,	9987
without suggesting that an individual select a particular plan;	9988
(4) Provide referrals to appropriate state agencies for	9989
any enrollee with a grievance, complaint, or question regarding	9990
their health plan, coverage, or a determination under such plan	9991
coverage;	9992
(5) Provide information in a manner that is culturally and	9993
linguistically appropriate to the needs of the population being	9994
served by the exchange.	9995
(C) An insurance navigator shall not do any of the	9996
following:	9997
(1) Sell, solicit, or negotiate health insurance;	9998
(2) Provide advice concerning the substantive benefits,	9999
terms, and conditions of a particular health benefit plan or	10000
offer advice about which health benefit plan is better or worse	10001
or suitable for a particular individual or entity;	10002
(3) Recommend a particular health plan or advise consumers	10003
about which health benefit plan to choose;	10004
(4) Provide any information or services related to health	10005
benefit plans or other products not offered in the exchange.	10006
Division (C)(4) of this section shall not be interpreted as	10007
prohibiting an insurance navigator from providing information on	10008
eligibility for medicaid;	10009
(5) Engage in any unfair method of competition or any	10010
fraudulent, deceptive, or dishonest act or practice.	10011
(D) An-Except as provided in division (N) of this section,	10012
<u>an</u> individual shall not act in the capacity of an insurance	10013
navigator, or perform insurance navigator duties on behalf of an	10014

organization serving as an insurance navigator, unless the 10015
individual has applied for certification and the superintendent 10016
finds that the applicant meets all of the following 10017
requirements: 10018

(1) Is at least eighteen years of age; 10019

(2) Has completed and submitted the application and 10020
disclosure form required under division (F) (2) of this section 10021
and has declared, under penalty of refusal, suspension, or 10022
revocation of the insurance navigator's certification, that the 10023
statements made in the form are true, correct, and complete to 10024
the best of the applicant's knowledge and belief; 10025

(3) Has successfully completed a criminal records check 10026
under section 3905.051 of the Revised Code, as required by the 10027
superintendent; 10028

(4) Has successfully completed the certification and 10029
training requirements adopted by the superintendent in 10030
accordance with division (F) of this section; 10031

(5) Has paid all fees required by the superintendent. 10032

(E) (1) A business entity that acts as an insurance 10033
navigator, supervises the activities of individual insurance 10034
navigators, or receives funding to provide insurance navigator 10035
services shall obtain an insurance navigator business entity 10036
certification. 10037

(2) Any entity applying for a business entity 10038
certification shall apply in a form specified, and provide any 10039
information required by, the superintendent. 10040

(3) A business entity certified as an insurance navigator 10041
shall, in a manner prescribed by the superintendent, make 10042

available a list of all individual insurance navigators that the 10043
business entity employs, supervises, or with which the business 10044
entity is affiliated. 10045

(F) The superintendent of insurance shall, prior to any 10046
exchange becoming operational in this state, do all of the 10047
following: 10048

(1) (a) ~~Adopt~~ Except as provided in division (N) of this 10049
section, adopt rules to establish a certification and training 10050
program for a prospective insurance navigator and the insurance 10051
navigator's employees that includes screening via a criminal 10052
records check performed in accordance with section 3905.051 of 10053
the Revised Code, initial and continuing education requirements, 10054
and an examination; 10055

(b) The certification and training program shall include 10056
training on compliance with the "Health Insurance Portability 10057
and Accountability Act of 1996," 110 Stat. 1955, 42 U.S.C. 10058
1320d, et seq., as amended, training on ethics, and training on 10059
provisions of the Affordable Care Act relating to insurance 10060
navigators and exchanges. 10061

(2) Develop an application and disclosure form by which an 10062
insurance navigator may disclose any potential conflicts of 10063
interest, as well as any other information the superintendent 10064
considers pertinent. 10065

(G) (1) The superintendent may suspend, revoke, or refuse 10066
to issue or renew the insurance navigator certification of any 10067
person, or levy a civil penalty against any person, that 10068
violates the requirements of this section or commits any act 10069
that would be a ground for denial, suspension, or revocation of 10070
an insurance agent license, as prescribed in section 3905.14 of 10071

the Revised Code. 10072

(2) The superintendent shall have the power to examine and 10073
investigate the business affairs and records of any insurance 10074
navigator. 10075

(3) (a) The superintendent shall not certify as an 10076
insurance navigator, and shall revoke any existing insurance 10077
navigator certification of, any individual, organization, or 10078
business entity that is receiving financial compensation, 10079
including monetary and in-kind compensation, gifts, or grants, 10080
on or after October 1, 2013, from an insurer offering a 10081
qualified health benefit plan through an exchange operating in 10082
this state. 10083

(b) Notwithstanding division (G) (3) (a) of this section, 10084
the superintendent may certify as a navigator a qualified health 10085
center and a federally qualified health center look-alike, as 10086
defined in section 3701.047 of the Revised Code. 10087

(4) (a) If the superintendent finds that a violation of 10088
this section made by an individual insurance navigator was made 10089
with the knowledge of the employing or supervising entity, or 10090
that the employing or supervising entity should reasonably have 10091
been aware of the individual insurance navigator's violation, 10092
and the violation was not reported to the superintendent and no 10093
corrective action was undertaken on a timely basis, then the 10094
superintendent may suspend, revoke, or refuse to renew the 10095
insurance navigator certification of the supervising or 10096
employing entity. 10097

(b) In addition to, or in lieu of, any disciplinary action 10098
taken under division (G) (4) (a) of this section, the 10099
superintendent may levy a civil penalty against such an entity. 10100

(H) A business entity that terminates the employment, 10101
engagement, affiliation, or other relationship with an 10102
individual insurance navigator shall notify the superintendent 10103
within thirty days following the effective date of the 10104
termination, using a format prescribed by the superintendent, if 10105
the reason for termination is one of the reasons set forth in 10106
section 3905.14 of the Revised Code, or the entity has knowledge 10107
that the insurance navigator was found by a court or government 10108
body to have engaged in any of the activities in section 3905.14 10109
of the Revised Code. 10110

(I) Insurance navigators are subject to the laws of this 10111
chapter, and any rules adopted pursuant to the chapter, in so 10112
far as such laws are applicable. 10113

(J) The superintendent may deny, suspend, approve, renew, 10114
or revoke the certification of an insurance navigator if the 10115
superintendent determines that doing so would be in the interest 10116
of Ohio insureds or the general public. Such an action is not 10117
subject to Chapter 119. of the Revised Code. 10118

(K) The superintendent may adopt rules in accordance with 10119
Chapter 119. of the Revised Code to implement sections 3905.47 10120
to 3905.473 of the Revised Code. 10121

(L) The superintendent may, by rule, apply the 10122
requirements of this chapter to any entity or person designated 10123
by an exchange, the state, or the federal government to assist 10124
consumers or participate in exchange activities. 10125

(M) Any fees collected under this section shall be paid 10126
into the state treasury to the credit of the department of 10127
insurance operating fund created under section 3901.021 of the 10128
Revised Code. 10129

(N) The superintendent shall issue a certification to act as an insurance navigator in accordance with section 9.79 of the Revised Code to an applicant if either of the following applies: 10130
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(1) The applicant holds a license or certification in another state. 10133
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(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that section as an insurance navigator in a state that does not issue that license or certification. 10135
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Sec. 3905.72. (A) (1) No person shall act as a managing general agent representing an insurer licensed in this state with respect to risks located in this state unless the person is licensed as a managing general agent pursuant to division (C) or (D) of this section. 10139
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(2) No person shall act as a managing general agent representing an insurer organized under the laws of this state with respect to risks located outside this state unless the person is licensed as a managing general agent pursuant to division (C) of this section. 10144
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(B) Every person that seeks to act as a managing general agent as described in division (A) of this section shall apply to the superintendent of insurance for a license. Except as otherwise provided in division (D) of this section, the application shall be in writing on a form provided by the superintendent and shall be sworn or affirmed before a notary public or other person empowered to administer oaths. The application shall be kept on file by the superintendent and shall include all of the following: 10149
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(1) The name and principal business address of the 10158

applicant; 10159

(2) If the applicant is an individual, the applicant's 10160
current occupation; 10161

(3) If the applicant is an individual, the applicant's 10162
occupation or occupations during the five-year period prior to 10163
applying for the license to act as a managing general agent; 10164

(4) A copy of the contract between the applicant and the 10165
insurer as required by, and in compliance with, section 3905.73 10166
of the Revised Code; 10167

(5) A copy of a certified resolution of the board of 10168
directors of the insurer on whose behalf the applicant will act, 10169
appointing the applicant as a managing general agent and agent 10170
of the insurer, specifying the duties the applicant is expected 10171
to perform on behalf of the insurer and the lines of insurance 10172
the applicant will manage, and authorizing the insurer to enter 10173
into a contract with the applicant as required by section 10174
3905.73 of the Revised Code; 10175

(6) A statement that the applicant submits to the 10176
jurisdiction of the superintendent and the courts of this state; 10177

(7) Any other information required by the superintendent. 10178

(C) The superintendent shall issue to a resident of this 10179
state or a business entity organized under the laws of this 10180
state a license to act as a managing general agent representing 10181
an insurer licensed to do business in this state with respect to 10182
risks located in this state or a license to act as a managing 10183
general agent representing an insurer organized under the laws 10184
of this state with respect to risks located outside this state, 10185
and shall renew such a license, if the superintendent is 10186
satisfied that all of the following conditions are met: 10187

- (1) The applicant is a suitable person and intends to hold self out in good faith as a managing general agent. 10188
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- (2) The applicant is honest, trustworthy, and understands the duties and obligations of a managing general agent. 10190
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- (3) The applicant has filed a completed application that complies with division (B) of this section. 10192
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- (4) The applicant has paid a fee in the amount of twenty dollars. 10194
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- (5) The applicant maintains a bond in the amount of not less than fifty thousand dollars for the protection of the insurer. 10196
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- (6) The applicant maintains an errors and omissions policy of insurance. 10199
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- (7) The applicant is not, and has never been, under an order of suspension or revocation under section 3905.77 of the Revised Code or under any other law of this state, or any other state, relating to insurance, and is otherwise in compliance with sections 3905.71 to 3905.79 of the Revised Code and all other laws of this state relating to insurance. 10201
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- (D) (1) If the applicant is a ~~resident of another state or~~ a business entity organized under the laws of another state, the applicant shall submit a request for licensure, along with a fee of twenty dollars, to the superintendent. The superintendent shall issue a license to act as a managing general agent if the request for licensure includes proof that the applicant is licensed and in good standing as a managing general agent in the applicant's home state and either a copy of the application for licensure the applicant submitted to the applicant's home state or the application described in division (B) of this section. 10207
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~~If the applicant's home state does not license managing
general agents under provisions similar to those in sections
3905.71 to 3905.79 of the Revised Code, or if the applicant's
home state does not grant licenses to residents of this state on
the same reciprocal basis, the applicant shall comply with
divisions (B) and (C) of this section.~~

(2) The superintendent shall issue a managing general
agent license in accordance with section 9.79 of the Revised
Code to an individual if either of the following applies:

(a) The individual holds a license in another state.

(b) The individual has satisfactory work experience, a
government certification, or a private certification as
described in that section as a managing general agent in a state
that does not issue that license.

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

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

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

(H) All license fees collected pursuant to this section
shall be paid into the state treasury to the credit of the
department of insurance operating fund.

Sec. 3905.81. (A) As used in this section:	10246
(1) "Reinsurance intermediary-broker" means a person,	10247
other than an officer or employee of the ceding insurer, that	10248
solicits, negotiates, or places reinsurance cessions or	10249
retrocessions on behalf of a ceding insurer without the	10250
authority or power to bind reinsurance on behalf of such	10251
insurer.	10252
(2) (a) "Reinsurance intermediary-manager" means a person	10253
that has authority to bind or that manages all or part of the	10254
assumed reinsurance business of a reinsurer, including the	10255
management of a separate division, department, or underwriting	10256
office, and that acts as an agent of the reinsurer whether known	10257
as a reinsurance intermediary-manager, manager, or similar term.	10258
(b) "Reinsurance intermediary-manager" does not include:	10259
(i) An employee of the reinsurer;	10260
(ii) A United States manager of the United States branch	10261
of an alien reinsurer;	10262
(iii) An underwriting manager that, pursuant to contract,	10263
manages all of the reinsurance operations of the reinsurer, is	10264
under common control with the reinsurer, subject to sections	10265
3901.32 to 3901.37 of the Revised Code, and whose compensation	10266
is not based on the volume of premiums written;	10267
(iv) The manager of a group, association, pool, or	10268
organization of insurers that engages in joint reinsurance and	10269
that are subject to examination by the insurance regulatory	10270
authority of the state in which the manager's principal business	10271
office is located.	10272
(B) No <u>Except as provided in division (E) of this section,</u>	10273

no person shall act as a reinsurance intermediary-broker or 10274
reinsurance intermediary-manager in this state, or on behalf of 10275
an insurer or reinsurer domiciled in this state, unless the 10276
person first obtains a license from the superintendent of 10277
insurance in accordance with this section ~~or the superintendent~~ 10278
~~accepts, in accordance with rules that the superintendent may~~ 10279
~~adopt under division (C) of this section, a license issued to~~ 10280
~~the person by the insurance regulatory authority of another~~ 10281
~~state.~~ 10282

(C) The superintendent of insurance shall adopt rules in 10283
accordance with Chapter 119. of the Revised Code establishing 10284
the standards and procedures for licensing reinsurance 10285
intermediary-brokers and reinsurance intermediary-managers. ~~The~~ 10286
~~superintendent may also adopt rules, in accordance with Chapter~~ 10287
~~119. of the Revised Code, for the acceptance of licenses issued~~ 10288
~~by insurance regulatory authorities of other states with~~ 10289
~~statutes similar to this section in lieu of requiring a license~~ 10290
~~to be obtained from the superintendent under division (B) of~~ 10291
~~this section.~~ 10292

(D) The fee for the issuance or renewal of a license shall 10293
be five hundred dollars. ~~The fee for accepting the license of~~ 10294
~~another state shall be one hundred dollars each year.~~ All fees 10295
collected pursuant to this section shall be paid into the state 10296
treasury to the credit of the department of insurance operating 10297
fund. 10298

(E) The superintendent shall issue a license to act as a 10299
reinsurance intermediary-broker or reinsurance intermediary- 10300
manager in accordance with section 9.79 of the Revised Code to 10301
an applicant if either of the following applies: 10302

(1) The applicant holds a license in another state. 10303

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that section as a reinsurance intermediary-broker or reinsurance intermediary-manager in a state that does not issue that license. 10304
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Sec. 3905.85. (A) (1) ~~An~~ Except as provided in division (B) (2) of this section, an individual who applies for a license as a surety bail bond agent shall submit an application for the license in a manner prescribed by the superintendent of insurance. The application shall be accompanied by a one-hundred-fifty-dollar fee and a statement that gives the applicant's name, age, residence, present occupation, occupation for the five years next preceding the date of the application, and such other information as the superintendent may require. 10309
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(2) An applicant for an individual resident license shall also submit to a criminal records check pursuant to section 3905.051 of the Revised Code. 10318
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(B) (1) The superintendent shall issue to an applicant an individual resident license that states in substance that the person is authorized to do the business of a surety bail bond agent, if the superintendent is satisfied that all of the following apply: 10321
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(a) The applicant is eighteen years of age or older. 10326

(b) The applicant's home state is Ohio. 10327

(c) The applicant is a person of high character and integrity. 10328
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(d) The applicant has not committed any act that is grounds for the refusal to issue, suspension of, or revocation of a license under section 3905.14 of the Revised Code. 10330
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(e) The applicant is a United States citizen or has provided proof of having legal authorization to work in the United States.

(f) The applicant has successfully completed the educational requirements set forth in section 3905.04 of the Revised Code and passed the examination required by that section.

(2) The superintendent shall issue a license to do the business of a surety bail bond agent in accordance with section 9.79 of the Revised Code to an applicant ~~an individual nonresident license that states in substance that the person is authorized to do the business of a surety bail bond agent, if the superintendent is satisfied that all~~ if either of the following ~~apply~~applies:

(a) The applicant ~~is eighteen years of age or older~~holds a license in another state.

(b) The applicant ~~is currently licensed as a resident in another state and is in good standing in the applicant's home state for~~ has satisfactory work experience, a government certification, or a private certification as described in that section as a surety bail bond ~~or is qualified for the same authority~~agent in a state that does not issue that license.

~~(c) The applicant is a person of high character and integrity.~~

~~(d) The applicant has not committed any act that is grounds for the refusal to issue, suspension of, or revocation of a license under section 3905.14 of the Revised Code.~~

(3) The superintendent shall issue an applicant a resident business entity license that states in substance that the person

is authorized to do the business of a surety bail bond agent if 10362
the superintendent is satisfied that all of the following apply: 10363

(a) The applicant has submitted an application for the 10364
license in a manner prescribed by the superintendent and the 10365
one-hundred-fifty-dollar application fee. 10366

(b) The applicant either is domiciled in this state or 10367
maintains its principal place of business in this state. 10368

(c) The applicant has designated an individual licensed 10369
surety bail bond agent who will be responsible for the 10370
applicant's compliance with the insurance laws of this state. 10371

(d) The applicant has not committed any act that is 10372
grounds for the refusal to issue, suspension of, or revocation 10373
of a license under section 3905.14 of the Revised Code. 10374

(e) The applicant is authorized to do business in this 10375
state by the secretary of state if so required under the 10376
applicable provisions of Title XVII of the Revised Code. 10377

(f) The applicant has submitted any other documents 10378
requested by the superintendent. 10379

(4) The superintendent shall issue an applicant a 10380
nonresident business entity license that states in substance 10381
that the person is authorized to do the business of a surety 10382
bail bond agent if the superintendent is satisfied that all of 10383
the following apply: 10384

(a) The applicant has submitted an application for the 10385
license in a manner prescribed by the superintendent and the 10386
one-hundred-fifty-dollar application fee. 10387

(b) The applicant is currently licensed and is in good 10388
standing in the applicant's home state with surety bail bond 10389

authority. 10390

(c) The applicant has designated an individual licensed 10391
surety bail bond agent who will be responsible for the 10392
applicant's compliance with the insurance laws of this state. 10393

(d) The applicant has not committed any act that is 10394
grounds for the refusal to issue, suspension of, or revocation 10395
of a license under section 3905.14 of the Revised Code. 10396

(e) The applicant has submitted any other documents 10397
requested by the superintendent. 10398

(C) A ~~resident and nonresident~~ surety bail bond agent 10399
license issued pursuant to this section authorizes the holder, 10400
when appointed by an insurer, to execute or countersign bail 10401
bonds in connection with judicial proceedings and to receive 10402
money or other things of value for those services. However, the 10403
holder shall not execute or deliver a bond during the first one 10404
hundred eighty days after the license is initially issued. This 10405
restriction does not apply with respect to license renewals or 10406
any license issued under divisions (B) (3) and (4) of this 10407
section. 10408

(D) The superintendent may refuse to renew a surety bail 10409
bond agent's license as provided in division (B) of section 10410
3905.88 of the Revised Code, and may suspend, revoke, or refuse 10411
to issue or renew such a license as provided in section 3905.14 10412
of the Revised Code. 10413

If the superintendent refuses to issue such a license 10414
based in whole or in part upon the written response to a 10415
criminal records check completed pursuant to division (A) of 10416
this section, the superintendent shall send a copy of the 10417
response that was transmitted to the superintendent to the 10418

applicant at the applicant's home address upon the applicant's 10419
submission of a written request to the superintendent. 10420

(E) Any person licensed as a surety bail bond agent may 10421
surrender the person's license in accordance with section 10422
3905.16 of the Revised Code. 10423

(F) (1) A person seeking to renew a surety bail bond agent 10424
license shall apply annually for a renewal of the license on or 10425
before the last day of February. Applications shall be submitted 10426
to the superintendent on forms prescribed by the superintendent. 10427
Each application shall be accompanied by a one-hundred-fifty- 10428
dollar renewal fee. 10429

(2) To be eligible for renewal, an individual applicant 10430
shall complete the continuing education requirements pursuant to 10431
section 3905.88 of the Revised Code prior to the renewal date. 10432

(3) If an applicant submits a completed renewal 10433
application, qualifies for renewal pursuant to divisions (F) (1) 10434
and (2) of this section, and has not committed any act that is a 10435
ground for the refusal to issue, suspension of, or revocation of 10436
a license under section 3905.14 or sections 3905.83 to 3905.99 10437
of the Revised Code, the superintendent shall renew the 10438
applicant's surety bail bond insurance agent license. 10439

(4) If an individual or business entity does not apply for 10440
the renewal of the individual or business entity's license on or 10441
before the license renewal date specified in division (F) (1) of 10442
this section, the individual or business entity may submit a 10443
late renewal application along with all applicable fees required 10444
under this chapter prior to the last day of March following the 10445
renewal date. The superintendent shall renew the license of an 10446
applicant that submits a late renewal application if the 10447

applicant satisfies all of the following conditions: 10448

(a) The applicant submits a completed renewal application. 10449

(b) The applicant pays the one-hundred-fifty-dollar 10450
renewal fee. 10451

(c) The applicant pays the late renewal fee established by 10452
the superintendent. 10453

(d) The applicant provides proof of compliance with the 10454
continuing education requirements pursuant to section 3905.88 of 10455
the Revised Code. 10456

(e) The applicant has not committed any act that is 10457
grounds for the refusal to issue, suspension of, or revocation 10458
of a license under section 3905.14 or sections 3905.83 to 10459
3905.99 of the Revised Code. 10460

(5) A license issued under this section that is not 10461
renewed on or before its late renewal date specified in division 10462
(F) (4) of this section is automatically suspended for nonrenewal 10463
effective the first day of April. 10464

(6) If a license is suspended for nonrenewal pursuant to 10465
division (F) (5) of this section, the individual or business 10466
entity is eligible to apply for reinstatement of the license 10467
within the twelve-month period following the date by which the 10468
license should have been renewed by complying with the 10469
reinstatement procedure established by the superintendent and 10470
paying all applicable fees required under this chapter. 10471

(7) A license that is suspended for nonrenewal that is not 10472
reinstated pursuant to division (F) (6) of this section 10473
automatically is canceled unless the superintendent is 10474
investigating any allegations of wrongdoing by the agent or has 10475

initiated proceedings under Chapter 119. of the Revised Code. In 10476
that case, the license automatically is canceled after the 10477
completion of the investigation or proceedings unless the 10478
superintendent revokes the license. 10479

(G) The superintendent may prescribe the forms to be used 10480
as evidence of the issuance of a license under this section. The 10481
superintendent shall require each licensee to acquire, from a 10482
source designated by the superintendent, a wallet identification 10483
card that includes the licensee's photograph and any other 10484
information required by the superintendent. The licensee shall 10485
keep the wallet identification card on the licensee's person 10486
while engaging in the bail bond business. 10487

(H) (1) The superintendent of insurance shall not issue or 10488
renew the license of a business entity organized under the laws 10489
of this or any other state unless the business entity is 10490
qualified to do business in this state under the applicable 10491
provisions of Title XVII of the Revised Code. 10492

(2) The failure of a business entity to be in good 10493
standing with the secretary of state or to maintain a valid 10494
appointment of statutory agent is grounds for suspending, 10495
revoking, or refusing to renew its license. 10496

(3) By applying for a surety bail bond agent license under 10497
this section, an individual or business entity consents to the 10498
jurisdiction of the courts of this state. 10499

(I) A surety bail bond agent licensed pursuant to this 10500
section is an officer of the court. 10501

(J) Any fee collected under this section shall be paid 10502
into the state treasury to the credit of the department of 10503
insurance operating fund created by section 3901.021 of the 10504

Revised Code. 10505

Sec. 3916.03. (A) ~~An~~ Except as provided in division (H) of 10506
this section, an applicant for a license as a viatical 10507
settlement provider or viatical settlement broker shall submit 10508
an application for the license in a manner prescribed by the 10509
superintendent of insurance. The application shall be 10510
accompanied by a fee established by the superintendent by rule 10511
adopted in accordance with Chapter 119. of the Revised Code. 10512

(B) A license issued under this chapter to a person other 10513
than an individual authorizes all partners, officers, members, 10514
or designated employees of the person to act as viatical 10515
settlement providers or viatical settlement brokers, as 10516
applicable, and all those partners, officers, members, or 10517
designated employees shall be named in the application and any 10518
supplements to the application. 10519

(C) ~~Upon~~ Except as provided in division (H) of this 10520
section, upon the filing of an application under this section 10521
and the payment of the license fee, the superintendent shall 10522
make an investigation of the applicant and issue to the 10523
applicant a license that states in substance that the person is 10524
authorized to act as a viatical settlement provider or viatical 10525
settlement broker, as applicable, if all of the following apply: 10526

(1) Regarding an application for a license as a viatical 10527
settlement provider, the applicant provides all of the 10528
following: 10529

(a) A detailed plan of operation; 10530

(b) Proof of financial responsibility pursuant to division 10531
(D) of this section; 10532

(c) A general description of the method the applicant will 10533

use to determine life expectancies, including a description of 10534
the applicant's intended receipt of life expectancies, the 10535
applicant's intended use of life expectancies, the applicant's 10536
intended use of life expectancy providers, and a written plan of 10537
policies and procedures used to determine life expectancies. 10538

(2) The superintendent finds all of the following: 10539

(a) The applicant is competent and trustworthy and intends 10540
to act in good faith in the capacity of a viatical settlement 10541
provider or viatical settlement broker, as applicable. 10542

(b) The applicant has a good business reputation and has 10543
had experience, training, or education so as to be qualified to 10544
act in the capacity of a viatical settlement provider or 10545
viatical settlement broker, as applicable. 10546

(3) If the applicant is a person other than an individual, 10547
the applicant provides a certificate of good standing from the 10548
state of its organization. 10549

(4) The applicant provides an antifraud plan that meets 10550
the requirements of division (G) of section 3916.18 of the 10551
Revised Code. 10552

(D) (1) An applicant for licensure as a viatical settlement 10553
provider may provide proof of financial responsibility through 10554
one of the following means: 10555

(a) Submitting audited financial statements that show a 10556
minimum equity of not less than two hundred fifty thousand 10557
dollars in cash or cash equivalents; 10558

(b) Submitting both audited annual financial statements 10559
that show positive equity and either of the following: 10560

(i) A surety bond in the amount of two hundred fifty 10561

thousand dollars in favor of this state issued by an insurer 10562
authorized to issue surety bonds in this state; 10563

(ii) An unconditional and irrevocable letter of credit, 10564
deposit of cash, or securities, in any combination, in the 10565
aggregate amount of two hundred fifty thousand dollars. 10566

~~(2) If an applicant is licensed as a viatical settlement 10567
provider in another state, the superintendent may accept as 10568
valid any similar proof of financial responsibility the 10569
applicant filed in that state. 10570~~

~~(3) The superintendent may request proof of financial 10571
responsibility at any time the superintendent considers 10572
necessary. 10573~~

(E) An applicant shall provide all information requested 10574
by the superintendent. The superintendent may, at any time, 10575
require an applicant to fully disclose the identity of all 10576
shareholders, partners, officers, members, and employees, and 10577
may, in the exercise of the superintendent's discretion, refuse 10578
to issue a license to an applicant that is not an individual if 10579
the superintendent is not satisfied that each officer, employee, 10580
shareholder, partner, or member who may materially influence the 10581
applicant's conduct meets the standards set forth in this 10582
chapter. 10583

(F) Except as otherwise provided in this division, a 10584
license as a viatical settlement provider or viatical settlement 10585
broker expires on the last day of March next after its issuance 10586
or continuance. A license as a viatical settlement provider or 10587
viatical settlement broker may, in the discretion of the 10588
superintendent and the payment of an annual renewal fee 10589
established by the superintendent by rule adopted in accordance 10590

with Chapter 119. of the Revised Code, be continued past the 10591
last day of March next after its issue and after the last day of 10592
March in each succeeding year. Failure to pay the renewal fee by 10593
the required date results in the expiration of the license. 10594

(G) Any individual licensed as a viatical settlement 10595
broker shall complete not less than fifteen hours of continuing 10596
education biennially. The superintendent shall approve 10597
continuing education courses that shall be related to viatical 10598
settlements and viatical settlement transactions. The 10599
superintendent shall adopt rules for the enforcement of this 10600
division. 10601

(H) The superintendent shall ~~not~~ issue a license to a 10602
~~nonresident~~ an applicant who is licensed in another state or has 10603
satisfactory work experience, a government certification, or a 10604
private certification as described in section 9.79 of the 10605
Revised Code as a viatical settlement provider or viatical 10606
settlement broker in a state that does not issue that license in 10607
accordance with that section, unless if either of the following 10608
applies: 10609

(1) The applicant files and maintains a written 10610
designation of an agent for service of process with the 10611
superintendent. 10612

(2) The applicant has filed with the superintendent the 10613
applicant's written irrevocable consent that any action against 10614
the applicant may be commenced against the applicant by service 10615
of process on the superintendent. 10616

(I) A viatical settlement provider or viatical settlement 10617
broker shall provide to the superintendent new or revised 10618
information regarding any change in its officers, any 10619

shareholder owning ten per cent or more of its voting securities, or its partners, directors, members, or designated employees within thirty days of the change.

(J) Any fee collected under this section shall be paid into the state treasury to the credit of the department of insurance operating fund created by section 3901.021 of the Revised Code.

Sec. 3951.03. (A) Before any certificate of authority shall be issued by the superintendent of insurance there shall be filed in ~~his~~ the superintendent's office a written application therefor. Such application shall be in the form or forms and supplements thereto prescribed by the superintendent and shall set forth:

~~(A)~~ (1) The name and address of the applicant, and if the applicant be a firm, association, or partnership, the name and address of each member thereof, and if the applicant be a corporation, the name and address of each of its officers and directors;

~~(B)~~ (2) Whether any license or certificate of authority as agent, broker, or public insurance adjuster has been issued previously by the superintendent of this state or by the insurance department of any state to the individual applicant, and, if the applicant be an individual, whether any such certificate has been issued previously to any firm, association, or partnership of which ~~he~~ the individual was or is an officer or director, and, if the applicant be a firm, association, or partnership, whether any such certificate has been issued previously to any member thereof, and, if the applicant be a corporation, whether any such certificate has been issued previously to any officer or director of such corporation;

~~(C)~~ (3) The business or employment in which the applicant 10650
has been engaged for the five years next preceding the date of 10651
the application, and the name and address of such business and 10652
the name or names and addresses of his employer or employers; 10653

~~(D)~~ (4) Such information as the superintendent may require 10654
of applicants in order to determine their trustworthiness and 10655
competency to transact the business of public insurance 10656
adjusters, in such manner as to safeguard the interest of the 10657
public; 10658

~~(E)~~ The (B) Except as provided in division (C) of this 10659
section, the superintendent shall issue a public insurance 10660
adjuster agent certificate to a person, who is a bona fide 10661
employee of a public insurance adjuster without examination, 10662
provided said application is made by a person, partnership, 10663
association, or corporation engaged in the public insurance 10664
adjusting business. The fee to be paid by the applicant for such 10665
a license at the time the application is made, and annually 10666
thereafter for the renewal thereof according to the standard 10667
renewal procedure of sections 4745.01 to 4745.03, inclusive, of 10668
the Revised Code, shall be fifty dollars, and such applicant 10669
shall be bonded in the amount of one thousand dollars as 10670
provided for in division (D) of section 3951.06 of the Revised 10671
Code. 10672

(C) The superintendent shall issue a public insurance 10673
adjuster agent certificate in accordance with section 9.79 of 10674
the Revised Code to an applicant if either of the following 10675
applies: 10676

(1) The applicant holds a license or certificate in 10677
another state. 10678

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that section as a public insurance adjuster agent in a state that does not issue that license or certificate. 10679
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(D) An application for any certificate of authority shall be signed and verified under oath by the applicant and, if made by a firm, association, partnership, or corporation, by each member or officer and director thereof to be authorized thereby to act as a public insurance adjuster. 10683
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Sec. 3951.05. The superintendent of insurance shall, in order to determine the trustworthiness and competency of any applicant for a certificate of authority to act as a public insurance adjuster, require such applicant or in the case of a firm, association, partnership, or corporation, such of its employees, members, officers, or directors, who are to be individually authorized to act under its certificate of authority, to submit to a written examination, ~~except applicants who are granted a waiver of examination in accordance with section 3951.09 of the Revised Code.~~ Examinations shall be held in such place in this state and at such time as the superintendent may designate. 10688
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Sec. 3951.09. The superintendent ~~may waive the requirement that an applicant submit to an examination to obtain of insurance shall issue a certificate of authority under this chapter, provided that the applicant is licensed as a public insurance adjuster in another state that required the applicant to submit to an examination as a condition of licensure. Prior to waiving the examination requirement with respect to a public insurance adjuster licensed in another state, the superintendent shall issue a notice at least sixty days prior to the effective~~ 10700
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~~date of the waiver identifying the applicant's other state of licensure. The notice shall be issued in a manner deemed appropriate by the superintendent. Once the superintendent has issued a notice under this section identifying an applicant's other state of licensure, the superintendent need not issue subsequent notices as to applicants licensed in the same state in order to waive the examination requirement for those applicants in accordance with section 9.79 of the Revised Code to an applicant if either of the following applies:~~ 10709
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(A) The applicant holds a license or certificate in another state. 10718
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(B) The applicant has satisfactory work experience, a government certification, or a private certification as described in that section as a public insurance adjuster in a state that does not issue that license or certificate. 10720
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Sec. 4104.07. (A) An Except as provided in division (E) of this section, an application for examination as an inspector of boilers and pressure vessels shall be in writing, accompanied by a fee of one hundred fifty dollars, upon a blank to be furnished by the superintendent of industrial compliance. Any moneys collected under this section shall be paid into the state treasury to the credit of the industrial compliance operating fund created in section 121.084 of the Revised Code. 10724
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(B) The superintendent shall determine if an applicant meets all the requirements for examination in accordance with rules adopted by the board of building standards under section 4104.02 of the Revised Code. An application shall be rejected which contains any willful falsification, or untruthful statements. 10732
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(C) An applicant shall be examined by the superintendent, 10738
by a written examination, prescribed by the board, dealing with 10739
the construction, installation, operation, maintenance, and 10740
repair of boilers and pressure vessels and their appurtenances, 10741
and the applicant shall be accepted or rejected on the merits of 10742
the applicant's application and examination. 10743

(D) Upon a favorable report by the superintendent of the 10744
result of an examination, the superintendent shall immediately 10745
issue to the successful applicant a certificate of competency to 10746
that effect. 10747

(E) The superintendent shall issue a certificate of 10748
competency in accordance with section 9.79 of the Revised Code 10749
to an applicant if either of the following applies: 10750

(1) The applicant holds a license or certificate in 10751
another state. 10752

(2) The applicant has satisfactory work experience, a 10753
government certification, or a private certification as 10754
described in that section as an inspector of boilers and 10755
pressure vessels in a state that does not issue that license or 10756
certificate. 10757

Sec. 4104.101. (A) No person shall install or make major 10758
repairs or modifications to any boiler without first registering 10759
to do so with the division of industrial compliance. 10760

(B) No person shall make any installation or major repair 10761
or modification of any boiler without first obtaining a permit 10762
to do so from the division. The permit application form shall 10763
provide the name and address of the owner, location of the 10764
boiler, and type of repair or modification that will be made. 10765
The application permit fee shall be one hundred dollars. 10766

(C) The superintendent of industrial compliance shall 10767
require annual registration of all contractors who install, make 10768
major repairs to, or modify any boiler. The board of building 10769
standards shall establish a reasonable fee to cover the cost of 10770
processing registrations. 10771

(D) Notwithstanding any provision of this section to the 10772
contrary, the superintendent shall register a contractor to 10773
install, make major repairs to, or modify boilers in accordance 10774
with section 9.79 of the Revised Code if either of the following 10775
applies: 10776

(1) The contractor is licensed or registered in another 10777
state to install, make major repairs to, or modify boilers. 10778

(2) The contractor has satisfactory work experience, a 10779
government certification, or a private certification as 10780
described in that section to install, make major repairs to, or 10781
modify boilers in a state that does not issue that license or 10782
registration. 10783

Sec. 4104.19. (A) Any Except as provided in division (H) 10784
of this section, any person seeking a license to operate as a 10785
steam engineer, high pressure boiler operator, or low pressure 10786
boiler operator shall file a written application with the 10787
superintendent of industrial compliance on a form prescribed by 10788
the superintendent with the appropriate application fee as set 10789
forth in section 4104.18 of the Revised Code. The application 10790
shall contain information satisfactory to the superintendent to 10791
demonstrate that the applicant meets the requirements of 10792
division (B) of this section. The application shall be filed 10793
with the superintendent not more than sixty days and not less 10794
than thirty days before the license examination is offered. 10795

(B) To qualify to take the examination required to obtain a steam engineer, high pressure boiler operator, or low pressure boiler operator license, a person shall meet both of the following requirements:

(1) Be at least eighteen years of age;

(2) Have one year of experience in the operation of steam engines, high pressure boilers, or low pressure boilers as applicable to the type of license being sought, or a combination of experience and education for the type of license sought as determined to be acceptable by the superintendent.

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

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

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

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

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

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

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

(F) Each license issued under this chapter expires one year after the date of issue. Each person holding a valid, unexpired license may renew the license, without reexamination, by applying to the superintendent not more than ninety days before the expiration of the license, and submitting with the application the renewal fee established in section 4104.18 of the Revised Code. Upon receipt of the renewal information and fee, the superintendent shall issue the licensee a certificate of renewal.

(G) The superintendent, in accordance with Chapter 119. of the Revised Code, may suspend or revoke any license, or may refuse to issue a license under this chapter upon finding that a licensee or an applicant for a license has violated or is violating the requirements of this chapter.

(H) The superintendent shall issue a license in accordance with section 9.79 of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that section as a steam engineer, high pressure boiler operator, or low pressure boiler operator in a state that does not issue that license.

Sec. 4104.35. (A) Any person may apply to the historical boiler licensing board to become licensed to operate historical boilers in public. ~~The~~ Except as provided in division (F) of

this section, the board shall issue a license to any person who 10853
satisfies the following criteria: 10854

(1) Is sixteen years of age or older; 10855

(2) Has completed a historical boiler operator's course 10856
that is approved by the board; 10857

(3) Passes a written or verbal examination that is 10858
approved by the board and that tests for competence in operating 10859
historical boilers; 10860

(4) Has at least one hundred hours of actual operating 10861
experience or training in the operation of historical boilers. 10862

(B) A person who satisfies the criteria described in 10863
division (A) of this section shall pay a one-time fee of fifty 10864
dollars for the issuance of a license under this section. 10865

(C) A license issued under this section is valid for the 10866
lifetime of the operator unless the license is revoked by the 10867
board pursuant to division (E) of this section. 10868

(D) Persons who are under the age of sixteen may be 10869
trained in the operation of historical boilers by serving as 10870
apprentices to operators who are licensed under this section, in 10871
order to obtain the training required under division (A) (4) of 10872
this section for licensure. 10873

(E) The board shall revoke a license issued under this 10874
section in accordance with rules the board adopts under division 10875
(A) (4) of section 4104.34 of the Revised Code. A person whose 10876
license is revoked may requalify for licensure if the person 10877
satisfies the criteria the board establishes in rules it adopts 10878
pursuant to division (A) (5) of section 4104.34 of the Revised 10879
Code. 10880

(F) The board shall issue a license in accordance with section 9.79 of the Revised Code to an applicant if either of the following applies: 10881
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(1) The applicant holds a license in another state. 10884

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that section to operate historical boilers in a state that does not issue that license. 10885
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Sec. 4105.02. No person may act, either as a general inspector or as a special inspector, of elevators, unless the person holds a certificate of competency from the division of industrial compliance. 10889
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Application for examination as an inspector of elevators shall be in writing, accompanied by a fee to be established as provided in section 4105.17 of the Revised Code, and upon a blank to be furnished by the division, stating the school education of the applicant, a list of the applicant's employers, the applicant's period of employment, and the position held with each. An applicant shall also submit a letter from one or more of the applicant's previous employers certifying as to the applicant's character and experience. 10893
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Applications shall be rejected which contain any willful falsification or untruthful statements. An applicant, if the division considers the applicant's history and experience sufficient, shall be examined by the superintendent of industrial compliance by a written examination dealing with the construction, installation, operation, maintenance, and repair of elevators and their appurtenances, and the applicant shall be accepted or rejected on the merits of the applicant's 10902
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application and examination. 10910

~~The Except as provided in this section, the superintendent~~ 10911
shall issue a certificate of competency in the inspection of 10912
elevators to any applicant found competent upon examination. A 10913
rejected applicant shall be entitled, after the expiration of 10914
ninety days and upon payment of an examination fee to be 10915
established as provided in section 4105.17 of the Revised Code, 10916
to another examination. Should an applicant fail to pass the 10917
prescribed examination on second trial, the applicant will not 10918
be permitted to be an applicant for another examination for a 10919
period of one year after the second examination. 10920

The superintendent shall issue a certificate of competency 10921
in the inspection of elevators in accordance with section 9.79 10922
of the Revised Code to an applicant if either of the following 10923
applies: 10924

(A) The applicant holds a license or certificate in 10925
another state. 10926

(B) The applicant has satisfactory work experience, a 10927
government certification, or a private certification as 10928
described in that section as an inspector of elevators in a 10929
state that does not issue that license or certificate. 10930

Sec. 4169.03. (A) Before a passenger tramway operator may 10931
operate any passenger tramway in the state, the operator shall 10932
apply to the ski tramway board, on forms prepared by it, for 10933
registration by the board. The application shall contain an 10934
inventory of the passenger tramways that the applicant intends 10935
to operate and other information as the board may reasonably 10936
require and shall be accompanied by the following annual fees: 10937

(1) Each aerial passenger tramway, five hundred dollars; 10938

(2) Each skimobile, two hundred dollars;	10939
(3) Each chair lift, two hundred dollars;	10940
(4) Each J bar, T bar, or platter pull, one hundred dollars;	10941 10942
(5) Each rope tow, fifty dollars;	10943
(6) Each wire rope tow, seventy-five dollars;	10944
(7) Each conveyer, one hundred dollars.	10945
When an operator operates an aerial passenger tramway, a skimobile, or a chair lift during both a winter and summer season, the annual fee shall be one and one-half the above amount for the respective passenger tramway.	10946 10947 10948 10949
(B) Upon payment of the appropriate annual fees in accordance with division (A) of this section, the board shall issue a registration certificate to the operator. Each certificate shall remain in force until the thirtieth day of September next ensuing. The board shall renew an operator's certificate in accordance with the standard renewal procedure in Chapter 4745. of the Revised Code upon payment of the appropriate annual fees.	10950 10951 10952 10953 10954 10955 10956 10957
(C) Money received from the registration fees and from the fines collected pursuant to section 4169.99 of the Revised Code shall be paid into the state treasury to the credit of the industrial compliance operating fund created in section 121.084 of the Revised Code.	10958 10959 10960 10961 10962
(D) No person shall operate a passenger tramway in this state unless the person has been registered by the board.	10963 10964
<u>(E) The board shall issue a registration certificate in</u>	10965

accordance with section 9.79 of the Revised Code to an operator 10966
if either of the following applies: 10967

(1) The operator is licensed or registered in another 10968
state. 10969

(2) The operator has satisfactory work experience, a 10970
government certification, or a private certification as 10971
described in that section as a passenger tramway operator in a 10972
state that does not issue that license or registration. 10973

Sec. 4301.10. (A) The division of liquor control shall do 10974
all of the following: 10975

(1) Control the traffic in beer and intoxicating liquor in 10976
this state, including the manufacture, importation, and sale of 10977
beer and intoxicating liquor; 10978

(2) Grant or refuse permits for the manufacture, 10979
distribution, transportation, and sale of beer and intoxicating 10980
liquor and the sale of alcohol, as authorized or required by 10981
this chapter and Chapter 4303. of the Revised Code. A 10982
certificate, signed by the superintendent of liquor control and 10983
to which is affixed the official seal of the division, stating 10984
that it appears from the records of the division that no permit 10985
has been issued to the person specified in the certificate, or 10986
that a permit, if issued, has been revoked, canceled, or 10987
suspended, shall be received as prima-facie evidence of the 10988
facts recited in the certificate in any court or before any 10989
officer of this state. 10990

(3) Put into operation, manage, and control a system of 10991
state liquor stores for the sale of spirituous liquor at retail 10992
and to holders of permits authorizing the sale of spirituous 10993
liquor; however, the division shall not establish any drive-in 10994

state liquor stores; and by means of those types of stores, and 10995
any manufacturing plants, distributing and bottling plants, 10996
warehouses, and other facilities that it considers expedient, 10997
establish and maintain a state monopoly of the distribution of 10998
spirituous liquor and its sale in packages or containers; and 10999
for that purpose, manufacture, buy, import, possess, and sell 11000
spirituous liquors as provided in this chapter and Chapter 4303. 11001
of the Revised Code, and in the rules promulgated by the 11002
superintendent of liquor control pursuant to those chapters; 11003
lease or in any manner acquire the use of any land or building 11004
required for any of those purposes; purchase any equipment that 11005
is required; and borrow money to carry on its business, and 11006
issue, sign, endorse, and accept notes, checks, and bills of 11007
exchange; but all obligations of the division created under 11008
authority of this division shall be a charge only upon the 11009
moneys received by the division from the sale of spirituous 11010
liquor and its other business transactions in connection with 11011
the sale of spirituous liquor, and shall not be general 11012
obligations of the state; 11013

(4) Enforce the administrative provisions of this chapter 11014
and Chapter 4303. of the Revised Code, and the rules and orders 11015
of the liquor control commission and the superintendent relating 11016
to the manufacture, importation, transportation, distribution, 11017
and sale of beer or intoxicating liquor. The attorney general, 11018
any prosecuting attorney, and any prosecuting officer of a 11019
municipal corporation or a municipal court shall, at the request 11020
of the division of liquor control or the department of public 11021
safety, prosecute any person charged with the violation of any 11022
provision in those chapters or of any section of the Revised 11023
Code relating to the manufacture, importation, transportation, 11024
distribution, and sale of beer or intoxicating liquor. 11025

(5) Determine the locations of all state liquor stores and manufacturing, distributing, and bottling plants required in connection with those stores, subject to this chapter and Chapter 4303. of the Revised Code;

(6) Conduct inspections of liquor permit premises to determine compliance with the administrative provisions of this chapter and Chapter 4303. of the Revised Code and the rules adopted under those provisions by the liquor control commission.

Except as otherwise provided in division (A) (6) of this section, those inspections may be conducted only during those hours in which the permit holder is open for business and only by authorized agents or employees of the division or by any peace officer, as defined in section 2935.01 of the Revised Code. Inspections may be conducted at other hours only to determine compliance with laws or commission rules that regulate the hours of sale of beer or intoxicating liquor and only if the investigator has reasonable cause to believe that those laws or rules are being violated. Any inspection conducted pursuant to division (A) (6) of this section is subject to all of the following requirements:

(a) The only property that may be confiscated is contraband, as defined in section 2901.01 of the Revised Code, or property that is otherwise necessary for evidentiary purposes.

(b) A complete inventory of all property confiscated from the premises shall be given to the permit holder or the permit holder's agent or employee by the confiscating agent or officer at the conclusion of the inspection. At that time, the inventory shall be signed by the confiscating agent or officer, and the agent or officer shall give the permit holder or the permit

holder's agent or employee the opportunity to sign the 11056
inventory. 11057

(c) Inspections conducted pursuant to division (A) (6) of 11058
this section shall be conducted in a reasonable manner. A 11059
finding by any court of competent jurisdiction that an 11060
inspection was not conducted in a reasonable manner in 11061
accordance with this section or any rules adopted by the 11062
commission may be considered grounds for suppression of 11063
evidence. A finding by the commission that an inspection was not 11064
conducted in a reasonable manner in accordance with this section 11065
or any rules adopted by it may be considered grounds for 11066
dismissal of the commission case. 11067

If any court of competent jurisdiction finds that property 11068
confiscated as the result of an administrative inspection is not 11069
necessary for evidentiary purposes and is not contraband, as 11070
defined in section 2901.01 of the Revised Code, the court shall 11071
order the immediate return of the confiscated property, provided 11072
that property is not otherwise subject to forfeiture, to the 11073
permit holder. However, the return of this property is not 11074
grounds for dismissal of the case. The commission likewise may 11075
order the return of confiscated property if no criminal 11076
prosecution is pending or anticipated. 11077

(7) Delegate to any of its agents or employees any power 11078
of investigation that the division possesses with respect to the 11079
enforcement of any of the administrative laws relating to beer 11080
or intoxicating liquor, provided that this division does not 11081
authorize the division to designate any agent or employee to 11082
serve as an enforcement agent. The employment and designation of 11083
enforcement agents shall be within the exclusive authority of 11084
the director of public safety pursuant to sections 5502.13 to 11085

5502.19 of the Revised Code. 11086

(8) Collect the following fees: 11087

(a) A biennial fifty-dollar registration fee for each 11088
agent, solicitor, trade marketing professional, or salesperson, 11089
registered pursuant to section 4303.25 of the Revised Code, of a 11090
beer or intoxicating liquor manufacturer, supplier, broker, 11091
trade marketing company, or wholesale distributor doing business 11092
in this state; 11093

(b) A fifty-dollar product registration fee for each new 11094
beer or intoxicating liquor product sold in this state. The 11095
product registration fee also applies to products sold in this 11096
state by B-2a and S permit holders. The product registration fee 11097
shall be accompanied by a copy of the federal label and product 11098
approval for the new product. 11099

(c) An annual three-hundred-dollar supplier registration 11100
fee from each manufacturer or supplier that produces and ships 11101
into this state, or ships into this state, intoxicating liquor 11102
or beer, in addition to an initial application fee of one 11103
hundred dollars. A manufacturer that produces and ships beer or 11104
wine into this state and that holds only an S permit is exempt 11105
from the supplier registration fee. A manufacturer that produces 11106
and ships wine into this state and that holds a B-2a permit 11107
shall pay an annual seventy-six-dollar supplier registration 11108
fee. A manufacturer that produces and ships wine into this state 11109
and that does not hold either an S or a B-2a permit, but that 11110
produces less than two hundred fifty thousand gallons of wine 11111
per year and that is entitled to a tax credit under 27 C.F.R. 11112
24.278 shall pay an annual seventy-six-dollar supplier 11113
registration fee. A B-2a or S permit holder that does not sell 11114
its wine to wholesale distributors of wine in this state and an 11115

S permit holder that does not sell its beer to wholesale distributors of beer in this state shall not be required to submit to the division territory designation forms.

Each supplier, agent, solicitor, trade marketing professional, or salesperson registration issued under this division shall authorize the person named to carry on the activity specified in the registration. The division shall register a supplier, agent, solicitor, trade marketing professional, or salesperson in accordance with section 9.79 of the Revised Code if either of the following applies:

(i) The supplier, agent, solicitor, trade marketing professional, or salesperson is licensed or registered in another state.

(ii) The supplier, agent, solicitor, trade marketing professional, or salesperson has satisfactory work experience, a government certification, or a private certification as described in that section as a supplier, agent, solicitor, trade marketing professional, or salesperson in a state that does not issue that license or registration.

Each agent, solicitor, trade marketing professional, or salesperson registration is valid for two years or for the unexpired portion of a two-year registration period. Each supplier registration is valid for one year or for the unexpired portion of a one-year registration period. Registrations shall end on their respective uniform expiration date, which shall be designated by the division, and are subject to suspension, revocation, cancellation, or fine as authorized by this chapter and Chapter 4303. of the Revised Code.

As used in this division, "trade marketing company" and

"trade marketing professional" have the same meanings as in	11145
section 4301.171 of the Revised Code.	11146
(9) Establish a system of electronic data interchange	11147
within the division and regulate the electronic transfer of	11148
information and funds among persons and governmental entities	11149
engaged in the manufacture, distribution, and retail sale of	11150
alcoholic beverages;	11151
(10) Notify all holders of retail permits of the forms of	11152
permissible identification for purposes of division (A) of	11153
section 4301.639 of the Revised Code;	11154
(11) Exercise all other powers expressly or by necessary	11155
implication conferred upon the division by this chapter and	11156
Chapter 4303. of the Revised Code, and all powers necessary for	11157
the exercise or discharge of any power, duty, or function	11158
expressly conferred or imposed upon the division by those	11159
chapters.	11160
(B) The division may do all of the following:	11161
(1) Sue, but may be sued only in connection with the	11162
execution of leases of real estate and the purchases and	11163
contracts necessary for the operation of the state liquor stores	11164
that are made under this chapter and Chapter 4303. of the	11165
Revised Code;	11166
(2) Enter into leases and contracts of all descriptions	11167
and acquire and transfer title to personal property with regard	11168
to the sale, distribution, and storage of spirituous liquor	11169
within the state;	11170
(3) Terminate at will any lease entered into pursuant to	11171
division (B) (2) of this section upon first giving ninety days'	11172
notice in writing to the lessor of its intention to do so;	11173

(4) Fix the wholesale and retail prices at which the various classes, varieties, and brands of spirituous liquor shall be sold by the division. Those retail prices shall be the same at all state liquor stores, except to the extent that a price differential is required to collect a county sales tax levied pursuant to section 5739.021 of the Revised Code and for which tax the tax commissioner has authorized prepayment pursuant to section 5739.05 of the Revised Code. In fixing selling prices, the division shall compute an anticipated gross profit at least sufficient to provide in each calendar year all costs and expenses of the division and also an adequate working capital reserve for the division. The gross profit shall not exceed forty per cent of the retail selling price based on costs of the division, and in addition the sum required by section 4301.12 of the Revised Code to be paid into the state treasury. An amount equal to one and one-half per cent of that gross profit shall be paid into the statewide treatment and prevention fund created by section 4301.30 of the Revised Code and be appropriated by the general assembly from the fund to the department of mental health and addiction services as provided in section 4301.30 of the Revised Code.

On spirituous liquor manufactured in this state from the juice of grapes or fruits grown in this state, the division shall compute an anticipated gross profit of not to exceed ten per cent.

The wholesale prices fixed under this division shall be at a discount of not less than six per cent of the retail selling prices as determined by the division in accordance with this section.

(C) The division may approve the expansion or diminution

of a premises to which a liquor permit has been issued and may 11204
adopt standards governing such an expansion or diminution. 11205

Sec. 4508.03. (A) No person shall establish a driver 11206
training school or continue the operation of an existing school 11207
unless the person applies for and obtains from the director of 11208
public safety a license in the manner and form prescribed by the 11209
director. 11210

The director shall adopt rules that establish the 11211
requirements for a school license, including requirements 11212
concerning location, equipment, courses of instruction, 11213
instructors, previous records of the school and instructors, 11214
financial statements, schedule of fees and charges, character 11215
and reputation of the operators, insurance in the sum and with 11216
those provisions as the director considers necessary to protect 11217
adequately the interests of the public, and any other matters as 11218
the director may prescribe for the protection of the public. The 11219
rules also shall require financial responsibility information as 11220
part of the driver education curriculum. 11221

(B) Any school that offers a driver training program for 11222
disabled persons shall provide specially trained instructors for 11223
the driver training of such persons. No school shall operate a 11224
driver training program for disabled persons after June 30, 11225
1978, unless it has been licensed for such operation by the 11226
director. No person shall act as a specially trained instructor 11227
in a driver training program for disabled persons operated by a 11228
school after June 30, 1978, unless that person has been licensed 11229
by the director. 11230

(C) The director shall certify instructors to teach driver 11231
training to disabled persons in accordance with training program 11232
requirements established by the department of public safety. 11233

The director shall issue a certificate to teach driver training to disabled persons in accordance with section 9.79 of the Revised Code to a person if either of the following applies: 11234
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(1) The person holds a license or certificate in another state. 11237
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(2) The person has satisfactory work experience, a government certification, or a private certification as described in that section teaching driver training to disabled persons in a state that does not issue that license or certificate. 11239
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(D) No person shall operate a driver training school unless the person has a valid license issued by the director under this section. 11244
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(E) Whoever violates division (D) of this section is guilty of operating a driver training school without a valid license, a misdemeanor of the second degree. On a second or subsequent offense within two years after the first offense, the person is guilty of a misdemeanor of the first degree. 11247
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Sec. 4508.04. (A) No person shall act as a driver training instructor, and no person shall act as a driver training instructor for disabled persons, unless such person applies for and obtains from the director of public safety a license in the manner and form prescribed by the director. The director shall provide by rule for instructors' license requirements including moral character, physical condition, knowledge of the courses of instruction, motor vehicle laws and safety principles, previous personal and employment records, and such other matters as the director may prescribe for the protection of the public. Driver training instructors for disabled persons shall meet such 11252
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additional requirements and receive such additional classroom 11263
and practical instruction as the director shall prescribe by 11264
rule. 11265

(B) (1) The director shall not issue a license under this 11266
section to a person if, within ten years of the date of 11267
application for the license, the person has pleaded guilty to or 11268
been convicted of a felony under the laws of this state or the 11269
comparable laws of another jurisdiction. 11270

(2) The director shall not issue a license under this 11271
section to a person if, within five years of the date of 11272
application for the license, the person has pleaded guilty to or 11273
been convicted of a misdemeanor of the first or second degree 11274
that is reasonably related to the person's fitness to be issued 11275
such a license. 11276

(C) No person shall knowingly make a false statement on a 11277
license application submitted under this section. 11278

(D) Upon successful completion of all requirements for an 11279
initial instructor license, the director shall issue an 11280
applicant a probationary license, which expires one hundred 11281
eighty days from the date of issuance. In order to receive a 11282
driver training instructor license, a person issued a 11283
probationary license shall pass an assessment prescribed in 11284
rules adopted by the director pursuant to section 4508.02 of the 11285
Revised Code. The person shall pass the assessment prior to 11286
expiration of the probationary license. If the person fails to 11287
pass the assessment, or fails to meet any standards required for 11288
a driver training instructor license, the director may extend 11289
the expiration date of the person's probationary license. Upon 11290
successful completion of the assessment and approval of the 11291
director, the director shall issue to the person a driver 11292

training instructor license. 11293

(E) Notwithstanding the requirements for a license issued 11294
under this section, the board shall issue a license in 11295
accordance with section 9.79 of the Revised Code to a person if 11296
either of the following applies: 11297

(1) The person holds a license in another state. 11298

(2) The person has satisfactory work experience, a 11299
government certification, or a private certification as 11300
described in that section as a driver training instructor in a 11301
state that does not issue that license. 11302

(F) (1) Whoever violates division (A) of this section is 11303
guilty of acting as a driver training instructor without a valid 11304
license, a misdemeanor of the first degree. 11305

(2) Whoever violates division (C) of this section may be 11306
charged with falsification under section 2921.13 of the Revised 11307
Code. 11308

Sec. 4508.08. There is hereby created in the department of 11309
public safety the motorcycle safety and education program. The 11310
director of public safety shall administer the program in 11311
accordance with the following guidelines: 11312

(A) (1) The program shall include courses of instruction 11313
conducted at vocational schools, community colleges, or other 11314
suitable locations, by instructors who have obtained 11315
certification in the manner and form prescribed by the director. 11316
The courses shall meet standards established in rules adopted by 11317
the department in accordance with Chapter 119. of the Revised 11318
Code. The courses may include instruction for novice motorcycle 11319
operators, instruction in motorist awareness and alcohol and 11320
drug awareness, and any other kind of instruction the director 11321

considers appropriate. A reasonable tuition fee, as determined 11322
by the director, may be charged. The director may authorize 11323
private organizations or corporations to offer courses without 11324
tuition fee restrictions, but such entities are not eligible for 11325
reimbursement of expenses or subsidies from the motorcycle 11326
safety and education fund created in section 4501.13 of the 11327
Revised Code. 11328

(2) The director shall do both of the following: 11329

(a) Authorize private organizations or corporations to 11330
offer any nationally recognized motorcycle operator training 11331
courses or curriculum and any course established in accordance 11332
with division (A) (1) of this section; 11333

(b) Permit an applicant for a motorcycle operator's 11334
endorsement or a restricted license that permits only the 11335
operation of a motorcycle who has completed any motorcycle 11336
operator training course or curriculum as authorized in division 11337
(A) (2) (a) of this section successfully within the preceding 11338
sixty days to be eligible for the examination waiver as 11339
described in division (B) (1) of section 4507.11 of the Revised 11340
Code. 11341

(B) In addition to courses of instruction, the program may 11342
include provisions for equipment purchases, marketing and 11343
promotion, improving motorcycle license testing procedures, and 11344
any other provisions the director considers appropriate. 11345

(C) The director shall evaluate the program every two 11346
years and shall periodically inspect the facilities, equipment, 11347
and procedures used in the courses of instruction. 11348

(D) The director shall appoint at least one training 11349
specialist who shall oversee the operation of the program, 11350

establish courses of instruction, and supervise instructors. The 11351
training specialist shall be a licensed motorcycle operator and 11352
shall obtain certification in the manner and form prescribed by 11353
the director. 11354

(E) The director may contract with other public agencies 11355
or with private organizations or corporations to assist in 11356
administering the program. 11357

(F) Notwithstanding any provision of Chapter 102. of the 11358
Revised Code, the director, in order to administer the program, 11359
may participate in a motorcycle manufacturer's motorcycle loan 11360
program. 11361

(G) The director shall contract with an insurance company 11362
or companies authorized to do business in this state to purchase 11363
a policy or policies of insurance with respect to the 11364
establishment or administration, or any other aspect of the 11365
operation of the program. 11366

(H) Notwithstanding the requirements for a motorcycle 11367
instructor certificate issued under this section, the director 11368
shall issue a certificate in accordance with section 9.79 of the 11369
Revised Code to a person if either of the following applies: 11370

(1) The person holds a license or certificate in another 11371
state. 11372

(2) The person has satisfactory work experience, a 11373
government certification, or a private certification as 11374
described in that section as a motorcycle instructor in a state 11375
that does not issue that license or certificate. 11376

Sec. 4511.763. (A) No person, partnership, association, or 11377
corporation shall transport pupils to or from school on a school 11378
bus or enter into a contract with a board of education of any 11379

school district for the transportation of pupils on a school bus, without being licensed by the department of public safety.

Notwithstanding the requirements for a license issued under this division, the director shall issue a license in accordance with section 9.79 of the Revised Code to a person if either of the following applies:

(1) The person holds a license or certificate in another state.

(2) The person has satisfactory work experience, a government certification, or a private certification as described in that section transporting pupils on a school bus in a state that does not issue that license or certificate.

(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

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

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

waived.	11409
(B) The person has attained the age of eighteen years.	11410
(C) The person is of good moral character.	11411
(D) The person meets the following requirements of	11412
education and experience:	11413
(1) (a) Prior to January 1, 2000, graduation with a	11414
baccalaureate degree conferred by a college or university	11415
recognized by the board, with a concentration in accounting that	11416
includes related courses in other areas of business	11417
administration, or what the board determines to be substantially	11418
the equivalent of the foregoing;	11419
(b) On and after January 1, 2000, graduation with a	11420
baccalaureate or higher degree that includes successful	11421
completion of one hundred fifty semester hours of undergraduate	11422
or graduate education. The board by rule shall specify graduate	11423
degrees that satisfy this requirement and also by rule shall	11424
require any subjects that it considers appropriate. The total	11425
educational program shall include an accounting concentration	11426
with related courses in other areas of business administration,	11427
as defined by board rule.	11428
(2) (a) The experience requirement for candidates meeting	11429
the educational requirements set forth in division (D) (1) (a) or	11430
(b) of this section is one year of experience satisfactory to	11431
the board in any of the following:	11432
(i) A public accounting firm;	11433
(ii) Government;	11434
(iii) Business;	11435

(iv) Academia. 11436

(b) Except as provided in division (D) (2) (c) of this 11437
section, the experience requirement for any candidate who, on 11438
and after January 1, 2000, does not meet the educational 11439
requirement set forth in division (D) (1) (b) of this section is 11440
four years of experience described in division (D) (2) (a) of this 11441
section. The experience requirement for any candidate who, prior 11442
to January 1, 2000, does not meet the educational requirement 11443
set forth in division (D) (1) (a) of this section is two years of 11444
experience described in division (D) (2) (a) of this section. 11445

(c) On and after January 1, 2000, the experience 11446
requirement for any candidate who, subsequent to obtaining a 11447
baccalaureate or higher degree, other than a baccalaureate or 11448
higher degree described in division (D) (1) (b) of this section, 11449
successfully completes coursework that meets the educational 11450
requirement set forth in division (D) (1) (b) of this section is 11451
two years of experience described in division (D) (2) (a) of this 11452
section. 11453

(E) The person has passed an examination that is 11454
administered in the manner and that covers the subjects that the 11455
board prescribes by rule. In adopting the relevant rules, the 11456
board shall ensure to the extent possible that the examination, 11457
the examination process, and the examination's passing standard 11458
are uniform with the examinations, examination processes, and 11459
examination passing standards of all other states and may 11460
provide for the use of all or parts of the uniform certified 11461
public accountant examination and advisory grading service of 11462
the American institute of certified public accountants. The 11463
board may contract with third parties to perform administrative 11464
services that relate to the examination and that the board 11465

determines are appropriate in order to assist the board in 11466
performing its duties in relation to the examination. 11467

None of the educational requirements specified in division 11468
(D) of this section apply to a candidate who has a PA 11469
registration, but the experience requirement for the candidate 11470
who does not meet those educational requirements is four years 11471
of the experience described in division (D) (2) (a) of this 11472
section. 11473

Prior to January 1, 2000, the board shall waive the 11474
educational requirement set forth in division (D) (1) (a) of this 11475
section for any candidate if it finds that the candidate has 11476
attained the equivalent education by attendance at a business 11477
school, by self-study, or otherwise, and if it is satisfied from 11478
the results of special examinations that the board gives the 11479
candidate to test the candidate's educational qualifications 11480
that the candidate is as well equipped, educationally, as if the 11481
candidate met the applicable educational requirement specified 11482
in division (D) (1) (a) of this section. 11483

On and after January 1, 2000, the board shall waive the 11484
educational requirement set forth in division (D) (1) (b) of this 11485
section for any candidate if the board finds that the candidate 11486
has obtained from an accredited college or university approved 11487
by the board, either an associate degree or a baccalaureate 11488
degree, other than a baccalaureate degree described in division 11489
(D) (1) (b) of this section, with a concentration in accounting 11490
that includes related courses in other areas of business 11491
administration, and if the board is satisfied from the results 11492
of special examinations that the board gives the candidate to 11493
test the candidate's educational qualification that the 11494
candidate is as well equipped, educationally, as if the 11495

candidate met the applicable educational requirement specified 11496
in division (D) (1) (b) of this section. 11497

The board shall provide by rule for the general scope of 11498
any special examinations for a waiver of the educational 11499
requirements under division (D) (1) (a) or (b) of this section and 11500
may obtain any advice and assistance that it considers 11501
appropriate to assist it in preparing and grading those special 11502
examinations. The board may use any existing examinations or may 11503
prepare any number of new examinations to assist in determining 11504
the equivalent training of a candidate. The board by rule shall 11505
prescribe any special examinations for a waiver of the 11506
educational requirements under division (D) (1) (a) or (b) of this 11507
section and the passing score required for each examination. 11508

The board shall hold the examination referred to in 11509
division (E) of this section and the special examinations for a 11510
waiver of the educational requirements under division (D) (1) (a) 11511
or (b) of this section as often as the board determines to be 11512
desirable, but the examination referred to in division (E) of 11513
this section shall be held not less frequently than once each 11514
year. ~~The board by rule may provide for granting credit to a~~ 11515
~~candidate for satisfactory completion of an examination that a~~ 11516
~~licensing authority of another state gave in one or more of the~~ 11517
~~subjects referred to in division (E) of this section.~~ 11518

A candidate who has met the educational requirements, or 11519
with respect to whom they either do not apply or have been 11520
waived, is eligible to take the examination referred to in 11521
division (E) of this section without waiting until the candidate 11522
meets the experience requirements, provided the candidate also 11523
meets the requirements of divisions (A) and (C) of this section. 11524

A candidate for the certificate of certified public 11525

accountant who has successfully completed the examination under 11526
division (E) of this section has no status as a certified public 11527
accountant, unless and until the candidate has the requisite 11528
experience and has received a certificate as a certified public 11529
accountant. The board shall determine and charge a fee for 11530
issuing the certificate that is adequate to cover the expense. 11531

The board by rule may prescribe the terms and conditions 11532
under which a candidate who passes part but not all of the 11533
examination may retake the examination. It also may provide by 11534
rule for a reasonable waiting period for a candidate's 11535
reexamination. 11536

The applicable educational and experience requirements 11537
under division (D) of this section shall be those in effect on 11538
the date on which the candidate first sits for the examination. 11539

The board shall charge a candidate a reasonable fee, to be 11540
determined by the board, that is adequate to cover all rentals, 11541
compensation for proctors, and other administrative expenses of 11542
the board related to examination or reexamination, including the 11543
expenses of procuring and grading the examination provided for 11544
in division (E) of this section and for any special examinations 11545
for a waiver of the educational requirements under division (D) 11546
(1) (a) or (b) of this section. Fees for reexamination under 11547
division (E) of this section shall be charged by the board in 11548
amounts determined by it. The applicable fees shall be paid by 11549
the candidate at the time the candidate applies for examination 11550
or reexamination. 11551

Any person who has received from the board a certificate 11552
as a certified public accountant and who holds an Ohio permit 11553
shall be styled and known as a "certified public accountant" and 11554
also may use the abbreviation "CPA." The board shall maintain a 11555

list of certified public accountants. Any certified public 11556
accountant also may be known as a "public accountant." 11557

Persons who, on the effective date of an amendment of this 11558
section, held certified public accountant certificates 11559
previously issued under the laws of this state shall not be 11560
required to obtain additional certificates under this section 11561
but shall otherwise be subject to all provisions of this 11562
section, and those previously issued certificates, for all 11563
purposes, shall be considered certificates issued under this 11564
section and subject to its provisions. 11565

The board may waive the examination under division (E) of 11566
this section and, upon payment of a fee determined by it, may 11567
issue a certificate as a "certified public accountant" to any 11568
person who possesses the qualifications specified in divisions 11569
(A), (B), and (C) of this section and what the board determines 11570
to be substantially the equivalent of the applicable 11571
qualifications under division (D) of this section and who ~~is the~~ 11572
~~holder of a certificate as a certified public accountant, then~~ 11573
~~in full force and effect, issued under the laws of any state, or~~ 11574
is the holder of a certificate, license, or degree in a foreign 11575
country that constitutes a recognized qualification for the 11576
practice of public accounting in that country, that is 11577
comparable to that of a certified public accountant of this 11578
state, and that is then in full force and effect. 11579

(F) The board shall issue a certificate as a "certified 11580
public accountant" in accordance with section 9.79 of the 11581
Revised Code to a person if either of the following applies: 11582

(1) The person holds a certificate as a certified public 11583
accountant in another state. 11584

(2) The person has satisfactory work experience, a government certification, or a private certification as described in that section as a certified public accountant in a state that does not issue that certificate. 11585
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Sec. 4701.07. The accountancy board shall register as a public accountant any person who meets all the following requirements: 11589
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(A) The person is a resident of this state or has a place of business in this state. 11592
11593

(B) The person has attained the age of eighteen years. 11594

(C) The person is of good moral character. 11595

(D) The person holds a baccalaureate or higher degree conferred by a college or university recognized by the board, with a concentration in accounting, or with what the board determines to be substantially the equivalent of the foregoing; or with a nonaccounting concentration supplemented by what the board determines to be substantially the equivalent of an accounting concentration, including related courses in other areas of business administration. 11596
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The board may waive the educational requirement for any candidate if it finds that the candidate has attained the equivalent education by attendance at a business school or two-year college, by self-study, or otherwise, and if it is satisfied from the result of a special written examination that the board gives the candidate to test the candidate's educational qualifications that the candidate is as well equipped, educationally, as if the candidate met the applicable educational requirement specified in this division. The board may provide by rule for the general scope of these examinations 11604
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and may obtain any advice and assistance that it considers 11614
appropriate to assist it in preparing and grading the special 11615
examinations. The board may use any existing examinations or may 11616
prepare any number of new examinations to assist it in 11617
determining the equivalent training of a candidate. The board by 11618
rule may prescribe the special examinations and the passing 11619
score required for each examination. 11620

(E) The person has completed two years of public 11621
accounting experience, satisfactory to the board, in any state 11622
in practice as a public accountant or in any state in employment 11623
as a staff accountant by anyone practicing public accounting, or 11624
other experience in private or governmental accounting that, in 11625
the opinion of the board, will be the equivalent of that public 11626
accounting practice, or any combination of those types of 11627
experience, except that the experience requirement is only one 11628
year of the experience described in this division for any 11629
candidate holding a master's degree in accounting or business 11630
administration from a college or university recognized by the 11631
board, if the candidate has satisfactorily completed the number 11632
of credit hours in accounting, business administration, 11633
economics, and any related subjects that the board determines to 11634
be appropriate and if either of the following applies: 11635

(1) The person has passed the uniform national society of 11636
public accountants examination or a comparable examination 11637
approved by the public accountant members of the accountancy 11638
board. 11639

(2) The person has passed the accounting practice and 11640
auditing sections of the uniform CPA examination. 11641

The examination described in division (E)(1) of this 11642
section shall be held by the board and shall take place as often 11643

as the board determines but shall not be held less frequently 11644
than once each year. The board shall charge a candidate an 11645
application fee, to be determined by the board, that is adequate 11646
to cover all rentals, compensation for proctors, and other 11647
expenses of the board related to examination or reexamination 11648
except the expenses of procuring and grading the examination. In 11649
addition, the board shall charge the candidate an examination 11650
fee to be determined by the board, that is adequate to cover the 11651
expense of procuring and grading the examination. Fees for 11652
reexamination under division (E) of this section also shall be 11653
charged by the board in amounts determined by it to be adequate 11654
to cover the expenses of procuring and grading the examinations. 11655
The applicable fees shall be paid by the candidate at the time 11656
the candidate applies for examination or reexamination. 11657

(F) The person applied, on or before April 16, 1993, for 11658
registration as a public accountant. 11659

The board shall determine and charge a fee for 11660
registration under this section that is adequate to cover the 11661
expense. 11662

The board in each case shall determine whether the 11663
applicant is eligible for registration. Any individual who is so 11664
registered and who holds an Ohio permit shall be styled and 11665
known as a "public accountant" and may use the abbreviation 11666
"PA." 11667

A person who, on the effective date of an amendment of 11668
this section, holds a valid registration as a public accountant 11669
issued under the laws of this state shall not be required to 11670
obtain additional registration under this section but shall 11671
otherwise be subject to all provisions of this section. That 11672
registration, for all purposes, shall be considered a 11673

registration issued under this section and subject to its 11674
provisions. 11675

Section 9.79 of the Revised Code does not apply to public 11676
accountant registrations issued under this section. 11677

Sec. 4701.10. (A) The accountancy board, upon application, 11678
shall issue Ohio permits to practice public accounting to 11679
holders of the CPA certificate or the PA registration. Subject 11680
to division (H)(1) of this section, there shall be a triennial 11681
Ohio permit fee in an amount to be determined by the board not 11682
to exceed one hundred fifty dollars. All Ohio permits shall 11683
expire on the last day of December of the year assigned by the 11684
board and, subject to division (H)(1) of this section, shall be 11685
renewed triennially for a period of three years by certificate 11686
holders and registrants in good standing upon payment of a 11687
triennial renewal fee not to exceed one hundred fifty dollars. 11688

(B) The accountancy board may issue Ohio registrations to 11689
holders of the CPA certificate and the PA registration who are 11690
not engaged in the practice of public accounting. Such persons 11691
shall not convey to the general public that they are actively 11692
engaged in the practice of public accounting in this state. 11693
Subject to division (H)(1) of this section, there shall be a 11694
triennial Ohio registration fee in an amount to be determined by 11695
the board but not exceeding fifty-five dollars. All Ohio 11696
registrations shall expire on the last day of December of the 11697
year assigned by the board and, subject to division (H)(1) of 11698
this section, shall be renewed triennially for a period of three 11699
years upon payment by certificate holders and registrants in 11700
good standing of a renewal fee not to exceed fifty-five dollars. 11701

(C) Any person who receives a CPA certificate and who 11702
applies for an initial Ohio permit or Ohio registration more 11703

than sixty days after issuance of the CPA certificate may, at 11704
the board's discretion, be subject to a late filing fee not 11705
exceeding one hundred dollars. 11706

(D) Any person to whom the board has issued an Ohio permit 11707
who is engaged in the practice of public accounting and who 11708
fails to renew the permit by the expiration date shall be 11709
subject to a late filing fee not exceeding one hundred dollars 11710
for each full month or part of a month after the expiration date 11711
in which such person did not possess a permit, up to a maximum 11712
of one thousand two hundred dollars. The board may waive or 11713
reduce the late filing fee for just cause upon receipt of a 11714
written request from such person. 11715

(E) Any person to whom the board has issued an Ohio permit 11716
or Ohio registration who is not engaged in the practice of 11717
public accounting and who fails to renew the permit or 11718
registration by the expiration date shall be subject to a late 11719
filing fee not exceeding fifty dollars for each full month or 11720
part of a month after the expiration date in which such person 11721
did not possess a permit or registration, up to a maximum of 11722
three hundred dollars. The board may waive or reduce the late 11723
filing fee for just cause upon receipt of a written request from 11724
such person. 11725

(F) Failure of a CPA certificate holder or PA registration 11726
holder to apply for either an Ohio permit or an Ohio 11727
registration within one year from the expiration date of the 11728
Ohio permit or Ohio registration last obtained or renewed, or 11729
one year from the date upon which the CPA certificate holder was 11730
granted a CPA certificate, shall result in suspension of the CPA 11731
certificate or PA registration until all fees required under 11732
divisions (D) and (E) of this section have been paid, unless the 11733

board determines the failure to have been due to excusable 11734
neglect. In that case, the fee for the issuance or renewal of 11735
the Ohio permit or Ohio registration, as the case may be, shall 11736
be the amount that the board shall determine, but not in excess 11737
of fifty dollars plus the fee for each triennial period or part 11738
of a period the certificate holder or registrant did not have 11739
either an Ohio permit or an Ohio registration. 11740

(G) The board by rule may exempt persons from the 11741
requirement of holding an Ohio permit or Ohio registration for 11742
specified reasons, including, but not limited to, retirement, 11743
health reasons, military service, foreign residency, or other 11744
just cause. 11745

(H) (1) The board by rule: 11746

(a) May provide for the issuance of Ohio permits and Ohio 11747
registrations for less than three years' duration at prorated 11748
fees; 11749

(b) Shall add a surcharge to the Ohio permit and Ohio 11750
registration fee imposed pursuant to this section of at least 11751
fifteen dollars but no more than thirty dollars for a three-year 11752
Ohio permit or Ohio registration, at least ten dollars but no 11753
more than twenty dollars for a two-year Ohio permit or Ohio 11754
registration, and at least five dollars but no more than ten 11755
dollars for a one-year Ohio permit or Ohio registration. 11756

(2) Each quarter, the board, for the purpose provided in 11757
section 4743.05 of the Revised Code, shall certify to the 11758
director of budget and management the number of Ohio permits and 11759
Ohio registrations issued or renewed under this chapter during 11760
the preceding quarter and the amount equal to that number times 11761
the amount of the surcharge added to each Ohio permit and Ohio 11762

registration fee by the board under division (H) (1) of this section. 11763
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(I) Section 9.79 of the Revised Code does not apply to Ohio permits or Ohio registrations issued under this section. 11765
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Sec. 4703.08. The architects board shall adopt rules to certify and register an applicant for a certificate of qualification to practice architecture who is licensed or registered as an architect in another ~~state or jurisdiction~~ country, holds a current certificate in good standing issued by the national council of architectural registration boards, and wishes to be registered in this state. 11767
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Sec. 4703.10. If the applicant passes the examination under section 4703.09 of the Revised Code or in lieu of the examination is, in the opinion of the architects board, eligible to register as an architect pursuant to rules adopted under section 4703.08 of the Revised Code, and in addition has proven self to be of good moral character, the applicant is eligible to receive from the board a certificate of qualification to practice architecture. The certificate shall be signed by the president and secretary of the board and shall bear the name of the successful applicant, the serial number of the certificate, the seal of the board, and the words, "admitted to practice architecture in the state of Ohio, the day of," 11774
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If the applicant fails the examination under section 4703.09 of the Revised Code, the board may refuse to issue a certificate of qualification to practice architecture. 11787
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The board shall certify and register an applicant in accordance with section 9.79 of the Revised Code for a 11790
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certificate of qualification to practice architecture if either 11792
of the following applies: 11793

(A) The applicant holds a certification, registration, or 11794
license to practice architecture in another state. 11795

(B) The applicant has satisfactory work experience, a 11796
government certification, or a private certification as 11797
described in that section as an architect in a state that does 11798
not issue that certificate, registration, or license. 11799

Sec. 4703.33. (A) The Ohio landscape architects board, in 11800
accordance with Chapter 119. of the Revised Code, may adopt, 11801
amend, and enforce rules governing the standards for education, 11802
experience, services, conduct, and practice to be followed in 11803
the practice of the profession of landscape architecture and 11804
rules pertaining to the satisfactory completion of continuing 11805
education requirements. If the board adopts rules pertaining to 11806
continuing education requirements, the board shall, in general, 11807
follow model continuing education recommendations established by 11808
the council of landscape architectural registration boards or a 11809
similar successor organization. 11810

(B) The board, or the board's designee, shall hold 11811
examinations not less than once annually and shall register as a 11812
landscape architect each applicant who demonstrates to the 11813
satisfaction of the board that the applicant has met all the 11814
requirements of section 4703.34 of the Revised Code. 11815

(C) The board shall issue to each individual registered 11816
pursuant to this section a certificate of qualification. 11817

Section 9.79 of the Revised Code does not apply to a 11818
certificate of qualification issued under this division. 11819

(D) The board shall appoint at least one of its members as 11820

a delegate to each regional and annual meeting of the council of 11821
landscape architectural registration boards. 11822

Sec. 4703.35. (A) The Ohio landscape architects board 11823
shall register as a landscape architect any individual who is at 11824
least eighteen years of age and who provides evidence 11825
satisfactory to the board that the individual is a registered or 11826
licensed landscape architect in another ~~state or~~ country in 11827
which the qualifications, at the time of licensure, were 11828
substantially equal, in the opinion of the board, to the 11829
requirements for registration as a landscape architect in this 11830
state. The board may require that an applicant for registration 11831
under this ~~section~~ division hold a current council record or 11832
certificate in good standing issued by the council of landscape 11833
architectural registration boards. 11834

(B) The board shall register as a landscape architect in 11835
accordance with section 9.79 of the Revised Code an individual 11836
if either of the following applies: 11837

(1) The individual holds a registration or license as a 11838
landscape architect in another state. 11839

(2) The individual has satisfactory work experience, a 11840
government certification, or a private certification as 11841
described in that section as a landscape architect in a state 11842
that does not issue that registration or license. 11843

Sec. 4703.37. (A) The Ohio landscape architects board 11844
shall establish an application fee for obtaining registration 11845
under section 4703.34 of the Revised Code and a fee for 11846
obtaining registration under division (A) of section 4703.35 of 11847
the Revised Code. 11848

(B) The fee to restore an expired certificate of 11849

qualification is the renewal fee for the current certification 11850
period, plus the renewal fee for each previous renewal period in 11851
which the certificate was not renewed, plus a penalty of twenty- 11852
five per cent of the total renewal fees for each renewal period 11853
or part thereof in which the certificate was not renewed, on the 11854
condition that the maximum fee shall not exceed an amount 11855
established by the board. 11856

(C) The board also shall establish the following fees: 11857

(1) The fee for a certificate of qualification or 11858
duplicate thereof, as issued to a landscape architect registered 11859
under sections 4703.33 to 4703.38 of the Revised Code. 11860

(2) The fee for the biennial renewal of the certificate of 11861
qualification and the fee for a duplicate renewal card. 11862

(3) The fee to be charged an examinee for administering an 11863
examination to the examinee on behalf of another jurisdiction. 11864

(4) The fee for a certificate of authorization issued 11865
under division (F) of section 4703.331 of the Revised Code, the 11866
fee for annual renewal of a certificate of authorization, and 11867
the fee for a duplicate certificate of authorization. 11868

(5) The fee to cover costs for checks or other instruments 11869
returned to the board by financial institutions due to 11870
insufficient funds. 11871

Sec. 4707.07. (A) The department of agriculture may grant 11872
~~auctioneers'~~auctioneer's licenses to those individuals who are 11873
determined to be qualified by the department. Each individual 11874
who applies for an auctioneer's license shall furnish to the 11875
department, on forms provided by the department, satisfactory 11876
proof that the applicant: 11877

- (1) Has a good reputation; 11878
- (2) Is of trustworthy character; 11879
- (3) Has attained the age of at least eighteen years; 11880
- (4) Has ~~done one of the following:~~ 11881
- ~~(a) Met met the apprenticeship requirements set forth in~~ 11882
section 4707.09 of the Revised Code; 11883
- ~~(b) Met the requirements of section 4707.12 of the Revised~~ 11884
~~Code.~~ 11885
- (5) Has a general knowledge of the following: 11886
- (a) The requirements of the Revised Code relative to 11887
auctioneers; 11888
- (b) The auction profession; 11889
- (c) The principles involved in conducting an auction; 11890
- (d) Any local and federal laws regarding the profession of 11891
auctioneering. 11892
- (6) Has satisfied the financial responsibility 11893
requirements established under section 4707.11 of the Revised 11894
Code if applicable. 11895
- (B) Auctioneers who served apprenticeships and who hold 11896
licenses issued before May 1, 1991, and who seek renewal of 11897
their licenses, are not subject to the additional apprenticeship 11898
requirements imposed by section 4707.09 of the Revised Code. 11899
- (C) A licensee may do business under more than one 11900
registered name, but not to exceed three registered names, 11901
provided that the names have been approved by the department. 11902
The department may reject the application of any person seeking 11903

licensure under this chapter if the name or names to be used by 11904
the applicant are likely to mislead the public, or if the name 11905
or names do not distinguish the applicant from the name or names 11906
of any existing person licensed under this chapter. If an 11907
applicant applies to the department to do business under three 11908
names, the department may charge a fee of ten dollars for the 11909
third name. 11910

(D) ~~The department, in its discretion, may waive the~~ 11911
~~schooling and apprenticeship requirements for a resident of this~~ 11912
~~state, provided that the resident shall issue an auctioneer's~~ 11913
~~license in accordance with section 9.79 of the Revised Code to~~ 11914
~~an applicant if either of the following applies:~~ 11915

(1) The applicant holds a valid auctioneer ~~an auctioneer's~~ 11916
~~license that was issued by a state with which the department has~~ 11917
~~entered into a reciprocal licensing agreement and the resident~~ 11918
~~is in good standing with that state. The applicant shall provide~~ 11919
~~proof that is satisfactory to the department that the applicant~~ 11920
~~has had two years of experience as an auctioneer immediately~~ 11921
~~preceding the date of application that includes at a minimum~~ 11922
~~twelve auctions in which the applicant was a bid caller in the~~ 11923
~~reciprocal in another state.~~ 11924

(2) The applicant has satisfactory work experience, a 11925
government certification, or a private certification as 11926
described in that section as an auctioneer in a state that does 11927
not issue that license. 11928

Sec. 4707.072. The department of agriculture may grant 11929
one-auction licenses to any nonresident individual who is 11930
determined to be qualified by the department. ~~Any Section 9.79~~ 11931
of the Revised Code does not apply to one-auction licenses 11932
issued under this section. 11933

Any individual who applies for a one-auction license shall 11934
attest, on forms provided by the department, and furnish to the 11935
department, satisfactory proof that the license applicant meets 11936
the following requirements: 11937

(A) Has a good reputation; 11938

(B) Is of trustworthy character; 11939

(C) Has attained the age of at least eighteen years; 11940

(D) Has a general knowledge of the requirements of the 11941
Revised Code relative to auctioneers, the auction profession, 11942
and the principles involved in conducting an auction; 11943

(E) Has two years of professional auctioneering experience 11944
immediately preceding the date of application that includes the 11945
personal conduct by the applicant of at least twelve auction 11946
sales in any state, ~~or has met the requirements of section~~ 11947
~~4707.12 of the Revised Code;~~ 11948

(F) Has paid a fee of five hundred dollars; 11949

(G) Has not applied for or previously obtained a license 11950
under this section; 11951

(H) Has provided proof of financial responsibility in the 11952
form of either an irrevocable letter of credit or a cash bond or 11953
a surety bond in the amount of fifty thousand dollars. If the 11954
applicant gives a surety bond, the bond shall be executed by a 11955
surety company authorized to do business in this state. A bond 11956
shall be made to the department and shall be conditioned that 11957
the applicant shall comply with this chapter and rules adopted 11958
under it, including refraining from conduct described in section 11959
4707.15 of the Revised Code. All bonds shall be on a form 11960
approved by the director of agriculture. 11961

Sec. 4707.09. The department of agriculture may grant 11962
apprentice auctioneers' licenses to those persons that are 11963
determined to be qualified by the department. Every applicant 11964
for an apprentice auctioneer's license shall pass an examination 11965
relating to the skills, knowledge, and statutes and rules 11966
governing auctioneers. Every applicant for an apprentice 11967
auctioneer's license shall furnish to the department, on forms 11968
provided by the department, satisfactory proof that the 11969
applicant: 11970

(A) Has a good reputation; 11971

(B) Is of trustworthy character; 11972

(C) Has attained the age of at least eighteen years; 11973

(D) Has obtained a written promise of a licensed 11974
auctioneer to sponsor the applicant during the applicant's 11975
apprenticeship; 11976

(E) Has satisfied the financial responsibility 11977
requirements established under section 4707.11 of the Revised 11978
Code if applicable; 11979

(F) Has successfully completed a course of study in 11980
auctioneering at an institution that is approved by the state 11981
auctioneers commission. 11982

Before an apprentice may take the auctioneer's license 11983
examination, the apprentice shall serve an apprenticeship of at 11984
least twelve months and participate as a bid caller in at least 11985
twelve auction sales under the direct supervision of the 11986
sponsoring licensed auctioneer, which auctions shall be 11987
certified by the licensed auctioneer on the apprentice's 11988
application for an auctioneer's license. No apprentice 11989
auctioneer shall be under the sponsorship of more than one 11990

licensed auctioneer at one time. 11991

If an auctioneer intends to terminate sponsorship of an 11992
apprentice auctioneer, the sponsoring auctioneer shall notify 11993
the apprentice auctioneer of the sponsoring auctioneer's 11994
intention by certified mail, return receipt requested, at least 11995
ten days prior to the effective date of termination and, at the 11996
same time, shall deliver or mail by certified mail to the 11997
department a copy of the termination notice and the license of 11998
the apprentice auctioneer. No apprentice auctioneer shall 11999
perform any acts under authority of the apprentice's license 12000
after the effective date of the termination until the apprentice 12001
receives a new license. No more than one license shall be issued 12002
to any apprentice auctioneer for the same period of time. 12003

No licensed auctioneer shall have under the licensed 12004
auctioneer's sponsorship more than two apprentice auctioneers at 12005
one time. No auctioneer shall sponsor an apprentice auctioneer 12006
if the auctioneer has not been licensed and in good standing for 12007
a period of at least two years immediately before sponsoring the 12008
apprentice auctioneer. A sponsoring auctioneer whose license is 12009
suspended or revoked shall send to the department the apprentice 12010
auctioneer's license not later than fourteen days after the 12011
suspension or revocation. If a sponsoring auctioneer's license 12012
is suspended or revoked, the apprentice auctioneer shall obtain 12013
a written promise of sponsorship from another licensed 12014
auctioneer before performing any acts under the authority of an 12015
apprentice auctioneer's license. The apprentice auctioneer shall 12016
send a copy of the written promise of sponsorship of another 12017
auctioneer to the department. If the department receives a copy 12018
of such a written promise of sponsorship and the apprentice pays 12019
the fee established by the department, the department shall 12020
issue a new license to the apprentice. 12021

An apprentice auctioneer may terminate the apprentice's sponsorship with an auctioneer by notifying the auctioneer of the apprentice's intention by certified mail, return receipt requested, at least ten days prior to the effective date of termination. At the same time, the apprentice shall deliver or mail by certified mail to the department a copy of the termination notice. Upon receiving the termination notice, the sponsoring auctioneer shall promptly deliver or mail by certified mail to the department the license of the apprentice auctioneer.

The termination of a sponsorship, regardless of who initiates the termination, shall not be cause for an apprentice auctioneer to lose credit for any certified auctions in which the apprentice participated as a bid caller or apprenticeship time the apprentice served under the direct supervision of the former sponsor.

The department shall issue an apprentice auctioneer's license in accordance with section 9.79 of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds an apprentice auctioneer's license in another state, provided that the applicant meets the requirement of division (D) of this section.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that section as an apprentice auctioneer in a state that does not issue that license, provided that the applicant meets the requirement of division (D) of this section.

Sec. 4709.07. (A) Each person who desires to obtain an initial license to practice barbering shall apply to the state

cosmetology and barber board, on forms provided by the board. 12051
The application form shall include the name of the person 12052
applying for the license and evidence that the applicant meets 12053
all of the requirements of division (B) of this section. The 12054
application shall be accompanied by two signed current 12055
photographs of the applicant, in the size determined by the 12056
board, that show only the head and shoulders of the applicant, 12057
and the examination application fee. 12058

(B) In order to take the required barber examination and 12059
to qualify for licensure as a barber, an applicant must 12060
demonstrate that the applicant meets all of the following: 12061

(1) Is of good moral character; 12062

(2) Is at least eighteen years of age; 12063

(3) Has an eighth grade education or an equivalent 12064
education as determined by the state board of education in the 12065
state where the applicant resides; 12066

(4) Has graduated with at least one thousand eight hundred 12067
hours of training from a board-approved barber school or has 12068
graduated with at least one thousand hours of training from a 12069
board-approved barber school in this state and has a current 12070
cosmetology or hair designer license issued pursuant to Chapter 12071
4713. of the Revised Code. No hours of instruction earned by an 12072
applicant five or more years prior to the examination apply to 12073
the hours of study required by this division. 12074

(C) Any applicant who meets all of the requirements of 12075
divisions (A) and (B) of this section may take the barber 12076
examination at the time and place specified by the board. If the 12077
applicant fails to attain at least a seventy-five per cent pass 12078
rate on each part of the examination, the applicant is 12079

ineligible for licensure; however, the applicant may reapply for 12080
examination within ninety days after the date of the release of 12081
the examination scores by paying the required reexamination fee. 12082
An applicant is only required to take that part or parts of the 12083
examination on which the applicant did not receive a score of 12084
seventy-five per cent or higher. If the applicant fails to 12085
reapply for examination within ninety days or fails the second 12086
examination, in order to reapply for examination for licensure 12087
the applicant shall complete an additional course of study of 12088
not less than two hundred hours, in a board-approved barber 12089
school. The board shall provide to an applicant, upon request, a 12090
report which explains the reasons for the applicant's failure to 12091
pass the examination. 12092

(D) The board shall issue a license to practice barbering 12093
to any applicant who, to the satisfaction of the board, meets 12094
the requirements of divisions (A) and (B) of this section, who 12095
passes the required examination, and pays the initial licensure 12096
fee. Every licensed barber shall display the certificate of 12097
licensure in a conspicuous place adjacent to or near the 12098
licensed barber's work chair, along with a signed current 12099
photograph, in the size determined by the board, showing head 12100
and shoulders only. 12101

(E) The board shall issue a license to practice barbering 12102
in accordance with section 9.79 of the Revised Code to an 12103
applicant if either of the following applies: 12104

(1) The applicant holds a license to practice barbering in 12105
another state. 12106

(2) The applicant has satisfactory work experience, a 12107
government certification, or a private certification as 12108
described in that section as a barber in a state that does not 12109

issue that license. 12110

Sec. 4709.08. Any person who holds a current license or 12111
registration to practice as a barber in any other ~~state or~~ 12112
~~district of the United States or~~ country whose requirements for 12113
licensure or registration of barbers are substantially 12114
equivalent to the requirements of this chapter and rules adopted 12115
under it and that extends similar reciprocity to persons 12116
licensed as barbers in this state may apply to the state 12117
cosmetology and barber board for a barber license. The board 12118
shall, without examination, unless the board determines to 12119
require an examination, issue a license to practice as a 12120
licensed barber in this state if the person meets the 12121
requirements of this section, is at least eighteen years of age 12122
and of good moral character, and pays the required fees. The 12123
board may waive any of the requirements of this section. 12124

Sec. 4709.10. (A) Each person who desires to obtain a 12125
license to operate a barber school shall apply to the state 12126
cosmetology and barber board, on forms provided by the board. 12127
The board shall issue a barber school license to a person if the 12128
board determines that the person meets and will comply with all 12129
of the requirements of division (B) of this section and pays the 12130
required licensure and inspection fees. 12131

(B) In order for a person to qualify for a license to 12132
operate a barber school, the barber school to be operated by the 12133
person must meet all of the following requirements: 12134

(1) Have a training facility sufficient to meet the 12135
required educational curriculum established by the board, 12136
including enough space to accommodate all the facilities and 12137
equipment required by rule by the board; 12138

(2) Provide sufficient licensed teaching personnel to meet 12139
the minimum pupil-teacher ratio established by rule of the 12140
board; 12141

(3) Have established and provide to the board proof that 12142
it has met all of the board requirements to operate a barber 12143
school, as adopted by rule of the board; 12144

(4) File with the board a program of its curriculum, 12145
accounting for not less than one thousand eight hundred hours of 12146
instruction in the courses of theory and practical demonstration 12147
required by rule of the board; 12148

(5) File with the board a surety bond in the amount of ten 12149
thousand dollars issued by a bonding company licensed to do 12150
business in this state. The bond shall be in the form prescribed 12151
by the board and conditioned upon the barber school's continued 12152
instruction in the theory and practice of barbering. The bond 12153
shall continue in effect until notice of its termination is 12154
provided to the board. In no event, however, shall the bond be 12155
terminated while the barber school is in operation. Any student 12156
who is injured or damaged by reason of a barber school's failure 12157
to continue instruction in the theory and practice of barbering 12158
may maintain an action on the bond against the barber school or 12159
the surety, or both, for the recovery of any money or tuition 12160
paid in advance for instruction in the theory and practice of 12161
barbering which was not received. The aggregate liability of the 12162
surety to all students shall not exceed the sum of the bond. 12163

(6) Maintain adequate record keeping to ensure that it has 12164
met the requirements for records of student progress as required 12165
by board rule; 12166

(7) Establish minimum standards for acceptance of student 12167

applicants for admission to the barber school. The barber school 12168
may establish entrance requirements which are more stringent 12169
than those prescribed by the board, but the requirements must at 12170
a minimum require the applicant to meet all of the following: 12171

(a) Be at least seventeen years of age; 12172

(b) Be of good moral character; 12173

(c) Have an eighth grade education, or an equivalent 12174
education as determined by the state board of education; 12175

(d) Submit two signed current photographs of the 12176
applicant, in the size determined by the board. 12177

(8) Have a procedure to submit every student applicant's 12178
admission application to the board for the board's review and 12179
approval prior to the applicant's admission to the barber 12180
school; 12181

(9) Operate in a manner which reflects credit upon the 12182
barbering profession; 12183

(10) Offer a curriculum of study which covers all aspects 12184
of the scientific fundamentals of barbering as specified by rule 12185
of the board; 12186

(11) Employ no more than two licensed assistant barber 12187
teachers for each licensed barber teacher employed or fewer than 12188
two licensed teachers or one licensed teacher and one licensed 12189
assistant teacher at each facility. 12190

(C) Each person who desires to obtain a barber teacher or 12191
assistant barber teacher license shall apply to the board, on 12192
forms provided by the board. ~~The~~ 12193

Except as provided in division (D) of this section, the 12194

board shall only issue a barber teacher license to a person who 12195
meets all of the following requirements: 12196

(1) Holds a current barber license issued pursuant to this 12197
chapter and has at least eighteen months of work experience in a 12198
licensed barber shop or has been employed as an assistant barber 12199
teacher under the supervision of a licensed barber teacher for 12200
at least one year, unless, for good cause, the board waives this 12201
requirement; 12202

(2) Meets such other requirements as adopted by rule by 12203
the board; 12204

(3) Passes the required examination; and 12205

(4) Pays the required fees. If an applicant fails to pass 12206
the examination, the applicant may reapply for the examination 12207
and licensure no earlier than one year after the failure to pass 12208
and provided that during that period, the applicant remains 12209
employed as an assistant barber teacher. 12210

~~The~~ Except as provided in division (D) of this section, 12211
the board shall only issue an assistant barber teacher license 12212
to a person who holds a current barber license issued pursuant 12213
to this chapter and pays the required fees. 12214

(D) The board shall issue a barber teacher or assistant 12215
barber teacher license in accordance with section 9.79 of the 12216
Revised Code to an applicant if either of the following applies: 12217

(1) The applicant holds a barber teacher or assistant 12218
barber teacher license, as applicable, in another state. 12219

(2) The applicant has satisfactory work experience, a 12220
government certification, or a private certification as 12221
described in that section as a barber teacher or assistant 12222

barber teacher, as applicable, in a state that does not issue 12223
the applicable license. 12224

(E) Any person who meets the qualifications of an 12225
assistant teacher pursuant to division (C) or (D) of this 12226
section, may be employed as an assistant teacher, provided that 12227
within five days after the commencement of the employment the 12228
barber school submits to the board, on forms provided by the 12229
board, the applicant's qualifications. 12230

Sec. 4712.02. (A) (1) A credit services organization shall 12231
file a registration application with, and receive a certificate 12232
of registration from, the division of financial institutions 12233
before conducting business in this state. ~~The Except as provided~~ 12234
in division (A) (2) of this section, the registration application 12235
shall be accompanied by a one-hundred-dollar fee and shall 12236
contain all of the following information: 12237

~~(1)~~ (a) The name and address of the credit services 12238
organization; 12239

~~(2)~~ (b) The name and address of any person that directly 12240
or indirectly owns or controls ten per cent or more of the 12241
outstanding shares of stock in the organization; 12242

~~(3)~~ (c) Either of the following: 12243

~~(a)~~ (i) A full and complete disclosure of any litigation 12244
commenced against the organization or unresolved complaint that 12245
relates to the operation of the organization and that is filed 12246
with the attorney general, the secretary of state, or any other 12247
governmental authority of the United States, this state, or any 12248
other state of the United States; 12249

~~(b)~~ (ii) A notarized statement stating that no litigation 12250
has been commenced and no unresolved complaint relating to the 12251

operation of the organization has been filed with the attorney 12252
general, the secretary of state, or any other governmental 12253
authority of the United States, this state, or any other state 12254
of the United States. 12255

~~(4)~~ (d) Any other information required at any time by the 12256
division. 12257

(2) The division shall issue a certificate of registration 12258
in accordance with section 9.79 of the Revised Code to an 12259
applicant if either of the following applies: 12260

(a) The applicant holds a license or certificate as a 12261
credit services organization in another state. 12262

(b) The applicant has satisfactory work experience, a 12263
government certification, or a private certification as 12264
described in that section as a credit services organization in a 12265
state that does not issue that license or certificate. 12266

(B) (1) Except as ~~otherwise~~ provided in division (B) (2) of 12267
this section, each credit services organization shall notify the 12268
division in writing within thirty days after the date of a 12269
change in the information required by division (A) of this 12270
section. 12271

(2) Each organization shall notify the division in writing 12272
no later than thirty days prior to any change in the information 12273
required by division (A) (1) or (2) of this section and shall 12274
receive approval from the division before making any such 12275
change. 12276

(C) (1) A credit services organization shall attach both of 12277
the following to the registration application submitted pursuant 12278
to division (A) of this section: 12279

(a) A copy of the contract that the organization intends to execute with its customers; 12280
12281

(b) Evidence of the bond required under section 4712.06 of the Revised Code. 12282
12283

(2) Any modification made to the contract described in division (C) (1) (a) of this section shall be filed with the division prior to its use by the organization. 12284
12285
12286

(D) Each credit services organization registering under this section shall maintain a copy of the registration application in its files. The organization shall allow a buyer to inspect the registration application upon request. 12287
12288
12289
12290

(E) Each nonresident credit services organization registering under this section shall designate and maintain a resident of this state as the organization's statutory agent for purposes of receipt of service of process. 12291
12292
12293
12294

(F) If, in order to issue a certificate of registration to a credit services organization, investigation by the division outside this state is necessary, the division may require the organization to advance sufficient funds to pay the actual expenses of the investigation. 12295
12296
12297
12298
12299

(G) Each credit services organization registering under this section shall use no more than one fictitious or trade name. 12300
12301
12302

(H) (1) A certificate of registration issued by the division pursuant to this section shall expire annually on the thirtieth day of April, or annually on a different date established by the superintendent pursuant to section 1181.23 of the Revised Code. 12303
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12305
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(2) A credit services organization may renew its certificate of registration by filing with the division a renewal application accompanied by a one-hundred-dollar renewal fee.

(I) All money collected by the division pursuant to this section shall be deposited by it in the state treasury to the credit of the consumer finance fund.

(J) (1) No credit services organization shall fail to comply with division (A) of this section.

(2) No credit services organization shall fail to comply with division (B), (D), (E), (F), or (G) of this section.

Sec. 4713.10. (A) The state cosmetology and barber board shall charge and collect the following fees:

(1) For a temporary pre-examination work permit under section 4713.22 of the Revised Code, not more than fifteen dollars;

(2) For initial application to take an examination under section 4713.24 of the Revised Code, not more than forty dollars;

(3) For application to take an examination under section 4713.24 of the Revised Code by an applicant who has previously applied to take, but failed to appear for, the examination, not more than fifty-five dollars;

(4) For application to re-take an examination under section 4713.24 of the Revised Code by an applicant who has previously appeared for, but failed to pass, the examination, not more than forty dollars;

(5) For the issuance of a license by examination under

section 4713.28, 4713.30, or 4713.31 of the Revised Code, not more than seventy-five dollars;	12336 12337
(6) For the issuance of a license under section 4713.34 of the Revised Code, not more than seventy dollars;	12338 12339
(7) For renewal of a license issued under section 4713.28, 4713.30, 4713.31, or 4713.34 of the Revised Code, not more than seventy dollars;	12340 12341 12342
(8) For the issuance or renewal of a cosmetology school license, not more than two hundred fifty dollars;	12343 12344
(9) For the issuance of a new salon license or the change of name or ownership of a salon license under section 4713.41 of the Revised Code, not more than one hundred dollars;	12345 12346 12347
(10) For the renewal of a salon license under section 4713.41 of the Revised Code, not more than ninety dollars;	12348 12349
(11) For the restoration of an expired license that may be restored pursuant to section 4713.63 of the Revised Code, an amount equal to the sum of the current license renewal fee and a lapsed renewal fee of not more than forty-five dollars per license renewal period that has elapsed since the license was last issued or renewed;	12350 12351 12352 12353 12354 12355
(12) For the issuance of a duplicate of any license, not more than thirty dollars;	12356 12357
(13) For the preparation and mailing of a licensee's records to another state for a reciprocity license, not more than fifty dollars;	12358 12359 12360
(14) For the processing of any fees related to a check from a licensee returned to the board for insufficient funds, an additional thirty dollars.	12361 12362 12363

(B) The board shall adjust the fees biennially, by rule, 12364
within the limits established by division (A) of this section, 12365
to provide sufficient revenues to meet its expenses. 12366

(C) The board may establish an installment plan for the 12367
payment of fines and fees and may reduce fees as considered 12368
appropriate by the board. 12369

(D) At the request of a person who is temporarily unable 12370
to pay a fee imposed under division (A) of this section, or on 12371
its own motion, the board may extend the date payment is due by 12372
up to ninety days. If the fee remains unpaid after the date 12373
payment is due, the amount of the fee shall be certified to the 12374
attorney general for collection in the form and manner 12375
prescribed by the attorney general. The attorney general may 12376
assess the collection cost to the amount certified in such a 12377
manner and amount as prescribed by the attorney general. 12378

Sec. 4713.28. (A) The state cosmetology and barber board 12379
shall issue a practicing license to an applicant who satisfies 12380
all of the following applicable conditions: 12381

(1) Is at least sixteen years of age; 12382

(2) Is of good moral character; 12383

(3) Has the equivalent of an Ohio public school tenth 12384
grade education; 12385

(4) Has submitted a written application on a form 12386
furnished by the board that contains all of the following: 12387

(a) The name of the individual and any other identifying 12388
information required by the board; 12389

(b) A recent photograph of the individual that meets the 12390
specifications established by the board; 12391

(c) A photocopy of the individual's current driver's license or other proof of legal residence;	12392 12393
(d) Proof that the individual is qualified to take the applicable examination as required by section 4713.20 of the Revised Code;	12394 12395 12396
(e) An oath verifying that the information in the application is true;	12397 12398
(f) The applicable application fee.	12399
(5) Passes an examination conducted under division (A) of section 4713.24 of the Revised Code for the branch of cosmetology the applicant seeks to practice;	12400 12401 12402
(6) Pays to the board the applicable license fee;	12403
(7) In the case of an applicant for an initial cosmetologist license, has successfully completed at least one thousand five hundred hours of board-approved cosmetology training in a school of cosmetology licensed in this state, except that only one thousand hours of board-approved cosmetology training in a school of cosmetology licensed in this state is required of an individual licensed as a barber under Chapter 4709. of the Revised Code;	12404 12405 12406 12407 12408 12409 12410 12411
(8) In the case of an applicant for an initial esthetician license, has successfully completed at least six hundred hours of board-approved esthetics training in a school of cosmetology licensed in this state;	12412 12413 12414 12415
(9) In the case of an applicant for an initial hair designer license, has successfully completed at least one thousand two hundred hours of board-approved hair designer training in a school of cosmetology licensed in this state,	12416 12417 12418 12419

except that only one thousand hours of board-approved hair 12420
designer training in a school of cosmetology licensed in this 12421
state is required of an individual licensed as a barber under 12422
Chapter 4709. of the Revised Code; 12423

(10) In the case of an applicant for an initial manicurist 12424
license, has successfully completed at least two hundred hours 12425
of board-approved manicurist training in a school of cosmetology 12426
licensed in this state; 12427

(11) In the case of an applicant for an initial natural 12428
hair stylist license, has successfully completed at least four 12429
hundred fifty hours of instruction in subjects relating to 12430
sanitation, scalp care, anatomy, hair styling, communication 12431
skills, and laws and rules governing the practice of 12432
cosmetology. 12433

(B) The board shall not deny a license to any applicant 12434
based on prior incarceration or conviction for any crime. If the 12435
board denies an individual a license or license renewal, the 12436
reasons for such denial shall be put in writing. 12437

(C) The board shall issue a practicing license in a branch 12438
of cosmetology in accordance with section 9.79 of the Revised 12439
Code to an applicant if either of the following applies: 12440

(1) The applicant holds a license in that branch of 12441
cosmetology in another state. 12442

(2) The applicant has satisfactory work experience, a 12443
government certification, or a private certification as 12444
described in that section in that branch of cosmetology in a 12445
state that does not issue that license. 12446

Sec. 4713.30. ~~The~~ (A) Except as provided in division (B) 12447
of this section, the state cosmetology and barber board shall 12448

issue an advanced license to an applicant who satisfies all of 12449
the following applicable conditions: 12450

~~(A)~~ (1) Is at least sixteen years of age; 12451

~~(B)~~ (2) Is of good moral character; 12452

~~(C)~~ (3) Has the equivalent of an Ohio public school tenth 12453
grade education; 12454

~~(D)~~ (4) Pays to the board the applicable fee; 12455

~~(E)~~ (5) Passes the appropriate advanced license 12456
examination; 12457

~~(F)~~ (6) In the case of an applicant for an initial 12458
advanced cosmetologist license, does either of the following: 12459

~~(1)~~ (a) Has a licensed advanced cosmetologist or owner of 12460
a licensed beauty salon located in this or another state certify 12461
to the board that the applicant has practiced as a cosmetologist 12462
for at least one thousand eight hundred hours in a licensed 12463
beauty salon; 12464

~~(2)~~ (b) Has a school of cosmetology licensed in this state 12465
certify to the board that the applicant has successfully 12466
completed, in addition to the hours required for licensure as a 12467
cosmetologist, at least three hundred hours of board-approved 12468
advanced cosmetologist training. 12469

~~(G)~~ (7) In the case of an applicant for an initial 12470
advanced esthetician license, does either of the following: 12471

~~(1)~~ (a) Has the licensed advanced esthetician, licensed 12472
advanced cosmetologist, or owner of a licensed esthetics salon 12473
or licensed beauty salon located in this or another state 12474
certify to the board that the applicant has practiced esthetics 12475

for at least one thousand eight hundred hours as an esthetician 12476
in a licensed esthetics salon or as a cosmetologist in a 12477
licensed beauty salon; 12478

~~(2)~~ (b) Has a school of cosmetology licensed in this state 12479
certify to the board that the applicant has successfully 12480
completed, in addition to the hours required for licensure as an 12481
esthetician or cosmetologist, at least one hundred fifty hours 12482
of board-approved advanced esthetician training. 12483

~~(H)~~ (8) In the case of an applicant for an initial 12484
advanced hair designer license, does either of the following: 12485

~~(1)~~ (a) Has the licensed advanced hair designer, licensed 12486
advanced cosmetologist, or owner of a licensed hair design salon 12487
or licensed beauty salon located in this or another state 12488
certify to the board that the applicant has practiced hair 12489
design for at least one thousand eight hundred hours as a hair 12490
designer in a licensed hair design salon or as a cosmetologist 12491
in a licensed beauty salon; 12492

~~(2)~~ (b) Has a school of cosmetology licensed in this state 12493
certify to the board that the applicant has successfully 12494
completed, in addition to the hours required for licensure as a 12495
hair designer or cosmetologist, at least two hundred forty hours 12496
of board-approved advanced hair designer training. 12497

~~(I)~~ (9) In the case of an applicant for an initial 12498
advanced manicurist license, does either of the following: 12499

~~(1)~~ (a) Has the licensed advanced manicurist, licensed 12500
advanced cosmetologist, or owner of a licensed nail salon, 12501
licensed beauty salon, or licensed barber shop located in this 12502
or another state certify to the board that the applicant has 12503
practiced manicuring for at least one thousand eight hundred 12504

hours as a manicurist in a licensed nail salon or licensed 12505
barber shop or as a cosmetologist in a licensed beauty salon or 12506
licensed barber shop; 12507

~~(2)~~ (b) Has a school of cosmetology licensed in this state 12508
certify to the board that the applicant has successfully 12509
completed, in addition to the hours required for licensure as a 12510
manicurist or cosmetologist, at least one hundred hours of 12511
board-approved advanced manicurist training. 12512

~~(7)~~ (10) In the case of an applicant for an initial 12513
advanced natural hair stylist license, does either of the 12514
following: 12515

~~(1)~~ (a) Has the licensed advanced natural hair stylist, 12516
licensed advanced cosmetologist, or owner of a licensed natural 12517
hair style salon or licensed beauty salon located in this or 12518
another state certify to the board that the applicant has 12519
practiced natural hair styling for at least one thousand eight 12520
hundred hours as a natural hair stylist in a licensed natural 12521
hair style salon or as a cosmetologist in a licensed beauty 12522
salon; 12523

~~(2)~~ (b) Has a school of cosmetology licensed in this state 12524
certify to the board that the applicant has successfully 12525
completed, in addition to the hours required for licensure as 12526
natural hair stylist or cosmetologist, at least one hundred 12527
fifty hours of board-approved advanced natural hair stylist 12528
training. 12529

(B) The board shall issue an advanced license in a branch 12530
of cosmetology in accordance with section 9.79 of the Revised 12531
Code to an applicant if either of the following applies: 12532

(1) The applicant holds an advanced license in that branch 12533

of cosmetology in another state. 12534

(2) The applicant has satisfactory work experience, a 12535
government certification, or a private certification as 12536
described in that section in that branch of cosmetology in a 12537
state that does not issue that license. 12538

Sec. 4713.31. (A) The state cosmetology and barber board 12539
shall issue an instructor license to an applicant who satisfies 12540
all of the following applicable conditions: 12541

~~(A)~~ (1) Is at least eighteen years of age; 12542

~~(B)~~ (2) Is of good moral character; 12543

~~(C)~~ (3) Has the equivalent of an Ohio public school 12544
twelfth grade education; 12545

~~(D)~~ (4) Pays to the board the applicable fee; 12546

~~(E)~~ (5) In the case of an applicant for an initial 12547
cosmetology instructor license, holds a current, valid advanced 12548
cosmetologist license issued in this state and does either of 12549
the following: 12550

~~(1)~~ (a) Has the licensed advanced cosmetologist or owner 12551
of the licensed beauty salon in which the applicant has been 12552
employed certify to the board that the applicant has engaged in 12553
the practice of cosmetology in a licensed beauty salon for at 12554
least one thousand eight hundred hours; 12555

~~(2)~~ (b) Has a school of cosmetology licensed in this state 12556
certify to the board that the applicant has successfully 12557
completed one thousand hours of board-approved cosmetology 12558
instructor training as an apprentice instructor. 12559

~~(F)~~ (6) In the case of an applicant for an initial 12560

esthetics instructor license, holds a current, valid advanced 12561
esthetician or advanced cosmetologist license issued in this 12562
state and does either of the following: 12563

~~(1)~~ (a) Has the licensed advanced esthetician, licensed 12564
advanced cosmetologist, or owner of the licensed esthetics salon 12565
or licensed beauty salon in which the applicant has been 12566
employed certify to the board that the applicant has engaged in 12567
the practice of esthetics in a licensed esthetics salon or 12568
practice of cosmetology in a licensed beauty salon for at least 12569
one thousand eight hundred hours; 12570

~~(2)~~ (b) Has a school of cosmetology licensed in this state 12571
certify to the board that the applicant has successfully 12572
completed at least five hundred hours of board-approved 12573
esthetics instructor training as an apprentice instructor. 12574

~~(G)~~ (7) In the case of an applicant for an initial hair 12575
design instructor license, holds a current, valid advanced hair 12576
designer or advanced cosmetologist license and does either of 12577
the following: 12578

~~(1)~~ (a) Has the licensed advanced hair designer, licensed 12579
advanced cosmetologist, or owner of the licensed hair design 12580
salon or licensed beauty salon in which the applicant has been 12581
employed certify to the board that the applicant has engaged in 12582
the practice of hair design in a licensed hair design salon or 12583
practice of cosmetology in a licensed beauty salon for at least 12584
one thousand eight hundred hours; 12585

~~(2)~~ (b) Has a school of cosmetology licensed in this state 12586
certify to the board that the applicant has successfully 12587
completed at least eight hundred hours of board-approved hair 12588
design instructor's training as an apprentice instructor. 12589

~~(H)~~ (8) In the case of an applicant for an initial manicurist instructor license, holds a current, valid advanced manicurist or advanced cosmetologist license and does either of the following:

~~(1)~~ (a) Has the licensed advanced manicurist, licensed advanced cosmetologist, or owner of the licensed nail salon or licensed beauty salon in which the applicant has been employed certify to the board that the applicant has engaged in the practice of manicuring in a licensed nail salon or practice of cosmetology in a licensed beauty salon for at least one thousand eight hundred hours;

~~(2)~~ (b) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed at least three hundred hours of board-approved manicurist instructor training as an apprentice instructor.

~~(I)~~ (9) In the case of an applicant for an initial natural hair style instructor license, holds a current, valid advanced natural hair stylist or advanced cosmetologist license and does either of the following:

~~(1)~~ (a) Has the licensed advanced natural hair stylist, licensed advanced cosmetologist, or owner of the licensed natural hair style salon or licensed beauty salon in which the applicant has been employed certify to the board that the applicant has engaged in the practice of natural hair styling in a licensed natural hair style salon or practice of cosmetology in a licensed beauty salon for at least one thousand eight hundred hours;

~~(2)~~ (b) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully

completed at least four hundred hours of board-approved natural hair style instructor training as an apprentice instructor. 12619
12620

~~(F)~~ (10) In the case of all applicants, passes an examination conducted under division (B) of section 4713.24 of the Revised Code for the branch of cosmetology the applicant seeks to instruct. 12621
12622
12623
12624

(B) The board shall issue an instructor license for a branch of cosmetology in accordance with section 9.79 of the Revised Code to an applicant if either of the following applies: 12625
12626
12627

(1) The applicant holds an instructor license in that branch of cosmetology in another state. 12628
12629

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that section as an instructor in that branch of cosmetology in a state that does not issue that license. 12630
12631
12632
12633

Sec. 4713.34. The state cosmetology and barber board shall issue a license to practice a branch of cosmetology or instructor license to an applicant who is licensed or registered in another ~~state or~~ country to practice that branch of cosmetology or teach the theory and practice of that branch of cosmetology, as appropriate, if all of the following conditions are satisfied: 12634
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12640

(A) The applicant satisfies all of the following conditions: 12641
12642

(1) Is not less than eighteen years of age; 12643

(2) Is of good moral character; 12644

(3) In the case of an applicant for a practicing license, passes an examination conducted under section 4713.24 of the 12645
12646

Revised Code for the license the applicant seeks, unless the 12647
applicant satisfies conditions specified in rules adopted under 12648
section 4713.08 of the Revised Code for the board to issue the 12649
applicant a license without taking the examination; 12650

(4) Pays the applicable fee. 12651

(B) At the time the applicant obtained the license or 12652
registration in the other ~~state or~~ country, the requirements in 12653
this state for obtaining the license the applicant seeks were 12654
substantially equal to the other ~~state or~~ country's 12655
requirements. 12656

(C) The jurisdiction that issued the applicant's license 12657
or registration extends similar reciprocity to individuals 12658
holding a license issued by the board. 12659

Sec. 4713.37. (A) The state cosmetology and barber board 12660
may issue a temporary special occasion work permit to ~~an a~~ 12661
nonresident individual who satisfies all of the following 12662
conditions: 12663

(1) Has been licensed or registered in another state or 12664
country to practice a branch of cosmetology or teach the theory 12665
and practice of a branch of cosmetology for at least five years; 12666

(2) Is a recognized expert in the practice or teaching of 12667
the branch of cosmetology the individual practices or teaches; 12668

(3) Is to practice that branch of cosmetology or teach the 12669
theory and practice of that branch of cosmetology in this state 12670
as part of a promotional or instructional program for not more 12671
than the amount of time a temporary special occasion work permit 12672
is effective; 12673

(4) Satisfies all other conditions for a temporary special 12674

occasion work permit established by rules adopted under section 4713.08 of the Revised Code;	12675 12676
(5) Pays the fee established by rules adopted under section 4713.08 of the Revised Code.	12677 12678
(B) An individual issued a temporary special occasion work permit may practice the branch of cosmetology the individual practices in another state or country, or teach the theory and practice of the branch of cosmetology the individual teaches in another state or country, until the expiration date of the permit. A temporary special occasion work permit is valid for the period of time specified in rules adopted under section 4713.08 of the Revised Code.	12679 12680 12681 12682 12683 12684 12685 12686
<u>(C) Section 9.79 of the Revised Code does not apply to a temporary special occasion work permit issued under this section.</u>	12687 12688 12689
Sec. 4713.69. (A) <u>The-Except as provided in division (D) of this section, the state</u> cosmetology and barber board shall issue a boutique services registration to an applicant who satisfies all of the following applicable conditions:	12690 12691 12692 12693
(1) Is at least sixteen years of age;	12694
(2) Is of good moral character;	12695
(3) Has the equivalent of an Ohio public school tenth grade education;	12696 12697
(4) Has submitted a written application on a form prescribed by the board containing all of the following:	12698 12699
(a) The applicant's name and home address;	12700
(b) The applicant's home telephone number and cellular	12701

telephone number, if any;	12702
(c) The applicant's electronic mail address, if any;	12703
(d) The applicant's date of birth;	12704
(e) The address and telephone number where boutique services will be performed. The address shall not contain a post office box number.	12705 12706 12707
(f) Whether the applicant has an occupational license, certification, or registration to provide beauty services in another state, and if so, what type of license and in what state;	12708 12709 12710 12711
(g) Whether the applicant has ever had an occupational license, certification, or registration suspended, revoked, or denied in any state;	12712 12713 12714
(h) An affidavit or certificate providing proof of formal training or apprenticeship under an individual providing such services.	12715 12716 12717
(B) The place of business where boutique services are performed must comply with the safety and sanitation requirements for licensed salon facilities as described in section 4713.41 of the Revised Code.	12718 12719 12720 12721
(C) The board shall specify the manner by which boutique services registrants shall fulfill the continuing education requirements set forth in section 4713.09 of the Revised Code.	12722 12723 12724
<u>(D) The board shall issue a boutique services registration in accordance with section 9.79 of the Revised Code to an applicant if either of the following applies:</u>	12725 12726 12727
<u>(1) The applicant holds a license or registration in</u>	12728

providing boutique services in another state. 12729

(2) The applicant has satisfactory work experience, a 12730
government certification, or a private certification as 12731
described in that section in providing boutique services in a 12732
state that does not issue that license or registration. 12733

Sec. 4715.03. (A) The state dental board shall organize by 12734
electing from its members a president, secretary, and vice- 12735
secretary. The secretary and vice-secretary shall be elected 12736
from the members of the board who are dentists. It shall hold 12737
meetings monthly at least eight months a year at such times and 12738
places as the board designates. A majority of the members of the 12739
board shall constitute a quorum. The board shall make such 12740
reasonable rules as it determines necessary pursuant to Chapter 12741
119. of the Revised Code. 12742

(B) A concurrence of a majority of the members of the 12743
board shall be required to do any of the following: 12744

(1) Grant, refuse, suspend, place on probationary status, 12745
revoke, refuse to renew, or refuse to reinstate a license or 12746
censure a license holder or take any other action authorized 12747
under section 4715.30 of the Revised Code; 12748

(2) Seek an injunction under section 4715.05 of the 12749
Revised Code; 12750

(3) Enter into a consent agreement with a license holder; 12751

(4) If the board develops and implements the quality 12752
intervention program under section 4715.031 of the Revised Code, 12753
refer a license holder to the program; 12754

(5) Terminate an investigation conducted under division 12755
(D) of this section; 12756

(6) Dismiss any complaint filed with the board.	12757
(C) (1) The board shall adopt rules in accordance with Chapter 119. of the Revised Code to do both of the following:	12758 12759
(a) Establish standards for the safe practice of dentistry and dental hygiene by qualified practitioners and shall, through its policies and activities, promote such practice;	12760 12761 12762
(b) Establish universal blood and body fluid precautions that shall be used by each person licensed under this chapter who performs exposure prone invasive procedures.	12763 12764 12765
(2) The rules adopted under division (C) (1) (b) of this section shall define and establish requirements for universal blood and body fluid precautions that include the following:	12766 12767 12768
(a) Appropriate use of hand washing;	12769
(b) Disinfection and sterilization of equipment;	12770
(c) Handling and disposal of needles and other sharp instruments;	12771 12772
(d) Wearing and disposal of gloves and other protective garments and devices.	12773 12774
(D) The board shall administer and enforce the provisions of this chapter. The board shall, in accordance with sections 4715.032 to 4715.035 of the Revised Code, investigate evidence which appears to show that any person has violated any provision of this chapter. Any person may report to the board under oath any information such person may have appearing to show a violation of any provision of this chapter. In the absence of bad faith, any person who reports such information or who testifies before the board in any disciplinary proceeding conducted pursuant to Chapter 119. of the Revised Code is not	12775 12776 12777 12778 12779 12780 12781 12782 12783 12784

liable for civil damages as a result of making the report or 12785
providing testimony. If after investigation and reviewing the 12786
recommendation of the supervisory investigative panel issued 12787
pursuant to section 4715.034 of the Revised Code the board 12788
determines that there are reasonable grounds to believe that a 12789
violation of this chapter has occurred, the board shall, except 12790
as provided in this chapter, conduct disciplinary proceedings 12791
pursuant to Chapter 119. of the Revised Code, seek an injunction 12792
under section 4715.05 of the Revised Code, enter into a consent 12793
agreement with a license holder, or provide for a license holder 12794
to participate in the quality intervention program established 12795
under section 4715.031 of the Revised Code if the board develops 12796
and implements that program. 12797

For the purpose of any disciplinary proceeding or any 12798
investigation conducted under this division, the board may 12799
administer oaths, order the taking of depositions, issue 12800
subpoenas in accordance with section 4715.033 of the Revised 12801
Code, compel the attendance and testimony of persons at 12802
depositions, and compel the production of books, accounts, 12803
papers, documents, or other tangible things. The hearings and 12804
investigations of the board shall be considered civil actions 12805
for the purposes of section 2305.252 of the Revised Code. 12806
Notwithstanding section 121.22 of the Revised Code and except as 12807
provided in section 4715.036 of the Revised Code, proceedings of 12808
the board relative to the investigation of a complaint or the 12809
determination whether there are reasonable grounds to believe 12810
that a violation of this chapter has occurred are confidential 12811
and are not subject to discovery in any civil action. 12812

(E) (1) The board shall examine or cause to be examined 12813
eligible applicants to practice dental hygiene. The board may 12814
distinguish by rule different classes of qualified personnel 12815

according to skill levels and require all or only certain of 12816
these classes of qualified personnel to be examined and 12817
certified by the board. 12818

(2) The board shall administer a written jurisprudence 12819
examination to each applicant for a license to practice 12820
dentistry. The examination shall cover only the statutes and 12821
administrative rules governing the practice of dentistry in this 12822
state. 12823

(F) (1) In accordance with Chapter 119. of the Revised 12824
Code, subject to division (F) (2) of this section the board shall 12825
adopt, and may amend or rescind, rules establishing the 12826
eligibility criteria, the application and permit renewal 12827
procedures, and safety standards applicable to a dentist 12828
licensed under this chapter who applies for a permit to employ 12829
or use conscious sedation. These rules shall include all of the 12830
following: 12831

~~(1)~~ (a) The eligibility requirements and application 12832
procedures for an eligible dentist to obtain a conscious 12833
sedation permit; 12834

~~(2)~~ (b) The minimum educational and clinical training 12835
standards required of applicants, which shall include 12836
satisfactory completion of an advanced cardiac life support 12837
course; 12838

~~(3)~~ (c) The facility equipment and inspection 12839
requirements; 12840

~~(4)~~ (d) Safety standards; 12841

~~(5)~~ (e) Requirements for reporting adverse occurrences. 12842

(2) The board shall issue a permit to employ or use 12843

conscious sedation in accordance with section 9.79 of the 12844
Revised Code to a dentist licensed under this chapter if either 12845
of the following applies: 12846

(a) The dentist holds a license or permit to employ or use 12847
conscious sedation in another state. 12848

(b) The dentist has satisfactory work experience, a 12849
government certification, or a private certification as 12850
described in that section in employing or using conscious 12851
sedation in a state that does not issue that license. 12852

(G)(1) In accordance with Chapter 119. of the Revised 12853
Code, subject to division (G)(2) of this section the board shall 12854
adopt rules establishing eligibility criteria, application and 12855
permit renewal procedures, and safety standards applicable to a 12856
dentist licensed under this chapter who applies for a general 12857
anesthesia permit. 12858

(2) The board shall issue a general anesthesia permit in 12859
accordance with section 9.79 of the Revised Code to a dentist 12860
licensed under this chapter if either of the following applies: 12861

(a) The dentist holds a general anesthesia license or 12862
permit in another state. 12863

(b) The dentist has satisfactory work experience, a 12864
government certification, or a private certification as 12865
described in that section utilizing general anesthesia in a 12866
state that does not issue that license or permit. 12867

Sec. 4715.09. (A) No person shall practice dentistry 12868
without a current license from the state dental board. No person 12869
shall practice dentistry while the person's license is under 12870
suspension by the state dental board. 12871

(B) No dentist shall use the services of any person not licensed to practice dentistry in this state, or the services of any partnership, corporation, or association, to construct, alter, repair, or duplicate any denture, plate, bridge, splint, or orthodontic or prosthetic appliance, without first furnishing the unlicensed person, partnership, corporation, or association with a written work authorization on forms prescribed by the state dental board.

The unlicensed person, partnership, corporation, or association shall retain the original work authorization, and the dentist shall retain a duplicate copy of the work authorization, for two years from its date. Work authorizations required by this section shall be open for inspection during the two-year period by the state dental board, its authorized agent, or the prosecuting attorney of a county or the director of law of a municipal corporation wherein the work authorizations are located.

(C) If the person, partnership, association, or corporation receiving a written authorization from a licensed dentist engages another person, firm, or corporation, referred to in this division as "subcontractor," to perform some of the services relative to the work authorization, the person shall furnish a written sub-work authorization with respect thereto on forms prescribed by the state dental board.

The subcontractor shall retain the sub-work authorization and the issuer thereof shall retain a duplicate copy, attached to the work authorization received from the licensed dentist, for inspection by the state dental board or its duly authorized agents, for a period of two years in both cases.

(D) No unlicensed person, partnership, association, or

corporation shall perform any service described in division (B) 12902
of this section without a written work authorization from a 12903
licensed dentist. Provided, that if a written work authorization 12904
is demanded from a licensed dentist who fails or refuses to 12905
furnish it for any reason, the unlicensed person, partnership, 12906
association, or corporation shall not, in such event, be subject 12907
to the enforcement provisions of section 4715.05 or the penal 12908
provisions of section 4715.99 of the Revised Code. 12909

(E) No dentist shall employ or use conscious sedation 12910
unless the dentist possesses a valid permit issued by the state 12911
dental board authorizing the dentist to do so. 12912

(F) No dentist shall employ or use general anesthesia 12913
unless the dentist possesses a valid permit issued by the state 12914
dental board authorizing the dentist to do so. 12915

(G) Division (A) of this section does not apply to a 12916
nonresident person who meets both of the following conditions: 12917

(1) The person holds a license in good standing to 12918
practice dentistry issued by another state. 12919

(2) The person is practicing as a volunteer without 12920
remuneration during a charitable event that lasts not more than 12921
seven days. 12922

When a nonresident person meets the conditions of this 12923
division, the person shall be deemed to hold, for the course of 12924
the charitable event, a license to practice dentistry from the 12925
state dental board and shall be subject to the provisions of 12926
this chapter authorizing the board to take disciplinary action 12927
against a license holder. Not less than seven calendar days 12928
before the first day of the charitable event, the person or the 12929
event's organizer shall notify the board of the person's intent 12930

to engage in the practice of dentistry at the event. During the 12931
course of the charitable event, the person's scope of practice 12932
is limited to the procedures that a dentist licensed under this 12933
chapter is authorized to perform unless the person's scope of 12934
practice in the other state is more restrictive than in this 12935
state. If the latter is the case, the person's scope of practice 12936
is limited to the procedures that a dentist in the other state 12937
may perform. Section 9.79 of the Revised Code does not apply to 12938
this division. 12939

Sec. 4715.10. (A) As used in this section, "accredited 12940
dental college" means a dental college accredited by the 12941
commission on dental accreditation or a dental college that has 12942
educational standards recognized by the commission on dental 12943
accreditation and is approved by the state dental board. 12944

(B) Each person who desires to practice dentistry in this 12945
state shall file a written application for a license with the 12946
secretary of the state dental board. The application shall be on 12947
a form prescribed by the board and verified by oath. ~~Each~~ Except 12948
as provided in division (F) of this section, each applicant 12949
shall furnish satisfactory proof to the board that the applicant 12950
has met the requirements of divisions (C) and (D) of this 12951
section, and if the applicant is a graduate of an unaccredited 12952
dental college located outside the United States, division (E) 12953
of this section. 12954

(C) To be granted a license to practice dentistry, an 12955
applicant must meet all of the following requirements: 12956

- (1) Be at least eighteen years of age; 12957
- (2) Be of good moral character; 12958
- (3) Be a graduate of an accredited dental college or of a 12959

dental college located outside the United States who meets the 12960
standards adopted under section 4715.11 of the Revised Code; 12961

(4) Have passed parts I and II of the examination given by 12962
the national board of dental examiners; 12963

(5) Have passed a written jurisprudence examination 12964
administered by the state dental board under division (E) (2) of 12965
section 4715.03 of the Revised Code; 12966

(6) Pay the fee required by division (A) (1) of section 12967
4715.13 of the Revised Code. 12968

(D) To be granted a license to practice dentistry, an 12969
applicant must meet any one of the following requirements: 12970

(1) Have taken an examination administered by any of the 12971
following regional testing agencies and received a passing score 12972
on the examination as determined by the administering agency: 12973
the central regional dental testing service, inc., northeast 12974
regional board of dental examiners, inc., the commission on 12975
dental competency assessments, the southern regional dental 12976
testing agency, inc., the council of interstate testing 12977
agencies, inc., or the western regional examining board; 12978

(2) Have taken an examination administered by the state 12979
dental board and received a passing score as established by the 12980
board; 12981

~~(3) Possess a license in good standing from another state 12982
and have actively engaged in the legal and reputable practice of 12983
dentistry in another state or in the armed forces of the United 12984
States, the United States public health service, or the United 12985
States department of veterans' affairs for five years 12986
immediately preceding application; 12987~~

~~(4)~~ Have completed a dental residency program accredited 12988
or approved by the commission on dental accreditation and 12989
administered by an accredited dental college or hospital. 12990

(E) To be granted a license to practice dentistry, a 12991
graduate of an unaccredited dental college located outside the 12992
United States must meet both of the following requirements: 12993

(1) Have taken a basic science and laboratory examination 12994
consistent with rules adopted under section 4715.11 of the 12995
Revised Code and received a passing score as established by the 12996
board; 12997

(2) Have had sufficient clinical training in an accredited 12998
institution to reasonably assure a level of competency equal to 12999
that of graduates of accredited dental colleges, as determined 13000
by the board. 13001

(F) The board shall grant a license to practice dentistry 13002
in accordance with section 9.79 of the Revised Code to an 13003
applicant if either of the following applies: 13004

(1) The applicant holds a license to practice dentistry in 13005
another state. 13006

(2) The applicant has satisfactory work experience, a 13007
government certification, or a private certification as 13008
described in that section in the practice of dentistry in a 13009
state that does not issue that license. 13010

Sec. 4715.16. (A) Upon payment of a fee of thirteen 13011
dollars, the state dental board may without examination issue a 13012
limited resident's license to any person who is a graduate of a 13013
dental college, is authorized to practice in another ~~state or~~ 13014
country or qualified to take the regular licensing examination 13015
in this state, and furnishes the board satisfactory proof of 13016

having been appointed a dental resident at an accredited dental college in this state or at an accredited program of a hospital in this state, but has not yet been licensed as a dentist by the board. Any person receiving a limited resident's license may practice dentistry only in connection with programs operated by the dental college or hospital at which the person is appointed as a resident as designated on the person's limited resident's license, and only under the direction of a licensed dentist who is a member of the dental staff of the college or hospital or a dentist holding a current limited teaching license issued under division (B) of this section, and only on bona fide patients of such programs. The holder of a limited resident's license may be disciplined by the board pursuant to section 4715.30 of the Revised Code. The board shall issue a limited resident's license in accordance with section 9.79 of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license to practice dentistry in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that section in the practice of dentistry in a state that does not issue that license.

(B) Upon payment of one hundred twenty-seven dollars and upon application endorsed by an accredited dental college in this state, the board may without examination issue a limited teaching license to a dentist who is a resident of a state other than Ohio and who is a graduate of a dental college, is authorized to practice dentistry in another state or country, and has full-time appointment to the faculty of the endorsing dental college. A limited teaching license is subject to annual

renewal in accordance with the standard renewal procedure of 13047
Chapter 4745. of the Revised Code, and automatically expires 13048
upon termination of the full-time faculty appointment. A person 13049
holding a limited teaching license may practice dentistry only 13050
in connection with programs operated by the endorsing dental 13051
college. The board may discipline the holder of a limited 13052
teaching license pursuant to section 4715.30 of the Revised 13053
Code. 13054

Section 9.79 of the Revised Code does not apply to a 13055
limited teaching license issued under this division. 13056

(C) (1) As used in this division: 13057

(a) "Continuing dental education practicum" or "practicum" 13058
means a course of instruction, approved by the American dental 13059
association, Ohio dental association, or academy of general 13060
dentistry, that is designed to improve the clinical skills of a 13061
dentist by requiring the dentist to participate in clinical 13062
exercises on patients. 13063

(b) "Director" means the person responsible for the 13064
operation of a practicum. 13065

(2) Upon payment of one hundred twenty-seven dollars and 13066
application endorsed by the director of a continuing dental 13067
education practicum, the board shall, without examination, issue 13068
a temporary limited continuing education license to a resident 13069
of a state other than Ohio who is licensed to practice dentistry 13070
in such state and is in good standing, is a graduate of an 13071
accredited dental college, and is registered to participate in 13072
the endorsing practicum. The determination of whether a dentist 13073
is in good standing shall be made by the board. 13074

A dentist holding a temporary limited continuing education 13075

license may practice dentistry only on residents of the state in 13076
which the dentist is permanently licensed or on patients 13077
referred by a dentist licensed pursuant to section 4715.12 of 13078
the Revised Code to an instructing dentist licensed pursuant to 13079
that section, and only while participating in a required 13080
clinical exercise of the endorsing practicum on the premises of 13081
the facility where the practicum is being conducted. 13082

Practice under a temporary limited continuing education 13083
license shall be under the direct supervision and full 13084
professional responsibility of an instructing dentist licensed 13085
pursuant to section 4715.12 of the Revised Code, shall be 13086
limited to the performance of those procedures necessary to 13087
complete the endorsing practicum, and shall not exceed thirty 13088
days of actual patient treatment in any year. 13089

(3) A director of a continuing dental education practicum 13090
who endorses an application for a temporary limited continuing 13091
education license shall, prior to making the endorsement, notify 13092
the state dental board in writing of the identity of the 13093
sponsors and the faculty of the practicum and the dates and 13094
locations at which it will be offered. The notice shall also 13095
include a brief description of the course of instruction. The 13096
board may prohibit a continuing dental education practicum from 13097
endorsing applications for temporary limited continuing 13098
education licenses if the board determines that the practicum is 13099
engaged in activities that constitute a threat to public health 13100
and safety or do not constitute bona fide continuing dental 13101
education, or that the practicum permits activities which 13102
otherwise violate this chapter. Any continuing dental education 13103
practicum prohibited from endorsing applications may request an 13104
adjudication pursuant to Chapter 119. of the Revised Code. 13105

A temporary limited continuing education license shall be 13106
valid only when the dentist is participating in the endorsing 13107
continuing dental education practicum and shall expire at the 13108
end of one year. If the dentist fails to complete the endorsing 13109
practicum in one year, the board may, upon the dentist's 13110
application and payment of a fee of ninety-four dollars, renew 13111
the temporary limited continuing education license for a 13112
consecutive one-year period. Only two renewals may be granted. 13113
The holder of a temporary limited continuing education license 13114
may be disciplined by the board pursuant to section 4715.30 of 13115
the Revised Code. 13116

Section 9.79 of the Revised Code does not apply to a 13117
temporary limited continuing education license issued under this 13118
division. 13119

(D) The board shall act either to approve or to deny any 13120
application for a limited license pursuant to division (A), (B), 13121
or (C) of this section not later than sixty days of the date the 13122
board receives the application. 13123

Sec. 4715.27. ~~The~~ (A) (1) Except as provided in division 13124
(A) (2) of this section, the state dental board may issue a 13125
license to an applicant who furnishes satisfactory proof of 13126
being at least eighteen years of age, of good moral character 13127
and who demonstrates, to the satisfaction of the board, 13128
knowledge of the laws, regulations, and rules governing the 13129
practice of a dental hygienist; who proves, to the satisfaction 13130
of the board, intent to practice as a dental hygienist in this 13131
state; who is a graduate from an accredited school of dental 13132
hygiene and who holds a license by examination from a similar 13133
dental board, and who passes an examination as prescribed by the 13134
board relating to dental hygiene. 13135

(2) The board shall issue a license to practice as a dental hygienist in accordance with section 9.79 of the Revised Code to an applicant if either of the following applies: 13136
13137
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(a) The applicant holds a license to practice as a dental hygienist in another state. 13139
13140

(b) The applicant has satisfactory work experience, a government certification, or a private certification as described in that section in the practice of a dental hygienist in a state that does not issue that license. 13141
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(B) Upon payment of seventy-three dollars and upon application endorsed by an accredited dental hygiene school in this state, the state dental board may without examination issue a teacher's certificate to a dental hygienist, authorized to practice in another state or country. A teacher's certificate shall be subject to annual renewal in accordance with the standard renewal procedure of sections 4745.01 to 4745.03 of the Revised Code, and shall not be construed as authorizing anything other than teaching or demonstrating the skills of a dental hygienist in the educational programs of the accredited dental hygiene school which endorsed the application. 13145
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Section 9.79 of the Revised Code does not apply to a teacher's certificate issued under this division. 13156
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Sec. 4715.362. A dentist who desires to participate in the oral health access supervision program shall apply to the state dental board for an oral health access supervision permit. The application shall be under oath, on a form prescribed by the board in rules adopted under section 4715.372 of the Revised Code, and accompanied by an application fee of twenty-five dollars. To be eligible to receive the permit, an applicant 13158
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shall meet the requirements established by the board in rules 13165
adopted under section 4715.372 of the Revised Code. 13166

The state dental board shall issue an oral health access 13167
supervision permit to a dentist who is in good standing with the 13168
board and satisfies all of the requirements of this section. 13169

Section 9.79 of the Revised Code does not apply to a 13170
permit issued under this section. 13171

Sec. 4715.363. (A) A dental hygienist who desires to 13172
participate in the oral health access supervision program shall 13173
apply to the state dental board for a permit to practice under 13174
the oral health access supervision of a dentist. The application 13175
shall be under oath, on a form prescribed by the board in rules 13176
adopted under section 4715.372 of the Revised Code, and 13177
accompanied by an application fee of twenty-five dollars, which 13178
may be paid by credit card. 13179

(B) The applicant shall provide evidence satisfactory to 13180
the board that the applicant has done all of the following: 13181

(1) Completed at least one year and attained a minimum of 13182
one thousand five hundred hours of experience in the practice of 13183
dental hygiene; 13184

(2) Completed at least twenty-four hours of continuing 13185
dental hygiene education during the two years prior to 13186
submission of the application; 13187

(3) Completed a course pertaining to the practice of 13188
dental hygiene under the oral health access supervision of a 13189
dentist that meets standards established in rules adopted under 13190
section 4715.372 of the Revised Code; 13191

(4) Completed, during the two years prior to submission of 13192

the application, a course pertaining to the identification and 13193
prevention of potential medical emergencies that is the same as 13194
the course described in division (C) (2) of section 4715.22 of 13195
the Revised Code. 13196

(C) The state dental board shall issue a permit to 13197
practice under the oral health access supervision of a dentist 13198
to a dental hygienist who is in good standing with the board and 13199
meets all of the requirements of divisions (A) and (B) of this 13200
section. 13201

(D) Section 9.79 of the Revised Code does not apply to a 13202
permit issued under this section. 13203

Sec. 4715.39. (A) The state dental board may define the 13204
duties that may be performed by dental assistants and other 13205
individuals designated by the board as qualified personnel. If 13206
defined, the duties shall be defined in rules adopted in 13207
accordance with Chapter 119. of the Revised Code. The rules may 13208
include training and practice standards for dental assistants 13209
and other qualified personnel. The standards may include 13210
examination and issuance of a certificate. If the board issues a 13211
certificate, the recipient shall display the certificate in a 13212
conspicuous location in any office in which the recipient is 13213
employed to perform the duties authorized by the certificate. 13214

(B) A dental assistant may polish the clinical crowns of 13215
teeth if all of the following requirements are met: 13216

(1) The dental assistant's polishing activities are 13217
limited to the use of a rubber cup attached to a slow-speed 13218
rotary dental hand piece to remove soft deposits that build up 13219
over time on the crowns of teeth. 13220

(2) The polishing is performed only after a dentist has 13221

evaluated the patient and any calculus detected on the teeth to
be polished has been removed by a dentist or dental hygienist.

(3) The dentist supervising the assistant supervises not
more than two dental assistants engaging in polishing activities
at any given time.

(4) The dental assistant is certified by the dental
assisting national board or the Ohio commission on dental
assistant certification.

(5) The dental assistant receives a certificate from the
board authorizing the assistant to engage in the polishing
activities. The board shall issue the certificate if the
individual has successfully completed training in the polishing
of clinical crowns through a program accredited by the American
dental association commission on dental accreditation or
equivalent training approved by the board. The training shall
include courses in basic dental anatomy and infection control,
followed by a course in coronal polishing that includes
didactic, preclinical, and clinical training; any other training
required by the board; and a skills assessment that includes
successful completion of standardized testing. The board shall
adopt rules pursuant to division (A) of this section
establishing standards for approval of this training.

The board shall issue a certificate to engage in polishing
activities in accordance with section 9.79 of the Revised Code
to a dental assistant if either of the following applies:

(a) The applicant holds a license or certificate to engage
in polishing activities in another state.

(b) The applicant has satisfactory work experience, a
government certification, or a private certification as

described in that section in polishing activities in a state 13251
that does not issue that license or certificate. 13252

(C) A dental assistant may apply pit and fissure sealants 13253
if all of the following requirements are met: 13254

(1) A dentist evaluates the patient and designates the 13255
teeth and surfaces that will benefit from the application of 13256
sealant on the day the application is to be performed. 13257

(2) The dental assistant is certified by the dental 13258
assisting national board or the Ohio commission on dental 13259
assistant certification. 13260

(3) The dental assistant has successfully completed a 13261
course in the application of sealants consisting of at least two 13262
hours of didactic instruction and six hours of clinical 13263
instruction through a program provided by an institution 13264
accredited by the American dental association commission on 13265
dental accreditation or a program provided by a sponsor of 13266
continuing education approved by the board. 13267

(4) The dentist supervising the assistant has observed the 13268
assistant successfully apply at least six sealants. 13269

(5) Except as provided in division (D) or (E) of this 13270
section, the dentist supervising the assistant checks and 13271
approves the application of all sealants placed by the assistant 13272
before the patient leaves the location where the sealant 13273
application procedure is performed. 13274

(D) (1) A dental assistant who is certified by the dental 13275
assisting national board or the Ohio commission on dental 13276
assistant certification may provide, for not more than fifteen 13277
consecutive business days, all of the following services to a 13278
patient when the supervising dentist is not physically present 13279

at the location where the services are provided if the	13280
conditions specified in division (D) (2) of this section have	13281
been satisfied:	13282
(a) Recementation of temporary crowns or recementation of	13283
crowns with temporary cement;	13284
(b) Application of fluoride varnish;	13285
(c) Application of disclosing solutions;	13286
(d) Application of desensitizing agents, excluding silver	13287
diamine fluoride;	13288
(e) Caries susceptibility testing;	13289
(f) Instruction on oral hygiene home care, including the	13290
use of toothbrushes and dental floss.	13291
(2) The conditions that must be satisfied before a dental	13292
assistant may provide the services specified in division (D) (1)	13293
of this section are all of the following:	13294
(a) The dental assistant has at least one year and a	13295
minimum of one thousand five hundred hours of experience	13296
practicing as a dental assistant.	13297
(b) The dental assistant has successfully completed a	13298
course approved by the state dental board in the identification	13299
and prevention of potential medical emergencies.	13300
(c) The supervising dentist has evaluated the dental	13301
assistant's skills.	13302
(d) The supervising dentist has established written	13303
protocols or written standing orders for the dental assistant to	13304
follow during and in the absence of an emergency.	13305
(e) The supervising dentist completed and evaluated a	13306

medical and dental history of the patient not more than one year 13307
prior to the date that the dental assistant provides services to 13308
the patient, and the supervising dentist determines that the 13309
patient is in a medically stable condition. 13310

(f) The patient is notified, in advance of the appointment 13311
for services, that the supervising dentist will be absent from 13312
the location and that the dental assistant cannot diagnose the 13313
patient's dental health care status. 13314

(g) The dental assistant is employed by, or under contract 13315
with, the supervising dentist, a dentist licensed under this 13316
chapter who meets one of the criteria specified in division (C) 13317
(10) (b) of section 4715.22 of the Revised Code, or a government 13318
entity that employs the dental assistant to provide services in 13319
a public school or in connection with other programs the 13320
government entity administers. 13321

(3) A dental assistant who is certified by the dental 13322
assisting national board or the Ohio commission on dental 13323
assistant certification may apply, for not more than fifteen 13324
business days, pit and fissure sealants when the supervising 13325
dentist is not physically present at the location where the 13326
sealants are to be applied if the dental assistant meets the 13327
requirements in divisions (C) (3) and (4) of this section and all 13328
of the conditions specified in division (D) (2) of this section 13329
have been satisfied. 13330

(E) A dental assistant who is certified by the dental 13331
assisting national board or the Ohio commission on dental 13332
assistant certification may apply pit and fissure sealants prior 13333
to a dentist examining the patient and rendering a diagnosis, 13334
and when a dentist is not physically present at the location 13335
where the service is provided, if all of the following are the 13336

case: 13337

(1) The dental assistant meets the requirements in 13338
divisions (C) (3) and (4) of this section. 13339

(2) The conditions specified in divisions (D) (2) (a), (b), 13340
(c), (d), (f), and (g) of this section have been satisfied. 13341

(3) The dental assistant is providing the service as part 13342
of a program operated through any of the following: a school 13343
district board of education or the governing board of an 13344
educational service center; the board of health of a city or 13345
general health district or the authority having the duties of a 13346
board of health under section 3709.05 of the Revised Code; a 13347
national, state, district, or local dental association; or any 13348
other public or private entity recognized by the state dental 13349
board. 13350

(4) A supervising dentist for the program described in 13351
division (E) (3) of this section meets both of the following 13352
conditions: 13353

(a) Is employed by or a volunteer for, and the patients 13354
are referred by, the entity through which the program is 13355
operated; 13356

(b) Is available for consultation by telephone, 13357
videoconferencing, or other means of electronic communication. 13358

(5) The application of pit and fissure sealants is limited 13359
to erupted permanent posterior teeth without suspicion of 13360
dental cavitation. 13361

(6) If the patient is a minor, a parent, guardian, or 13362
other person responsible for the patient has been notified that 13363
a dentist will not be present at the location and that the 13364

dental assistant is not trained to diagnose or treat other 13365
serious dental concerns that could exist. 13366

(F) Subject to this section and the applicable rules of 13367
the board, licensed dentists may assign to dental assistants and 13368
other qualified personnel dental procedures that do not require 13369
the professional competence or skill of the licensed dentist, a 13370
dental hygienist, or an expanded function dental auxiliary as 13371
this section or the board by rule authorizes dental assistants 13372
and other qualified personnel to perform. Except as provided in 13373
division (D) or (E) of this section, the performance of dental 13374
procedures by dental assistants and other qualified personnel 13375
shall be under direct supervision and full responsibility of the 13376
licensed dentist. 13377

(G) Nothing in this section shall be construed by rule of 13378
the state dental board or otherwise to do the following: 13379

(1) Authorize dental assistants or other qualified 13380
personnel to engage in the practice of dental hygiene as defined 13381
by sections 4715.22 and 4715.23 of the Revised Code or to 13382
perform the duties of a dental hygienist, including the removal 13383
of calcarious deposits, dental cement, or accretions on the 13384
crowns and roots of teeth other than as authorized pursuant to 13385
this section; 13386

(2) Authorize dental assistants or other qualified 13387
personnel to engage in the practice of an expanded function 13388
dental auxiliary as specified in section 4715.64 of the Revised 13389
Code or to perform the duties of an expanded function dental 13390
auxiliary other than as authorized pursuant to this section. 13391

(3) Authorize the assignment of any of the following: 13392

(a) Diagnosis; 13393

(b) Treatment planning and prescription, including	13394
prescription for drugs and medicaments or authorization for	13395
restorative, prosthodontic, or orthodontic appliances;	13396
(c) Surgical procedures on hard or soft tissue of the oral	13397
cavity, or any other intraoral procedure that contributes to or	13398
results in an irremediable alteration of the oral anatomy;	13399
(d) The making of final impressions from which casts are	13400
made to construct any dental restoration.	13401
(H) No dentist shall assign any dental assistant or other	13402
individual acting in the capacity of qualified personnel to	13403
perform any dental procedure that the assistant or other	13404
individual is not authorized by this section or by board rule to	13405
perform. No dental assistant or other individual acting in the	13406
capacity of qualified personnel shall perform any dental	13407
procedure other than in accordance with this section and any	13408
applicable board rule or any dental procedure that the assistant	13409
or other individual is not authorized by this section or by	13410
board rule to perform.	13411
Sec. 4715.42. (A) (1) As used in this section:	13412
(a) "Free clinic" has the same meaning as in section	13413
3701.071 of the Revised Code.	13414
(b) "Indigent and uninsured person" and "operation" have	13415
the same meanings as in section 2305.234 of the Revised Code.	13416
(2) For the purposes of this section, a person shall be	13417
considered retired from practice if the person's license has	13418
been surrendered or allowed to expire with the intention of	13419
ceasing to practice as a dentist or dental hygienist for	13420
remuneration.	13421

(B) Within thirty days after receiving an application for a volunteer's certificate that includes all of the items listed in divisions (C) (1), (2), and (3) of this section, the state dental board shall issue, without examination, a volunteer's certificate to a person who is retired from practice so that the person may provide dental services to indigent and uninsured persons at any location, including a free clinic.

(C) An application for a volunteer's certificate shall include all of the following:

(1) A copy of the applicant's degree from dental college or dental hygiene school.

(2) One of the following, as applicable:

(a) A copy of the applicant's most recent license to practice dentistry or dental hygiene issued by a jurisdiction in the United States that licenses persons to practice dentistry or dental hygiene.

(b) A copy of the applicant's most recent license equivalent to a license to practice dentistry or dental hygiene in one or more branches of the United States armed services that the United States government issued.

(3) Evidence of one of the following, as applicable:

(a) The applicant has maintained for at least ten years prior to retirement full licensure in good standing in any jurisdiction in the United States that licenses persons to practice dentistry or dental hygiene.

(b) The applicant has practiced as a dentist or dental hygienist in good standing for at least ten years prior to retirement in one or more branches of the United States armed

services. 13450

(D) The holder of a volunteer's certificate may provide 13451
dental services only to indigent and uninsured persons, but may 13452
do so at any location, including a free clinic. The holder shall 13453
not accept any form of remuneration for providing dental 13454
services while in possession of the certificate. Except in a 13455
dental emergency, the holder shall not perform any operation. 13456
The board may revoke a volunteer's certificate on receiving 13457
proof satisfactory to the board that the holder has engaged in 13458
practice in this state outside the scope of the holder's 13459
certificate or that there are grounds for action against the 13460
person under section 4715.30 of the Revised Code. 13461

(E) (1) A volunteer's certificate shall be valid for a 13462
period of three years, and may be renewed upon the application 13463
of the holder, unless the certificate was previously revoked 13464
under division (D) of this section. The board shall maintain a 13465
register of all persons who hold volunteer's certificates. The 13466
board shall not charge a fee for issuing or renewing a 13467
certificate pursuant to this section. 13468

(2) To be eligible for renewal of a volunteer's 13469
certificate, the holder of the certificate shall certify to the 13470
board completion of sixty hours of continuing dental education 13471
that meets the requirements of section 4715.141 of the Revised 13472
Code and the rules adopted under that section, or completion of 13473
eighteen hours of continuing dental hygiene education that meets 13474
the requirements of section 4715.25 of the Revised Code and the 13475
rules adopted under that section, as the case may be. The board 13476
may not renew a certificate if the holder has not complied with 13477
the appropriate continuing education requirements. Any entity 13478
for which the holder provides dental services may pay for or 13479

reimburse the holder for any costs incurred in obtaining the 13480
required continuing education credits. 13481

(3) The board shall issue to each person who qualifies 13482
under this section for a volunteer's certificate a wallet 13483
certificate and a wall certificate that state that the 13484
certificate holder is authorized to provide dental services 13485
pursuant to the laws of this state. The holder shall keep the 13486
wallet certificate on the holder's person while providing dental 13487
services and shall display the wall certificate prominently at 13488
the location where the holder primarily practices. 13489

(4) The holder of a volunteer's certificate issued 13490
pursuant to this section is subject to the immunity provisions 13491
regarding the provision of services to indigent and uninsured 13492
persons in section 2305.234 of the Revised Code. 13493

(F) The board shall adopt rules in accordance with Chapter 13494
119. of the Revised Code to administer and enforce this section. 13495

(G) The state dental board shall make available through 13496
the board's web site the application form for a volunteer's 13497
certificate under this section, a description of the application 13498
process, and a list of all items that are required by division 13499
(C) of this section to be submitted with the application. 13500

(H) Section 9.79 of the Revised Code does not apply to a 13501
license issued under this section. 13502

Sec. 4715.421. (A) As used in this section: 13503

(1) "Accredited dental college" has the same meaning as in 13504
section 4715.10 of the Revised Code. 13505

(2) "Accredited dental hygiene school" has the same 13506
meaning as in section 4715.36 of the Revised Code. 13507

(3) "Operation" has the same meaning as in section 13508
2305.234 of the Revised Code. 13509

(B) Within thirty days after receiving an application for 13510
a temporary volunteer's certificate that includes all of the 13511
items listed in divisions (C)(1) and (2) of this section, the 13512
state dental board shall issue, without examination, a temporary 13513
volunteer's certificate to a person not licensed under this 13514
chapter so that the person may provide dental services in this 13515
state as a volunteer. 13516

(C) An application for a temporary volunteer's certificate 13517
shall include both of the following: 13518

(1) A copy of the applicant's degree from an accredited 13519
dental college or accredited dental hygiene school; 13520

(2) One of the following, as applicable: 13521

(a) Evidence satisfactory to the board that the applicant 13522
holds a valid, unrestricted license to practice dentistry or 13523
dental hygiene issued by a jurisdiction in the United States 13524
that licenses persons to practice dentistry or dental hygiene; 13525

(b) Evidence satisfactory to the board that the applicant 13526
is practicing dentistry or dental hygiene in one or more 13527
branches of the United States armed services. 13528

(D) The holder of a temporary volunteer's certificate 13529
shall not accept any form of remuneration for providing dental 13530
services pursuant to the certificate. Except in a dental 13531
emergency, the holder shall not perform any operation. The board 13532
may revoke a temporary volunteer's certificate on receiving 13533
proof satisfactory to the board that the holder has engaged in 13534
practice in this state outside the scope of the holder's 13535
certificate or that there are grounds for action against the 13536

person under section 4715.30 of the Revised Code. 13537

(E) (1) A temporary volunteer's certificate shall be valid 13538
for a period of seven days, and may be renewed upon the 13539
application of the holder, unless the certificate was previously 13540
revoked under division (D) of this section. The board shall 13541
maintain a register of all persons who hold a temporary 13542
volunteer's certificate. The board may charge a fee not to 13543
exceed twenty-five dollars for issuing or renewing a certificate 13544
pursuant to this section. 13545

(2) The board shall issue to each person who qualifies 13546
under this section for a temporary volunteer's certificate a 13547
wallet certificate that states that the certificate holder is 13548
authorized to provide dental services pursuant to the laws of 13549
this state. The holder shall keep the wallet certificate on the 13550
holder's person while providing dental services. 13551

(3) The holder of a temporary volunteer's certificate 13552
issued pursuant to this section is subject to the immunity 13553
provisions in section 2305.234 of the Revised Code. 13554

(F) The board shall adopt rules in accordance with Chapter 13555
119. of the Revised Code to administer and enforce this section. 13556

(G) Not later than ninety days after ~~the effective date of~~ 13557
~~this section~~ March 23, 2015, the state dental board shall make 13558
available through the board's internet web site the application 13559
form for a temporary volunteer's certificate under this section, 13560
a description of the application process, and a list of all 13561
items that are required by division (C) of this section to be 13562
submitted with the application. 13563

(H) Section 9.79 of the Revised Code does not apply to a 13564
temporary volunteer's certificate issued under this section. 13565

Sec. 4715.43. (A) As used in this section and in sections	13566
4715.431 to 4715.437 of the Revised Code:	13567
(1) "Authorizing dentist" means the holder of a current,	13568
valid teledentistry permit issued under this section who	13569
authorizes a dental hygienist or expanded function dental	13570
auxiliary to perform services under section 4715.431 of the	13571
Revised Code.	13572
(2) "Dental hygiene services" means the prophylactic,	13573
preventive, and other procedures that dentists are authorized by	13574
this chapter and rules of the state dental board to assign to	13575
dental hygienists, except for procedures while a patient is	13576
anesthetized, definitive root planing, definitive subgingival	13577
curettage, the administration of local anesthesia, and the	13578
procedures specified in rules adopted by the board as described	13579
in division (C) (3) of section 4715.22 of the Revised Code.	13580
(3) "Interim therapeutic restoration" means a direct	13581
provisional restoration placed to stabilize a tooth until a	13582
licensed dentist can assess the need for further treatment.	13583
"Interim therapeutic restoration" includes the removal of	13584
debris, other than carious or noncarious tooth structure, from	13585
the carious lesion using air or water irrigation.	13586
(4) "Synchronous, real-time communication" means a live,	13587
two-way interaction between a patient and a dentist conducted	13588
through audiovisual technology.	13589
(5) "Teledentistry" means the delivery of dental services	13590
through the use of synchronous, real-time communication and the	13591
delivery of services of a dental hygienist or expanded function	13592
dental auxiliary pursuant to a dentist's authorization.	13593
(B) <u>(1)</u> A dentist who desires to provide dental services	13594

through teledentistry shall apply to the state dental board for 13595
a teledentistry permit. The application must be made under oath 13596
on a form prescribed by the board and be accompanied by a 13597
twenty-dollar application fee. ~~To~~ Except as provided in division 13598
(B) (2) of this section, to be eligible for the permit, the 13599
dentist must meet the requirements established by the board in 13600
rules adopted under section 4715.436 of the Revised Code. 13601

(2) The state dental board shall issue a teledentistry 13602
permit to a dentist who is in good standing with the board and 13603
satisfies all of the requirements of this section. An individual 13604
who holds a license in another state is not required to obtain a 13605
license under section 9.79 of the Revised Code if the individual 13606
holds a permit under this section. 13607

Sec. 4715.53. (A) Each individual seeking a certificate to 13608
practice as a dental x-ray machine operator shall apply to the 13609
state dental board on a form the board shall prescribe and 13610
provide. ~~The~~ Except as provided in division (C) of this section, 13611
the application shall be accompanied by an application fee of 13612
thirty-two dollars. 13613

(B) The board shall review all applications received and, 13614
except as provided in division (C) of this section, issue a 13615
dental x-ray machine operator certificate to each applicant who 13616
submits evidence satisfactory to the board of one of the 13617
following: 13618

(1) The applicant holds certification from the dental 13619
assisting national board or the Ohio commission on dental 13620
assistant certification. 13621

(2) ~~The applicant holds a license, certificate, permit,~~ 13622
~~registration, or other credential issued by another state that~~ 13623

~~the board determines uses standards for dental x-ray machine- 13624
operators that are at least equal to those established under 13625
this chapter. 13626~~

~~(3) The applicant has successfully completed an 13627
educational program consisting of at least seven hours of 13628
instruction in dental x-ray machine operation that meets either 13629
of the following requirements: 13630~~

~~(a) Has been approved by the board in accordance with 13631
section 4715.57 of the Revised Code; 13632~~

~~(b) Is conducted by an institution accredited by the 13633
American dental association commission on dental accreditation. 13634~~

~~(C) The board shall issue a certificate in accordance with 13635
section 9.79 of the Revised Code to an applicant if either of 13636
the following applies: 13637~~

~~(1) The applicant holds a license or certificate in 13638
another state. 13639~~

~~(2) The applicant has satisfactory work experience, a 13640
government certification, or a private certification as 13641
described in that section as a dental x-ray machine operator in 13642
a state that does not issue that license or certificate. 13643~~

~~(D) A certificate issued under this section expires two 13644
years after it is issued and may be renewed if the certificate 13645
holder does both of the following: 13646~~

~~(1) Certifies to the board that the certificate holder has 13647
completed at least two hours of instruction in dental x-ray 13648
machine operation approved by the board in accordance with 13649
section 4715.57 of the Revised Code during the two-year period 13650
preceding the date the renewal application is received by the 13651~~

board. 13652

(2) Submits a renewal fee of thirty-two dollars to the board. 13653
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Renewals shall be made in accordance with the standard renewal procedure established under Chapter 4745. of the Revised Code. 13655
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Sec. 4715.62. (A) Each individual seeking to register with the state dental board as an expanded function dental auxiliary shall file with the secretary of the board a written application for registration, under oath, on a form the board shall prescribe and provide. An-Except as provided in division (D) of this section, an applicant shall include with the completed application all of the following: 13658
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(1) An application fee of twenty-five dollars; 13665

(2) Proof satisfactory to the board that the applicant has successfully completed, at an educational institution accredited by the commission on dental accreditation of the American dental association or the higher learning commission of the north central association of colleges and schools, the education or training specified by the board in rules adopted under section 4715.66 of the Revised Code as the education or training that is necessary to obtain registration under this chapter to practice as an expanded function dental auxiliary, as evidenced by a diploma or other certificate of graduation or completion that has been signed by an appropriate official of the accredited institution that provided education or training; 13666
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(3) Proof satisfactory to the board that the applicant has passed an examination that meets the standards established by the board in rules adopted under section 4715.66 of the Revised 13678
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Code to be accepted by the board as an examination of competency 13681
to practice as an expanded function dental auxiliary; 13682

(4) Proof that the applicant holds current certification 13683
to perform basic life-support procedures, evidenced by 13684
documentation showing the successful completion of a basic life- 13685
support training course certified by the American red cross, the 13686
American heart association, or the American safety and health 13687
institute. 13688

(B) If an applicant complies with division (A) of this 13689
section, the board shall register the applicant as an expanded 13690
function dental auxiliary. 13691

(C) The board shall register an applicant in accordance 13692
with section 9.79 of the Revised Code if either of the following 13693
applies: 13694

(1) The applicant is licensed or registered as an expanded 13695
function dental auxiliary in another state. 13696

(2) The applicant has satisfactory work experience, a 13697
government certification, or a private certification as 13698
described in that section as an expanded function dental 13699
auxiliary in a state that does not issue that license or 13700
registration. 13701

Sec. 4717.05. (A) Any person who desires to be licensed as 13702
an embalmer shall apply to the board of embalmers and funeral 13703
directors on a form provided by the board. The applicant shall 13704
include with the application an initial license fee as set forth 13705
in section 4717.07 of the Revised Code and evidence, verified by 13706
oath and satisfactory to the board, that the applicant meets all 13707
of the following requirements: 13708

(1) The applicant is at least eighteen years of age and of 13709

good moral character. 13710

(2) If the applicant has pleaded guilty to, has been found 13711
by a judge or jury to be guilty of, or has had a judicial 13712
finding of eligibility for treatment in lieu of conviction 13713
entered against the applicant in this state for aggravated 13714
murder, murder, voluntary manslaughter, felonious assault, 13715
kidnapping, rape, sexual battery, gross sexual imposition, 13716
aggravated arson, aggravated robbery, or aggravated burglary, or 13717
has pleaded guilty to, has been found by a judge or jury to be 13718
guilty of, or has had a judicial finding of eligibility for 13719
treatment in lieu of conviction entered against the applicant in 13720
another jurisdiction for a substantially equivalent offense, at 13721
least five years has elapsed since the applicant was released 13722
from incarceration, a community control sanction, a post-release 13723
control sanction, parole, or treatment in connection with the 13724
offense. 13725

(3) The applicant holds at least a bachelor's degree from 13726
a college or university authorized to confer degrees by the 13727
department of higher education or the comparable legal agency of 13728
another state in which the college or university is located and 13729
submits an official transcript from that college or university 13730
with the application. 13731

(4) The applicant has satisfactorily completed at least 13732
twelve months of instruction in a prescribed course in mortuary 13733
science as approved by the board and has presented to the board 13734
a certificate showing successful completion of the course. The 13735
course of mortuary science college training may be completed 13736
either before or after the completion of the educational 13737
standard set forth in division (A) (3) of this section. 13738

(5) The applicant has been certified by the board prior to 13739

beginning an embalmer apprenticeship. 13740

(6) The applicant has satisfactorily completed at least 13741
one year of apprenticeship under an embalmer licensed in this 13742
state and has participated in embalming at least twenty-five 13743
dead human bodies. 13744

(7) The applicant, upon meeting the educational standards 13745
provided for in divisions (A)(3) and (4) of this section and 13746
completing the apprenticeship required in division (A)(6) of 13747
this section, has completed the examination for an embalmer's 13748
license required by the board. 13749

(B) Upon receiving satisfactory evidence verified by oath 13750
that the applicant meets all the requirements of division (A) of 13751
this section, the board shall issue the applicant an embalmer's 13752
license. 13753

(C) Any person who desires to be licensed as a funeral 13754
director shall apply to the board on a form prescribed by the 13755
board. The application shall include an initial license fee as 13756
set forth in section 4717.07 of the Revised Code and evidence, 13757
verified by oath and satisfactory to the board, that the 13758
applicant meets all of the following requirements: 13759

(1) Except as otherwise provided in division (D) of this 13760
section, the applicant has satisfactorily met all the 13761
requirements for an embalmer's license as described in divisions 13762
(A)(1) to (4) of this section. 13763

(2) The applicant has been certified by the board prior to 13764
beginning a funeral director apprenticeship. 13765

(3) The applicant, following mortuary science college 13766
training described in division (A)(4) of this section, has 13767
satisfactorily completed a one-year apprenticeship under a 13768

licensed funeral director in this state and has participated in directing at least twenty-five funerals. 13769
13770

(4) The applicant has satisfactorily completed the examination for a funeral director's license as required by the board. 13771
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(D) In lieu of mortuary science college training required for a funeral director's license under division (C) (1) of this section, the applicant may substitute a satisfactorily completed two-year apprenticeship under a licensed funeral director in this state assisting that person in directing at least fifty funerals. 13774
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(E) Upon receiving satisfactory evidence that the applicant meets all the requirements of division (C) of this section, the board shall issue to the applicant a funeral director's license. 13780
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(F) The board shall issue an embalmer or funeral director apprentice card in accordance with section 9.79 of the Revised Code to an applicant if either of the following applies: 13784
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(1) The applicant holds a license or card in another state. 13787
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(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that section as an embalmer or funeral director apprentice in a state that does not issue that license or card. 13789
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(G) A funeral director or embalmer may request the funeral director's or embalmer's license be placed on inactive status by submitting to the board a form prescribed by the board and such other information as the board may request. A funeral director or embalmer may not place the funeral director's or embalmer's 13793
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license on inactive status unless the funeral director or 13798
embalmer is in good standing with the board and is in compliance 13799
with applicable continuing education requirements. A funeral 13800
director or embalmer who is granted inactive status is 13801
prohibited from participating in any activity for which a 13802
funeral director's or embalmer's license is required in this 13803
state. A funeral director or embalmer who has been granted 13804
inactive status is exempt from the continuing education 13805
requirements under section 4717.09 of the Revised Code during 13806
the period of the inactive status. 13807

~~(G)~~ (H) A funeral director or embalmer who has been 13808
granted inactive status may not return to active status for at 13809
least two years following the date that the inactive status was 13810
granted. Following a period of at least two years of inactive 13811
status, the funeral director or embalmer may apply to return to 13812
active status upon completion of all of the following 13813
conditions: 13814

(1) The funeral director or embalmer files with the board 13815
a form prescribed by the board seeking active status and 13816
provides any other information as the board may request; 13817

(2) The funeral director or embalmer takes and passes the 13818
Ohio laws examination for each license being activated; 13819

(3) The funeral director or embalmer pays a reactivation 13820
fee to the board in the amount of one hundred forty dollars for 13821
each license being reactivated. 13822

~~(H)~~ (I) As used in this section: 13823

(1) "Community control sanction" has the same meaning as 13824
in section 2929.01 of the Revised Code. 13825

(2) "Post-release control sanction" has the same meaning 13826

as in section 2967.01 of the Revised Code. 13827

Sec. 4717.051. (A) ~~Any Except as provided in division (D)~~ 13828
~~of this section,~~ any person who desires to obtain a permit as a 13829
crematory operator shall apply to the board of embalmers and 13830
funeral directors on a form prescribed by the board. The 13831
applicant shall include with the application the initial permit 13832
fee set forth in section 4717.07 of the Revised Code and 13833
evidence, verified under oath and satisfactory to the board, 13834
that the applicant satisfies all of the following requirements: 13835

(1) The applicant is at least eighteen years of age and of 13836
good moral character. 13837

(2) If the applicant has pleaded guilty to, or has been 13838
found by a judge or jury to be guilty of, or has had judicial 13839
finding of eligibility for treatment in lieu of conviction 13840
entered against the applicant in this state for aggravated 13841
murder, murder, voluntary manslaughter, felonious assault, 13842
kidnapping, rape, sexual battery, gross sexual imposition, 13843
aggravated arson, aggravated robbery, or aggravated burglary, or 13844
has pleaded guilty to, has been found by a judge or jury to be 13845
guilty of, or has had judicial finding of eligibility for 13846
treatment in lieu of conviction entered against the applicant in 13847
another jurisdiction for a substantially equivalent offense, at 13848
least five years has elapsed since the applicant was released 13849
from incarceration, a community control sanction, a post-release 13850
control sanction, parole, or treatment in connection with the 13851
offense. 13852

(3) The applicant has satisfactorily completed a crematory 13853
operation certification program approved by the board and has 13854
presented to the board a certificate showing completion of the 13855
program. 13856

(B) If the board of embalmers and funeral directors, upon receiving satisfactory evidence, determines that the applicant satisfies all of the requirements of division (A) of this section, the board shall issue to the applicant a permit as a crematory operator.

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

(D) The board shall issue a crematory operator permit in accordance with section 9.79 of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license or permit in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that section as a crematory operator in a state that does not issue that license or permit.

Sec. 4717.10. (A) The board of embalmers and funeral directors ~~may recognize licenses issued to embalmers and funeral directors by other states, and upon presentation of such licenses, may shall~~ issue to the holder ~~an embalmer's or funeral director's license under this chapter~~ in accordance with section 9.79 of the Revised Code to an applicant who holds a license in another state or who has satisfactory work experience, a government certification, or a private certification as described in that section as an embalmer or funeral director in a state that does not issue that license. ~~The board shall charge~~

~~the same fee as prescribed in section 4717.07 of the Revised Code to issue or renew such an embalmer's or funeral director's license.~~ Such licenses shall be renewed biennially as provided in section 4717.08 of the Revised Code. ~~The board shall not issue a license to any person under division (A) of this section unless the applicant proves that the applicant, in the state in which the applicant is licensed, has complied with requirements substantially equal to those established in section 4717.05 of the Revised Code.~~

(B) (1) The board of embalmers and funeral directors may issue courtesy card permits to nonresident funeral directors licensed in a state that borders this state. A courtesy card permit holder shall be authorized to undertake both the following acts in this state:

~~(1)~~ (a) Prepare and complete those sections of a death certificate and other permits needed for disposition of deceased human remains in this state and sign and file such death certificates and permits;

~~(2)~~ (b) Supervise and conduct funeral ceremonies, interments, and entombments in this state.

(2) Section 9.79 of the Revised Code does not apply to a courtesy card permit issued under this division.

(C) The board of embalmers and funeral directors may determine under what conditions a courtesy card permit may be issued to funeral directors in bordering states after taking into account whether and under what conditions and fees such border states issue similar courtesy card permits to funeral directors licensed in this state. A courtesy card permit holder shall comply with all applicable laws and rules of this state

while engaged in any acts of funeral directing in this state. 13915
The board may revoke or suspend a courtesy card permit or 13916
subject a courtesy card permit holder to discipline in 13917
accordance with the laws, rules, and procedures applicable to 13918
funeral directors under this chapter. Applicants for courtesy 13919
card permits shall apply on forms prescribed by the board, pay a 13920
biennial fee set by the board for initial applications and 13921
renewals, and adhere to such other requirements imposed by the 13922
board on courtesy card permit holders. 13923

(D) No courtesy card permit holder shall be authorized to 13924
undertake any of the following activities in this state: 13925

(1) Arranging funerals or disposition services with 13926
members of the public in this state; 13927

(2) Be employed by or under contract to a funeral home 13928
licensed in this state to perform funeral services in this 13929
state; 13930

(3) Advertise funeral or disposition services in this 13931
state; 13932

(4) Enter into or execute funeral or disposition contracts 13933
in this state; 13934

(5) Prepare or embalm deceased human remains in this 13935
state; 13936

(6) Arrange for or carry out the disinterment of human 13937
remains in this state. 13938

(E) As used in this section, "courtesy card permit" means 13939
a special permit that may be issued to a nonresident funeral 13940
director licensed in a state that borders this state and who 13941
does not hold a funeral director's license under this chapter. 13942

Sec. 4723.08. (A) The board of nursing may impose fees not	13943
to exceed the following limits:	13944
(1) For application for licensure by examination or	13945
endorsement to practice nursing as a registered nurse or as a	13946
licensed practical nurse <u>submitted under division (A) or (B) of</u>	13947
<u>section 4723.09 of the Revised Code</u> , seventy-five dollars;	13948
(2) For application for licensure to practice nursing as	13949
an advanced practice registered nurse <u>submitted under division</u>	13950
<u>(A) or (B) (2) of section 4723.41 of the Revised Code</u> , one	13951
hundred fifty dollars;	13952
(3) For application for a dialysis technician intern	13953
certificate, the amount specified in rules adopted under section	13954
4723.79 of the Revised Code;	13955
(4) For application for a dialysis technician certificate,	13956
the amount specified in rules adopted under section 4723.79 of	13957
the Revised Code;	13958
(5) For providing, pursuant to division (B) of section	13959
4723.271 of the Revised Code, written verification of a nursing	13960
license, dialysis technician certificate, medication aide	13961
certificate, or community health worker certificate to another	13962
jurisdiction, fifteen dollars;	13963
(6) For providing, pursuant to division (A) of section	13964
4723.271 of the Revised Code, a replacement copy of a wall	13965
certificate suitable for framing as described in that division,	13966
twenty-five dollars;	13967
(7) For renewal of a license to practice as a registered	13968
nurse or licensed practical nurse, sixty-five dollars;	13969
(8) For renewal of a license to practice as an advanced	13970

practice registered nurse, one hundred thirty-five dollars;	13971
(9) For renewal of a dialysis technician certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code;	13972 13973 13974
(10) For processing a late application for renewal of a nursing license or dialysis technician certificate, fifty dollars;	13975 13976 13977
(11) For application for authorization to approve continuing education programs and courses from an applicant accredited by a national accreditation system for nursing, five hundred dollars;	13978 13979 13980 13981
(12) For application for authorization to approve continuing education programs and courses from an applicant not accredited by a national accreditation system for nursing, one thousand dollars;	13982 13983 13984 13985
(13) For each year for which authorization to approve continuing education programs and courses is renewed, one hundred fifty dollars;	13986 13987 13988
(14) For application for approval to operate a dialysis training program, the amount specified in rules adopted under section 4723.79 of the Revised Code;	13989 13990 13991
(15) For reinstatement of a lapsed license or certificate issued under this chapter, one hundred dollars except as provided in section 5903.10 of the Revised Code;	13992 13993 13994
(16) For processing a check returned to the board by a financial institution, twenty-five dollars;	13995 13996
(17) The amounts specified in rules adopted under section 4723.88 of the Revised Code pertaining to the issuance of	13997 13998

certificates to community health workers, including fees for 13999
application for a certificate, renewal of a certificate, 14000
processing a late application for renewal of a certificate, 14001
reinstatement of a lapsed certificate, application for approval 14002
of a community health worker training program for community 14003
health workers, and renewal of the approval of a training 14004
program for community health workers. 14005

(B) Each quarter, for purposes of transferring funds under 14006
section 4743.05 of the Revised Code to the nurse education 14007
assistance fund created in section 3333.28 of the Revised Code, 14008
the board of nursing shall certify to the director of budget and 14009
management the number of licenses renewed under this chapter 14010
during the preceding quarter and the amount equal to that number 14011
times five dollars. 14012

(C) The board may charge a participant in a board- 14013
sponsored continuing education activity an amount not exceeding 14014
fifteen dollars for each activity. 14015

(D) The board may contract for services pertaining to the 14016
process of providing written verification of a license or 14017
certificate when the verification is performed for purposes 14018
other than providing verification to another jurisdiction. The 14019
contract may include provisions pertaining to the collection of 14020
the fee charged for providing the written verification. As part 14021
of these provisions, the board may permit the contractor to 14022
retain a portion of the fees as compensation, before any amounts 14023
are deposited into the state treasury. 14024

Sec. 4723.09. (A) (1) An application for licensure by 14025
examination to practice as a registered nurse or as a licensed 14026
practical nurse shall be submitted to the board of nursing in 14027
the form prescribed by rules of the board. The application shall 14028

include all of the following:	14029
(a) Evidence that the applicant has met the educational requirements described in division (C) of this section;	14030 14031
(b) Any other information required by rules of the board;	14032
(c) The application fee required by section 4723.08 of the Revised Code.	14033 14034
(2) The board shall grant a license to practice nursing as a registered nurse or as a licensed practical nurse if the conditions of divisions (A) (2) (a) to (d) have been met:	14035 14036 14037
(a) The applicant passes the examination accepted by the board under section 4723.10 of the Revised Code.	14038 14039
(b) In the case of an applicant who entered a prelicensure nursing education program on or after June 1, 2003, the results of a criminal records check conducted in accordance with section 4723.091 of the Revised Code demonstrate that the applicant is not ineligible for licensure as specified in section 4723.092 of the Revised Code.	14040 14041 14042 14043 14044 14045
(c) The board determines that the applicant has not committed any act that is grounds for disciplinary action under section 3123.47 or 4723.28 of the Revised Code or determines that an applicant who has committed any act that is grounds for disciplinary action under either section has made restitution or has been rehabilitated, or both.	14046 14047 14048 14049 14050 14051
(d) The applicant is not required to register under Chapter 2950. of the Revised Code or a substantially similar law of another state, the United States, or another country.	14052 14053 14054
(3) The board is not required to afford an adjudication to an individual to whom it has refused to grant a license because	14055 14056

of that individual's failure to pass the examination. 14057

(B) (1) An application for licensure by endorsement to 14058
practice nursing as a registered nurse or as a licensed 14059
practical nurse shall be submitted to the board in the form 14060
prescribed by rules of the board. The application shall include 14061
all of the following: 14062

(a) Evidence that the applicant holds a current, valid, 14063
and unrestricted license or equivalent authorization from 14064
another jurisdiction other than another state granted after 14065
passing an examination approved by the board of that 14066
jurisdiction that is equivalent to the examination requirements 14067
under this chapter for a license to practice nursing as a 14068
registered nurse or licensed practical nurse; 14069

(b) Any other information required by rules of the board; 14070

(c) The application fee required by section 4723.08 of the 14071
Revised Code. 14072

(2) The board shall grant a license by endorsement to 14073
practice nursing as a registered nurse or as a licensed 14074
practical nurse to an applicant who applied under division (B) 14075
(1) of this section if the conditions of divisions (B) (2) (a) to 14076
(f) have been met: 14077

(a) The applicant provides evidence satisfactory to the 14078
board that the applicant has met the educational requirements 14079
described in division (C) of this section. 14080

(b) The examination, at the time it is successfully 14081
completed, is equivalent to the examination requirements in 14082
effect at that time for applicants who were licensed by 14083
examination in this state. 14084

(c) The board determines there is sufficient evidence that 14085
the applicant completed two contact hours of continuing 14086
education directly related to this chapter or the rules adopted 14087
under it. 14088

(d) The results of a criminal records check conducted in 14089
accordance with section 4723.091 of the Revised Code demonstrate 14090
that the applicant is not ineligible for licensure as specified 14091
in section 4723.092 of the Revised Code. 14092

(e) The applicant has not committed any act that is 14093
grounds for disciplinary action under section 3123.47 or 4723.28 14094
of the Revised Code, or the board determines that an applicant 14095
who has committed any act that is grounds for disciplinary 14096
action under either of those sections has made restitution or 14097
has been rehabilitated, or both. 14098

(f) The applicant is not required to register under 14099
Chapter 2950. of the Revised Code, or a substantially similar 14100
law of another state, the United States, or another country. 14101

(C) (1) To be eligible for licensure by examination or 14102
endorsement under division (A) or (B) of this section, an 14103
applicant seeking a license to practice nursing as a registered 14104
nurse must successfully complete either of the following: 14105

(a) A nursing education program approved by the board 14106
under division (A) of section 4723.06 of the Revised Code; 14107

(b) A nursing education program approved by a board of 14108
another jurisdiction that is a member of the national council of 14109
state boards of nursing. 14110

(2) To be eligible for licensure by examination or 14111
endorsement, an applicant seeking a license to practice nursing 14112
as a licensed practical nurse must successfully complete one of 14113

the following:	14114
(a) A nursing education program approved by the board	14115
under division (A) of section 4723.06 of the Revised Code;	14116
(b) A nursing education program approved by a board of	14117
another jurisdiction that is a member of the national council of	14118
state boards of nursing;	14119
(c) A practical nurse course offered or approved by the	14120
United States army;	14121
(d) A practical nurse education program approved by the	14122
United States air force as either of the following:	14123
(i) The community college of the air force associate	14124
degree in practical nursing technology;	14125
(ii) The allied health program, for students who graduated	14126
that program prior to 2016.	14127
(D) <u>The board shall grant a license to practice nursing as</u>	14128
<u>a registered nurse or as a licensed practical nurse in</u>	14129
<u>accordance with section 9.79 of the Revised Code to an applicant</u>	14130
<u>if either of the following applies:</u>	14131
(1) <u>The applicant holds a license in another state.</u>	14132
(2) <u>The applicant has satisfactory work experience, a</u>	14133
<u>government certification, or a private certification as</u>	14134
<u>described in that section as a registered nurse or licensed</u>	14135
<u>practical nurse in a state that does not issue that license.</u>	14136
(E) <u>The board may grant a nonrenewable temporary permit to</u>	14137
practice nursing as a registered nurse or as a licensed	14138
practical nurse to an applicant for <u>a license by endorsement</u>	14139
<u>under division (B) or (D) of this section if the board is</u>	14140

satisfied by the evidence that the applicant holds a current, 14141
valid, and unrestricted license or equivalent authorization from 14142
another jurisdiction. Section 9.79 of the Revised Code does not 14143
apply for a temporary permit issued under this division. Subject 14144
to earlier automatic termination as described in this paragraph, 14145
the temporary permit shall expire at the earlier of one hundred 14146
eighty days after issuance or upon the issuance of a license ~~by~~ 14147
~~endorsement~~ under division (B) or (D) of this section. The 14148
temporary permit shall terminate automatically if the criminal 14149
records check completed by the bureau of criminal identification 14150
and investigation as described in section 4723.091 of the 14151
Revised Code regarding the applicant indicates that the 14152
applicant is ineligible for licensure as specified in section 14153
4723.092 of the Revised Code. An applicant whose temporary 14154
permit is automatically terminated is permanently prohibited 14155
from obtaining a license to practice nursing in this state as a 14156
registered nurse or as a licensed practical nurse. 14157

Sec. 4723.26. (A) (1) As used in this section: 14158

(a) "Free clinic" has the same meaning as in section 14159
3701.071 of the Revised Code. 14160

(b) "Indigent and uninsured person" and "operation" have 14161
the same meanings as in section 2305.234 of the Revised Code. 14162

(2) For the purposes of this section, a person shall be 14163
considered retired from practice if the person's license has 14164
expired with the intention of ceasing to practice nursing as a 14165
registered nurse, licensed practical nurse, or advanced practice 14166
registered nurse for remuneration. 14167

(B) The board of nursing may issue, without examination, a 14168
volunteer's certificate to a qualified person who is retired 14169

from practice so that the person may provide nursing services to 14170
indigent and uninsured persons at any location, including a free 14171
clinic. 14172

(C) Except as provided in division (D) of this section, an 14173
application for a volunteer's certificate shall include all of 14174
the following: 14175

(1) A copy or other evidence of the applicant's degree 14176
from a school of registered nursing, practical nursing, or 14177
advanced practice registered nursing; 14178

(2) One of the following, as applicable: 14179

(a) A copy or other evidence of the applicant's most 14180
recent license to practice nursing as a registered nurse, 14181
licensed practical nurse, or advanced practice registered nurse 14182
issued by a jurisdiction in the United States that licenses 14183
persons to practice nursing as a registered nurse, licensed 14184
practical nurse, or advanced practice registered nurse; 14185

(b) A copy or other evidence of the applicant's most 14186
recent license equivalent to a license to practice nursing as a 14187
registered nurse, licensed practical nurse, or advanced practice 14188
registered nurse in one or more branches of the United States 14189
armed services that the United States government issued. 14190

(3) Evidence of one of the following, as applicable: 14191

(a) The applicant has maintained for at least ten years 14192
prior to retirement a valid, unrestricted license in any 14193
jurisdiction in the United States that licenses persons to 14194
practice nursing as a registered nurse, licensed practical 14195
nurse, or advanced practice registered nurse. 14196

(b) The applicant has practiced nursing as a registered 14197

nurse, licensed practical nurse, or advanced practice registered 14198
nurse under a valid, unrestricted license for at least ten years 14199
prior to retirement in one or more branches of the United States 14200
armed services. 14201

(D) For an applicant retired from practice for at least 14202
ten years, the applicant shall do both of the following: 14203

(1) Certify to the board completion of continuing nursing 14204
education that meets the requirements of section 4723.24 of the 14205
Revised Code and the rules adopted under that section; 14206

(2) Submit a request to the bureau of criminal 14207
identification and investigation for a criminal records check 14208
and check of federal bureau of investigation records pursuant to 14209
section 4723.091 of the Revised Code. 14210

(E) Section 9.79 of the Revised Code does not apply to a 14211
certificate issued under this section. 14212

(F) The holder of a volunteer's certificate may provide 14213
nursing services only to indigent and uninsured persons, but may 14214
do so at any location, including a free clinic. The holder shall 14215
not accept any form of remuneration for providing nursing 14216
services while in possession of the certificate. The board may 14217
suspend or revoke a volunteer's certificate on receiving proof 14218
satisfactory to the board that the holder has engaged in 14219
practice in this state outside the scope of the holder's 14220
certificate or that there are grounds for action against the 14221
person under section 4723.28 of the Revised Code. In revoking a 14222
certificate, the board may specify that the revocation is 14223
permanent. 14224

~~(F)~~ (G) (1) A volunteer's certificate shall be valid for a 14225
period of two years, and may be renewed upon the application of 14226

the holder, unless the certificate is suspended or revoked under 14227
division ~~(E)~~(F) of this section. The board shall maintain a 14228
record of all persons who hold volunteer's certificates. The 14229
board shall not charge a fee for issuing or renewing a 14230
certificate pursuant to this section. 14231

(2) To be eligible for renewal of a volunteer's 14232
certificate, the holder of the certificate shall certify to the 14233
board completion of continuing nursing education that meets the 14234
requirements of section 4723.24 of the Revised Code and the 14235
rules adopted under that section. The board may not renew a 14236
certificate if the holder has not complied with the appropriate 14237
continuing education requirements. Any entity for which the 14238
holder provides nursing services may pay for or reimburse the 14239
holder for any costs incurred in obtaining the required 14240
continuing education hours. 14241

(3) The holder of a volunteer's certificate issued 14242
pursuant to this section is subject to the immunity provisions 14243
regarding the provision of services to indigent and uninsured 14244
persons in section 2305.234 of the Revised Code. 14245

~~(G)~~(H) The board shall adopt rules in accordance with 14246
Chapter 119. of the Revised Code to administer and enforce this 14247
section. 14248

Sec. 4723.32. This chapter does not prohibit any of the 14249
following: 14250

(A) The practice of nursing by a student currently 14251
enrolled in and actively pursuing completion of a prelicensure 14252
nursing education program, if all of the following are the case: 14253

(1) The student is participating in a program located in 14254
this state and approved by the board of nursing or participating 14255

in this state in a component of a program located in another 14256
jurisdiction and approved by a board that is a member of the 14257
national council of state boards of nursing; 14258

(2) The student's practice is under the auspices of the 14259
program; 14260

(3) The student acts under the supervision of a registered 14261
nurse serving for the program as a faculty member or teaching 14262
assistant. 14263

(B) The rendering of medical assistance to a licensed 14264
physician, licensed dentist, or licensed podiatrist by a person 14265
under the direction, supervision, and control of such licensed 14266
physician, dentist, or podiatrist; 14267

(C) The activities of persons employed as nursing aides, 14268
attendants, orderlies, or other auxiliary workers in patient 14269
homes, nurseries, nursing homes, hospitals, home health 14270
agencies, or other similar institutions; 14271

(D) The provision of nursing services to family members or 14272
in emergency situations; 14273

(E) The care of the sick when done in connection with the 14274
practice of religious tenets of any church and by or for its 14275
members; 14276

(F) The practice of nursing as an advanced practice 14277
registered nurse by a student currently enrolled in and actively 14278
pursuing completion of a program of study leading to initial 14279
authorization by the board of nursing to practice nursing as an 14280
advanced practice registered nurse in a designated specialty, if 14281
all of the following are the case: 14282

(1) The program qualifies the student to sit for the 14283

examination of a national certifying organization approved by 14284
the board under section 4723.46 of the Revised Code or the 14285
program prepares the student to receive a master's or doctoral 14286
degree in accordance with division (A) (2) of section 4723.41 of 14287
the Revised Code; 14288

(2) The student's practice is under the auspices of the 14289
program; 14290

(3) The student acts under the supervision of an advanced 14291
practice registered nurse serving for the program as a faculty 14292
member, teaching assistant, or preceptor. 14293

(G) The activities of an individual who is a resident of a 14294
state other than this state and who currently holds a license to 14295
practice nursing or equivalent authorization from another 14296
jurisdiction, but only if the individual's activities are 14297
limited to those activities that the same type of nurse may 14298
engage in pursuant to a license issued under this chapter, the 14299
individual's authority to practice has not been revoked, the 14300
individual is not currently under suspension or on probation, 14301
the individual does not represent the individual as being 14302
licensed under this chapter, and one of the following is the 14303
case: 14304

(1) The individual is engaging in the practice of nursing 14305
by discharging official duties while employed by or under 14306
contract with the United States government or any agency 14307
thereof; 14308

(2) The individual is engaging in the practice of nursing 14309
as an employee of an individual, agency, or corporation located 14310
in the other jurisdiction in a position with employment 14311
responsibilities that include transporting patients into, out 14312

of, or through this state, as long as each trip in this state 14313
does not exceed seventy-two hours; 14314

(3) The individual is consulting with an individual 14315
licensed in this state to practice any health-related 14316
profession; 14317

(4) The individual is engaging in activities associated 14318
with teaching in this state as a guest lecturer at or for a 14319
nursing education program, continuing nursing education program, 14320
or in-service presentation; 14321

(5) The individual is conducting evaluations of nursing 14322
care that are undertaken on behalf of an accrediting 14323
organization, including the national league for nursing 14324
accrediting committee, the joint commission (formerly known as 14325
the joint commission on accreditation of healthcare 14326
organizations), or any other nationally recognized accrediting 14327
organization; 14328

(6) The individual is providing nursing care to an 14329
individual who is in this state on a temporary basis, not to 14330
exceed six months in any one calendar year, if the nurse is 14331
directly employed by or under contract with the individual or a 14332
guardian or other person acting on the individual's behalf; 14333

(7) The individual is providing nursing care during any 14334
disaster, natural or otherwise, that has been officially 14335
declared to be a disaster by a public announcement issued by an 14336
appropriate federal, state, county, or municipal official; 14337

(8) The individual is providing nursing care at a free-of- 14338
charge camp accredited by the SeriousFun children's network that 14339
specializes in providing therapeutic recreation, as defined in 14340
section 2305.231 of the Revised Code, for individuals with 14341

chronic diseases, if all of the following are the case: 14342

(a) The individual provides documentation to the medical 14343
director of the camp that the individual holds a current, valid 14344
license to practice nursing or equivalent authorization from 14345
another jurisdiction. 14346

(b) The individual provides nursing care only at the camp 14347
or in connection with camp events or activities that occur off 14348
the grounds of the camp. 14349

(c) The individual is not compensated for the individual's 14350
services. 14351

(d) The individual provides nursing care within this state 14352
for not more than thirty days per calendar year. 14353

(e) The camp has a medical director who holds an 14354
unrestricted license to practice medicine issued in accordance 14355
with Chapter 4731. of the Revised Code. 14356

(9) The individual is providing nursing care as a 14357
volunteer without remuneration during a charitable event that 14358
lasts not more than seven days if both of the following are the 14359
case: 14360

(a) The individual, or the charitable event's organizer, 14361
notifies the board of nursing not less than seven calendar days 14362
before the first day of the charitable event of the individual's 14363
intent to engage in the practice of nursing as a registered 14364
nurse, advanced practice registered nurse, or licensed practical 14365
nurse at the event; 14366

(b) If the individual's scope of practice in the other 14367
jurisdiction is more restrictive than in this state, the 14368
individual is limited to performing only those procedures that a 14369

registered nurse, advanced practice registered nurse, or 14370
licensed practical nurse in the other jurisdiction may perform. 14371

(H) The administration of medication by an individual who 14372
holds a valid medication aide certificate issued under this 14373
chapter, if the medication is administered to a resident of a 14374
nursing home, residential care facility, or ICF/IID authorized 14375
by section 4723.64 of the Revised Code to use a certified 14376
medication aide and the medication is administered in accordance 14377
with section 4723.67 of the Revised Code. 14378

(I) An individual who is a resident of a state other than 14379
this state and who holds a license to practice nursing or 14380
equivalent authorization from another jurisdiction is not 14381
required to obtain a license in accordance with section 9.79 of 14382
the Revised Code to perform the activities described under 14383
division (G) of this section. 14384

Sec. 4723.41. (A) Each person who desires to practice 14385
nursing as a certified nurse-midwife and has not been authorized 14386
to practice midwifery prior to December 1, 1967, and each person 14387
who desires to practice nursing as a certified registered nurse 14388
anesthetist, clinical nurse specialist, or certified nurse 14389
practitioner shall file with the board of nursing a written 14390
application for a license to practice nursing as an advanced 14391
practice registered nurse and designation in the desired 14392
specialty. The application must be filed, under oath, on a form 14393
prescribed by the board accompanied by the application fee 14394
required by section 4723.08 of the Revised Code. 14395

Except as provided in division (B), (C), or (D) of this 14396
section, at the time of making application, the applicant shall 14397
meet all of the following requirements: 14398

(1) Be a registered nurse;	14399
(2) Submit documentation satisfactory to the board that	14400
the applicant has earned a master's or doctoral degree with a	14401
major in a nursing specialty or in a related field that	14402
qualifies the applicant to sit for the certification examination	14403
of a national certifying organization approved by the board	14404
under section 4723.46 of the Revised Code;	14405
(3) Submit documentation satisfactory to the board of	14406
having passed the certification examination of a national	14407
certifying organization approved by the board under section	14408
4723.46 of the Revised Code to examine and certify, as	14409
applicable, nurse-midwives, registered nurse anesthetists,	14410
clinical nurse specialists, or nurse practitioners;	14411
(4) Submit an affidavit with the application that states	14412
all of the following:	14413
(a) That the applicant is the person named in the	14414
documents submitted under this section and is the lawful	14415
possessor thereof;	14416
(b) The applicant's age, residence, the school at which	14417
the applicant obtained education in the applicant's nursing	14418
specialty, and any other facts that the board requires;	14419
(c) The specialty in which the applicant seeks	14420
designation.	14421
(B) (1) A certified registered nurse anesthetist, clinical	14422
nurse specialist, certified nurse-midwife, or certified nurse	14423
practitioner who is practicing or has practiced as such in	14424
another jurisdiction <u>other than another state</u> may apply for a	14425
license by endorsement to practice nursing as an advanced	14426
practice registered nurse and designation as a certified	14427

registered nurse anesthetist, clinical nurse specialist, 14428
certified nurse-midwife, or certified nurse practitioner in this 14429
state if the nurse meets the requirements set forth in division 14430
(A) of this section or division (B) (2) of this section. 14431

(2) If an applicant who is practicing or has practiced in 14432
another jurisdiction other than another state applies for 14433
designation under division (B) (2) of this section, the 14434
application shall be submitted to the board in the form 14435
prescribed by rules of the board and be accompanied by the 14436
application fee required by section 4723.08 of the Revised Code. 14437
The application shall include evidence that the applicant meets 14438
the requirements of division (B) (2) of this section, holds 14439
authority to practice nursing and is in good standing in another 14440
jurisdiction other than another state granted after meeting 14441
requirements approved by the entity of that jurisdiction that 14442
regulates nurses, and other information required by rules of the 14443
board of nursing. 14444

With respect to the educational requirements and national 14445
certification requirements that an applicant under division (B) 14446
(2) of this section must meet, both of the following apply: 14447

(a) If the applicant is a certified registered nurse 14448
anesthetist, certified nurse-midwife, or certified nurse 14449
practitioner who, on or before December 31, 2000, obtained 14450
certification in the applicant's nursing specialty with a 14451
national certifying organization listed in division (A) (3) of 14452
section 4723.41 of the Revised Code as that division existed 14453
prior to March 20, 2013, or that was at that time approved by 14454
the board under section 4723.46 of the Revised Code, the 14455
applicant must have maintained the certification. The applicant 14456
is not required to have earned a master's or doctoral degree 14457

with a major in a nursing specialty or in a related field that 14458
qualifies the applicant to sit for the certification 14459
examination. 14460

(b) If the applicant is a clinical nurse specialist, one 14461
of the following must apply to the applicant: 14462

(i) On or before December 31, 2000, the applicant obtained 14463
a master's or doctoral degree with a major in a clinical area of 14464
nursing from an educational institution accredited by a national 14465
or regional accrediting organization. The applicant is not 14466
required to have passed a certification examination. 14467

(ii) On or before December 31, 2000, the applicant 14468
obtained a master's or doctoral degree in nursing or a related 14469
field and was certified as a clinical nurse specialist by the 14470
American nurses credentialing center or another national 14471
certifying organization that was at that time approved by the 14472
board under section 4723.46 of the Revised Code. 14473

(3) The board shall grant a license to practice nursing as 14474
an advanced practice registered nurse in accordance with section 14475
9.79 of the Revised Code to an applicant if either of the 14476
following applies: 14477

(a) The applicant holds a license in another state. 14478

(b) The applicant has satisfactory work experience, a 14479
government certification, or a private certification as 14480
described in that section as an advanced practice registered 14481
nurse in a state that does not issue that license. 14482

(4) The board may grant a nonrenewable temporary permit to 14483
practice nursing as an advanced practice registered nurse to an 14484
applicant for licensure ~~by endorsement~~ under division (B) (2) or 14485
(3) of this section if the board is satisfied by the evidence 14486

that the applicant holds a valid, unrestricted license in or 14487
equivalent authorization from another jurisdiction. Section 9.79 14488
of the Revised Code does not apply to a temporary permit issued 14489
under this division. The temporary permit shall expire at the 14490
earlier of one hundred eighty days after issuance or upon the 14491
issuance of a license by endorsement under division (B) (2) or 14492
(3) of this section. 14493

(C) An applicant who desires to practice nursing as a 14494
certified registered nurse anesthetist, certified nurse-midwife, 14495
or certified nurse practitioner is exempt from the educational 14496
requirements in division (A) (2) of this section if all of the 14497
following are the case: 14498

(1) Before January 1, 2001, the board issued to the 14499
applicant a certificate of authority to practice as a certified 14500
registered nurse anesthetist, certified nurse-midwife, or 14501
certified nurse practitioner; 14502

(2) The applicant submits documentation satisfactory to 14503
the board that the applicant obtained certification in the 14504
applicant's nursing specialty with a national certifying 14505
organization listed in division (A) (3) of section 4723.41 of the 14506
Revised Code as that division existed prior to March 20, 2013, 14507
or that was at that time approved by the board under section 14508
4723.46 of the Revised Code; 14509

(3) The applicant submits documentation satisfactory to 14510
the board that the applicant has maintained the certification 14511
described in division (C) (2) of this section. 14512

(D) An applicant who desires to practice as a clinical 14513
nurse specialist is exempt from the examination requirement in 14514
division (A) (3) of this section if both of the following are the 14515

case: 14516

(1) Before January 1, 2001, the board issued to the 14517
applicant a certificate of authority to practice as a clinical 14518
nurse specialist; 14519

(2) The applicant submits documentation satisfactory to 14520
the board that the applicant earned either of the following: 14521

(a) A master's or doctoral degree with a major in a 14522
clinical area of nursing from an educational institution 14523
accredited by a national or regional accrediting organization; 14524

(b) A master's or doctoral degree in nursing or a related 14525
field and was certified as a clinical nurse specialist by the 14526
American nurses credentialing center or another national 14527
certifying organization that was at that time approved by the 14528
board under section 4723.46 of the Revised Code. 14529

Sec. 4723.651. (A) To be eligible to receive a medication 14530
aide certificate, an applicant shall meet all of the following 14531
conditions: 14532

(1) Be at least eighteen years of age; 14533

(2) Have a high school diploma or a certificate of high 14534
school equivalence as defined in section 5107.40 of the Revised 14535
Code; 14536

(3) If the applicant is to practice as a medication aide 14537
in a nursing home, be a nurse aide who satisfies the 14538
requirements of division (A) (1), (2), (3), (4), (5), (6), or (8) 14539
of section 3721.32 of the Revised Code; 14540

(4) If the applicant is to practice as a medication aide 14541
in a residential care facility, be a nurse aide who satisfies 14542
the requirements of division (A) (1), (2), (3), (4), (5), (6), or 14543

(8) of section 3721.32 of the Revised Code or an individual who 14544
has at least one year of direct care experience in a residential 14545
care facility; 14546

(5) If the applicant is to practice as a medication aide 14547
in an ICF/IID, be a nurse aide who satisfies the requirements of 14548
division (A) (1), (2), (3), (4), (5), (6), or (8) of section 14549
3721.32 of the Revised Code or an individual who has at least 14550
one year of direct care experience in an ICF/IID; 14551

(6) Successfully complete the course of instruction 14552
provided by a training program approved under section 4723.66 of 14553
the Revised Code; 14554

(7) Not be ineligible for licensure or certification as 14555
specified in section 4723.092 of the Revised Code; 14556

(8) Have not committed any act that is grounds for 14557
disciplinary action under section 3123.47 or 4723.28 of the 14558
Revised Code or be determined by the board to have made 14559
restitution, been rehabilitated, or both; 14560

(9) Not be required to register under Chapter 2950. of the 14561
Revised Code or a substantially similar law of another state, 14562
the United States, or another country; 14563

(10) Meet all other requirements for a medication aide 14564
certificate established in rules adopted under section 4723.69 14565
of the Revised Code. 14566

(B) ~~If~~ Except as provided in division (C) of this section, 14567
if an applicant meets the requirements specified in division (A) 14568
of this section, the board of nursing shall issue a medication 14569
aide certificate to the applicant. If a medication aide 14570
certificate is issued to an individual on the basis of having at 14571
least one year of direct care experience working in a 14572

residential care facility, as provided in division (A)(4) of 14573
this section, the certificate is valid for use only in a 14574
residential care facility. If a medication aide certificate is 14575
issued to an individual on the basis of having at least one year 14576
of direct care experience working in an ICF/IID, as provided in 14577
division (A)(5) of this section, the certificate is valid for 14578
use only in an ICF/IID. The board shall state the limitation on 14579
the certificate issued to the individual. 14580

(C) The board shall issue a medication aide certificate in 14581
accordance with section 9.79 of the Revised Code to an applicant 14582
if either of the following applies: 14583

(1) The applicant holds a certificate or license in 14584
another state. 14585

(2) The applicant has satisfactory work experience, a 14586
government certification, or a private certification as 14587
described in that section as a medication aide in a state that 14588
does not issue that certificate or license. 14589

(D) A medication aide certificate is valid for two years, 14590
unless earlier suspended or revoked. The certificate may be 14591
renewed in accordance with procedures specified by the board in 14592
rules adopted under section 4723.69 of the Revised Code. To be 14593
eligible for renewal, an applicant shall pay the renewal fee 14594
established in the rules and meet all renewal qualifications 14595
specified in the rules. 14596

Sec. 4723.75. (A) The Except as provided in division (D) 14597
of this section, the board of nursing shall issue a certificate 14598
to practice as a dialysis technician to an applicant if the 14599
conditions of divisions (A)(1) to (5) of this section have been 14600
met: 14601

(1) The application is submitted to the board in 14602
accordance with rules adopted under section 4723.79 of the 14603
Revised Code and includes both of the following: 14604

(a) The fee established in rules adopted under section 14605
4723.79 of the Revised Code; 14606

(b) The name and address of each approved dialysis 14607
training program in which the applicant has enrolled and the 14608
dates during which the applicant was enrolled in each program. 14609

(2) The applicant meets the requirements established by 14610
the board's rules. 14611

(3) The applicant demonstrates competency to practice as a 14612
dialysis technician, as specified in division (B) of this 14613
section. 14614

(4) In the case of an applicant who entered a dialysis 14615
training program on or after June 1, 2003, the results of a 14616
criminal records check conducted in accordance with section 14617
4723.091 of the Revised Code demonstrate that the applicant is 14618
not ineligible for certification as specified in section 14619
4723.092 of the Revised Code. 14620

(5) The applicant is not required to register under 14621
Chapter 2950. of the Revised Code or a substantially similar law 14622
of another state, the United States, or another country. 14623

(B) For an applicant to demonstrate competence to practice 14624
as a dialysis technician, one of the following must apply: 14625

(1) The applicant has successfully completed a dialysis 14626
training program approved by the board under section 4723.74 of 14627
the Revised Code and meets both of the following requirements: 14628

(a) Has performed dialysis care for a dialysis provider 14629

for not less than six months immediately prior to the date of application; 14630
14631

(b) Has passed a certification examination demonstrating 14632
competence to perform dialysis care not later than eighteen 14633
months after successfully completing a dialysis training program 14634
approved by the board under section 4723.74 of the Revised Code. 14635

(2) The applicant does all of the following: 14636

(a) Has a testing organization approved by the board 14637
submit evidence satisfactory to the board that the applicant 14638
passed an examination, in another jurisdiction, that 14639
demonstrates the applicant's competence to provide dialysis 14640
care; 14641

(b) Submits evidence satisfactory to the board that the 14642
applicant has been employed to perform dialysis care in another 14643
jurisdiction for not less than six months immediately prior to 14644
the date of application for certification under this section; 14645

(c) Submits evidence satisfactory to the board that the 14646
applicant completed at least two hours of education directly 14647
related to this chapter and the rules adopted under it. 14648

(C) An applicant who does not pass the certification 14649
examination described in division (B) (1) (b) of this section 14650
within the time period prescribed in that division may continue 14651
to pursue certification by repeating the entire training and 14652
application process, including doing all of the following: 14653

(1) Enrolling in and successfully completing a dialysis 14654
training program approved by the board; 14655

(2) Submitting a request to the bureau of criminal 14656
identification and investigation for a criminal records check 14657

and check of federal bureau of investigation records pursuant to 14658
section 4723.091 of the Revised Code; 14659

(3) Submitting an application for a dialysis technician 14660
intern certificate in accordance with section 4723.76 of the 14661
Revised Code; 14662

(4) Demonstrating competence to perform dialysis care in 14663
accordance with division (B) of this section. 14664

(D) The board shall issue a certificate to practice as a 14665
dialysis technician in accordance with section 9.79 of the 14666
Revised Code to an applicant if either of the following applies: 14667

(1) The applicant holds a certificate or license in 14668
another state. 14669

(2) The applicant has satisfactory work experience, a 14670
government certification, or a private certification as 14671
described in that section as a dialysis technician in a state 14672
that does not issue that certificate or license. 14673

Sec. 4723.76. (A) The ~~Except as provided in division (D)~~ 14674
of this section, the board of nursing shall issue a certificate 14675
to practice as a dialysis technician intern to an applicant who 14676
has not passed the dialysis technician certification examination 14677
required by section 4723.751 of the Revised Code, but who 14678
satisfies all of the following requirements: 14679

(1) Applies to the board in accordance with rules adopted 14680
under section 4723.79 of the Revised Code and includes with the 14681
application both of the following: 14682

(a) The fee established in rules adopted under section 14683
4723.79 of the Revised Code; 14684

(b) The name and address of all dialysis training programs 14685

approved by the board in which the applicant has been enrolled 14686
and the dates of enrollment in each program. 14687

(2) Provides documentation from the applicant's employer 14688
attesting that the applicant is competent to perform dialysis 14689
care; 14690

(3) Has successfully completed a dialysis training program 14691
approved by the board of nursing under section 4723.74 of the 14692
Revised Code; 14693

(4) Is not required to register under Chapter 2950. of the 14694
Revised Code or a substantially similar law of another state, 14695
the United States, or another country. 14696

(B) A dialysis technician intern certificate issued to an 14697
applicant who meets the requirements in division (A) of this 14698
section is valid for a period of time that is eighteen months 14699
from the date on which the applicant successfully completed a 14700
dialysis training program approved by the board under section 14701
4723.74 of the Revised Code, minus the time the applicant was 14702
enrolled in one or more dialysis training programs approved by 14703
the board. 14704

(C) A dialysis technician intern certificate issued under 14705
this section may not be renewed. 14706

(D) (1) The board shall issue a certificate to practice as 14707
a dialysis technician intern in accordance with section 9.79 of 14708
the Revised Code to an applicant if either of the following 14709
applies: 14710

(a) The applicant holds a certificate or license in 14711
another state. 14712

(b) The applicant has satisfactory work experience, a 14713

government certification, or a private certification as 14714
described in that section as a dialysis technician intern in a 14715
state that does not issue that certificate or license. 14716

(2) A certificate issued under section 9.79 of the Revised 14717
Code is valid for the same time period as described in division 14718
(B) of this section. 14719

Sec. 4723.85. (A) The board of nursing shall review all 14720
applications received under section 4723.83 of the Revised Code. 14721
If an applicant meets the requirements of section 4723.84 of the 14722
Revised Code, the board shall issue a community health worker 14723
certificate to the applicant. 14724

(B) Notwithstanding the requirements specified in section 14725
4723.84 of the Revised Code, the board shall issue a community 14726
health worker certificate in accordance with section 9.79 of the 14727
Revised Code to an applicant if either of the following applies: 14728

(1) The applicant holds a certificate or license in 14729
another state. 14730

(2) The applicant has satisfactory work experience, a 14731
government certification, or a private certification as 14732
described in that section as a community health worker in a 14733
state that does not issue that certificate or license. 14734

(C) A community health worker certificate issued under 14735
division (A) or (B) of this section expires biennially and may 14736
be renewed in accordance with the schedule and procedures 14737
established by the board in rules adopted under section 4723.88 14738
of the Revised Code. To be eligible for renewal, an individual 14739
must complete the continuing education requirements established 14740
by the board in rules adopted under section 4723.88 of the 14741
Revised Code and meet all other requirements for renewal, as 14742

specified in the board's rules adopted under that section. If an 14743
applicant for renewal has successfully completed the continuing 14744
education requirements and meets all other requirements for 14745
renewal, the board shall issue a renewed community health worker 14746
certificate to the applicant. 14747

Sec. 4725.13. (A) The state vision professionals board, by 14748
an affirmative vote of a majority of its members, shall issue 14749
certificates under its seal as follows: 14750

(1) Every applicant who, prior to May 19, 1992, passed the 14751
licensing examination then in effect, and who otherwise complies 14752
with sections 4725.01 to 4725.34 of the Revised Code shall 14753
receive from the board a certificate of licensure authorizing 14754
the holder to engage in the practice of optometry as provided in 14755
division (A) (1) of section 4725.01 of the Revised Code. 14756

(2) Every applicant who, prior to May 19, 1992, passed the 14757
general and ocular pharmacology examination then in effect, and 14758
who otherwise complies with sections 4725.01 to 4725.34 of the 14759
Revised Code, shall receive from the board a separate topical 14760
ocular pharmaceutical agents certificate authorizing the holder 14761
to administer topical ocular pharmaceutical agents as provided 14762
in division (A) (2) of section 4725.01 of the Revised Code and in 14763
accordance with sections 4725.01 to 4725.34 of the Revised Code. 14764

(3) Every applicant who holds a valid certificate of 14765
licensure issued prior to May 19, 1992, and meets the 14766
requirements of section 4725.14 of the Revised Code shall 14767
receive from the board a separate therapeutic pharmaceutical 14768
agents certificate authorizing the holder to engage in the 14769
practice of optometry as provided in division (A) (3) of section 14770
4725.01 of the Revised Code. 14771

(4) Every applicant who, on or after May 19, 1992, passes 14772
all parts of the licensing examination accepted by the board 14773
under section 4725.11 of the Revised Code and otherwise complies 14774
with the requirements of sections 4725.01 to 4725.34 of the 14775
Revised Code shall receive from the board a certificate of 14776
licensure authorizing the holder to engage in the practice of 14777
optometry as provided in division (A) (1) of section 4725.01 of 14778
the Revised Code and a separate therapeutic pharmaceutical 14779
agents certificate authorizing the holder to engage in the 14780
practice of optometry as provided in division (A) (3) of that 14781
section. 14782

(B) Each person to whom a certificate is issued pursuant 14783
to this section by the board shall keep the certificate 14784
displayed in a conspicuous place in the location at which that 14785
person practices optometry and shall whenever required exhibit 14786
the certificate to any member or agent of the board. If an 14787
optometrist practices outside of or away from the location at 14788
which the optometrist's certificate of licensure is displayed, 14789
the optometrist shall deliver to each person examined or fitted 14790
with optical accessories by the optometrist, a receipt signed by 14791
the optometrist in which the optometrist shall set forth the 14792
amounts charged, the optometrist's post-office address, and the 14793
number assigned to the optometrist's certificate of licensure. 14794
The information may be provided as part of a prescription given 14795
to the person. 14796

(C) A person who, on May 19, 1992, holds a valid 14797
certificate of licensure or topical ocular pharmaceutical agents 14798
certificate issued by the board may continue to engage in the 14799
practice of optometry as provided by the certificate of 14800
licensure or topical ocular pharmaceutical agents certificate if 14801
the person continues to comply with sections 4725.01 to 4725.34 14802

of the Revised Code as required by the certificate of licensure 14803
or topical ocular pharmaceutical agents certificate. 14804

(D) Section 9.79 of the Revised Code does not apply to 14805
certificates issued under division (A) (2) or (3) of this 14806
section. 14807

Sec. 4725.18. (A) The state vision professionals board may 14808
issue a certificate of licensure and therapeutic pharmaceutical 14809
agents certificate by endorsement to an individual licensed as 14810
an optometrist by ~~another state or~~ a Canadian province if the 14811
board determines that the ~~other state or~~ province has standards 14812
for the practice of optometry that are at least as stringent as 14813
the standards established under sections 4725.01 to 4725.34 of 14814
the Revised Code and the individual meets the conditions 14815
specified in division (B) of this section. The certificates may 14816
be issued only by an affirmative vote of a majority of the 14817
board's members. 14818

(B) An individual seeking a certificate of licensure and 14819
therapeutic pharmaceutical agents certificate pursuant to 14820
division (A) of this section shall submit an application to the 14821
board. To receive the certificates, an applicant must meet all 14822
of the following conditions: 14823

(1) Meet the same qualifications that an individual must 14824
meet under divisions (B) (1) to (4) of section 4725.12 of the 14825
Revised Code to receive a certificate of licensure and 14826
therapeutic pharmaceutical agents certificate under that 14827
section; 14828

(2) Be licensed to practice optometry by a ~~state or~~ 14829
Canadian province that requires passage of a written, entry- 14830
level examination at the time of initial licensure; 14831

- (3) Be licensed in good standing by the optometry licensing agency of the ~~other state or province~~, evidenced by submission of a letter from the licensing agency of the ~~other state or province~~ attesting to the applicant's good standing; 14832
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- (4) Provide the board with certified reports from the optometry licensing agencies of all ~~states and provinces~~ in which the applicant is licensed or has been licensed to practice optometry describing all past and pending actions taken by those agencies with respect to the applicant's authority to practice optometry in those jurisdictions, including such actions as investigations, entering into consent agreements, suspensions, revocations, and refusals to issue or renew a license; 14836
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- (5) Have been actively engaged in the practice of optometry, including the use of therapeutic pharmaceutical agents, for at least three years immediately preceding making application under this section; 14844
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- (6) Pay the nonrefundable application fees established under section 4725.34 of the Revised Code for a certificate of licensure and therapeutic pharmaceutical agents certificate; 14848
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- (7) Submit all transcripts, reports, or other information the board requires; 14851
14852
- (8) Participate in a two-hour instruction session provided by the board on the optometry statutes and rules of this state or pass an Ohio optometry jurisprudence test administered by the board; 14853
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- (9) Pass all or part of the licensing examination accepted by the board under section 4725.11 of the Revised Code, if the board determines that testing is necessary to determine whether the applicant's qualifications are sufficient for issuance of a 14857
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certificate of licensure and therapeutic pharmaceutical agents 14861
certificate under this section; 14862

(10) Not have been previously denied issuance of a 14863
certificate by the board. 14864

(C) The board shall issue a certificate of licensure and 14865
therapeutic pharmaceutical agents certificate in accordance with 14866
section 9.79 of the Revised Code to an applicant if either of 14867
the following applies: 14868

(1) The applicant holds a certificate or license in 14869
another state. 14870

(2) The applicant has satisfactory work experience, a 14871
government certification, or a private certification as 14872
described in that section in the practice of optometry using 14873
therapeutic pharmaceutical agents in a state that does not issue 14874
that license or certificate. 14875

Sec. 4725.26. Division (A) of section 4725.02 of the 14876
Revised Code does not apply to the following: 14877

(A) Physicians authorized to practice medicine and surgery 14878
or osteopathic medicine and surgery under Chapter 4731. of the 14879
Revised Code; 14880

(B) Persons who sell optical accessories but do not assume 14881
to adapt them to the eye, and neither practice nor profess to 14882
practice optometry; 14883

(C) ~~An~~ A nonresident instructor in a school of optometry 14884
that is located in this state and approved by the state vision 14885
professionals board under section 4725.10 of the Revised Code 14886
who holds a valid current license to practice optometry from a 14887
licensing body in another jurisdiction and limits the practice 14888

of optometry to the instruction of students enrolled in the 14889
school. The state vision professionals board shall not require a 14890
nonresident instructor who holds a license in another state to 14891
obtain a license in accordance with section 9.79 of the Revised 14892
Code to practice optometry in the manner described under this 14893
division. 14894

(D) A student enrolled in a school of optometry, located 14895
in this or another state and approved by the board under section 14896
4725.10 of the Revised Code, while the student is participating 14897
in this state in an optometry training program provided or 14898
sponsored by the school, if the student acts under the direct, 14899
personal supervision and control of an optometrist licensed by 14900
the board or authorized to practice pursuant to division (C) of 14901
this section. 14902

(E) An individual who is licensed or otherwise 14903
specifically authorized by the Revised Code to engage in an 14904
activity that is included in the practice of optometry. 14905

(F) An individual who is not licensed or otherwise 14906
specifically authorized by the Revised Code to engage in an 14907
activity that is included in the practice of optometry, but is 14908
acting pursuant to the rules for delegation of optometric tasks 14909
adopted under section 4725.09 of the Revised Code. 14910

(G) ~~An~~ A nonresident individual who holds in good standing 14911
a valid license to practice optometry from a licensing body in 14912
another jurisdiction and is practicing as a volunteer without 14913
remuneration during a charitable event that lasts not more than 14914
seven days. 14915

When an individual meets the conditions of this division, 14916
the individual shall be deemed to hold, during the course of the 14917

charitable event, a license to practice optometry from the state vision professionals board and shall be subject to the provisions of this chapter authorizing the board to take disciplinary action against a license holder. Not less than seven calendar days before the first day of the charitable event, the individual or the event's organizer shall notify the board of the individual's intent to engage in the practice of optometry at the event. During the course of the charitable event, the individual's scope of practice is limited to the procedures that an optometrist licensed under this chapter is authorized to perform unless the individual's scope of practice in the other jurisdiction is more restrictive than in this state. If the latter is the case, the individual's scope of practice is limited to the procedures that an optometrist in the other jurisdiction may perform.

The board shall not require a nonresident individual who holds a license in another state to obtain a license in accordance with section 9.79 of the Revised Code to practice optometry as a volunteer in the manner described under this division.

Sec. 4725.48. (A) Any person who desires to engage in optical dispensing shall file a properly completed application for an examination with the state vision professionals board or with the testing service the board has contracted with pursuant to section 4725.49 of the Revised Code. The application for examination shall be made using a form provided by the board and shall be accompanied by an examination fee the board shall establish by rule.

(B) Any person who desires to engage in optical dispensing shall file a properly completed application for a license with

the board with a licensure application fee of fifty dollars. 14948

No person shall be eligible to apply for a license under 14949
this division, unless the person is at least eighteen years of 14950
age, is free of contagious or infectious disease, has received a 14951
passing score, as determined by the board, on the examination 14952
administered under division (A) of this section, is a graduate 14953
of an accredited high school of any state, or has received an 14954
equivalent education and has successfully completed either of 14955
the following: 14956

(1) Two years of supervised experience under a licensed 14957
dispensing optician, optometrist, or physician engaged in the 14958
practice of ophthalmology, up to one year of which may be 14959
continuous experience of not less than thirty hours a week in an 14960
optical laboratory; 14961

(2) A two-year college level program in optical dispensing 14962
that has been approved by the board and that includes, but is 14963
not limited to, courses of study in mathematics, science, 14964
English, anatomy and physiology of the eye, applied optics, 14965
ophthalmic optics, measurement and inspection of lenses, lens 14966
grinding and edging, ophthalmic lens design, keratometry, and 14967
the fitting and adjusting of spectacle lenses and frames and 14968
contact lenses, including methods of fitting contact lenses and 14969
post-fitting care. 14970

(C) (1) Any person who desires to obtain a license to 14971
practice as an ocularist shall file a properly completed 14972
application with the board accompanied by the appropriate fee 14973
and proof that the applicant has met the requirements for 14974
licensure. The board shall establish, by rule, the application 14975
fee and the minimum requirements for licensure, including 14976
education, examination, or experience standards recognized by 14977

the board as national standards for ocularists. The board shall 14978
issue a license to practice as an ocularist to an applicant who 14979
satisfies the requirements of this division and rules adopted 14980
pursuant to this division. 14981

(2) The board shall issue a license to practice as an 14982
ocularist in accordance with section 9.79 of the Revised Code to 14983
an applicant if either of the following applies: 14984

(a) The applicant holds a license in another state. 14985

(b) The applicant has satisfactory work experience, a 14986
government certification, or a private certification as 14987
described in that section as an ocularist in a state that does 14988
not issue that license. 14989

(D) (1) Subject to divisions (D) (2), (3), and (4) of this 14990
section, the board shall not adopt, maintain, renew, or enforce 14991
any rule that precludes an individual from receiving or renewing 14992
a license as a dispensing optician issued under sections 4725.40 14993
to 4725.59 of the Revised Code due to any past criminal activity 14994
or interpretation of moral character, unless the individual has 14995
committed a crime of moral turpitude or a disqualifying offense 14996
as those terms are defined in section 4776.10 of the Revised 14997
Code. If the board denies an individual a license or license 14998
renewal, the reasons for such denial shall be put in writing. 14999

(2) Except as otherwise provided in this division, if an 15000
individual applying for a license has been convicted of or 15001
pleaded guilty to a misdemeanor that is not a crime of moral 15002
turpitude or a disqualifying offense less than one year prior to 15003
making the application, the board may use its discretion in 15004
granting or denying the individual a license. Except as 15005
otherwise provided in this division, if an individual applying 15006

for a license has been convicted of or pleaded guilty to a 15007
felony that is not a crime of moral turpitude or a disqualifying 15008
offense less than three years prior to making the application, 15009
the board may use its discretion in granting or denying the 15010
individual a license. The provisions in this paragraph do not 15011
apply with respect to any offense unless the board, prior to 15012
September 28, 2012, was required or authorized to deny the 15013
application based on that offense. 15014

In all other circumstances, the board shall follow the 15015
procedures it adopts by rule that conform to division (D) (1) of 15016
this section. 15017

(3) In considering a renewal of an individual's license, 15018
the board shall not consider any conviction or plea of guilty 15019
prior to the initial licensing. However, the board may consider 15020
a conviction or plea of guilty if it occurred after the 15021
individual was initially licensed, or after the most recent 15022
license renewal. 15023

(4) The board may grant an individual a conditional 15024
license that lasts for one year. After the one-year period has 15025
expired, the license is no longer considered conditional, and 15026
the individual shall be considered fully licensed. 15027

(E) The board, subject to the approval of the controlling 15028
board, may establish examination fees in excess of the amount 15029
established by rule pursuant to this section, provided that such 15030
fees do not exceed those amounts established in rule by more 15031
than fifty per cent. 15032

Sec. 4725.52. Any licensed dispensing optician may 15033
supervise a maximum of three apprentices who shall be permitted 15034
to engage in optical dispensing only under the supervision of 15035

the licensed dispensing optician. 15036

To serve as an apprentice, a person shall register with 15037
the state vision professionals board on a form provided by the 15038
board and in the form of a statement giving the name and address 15039
of the supervising licensed dispensing optician, the location at 15040
which the apprentice will be employed, and any other information 15041
required by the board. For the duration of the apprenticeship, 15042
the apprentice shall register annually on the form provided by 15043
the board and in the form of a statement. 15044

Each apprentice shall pay an initial registration fee of 15045
twenty dollars. For each registration renewal thereafter, each 15046
apprentice shall pay a registration renewal fee of twenty 15047
dollars. 15048

The board shall grant registration as an apprentice under 15049
this section in accordance with section 9.79 of the Revised Code 15050
to an applicant if the applicant holds a registration or license 15051
in another state or has satisfactory work experience, a 15052
government certification, or a private certification as 15053
described in that section as an apprentice permitted to engage 15054
in supervised optical dispensing in a state that does not grant 15055
that registration or license. 15056

The board shall not deny registration as an apprentice 15057
under this section to any individual based on the individual's 15058
past criminal history or an interpretation of moral character 15059
unless the individual has committed a disqualifying offense or 15060
crime of moral turpitude as those terms are defined in section 15061
4776.10 of the Revised Code. Except as otherwise provided in 15062
this division, if an individual applying for a registration has 15063
been convicted of or pleaded guilty to a misdemeanor that is not 15064
a crime of moral turpitude or a disqualifying offense less than 15065

one year prior to making the application, the board may use its 15066
discretion in granting or denying the individual a registration. 15067
Except as otherwise provided in this division, if an individual 15068
applying for a registration has been convicted of or pleaded 15069
guilty to a felony that is not a crime of moral turpitude or a 15070
disqualifying offense less than three years prior to making the 15071
application, the board may use its discretion in granting or 15072
denying the individual a registration. The provisions in this 15073
paragraph do not apply with respect to any offense unless the 15074
board, prior to September 28, 2012, was required or authorized 15075
to deny the registration based on that offense. 15076

In all other circumstances, the board shall follow the 15077
procedures it adopts by rule that conform to this section. In 15078
considering a renewal of an individual's registration, the board 15079
shall not consider any conviction or plea of guilty prior to the 15080
initial registration. However, the board may consider a 15081
conviction or plea of guilty if it occurred after the individual 15082
was initially registered, or after the most recent registration 15083
renewal. If the board denies an individual for a registration or 15084
registration renewal, the reasons for such denial shall be put 15085
in writing. Additionally, the board may grant an individual a 15086
conditional registration that lasts for one year. After the one- 15087
year period has expired, the registration is no longer 15088
considered conditional, and the individual shall be considered 15089
fully registered. 15090

A person who is gaining experience under the supervision 15091
of a licensed optometrist or ophthalmologist that would qualify 15092
the person under division (B) (1) of section 4725.48 of the 15093
Revised Code to take the examination for optical dispensing is 15094
not required to register with the board. 15095

~~Sec. 4725.57. An applicant for licensure as a licensed dispensing optician who is licensed or registered in another state shall be accorded the full privileges of practice within this state, upon the payment of a fifty dollar fee and the submission of a certified copy of the license or certificate issued by such other state, without the necessity of examination, if the The state vision professionals board determines that the shall issue a license to engage in optical dispensing in accordance with section 9.79 of the Revised Code to an applicant meets the remaining requirements of division (B) of section 4725.48 of the Revised Code. The board may require that the applicant have received a passing score, as determined by the board, on an examination that is substantially the same as the examination described in division (A) of section 4725.48 of the Revised Code if either of the following applies:~~

(A) The applicant holds a license or registration in another state.

(B) The applicant has satisfactory work experience, a government certification, or a private certification as described in that section as a dispensing optician in a state that does not issue that license or registration.

Sec. 4725.591. Section 4725.41 of the Revised Code does not apply to a nonresident person who holds in good standing a valid license from another state to engage in optical dispensing and is engaging in optical dispensing as a volunteer without remuneration during a charitable event that lasts not more than seven days.

When a person meets the conditions of this section, the person shall be deemed to hold, during the course of the charitable event, a license to engage in optical dispensing from

the state vision professionals board and shall be subject to the 15126
provisions of this chapter authorizing the board to take 15127
disciplinary action against a license holder. Not less than 15128
seven calendar days before the first day of the charitable 15129
event, the person or the event's organizer shall notify the 15130
board of the person's intent to engage in optical dispensing at 15131
the event. During the course of the charitable event, the 15132
person's scope of practice is limited to the procedures that a 15133
dispensing optician licensed under this chapter is authorized to 15134
perform unless the person's scope of practice in the other state 15135
is more restrictive than in this state. If the latter is the 15136
case, the person's scope of practice is limited to the 15137
procedures that a dispensing optician in the other state may 15138
perform. 15139

The state vision professionals board shall not require a 15140
nonresident person who holds a license in another state to 15141
obtain a license in accordance with section 9.79 of the Revised 15142
Code to practice optometry as a volunteer in the manner 15143
described under this section. 15144

Sec. 4727.03. (A) As used in this section, "experience and 15145
fitness in the capacity involved" means that the applicant for a 15146
pawnbroker's license demonstrates sufficient financial 15147
responsibility, reputation, and experience in the pawnbroker 15148
business, or in a related business, to act as a pawnbroker in 15149
compliance with this chapter. "Experience and fitness in the 15150
capacity involved" shall be determined by: 15151

(1) Prior or current ownership or management of, or 15152
employment in, a pawnshop; 15153

(2) Demonstration to the satisfaction of the 15154
superintendent of financial institutions of a thorough working 15155

knowledge of all pawnbroker laws and rules as they relate to the 15156
actual operation of a pawnshop. 15157

A demonstration shall include a demonstration of an 15158
ability to properly complete forms, knowledge of how to properly 15159
calculate interest and storage charges, and knowledge of legal 15160
notice and forfeiture procedures. The final determination of 15161
whether an applicant's demonstration is adequate rests with the 15162
superintendent. 15163

(3) A submission by the applicant and any stockholders, 15164
owners, managers, directors, or officers of the pawnshop, and 15165
employees of the applicant to a police record check; and 15166

(4) Liquid assets in a minimum amount of one hundred 15167
twenty-five thousand dollars at the time of applying for initial 15168
licensure and demonstration of the ability to maintain the 15169
liquid assets at a minimum amount of seventy-five thousand 15170
dollars for the duration of holding a valid pawnbroker's 15171
license. If an applicant holds a pawnbroker's license at the 15172
time of application or is applying for more than one license, 15173
this requirement shall be met separately for each license. 15174

~~(B) The~~ (1) Except as provided in division (B) (2) of this 15175
section, the superintendent may grant a license to act as a 15176
pawnbroker to any person of good character and having experience 15177
and fitness in the capacity involved to engage in the business 15178
of pawnbroking upon the payment to the superintendent of a 15179
license fee determined by the superintendent pursuant to section 15180
1321.20 of the Revised Code. A license is not transferable or 15181
assignable. 15182

(2) The superintendent shall grant a license to act as a 15183
pawnbroker in accordance with section 9.79 of the Revised Code 15184

to a person if either of the following applies: 15185

(a) The person holds a license in another state. 15186

(b) The person has satisfactory work experience, a 15187
government certification, or a private certification as 15188
described in that section as a pawnbroker in a state that does 15189
not issue that license. 15190

(C) The superintendent may consider an application 15191
withdrawn and may retain the investigation fee required under 15192
division (D) of this section if both of the following are true: 15193

(1) An application for a license does not contain all of 15194
the information required under division (B) of this section. 15195

(2) The information is not submitted to the superintendent 15196
within ninety days after the superintendent requests the 15197
information from the applicant in writing. 15198

(D) The superintendent shall require an applicant for a 15199
pawnbroker's license to pay to the superintendent a 15200
nonrefundable initial investigation fee of two hundred dollars, 15201
which is for the exclusive use of the state. 15202

(E) (1) Except as otherwise provided in division (E) (2) of 15203
this section, a pawnbroker's license issued by the 15204
superintendent expires on the thirtieth day of June next 15205
following the date of its issuance, or on a different date set 15206
by the superintendent pursuant to section 1181.23 of the Revised 15207
Code, and may be renewed annually in accordance with the 15208
standard renewal procedure set forth in Chapter 4745. of the 15209
Revised Code. Fifty per cent of the annual license fee shall be 15210
for the use of the state, and fifty per cent shall be paid by 15211
the state to the municipal corporation, or if outside the limits 15212
of any municipal corporation, to the county, in which the office 15213

of the licensee is located. All such fees payable to municipal 15214
corporations or counties shall be paid annually. 15215

(2) A pawnbroker's license issued or renewed by the 15216
superintendent on or after January 1, 2006, expires on the 15217
thirtieth day of June in the even-numbered year next following 15218
the date of its issuance or renewal, as applicable, and may be 15219
renewed biennially by the thirtieth day of June in accordance 15220
with the standard renewal procedure set forth in Chapter 4745. 15221
of the Revised Code. Fifty per cent of the biennial license fee 15222
shall be for the use of the state, and fifty per cent shall be 15223
paid by the state to the municipal corporation, or if outside 15224
the limits of any municipal corporation, to the county, in which 15225
the office of the licensee is located. All such fees payable to 15226
municipal corporations or counties shall be paid biennially. If 15227
deemed necessary for participation, the superintendent may reset 15228
the renewal date and require annual registration pursuant to 15229
section 1181.23 of the Revised Code. 15230

(F) The fee for renewal of a license shall be equivalent 15231
to the fee for an initial license established by the 15232
superintendent pursuant to section 1321.20 of the Revised Code. 15233
Any licensee who wishes to renew the pawnbroker's license but 15234
who fails to do so on or before the date the license expires 15235
shall reapply for licensure in the same manner and pursuant to 15236
the same requirements as for initial licensure, unless the 15237
licensee pays to the superintendent on or before the thirty- 15238
first day of August of the year the license expires, a late 15239
renewal penalty of one hundred dollars in addition to the 15240
regular renewal fee. Any licensee who fails to renew the license 15241
on or before the date the license expires is prohibited from 15242
acting as a pawnbroker until the license is renewed or a new 15243
license is issued under this section. Any licensee who renews a 15244

license between the first day of July and the thirty-first day 15245
of August of the year the license expires is not relieved from 15246
complying with this division. The superintendent may refuse to 15247
issue to or renew the license of any licensee who violates this 15248
division. 15249

(G) No license shall be granted to any person not a 15250
resident of or the principal office of which is not located in 15251
the municipal corporation or county designated in such license 15252
unless that applicant, in writing and in due form approved by 15253
and filed with the superintendent, first appoints an agent, a 15254
resident of the state, and city or county where the office is to 15255
be located, upon whom all judicial and other process, or legal 15256
notice, directed to the applicant may be served. In case of the 15257
death, removal from the state, or any legal disability or any 15258
disqualification of any such agent, service of such process or 15259
notice may be made upon the superintendent. 15260

The superintendent may, upon notice to the licensee and 15261
reasonable opportunity to be heard, suspend or revoke any 15262
license or assess a penalty against the licensee if the 15263
licensee, or the licensee's officers, agents, or employees, has 15264
violated this chapter. Any penalty shall be appropriate to the 15265
violation but in no case shall the penalty be less than two 15266
hundred nor more than two thousand dollars. Whenever, for any 15267
cause, a license is suspended or revoked, the superintendent 15268
shall not issue another license to the licensee nor to the legal 15269
spouse of the licensee, nor to any business entity of which the 15270
licensee is an officer or member or partner, nor to any person 15271
employed by the licensee, until the expiration of at least two 15272
years from the date of revocation or suspension of the license. 15273
The superintendent shall deposit all penalties allocated 15274
pursuant to this section into the state treasury to the credit 15275

of the consumer finance fund. 15276

Any proceedings for the revocation or suspension of a 15277
license or to assess a penalty against a licensee are subject to 15278
Chapter 119. of the Revised Code. 15279

(H) If a licensee surrenders or chooses not to renew the 15280
pawnbroker's license, the licensee shall notify the 15281
superintendent thirty days prior to the date on which the 15282
licensee intends to close the licensee's business as a 15283
pawnbroker. Prior to the date, the licensee shall do either of 15284
the following with respect to all active loans: 15285

(1) Dispose of an active loan by selling the loan to 15286
another person holding a valid pawnbroker's license issued under 15287
this section; 15288

(2) Reduce the rate of interest on pledged articles held 15289
as security for a loan to eight per cent per annum or less 15290
effective on the date that the pawnbroker's license is no longer 15291
valid. 15292

Sec. 4728.03. (A) As used in this section, "experience and 15293
fitness in the capacity involved" means that the applicant for a 15294
precious metals dealer's license has had sufficient financial 15295
responsibility, reputation, and experience in the business of 15296
precious metals dealer, or a related business, to act as a 15297
precious metals dealer in compliance with this chapter. 15298

(B) (1) ~~The~~ Except as provided in division (B) (3) of this 15299
section, the division of financial institutions in the 15300
department of commerce may grant a precious metals dealer's 15301
license to any person of good character, having experience and 15302
fitness in the capacity involved, who demonstrates a net worth 15303
of at least ten thousand dollars and the ability to maintain 15304

that net worth during the licensure period. The superintendent 15305
of financial institutions shall compute the applicant's net 15306
worth according to generally accepted accounting principles. 15307

(2) In place of the demonstration of net worth required by 15308
division (B) (1) of this section, an applicant may obtain a 15309
surety bond issued by a surety company authorized to do business 15310
in this state if all of the following conditions are met: 15311

(a) A copy of the surety bond is filed with the division; 15312

(b) The bond is in favor of any person, and of the state 15313
for the benefit of any person, injured by any violation of this 15314
chapter; 15315

(c) The bond is in the amount of not less than ten 15316
thousand dollars. 15317

(3) The division shall grant a precious metals dealer's 15318
license in accordance with section 9.79 of the Revised Code to 15319
an applicant if either of the following applies: 15320

(a) The applicant holds a license in another state. 15321

(b) The applicant has satisfactory work experience, a 15322
government certification, or a private certification as 15323
described in that section as a precious metals dealer in a state 15324
that does not issue that license. 15325

(4) Before granting a license under this division, the 15326
division shall determine that the applicant meets the 15327
requirements of division (B) (1) ~~or~~, (2), or (3) of this section. 15328

(C) ~~The~~ Except for a license issued under division (B) (3) 15329
of this section, the division shall require an applicant for a 15330
precious metals dealer's license to pay to the division a 15331
nonrefundable, initial investigation fee of two hundred dollars 15332

which shall be for the exclusive use of the state. The license 15333
fee for a precious metals dealer's license and the renewal fee 15334
shall be determined by the superintendent, provided that the fee 15335
may not exceed three hundred dollars. A license issued by the 15336
division shall expire on the last day of June next following the 15337
date of its issuance or annually on a different date set by the 15338
superintendent pursuant to section 1181.23 of the Revised Code. 15339
Fifty per cent of license fees shall be for the use of the 15340
state, and fifty per cent shall be paid to the municipal 15341
corporation, or if outside the limits of any municipal 15342
corporation, to the county in which the office of the licensee 15343
is located. All portions of license fees payable to municipal 15344
corporations or counties shall be paid as they accrue, by the 15345
treasurer of state, on vouchers issued by the director of budget 15346
and management. 15347

(D) Every such license shall be renewed annually by the 15348
last day of June, or annually on a different date set by the 15349
superintendent pursuant to section 1181.23 of the Revised Code, 15350
according to the standard renewal procedure of Chapter 4745. of 15351
the Revised Code. No license shall be granted to any person not 15352
a resident of or the principal office of which is not located in 15353
the municipal corporation or county designated in such license, 15354
unless, and until such applicant shall, in writing and in due 15355
form, to be first approved by and filed with the division, 15356
appoint an agent, a resident of the state, and city or county 15357
where the office is to be located, upon whom all judicial and 15358
other process, or legal notice, directed to the applicant may be 15359
served; and in case of the death, removal from the state, or any 15360
legal disability or any disqualification of any agent, service 15361
of process or notice may be made upon the superintendent. 15362

(E) The division may, pursuant to Chapter 119. of the 15363

Revised Code, upon notice to the licensee and after giving the 15364
licensee reasonable opportunity to be heard, revoke or suspend 15365
any license, if the licensee or the licensee's officers, agents, 15366
or employees violate this chapter. Whenever, for any cause, the 15367
license is revoked or suspended, the division shall not issue 15368
another license to the licensee nor to the husband or wife of 15369
the licensee, nor to any copartnership or corporation of which 15370
the licensee is an officer, nor to any person employed by the 15371
licensee, until the expiration of at least one year from the 15372
date of revocation of the license. 15373

(F) In conducting an investigation to determine whether an 15374
applicant satisfies the requirements for licensure under this 15375
section, the superintendent may request that the superintendent 15376
of the bureau of criminal identification and investigation 15377
investigate and determine whether the bureau has procured any 15378
information pursuant to section 109.57 of the Revised Code 15379
pertaining to the applicant. 15380

If the superintendent of financial institutions determines 15381
that conducting an investigation to determine whether an 15382
applicant satisfies the requirements for licensure under this 15383
section will require procuring information outside the state, 15384
then, in addition to the fee established under division (C) of 15385
this section, the superintendent may require the applicant to 15386
pay any of the actual expenses incurred by the division to 15387
conduct such an investigation, provided that the superintendent 15388
shall assess the applicant a total no greater than one thousand 15389
dollars for such expenses. The superintendent may require the 15390
applicant to pay in advance of the investigation, sufficient 15391
funds to cover the estimated cost of the actual expenses. If the 15392
superintendent requires the applicant to pay investigation 15393
expenses, the superintendent shall provide to the applicant an 15394

itemized statement of the actual expenses incurred by the 15395
division to conduct the investigation. 15396

(G) (1) Except as otherwise provided in division (G) (2) of 15397
this section a precious metals dealer licensed under this 15398
section shall maintain a net worth of at least ten thousand 15399
dollars, computed as required under division (B) (1) of this 15400
section, for as long as the licensee holds a valid precious 15401
metals dealer's license issued pursuant to this section. 15402

(2) A licensee who obtains a surety bond under division 15403
(B) (2) of this section is exempt from the requirement of 15404
division (G) (1) of this section, but shall maintain the bond for 15405
at least two years after the date on which the licensee ceases 15406
to conduct business in this state. 15407

Sec. 4729.09. The state board of pharmacy ~~may shall issue~~ 15408
~~a license an individual as a pharmacist without examination if~~ 15409
~~the individual:~~ 15410

~~(A) Holds a license in good standing to practice pharmacy~~ 15411
~~under the laws of in accordance with section 9.79 of the Revised~~ 15412
~~Code to an applicant if either of the following applies:~~ 15413

~~(A) The applicant holds a license in another state, has~~ 15414
~~successfully completed an examination for licensure in the other~~ 15415
~~state, and in the opinion of the board, the examination was at~~ 15416
~~least as thorough as that required by the board at the time the~~ 15417
~~individual took the examination;.~~ 15418

~~(B) Is of good moral character, as defined in rules~~ 15419
~~adopted by the board under section 4729.26 of the Revised Code;~~ 15420

~~(C) Has filed with the licensing body of the other state~~ 15421
~~at least the credentials or the equivalent that were required by~~ 15422
~~this state at the time the other state licensed the individual~~ 15423

~~as a pharmacist.~~ 15424

~~The board shall not issue a license to practice pharmacy to an individual licensed in another state if the state in which the individual is licensed does not reciprocate by granting licenses to practice pharmacy to individuals holding valid licenses received through examination by the state board of pharmacy.~~ 15425
The applicant has satisfactory work experience, a government certification, or a private certification as described in that section as a pharmacist in a state that does not issue that license. 15426
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Sec. 4729.11. The state board of pharmacy shall establish a pharmacy internship program for the purpose of providing the practical experience necessary to practice as a pharmacist. Any individual who desires to become a pharmacy intern shall apply for licensure to the board. An application filed under this section may not be withdrawn without the approval of the board. 15434
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Each applicant shall be issued a license as a pharmacy intern if the board determines that the applicant is actively pursuing an educational program in preparation for licensure as a pharmacist and meets the other requirements as determined by the board. The board shall issue a pharmacy intern license in accordance with section 9.79 of the Revised Code to an applicant who holds a license in another state or has satisfactory work experience, a government certification, or a private certification as described in that section as a pharmacy intern in a state that does not issue that license. A license shall be valid until the next renewal date and shall be renewed only if the intern is meeting the requirements and rules of the board. 15440
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Sec. 4729.15. (A) Except as provided in division (B) of this section, the state board of pharmacy shall charge the 15452
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following fees:	15454
(1) For applying for a license to practice as a pharmacist, an amount adequate to cover all expenses of the board related to examination except the expenses of procuring and grading the examination, which fee shall not be returned if the applicant fails to pass the examination;	15455 15456 15457 15458 15459
(2) For the examination of an applicant for licensure as a pharmacist, an amount adequate to cover any expenses to the board of procuring and grading the examination or any part thereof, which fee shall not be returned if the applicant fails to pass the examination;	15460 15461 15462 15463 15464
(3) For issuing a license to an individual who passes the examination described in section 4729.07 of the Revised Code, an amount that is adequate to cover the expense;	15465 15466 15467
(4) For a pharmacist applying for renewal of a license before the expiration date, two hundred fifty dollars, which fee shall not be returned if the applicant fails to qualify for renewal;	15468 15469 15470 15471
(5) For a pharmacist applying for renewal of a license that has been expired for less than three years, the renewal fee identified in division (A) (4) of this section plus a penalty of thirty-seven dollars and fifty cents, which fee shall not be returned if the applicant fails to qualify for renewal;	15472 15473 15474 15475 15476
(6) For a pharmacist applying for renewal of a license that has been expired for more than three years, three hundred thirty-seven dollars and fifty cents, which fee shall not be returned if the applicant fails to qualify for renewal;	15477 15478 15479 15480
(7) For a pharmacist applying for a license on presentation of a pharmacist license granted by another state,	15481 15482

~~three hundred thirty seven dollars and fifty cents~~the fee 15483
specified in section 9.79 of the Revised Code, which fee shall 15484
not be returned if the applicant fails to qualify for licensure. 15485

(8) For a license to practice as a pharmacy intern, forty- 15486
five dollars, which fee shall not be returned if the applicant 15487
fails to qualify for licensure; 15488

(9) For the renewal of a pharmacy intern license, forty- 15489
five dollars, which fee shall not be returned if the applicant 15490
fails to qualify for renewal; 15491

(10) For certifying licensure and grades for reciprocal 15492
licensure, thirty-five dollars; 15493

(11) For making copies of any application, affidavit, or 15494
other document filed in the state board of pharmacy office, an 15495
amount fixed by the board that is adequate to cover the expense, 15496
except that for copies required by federal or state agencies or 15497
law enforcement officers for official purposes, no charge need 15498
be made; 15499

(12) For certifying and affixing the seal of the board, an 15500
amount fixed by the board that is adequate to cover the expense, 15501
except that for certifying and affixing the seal of the board to 15502
a document required by federal or state agencies or law 15503
enforcement officers for official purposes, no charge need be 15504
made; 15505

(13) For each copy of a book or pamphlet that includes 15506
laws administered by the state board of pharmacy, rules adopted 15507
by the board, and chapters of the Revised Code with which the 15508
board is required to comply, an amount fixed by the board that 15509
is adequate to cover the expense of publishing and furnishing 15510
the book or pamphlet. 15511

(B) (1) Subject to division (B) (2) of this section, the fees described in divisions (A) (1) to (10) of this section do not apply to an individual who is on active duty in the armed forces of the United States, as defined in section 5903.01 of the Revised Code, to the spouse of an individual who is on active duty in the armed forces of the United States, or to an individual who served in the armed forces of the United States and presents documentation that the individual has been discharged under honorable conditions from the armed forces or has been transferred to the reserve with evidence of satisfactory service.

(2) The state board of pharmacy may establish limits with respect to the individuals for whom fees are not applicable under division (B) (1) of this section.

Sec. 4729.901. (A) An applicant for registration under section 4729.90 of the Revised Code shall file with the state board of pharmacy an application in the form and manner prescribed in rules adopted under section 4729.94 of the Revised Code. The application shall be accompanied by an application fee of fifty dollars, which shall not be returned if the applicant fails to qualify for registration.

(B) If the board is satisfied that the applicant meets the requirements of section 4729.90 of the Revised Code and any additional requirements established by the board and determines that the results of a criminal records check do not make the applicant ineligible, the board shall register the applicant as a registered pharmacy technician or certified pharmacy technician, as applicable.

(C) The board shall register as a registered pharmacy technician or certified pharmacy technician, as applicable, in

accordance with section 9.79 of the Revised Code an applicant if 15542
either of the following applies: 15543

(1) The applicant holds a license or is registered in 15544
another state. 15545

(2) The applicant has satisfactory work experience, a 15546
government certification, or a private certification as 15547
described in that section as a pharmacy technician in a state 15548
that does not issue that license or registration. 15549

(D) Registration under division (B) or (C) of this section 15550
is valid for the period specified by the board in rules adopted 15551
under section 4729.94 of the Revised Code. The period shall not 15552
exceed twenty-four months unless the board extends the period in 15553
the rules to adjust license renewal schedules. 15554

Sec. 4729.921. An applicant for registration as a pharmacy 15555
technician trainee shall file with the state board of pharmacy 15556
an application in the form and manner prescribed in rules 15557
adopted under section 4729.94 of the Revised Code. The 15558
application shall be accompanied by an application fee of 15559
twenty-five dollars, which shall not be returned if the 15560
applicant fails to qualify for registration. 15561

If the board is satisfied that an applicant meets the 15562
requirements of section 4729.92 of the Revised Code and any 15563
additional requirements established by the board and determines 15564
that the results of a criminal records check do not make the 15565
applicant ineligible, the board shall register the applicant as 15566
a pharmacy technician trainee. 15567

The board shall register as a pharmacy technician trainee 15568
in accordance with section 9.79 of the Revised Code an applicant 15569
who either holds a license or is registered in another state or 15570

has satisfactory work experience, a government certification, or 15571
a private certification as described in that section as a 15572
pharmacy technician trainee in a state that does not issue that 15573
license or registration. 15574

Registration is valid for one year from the date of 15575
registration. Registration is not renewable, but an individual 15576
may reapply for registration if the individual's previous 15577
registration has lapsed for more than five years or the board 15578
grants its approval. 15579

Sec. 4730.10. (A) ~~An~~ Except as provided in division (C) of 15580
this section, an individual seeking a license to practice as a 15581
physician assistant shall file with the state medical board a 15582
written application on a form prescribed and supplied by the 15583
board. The application shall include all of the following: 15584

(1) The applicant's name, residential address, business 15585
address, if any, and social security number; 15586

(2) Satisfactory proof that the applicant meets the age 15587
and moral character requirements specified in divisions (A) (1) 15588
and (2) of section 4730.11 of the Revised Code; 15589

(3) Satisfactory proof that the applicant meets either the 15590
educational requirements specified in division (B) (1) or (2) of 15591
section 4730.11 of the Revised Code or the educational or other 15592
applicable requirements specified in division (C) (1), (2), or 15593
(3) of that section; 15594

(4) Any other information the board requires. 15595

(B) At the time of making application for a license to 15596
practice, the applicant shall pay the board a fee of four 15597
hundred dollars, no part of which shall be returned. The fees 15598
shall be deposited in accordance with section 4731.24 of the 15599

Revised Code.	15600
<u>(C) The board shall issue a license to practice as a</u>	15601
<u>physician assistant in accordance with section 9.79 of the</u>	15602
<u>Revised Code to an applicant if either of the following applies:</u>	15603
<u>(1) The applicant holds a license in another state.</u>	15604
<u>(2) The applicant has satisfactory work experience, a</u>	15605
<u>government certification, or a private certification as</u>	15606
<u>described in that section as a physician assistant in a state</u>	15607
<u>that does not issue that license.</u>	15608
Sec. 4731.151. (A) Naprapaths who received a certificate	15609
to practice from the <u>state medical</u> board prior to March 2, 1992,	15610
may continue to practice naprapathy, as defined in rules adopted	15611
by the board. Such naprapaths shall practice in accordance with	15612
rules adopted by the board.	15613
(B) (1) As used in this division:	15614
(a) "Mechanotherapy" means all of the following:	15615
(i) Examining patients by verbal inquiry;	15616
(ii) Examination of the musculoskeletal system by hand;	15617
(iii) Visual inspection and observation;	15618
(iv) Diagnosing a patient's condition only as to whether	15619
the patient has a disorder of the musculoskeletal system;	15620
(v) In the treatment of patients, employing the techniques	15621
of advised or supervised exercise; electrical neuromuscular	15622
stimulation; massage or manipulation; or air, water, heat, cold,	15623
sound, or infrared ray therapy only to those disorders of the	15624
musculoskeletal system that are amenable to treatment by such	15625
techniques and that are identifiable by examination performed in	15626

accordance with division (B) (1) (a) (i) of this section and 15627
diagnosable in accordance with division (B) (1) (a) (ii) of this 15628
section. 15629

(b) "Educational requirements" means the completion of a 15630
course of study appropriate for certification to practice 15631
mechanotherapy on or before November 3, 1985, as determined by 15632
rules adopted under this chapter. 15633

(2) Mechanotherapists who received a certificate to 15634
practice from the board prior to March 2, 1992, may continue to 15635
practice mechanotherapy, as defined in rules adopted by the 15636
board. Such mechanotherapists shall practice in accordance with 15637
rules adopted by the board. 15638

A person authorized by this division to practice as a 15639
mechanotherapist may examine, diagnose, and assume 15640
responsibility for the care of patients with due regard for 15641
first aid and the hygienic and nutritional care of the patients. 15642
Roentgen rays shall be used by a mechanotherapist only for 15643
diagnostic purposes. 15644

(3) A person who holds a certificate to practice 15645
mechanotherapy and completed educational requirements in 15646
mechanotherapy on or before November 3, 1985, is entitled to use 15647
the title "doctor of mechanotherapy" and is a "physician" who 15648
performs "medical services" for the purposes of Chapters 4121. 15649
and 4123. of the Revised Code and the medicaid program, and 15650
shall receive payment or reimbursement as provided under those 15651
chapters and that program. 15652

(C) Section 9.79 of the Revised Code does not apply to a 15653
certificate to practice naprapathy or mechanotherapy issued 15654
under this section. 15655

Sec. 4731.19. (A) ~~A-Except as provided in division (E) of~~ 15656
~~this section,~~ a person seeking a license to practice a limited 15657
branch of medicine shall file with the state medical board an 15658
application in a manner prescribed by the board. The application 15659
shall include or be accompanied by all of the following: 15660

(1) Evidence that the applicant is at least eighteen years 15661
of age and of good moral character; 15662

(2) Evidence that the applicant has attained high school 15663
graduation or its equivalent; 15664

(3) Evidence that the applicant holds one of the 15665
following: 15666

(a) A diploma or certificate from a school, college, or 15667
institution in good standing as determined by the board, showing 15668
the completion of the required courses of instruction; 15669

(b) A diploma or certificate from a school, college, or 15670
institution in another state or jurisdiction showing completion 15671
of a course of instruction that meets course requirements 15672
determined by the board through rules adopted under section 15673
4731.05 of the Revised Code; 15674

~~(c) During the five-year period immediately preceding the~~ 15675
~~date of application, a current license, registration, or~~ 15676
~~certificate in good standing in another state for massage~~ 15677
~~therapy or cosmetic therapy.~~ 15678

(4) Evidence that the applicant has successfully passed an 15679
examination, prescribed in rules described in section 4731.16 of 15680
the Revised Code, to determine competency to practice the 15681
applicable limited branch of medicine; 15682

(5) An attestation that the information submitted under 15683

this section is accurate and truthful and that the applicant
consents to release of information;

(6) Any other information the board requires.

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

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

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

(E) The board shall issue a certificate to practice a
limited branch of medicine in accordance with section 9.79 of
the Revised Code to an applicant if either of the following
applies:

(1) The applicant holds a license or certificate in
another state.

(2) The applicant has satisfactory work experience, a
government certification, or a private certification as
described in that section as a massage therapist or cosmetic
therapist in a state that does not issue that license or
certificate.

Sec. 4731.291. (A) An Except as provided in division (E)
of this section, an individual seeking to pursue an internship,

residency, clinical fellowship program, or elective clinical 15712
rotation in this state, who does not hold a license to practice 15713
medicine and surgery or osteopathic medicine or surgery issued 15714
under this chapter, shall apply to the state medical board for a 15715
training certificate. The application shall be made on forms 15716
that the board shall furnish and shall be accompanied by an 15717
application fee of one hundred thirty dollars. 15718

An applicant for a training certificate shall furnish to 15719
the board all of the following: 15720

(1) Evidence satisfactory to the board that the applicant 15721
is at least eighteen years of age and is of good moral 15722
character. 15723

(2) Evidence satisfactory to the board that the applicant 15724
has been accepted or appointed to participate in this state in 15725
one of the following: 15726

(a) An internship, residency, or clinical fellowship 15727
program accredited by either the accreditation council for 15728
graduate medical education of the American medical association 15729
or the American osteopathic association; 15730

(b) A clinical fellowship program that is not accredited 15731
as described in division (A) (2) (a) of this section, but is 15732
conducted at an institution with a residency program that is 15733
accredited as described in that division and is in a clinical 15734
field the same as or related to the clinical field of the 15735
fellowship program; 15736

(c) An elective clinical rotation that lasts not more than 15737
one year and is offered to interns, residents, or clinical 15738
fellows participating in programs that are located outside this 15739
state and meet the requirements of division (A) (2) (a) or (b) of 15740

this section. 15741

(3) Information identifying the beginning and ending dates 15742
of the period for which the applicant has been accepted or 15743
appointed to participate in the internship, residency, or 15744
clinical fellowship program; 15745

(4) Any other information that the board requires. 15746

(B) ~~If Except as provided in division (E) of this section,~~ 15747
if no grounds for denying a license or certificate under section 15748
4731.22 of the Revised Code apply, and the applicant meets the 15749
requirements of division (A) of this section, the board shall 15750
issue a training certificate to the applicant. The board shall 15751
not require an examination as a condition of receiving a 15752
training certificate. 15753

A training certificate issued pursuant to this section 15754
shall be valid only for three years, but may be renewed by the 15755
board for one additional three-year period. To renew a training 15756
certificate, the holder shall apply to the board on or before 15757
the certificate's expiration date. 15758

The fee for renewal of a training certificate shall be one 15759
hundred dollars. A late application may be submitted not more 15760
than thirty days after the certificate's expiration date. In 15761
such a case, the holder shall include with the application a 15762
one-hundred-fifty-dollar reinstatement fee. 15763

(C) The holder of a valid training certificate shall be 15764
entitled to perform such acts as may be prescribed by or 15765
incidental to the holder's internship, residency, or clinical 15766
fellowship program, but the holder shall not be entitled 15767
otherwise to engage in the practice of medicine and surgery or 15768
osteopathic medicine and surgery in this state. The holder shall 15769

limit activities under the certificate to the programs of the 15770
hospitals or facilities for which the training certificate is 15771
issued. The holder shall train only under the supervision of the 15772
physicians responsible for supervision as part of the 15773
internship, residency, or clinical fellowship program. 15774

A training certificate may be revoked by the board upon 15775
proof, satisfactory to the board, that the holder thereof has 15776
engaged in practice in this state outside the scope of the 15777
internship, residency, or clinical fellowship program for which 15778
the training certificate has been issued, or upon proof, 15779
satisfactory to the board, that the holder thereof has engaged 15780
in unethical conduct or that there are grounds for action 15781
against the holder under section 4731.22 of the Revised Code. 15782

(D) The board may adopt rules as the board finds necessary 15783
to effect the purpose of this section. 15784

(E) The board shall issue a training certificate to 15785
practice medicine and surgery or osteopathic medicine and 15786
surgery in accordance with section 9.79 of the Revised Code to 15787
an applicant if either of the following applies: 15788

(1) The applicant holds a license or certificate in 15789
another state. 15790

(2) The applicant has satisfactory work experience, a 15791
government certification, or a private certification as 15792
described in that section practicing medicine and surgery or 15793
osteopathic medicine and surgery in a state that does not issue 15794
that certificate. 15795

Sec. 4731.293. (A) The state medical board may issue, 15796
without examination, a clinical research faculty certificate to 15797
practice medicine and surgery, osteopathic medicine and surgery, 15798

or podiatric medicine and surgery to any person who applies for 15799
the certificate and provides to the board all of the following: 15800

(1) Evidence satisfactory to the board of all of the 15801
following: 15802

(a) That the applicant holds a current, unrestricted 15803
license to practice medicine and surgery, osteopathic medicine 15804
and surgery, or podiatric medicine and surgery issued by another 15805
state or country; 15806

(b) That the applicant has been appointed to serve in this 15807
state on the academic staff of a medical school accredited by 15808
the liaison committee on medical education, an osteopathic 15809
medical school accredited by the American osteopathic 15810
association, or a college of podiatric medicine and surgery in 15811
good standing with the board; 15812

(c) That the applicant is an international medical 15813
graduate who holds a medical degree from an educational 15814
institution listed in the international medical education 15815
directory. 15816

(2) An affidavit and supporting documentation from the 15817
dean of the school or college, or the department director or 15818
chairperson of a teaching hospital affiliated with the school or 15819
college, that the applicant is qualified to perform teaching and 15820
research activities and will be permitted to work only under the 15821
authority of the department director or chairperson of a 15822
teaching hospital affiliated with the school or college where 15823
the applicant's teaching and research activities will occur; 15824

(3) A description from the school, college, or teaching 15825
hospital of the scope of practice in which the applicant will be 15826
involved, including the types of teaching, research, and 15827

procedures in which the applicant will be engaged; 15828

(4) A description from the school, college, or teaching 15829
hospital of the type and amount of patient contact that will 15830
occur in connection with the applicant's teaching and research 15831
activities. 15832

(B) An applicant for an initial clinical research faculty 15833
certificate shall pay a fee of three hundred seventy-five 15834
dollars. 15835

(C) The holder of a clinical research faculty certificate 15836
may do one of the following, as applicable: 15837

(1) Practice medicine and surgery or osteopathic medicine 15838
and surgery only as is incidental to the certificate holder's 15839
teaching or research duties at the medical school or a teaching 15840
hospital affiliated with the school; 15841

(2) Practice podiatric medicine and surgery only as is 15842
incidental to the certificate holder's teaching or research 15843
duties at the college of podiatric medicine and surgery or a 15844
teaching hospital affiliated with the college. 15845

(D) The board may revoke a certificate on receiving proof 15846
satisfactory to the board that the certificate holder has 15847
engaged in practice in this state outside the scope of the 15848
certificate or that there are grounds for action against the 15849
certificate holder under section 4731.22 of the Revised Code. 15850

(E) A clinical research faculty certificate is valid for 15851
three years, except that the certificate ceases to be valid if 15852
the holder's academic staff appointment described in division 15853
(A) (1) (b) of this section is no longer valid or the certificate 15854
is revoked pursuant to division (D) of this section. 15855

(F) (1) The board shall provide a renewal notice to the certificate holder at least one month before the certificate expires. Failure of a certificate holder to receive a notice of renewal from the board shall not excuse the certificate holder from the requirements contained in this section. The notice shall inform the certificate holder of the renewal procedure. The notice also shall inform the certificate holder of the reporting requirement established by division (H) of section 3701.79 of the Revised Code. At the discretion of the board, the information may be included on the application for renewal or on an accompanying page.

(2) A clinical research faculty certificate may be renewed for an additional three-year period. There is no limit on the number of times a certificate may be renewed. A person seeking renewal of a certificate shall apply to the board. The board shall provide the application for renewal in a form determined by the board.

(3) An applicant is eligible for renewal if the applicant does all of the following:

(a) Pays a renewal fee of three hundred seventy-five dollars;

(b) Reports any criminal offense to which the applicant has pleaded guilty, of which the applicant has been found guilty, or for which the applicant has been found eligible for intervention in lieu of conviction, since last filing an application for a clinical research faculty certificate;

(c) Provides to the board 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 in 15885
compliance with the applicant's current clinical research 15886
faculty certificate; 15887

(d) Provides evidence satisfactory to the board of all of 15888
the following: 15889

(i) That the applicant continues to maintain a current, 15890
unrestricted license to practice medicine and surgery, 15891
osteopathic medicine and surgery, or podiatric medicine and 15892
surgery issued by another state or country; 15893

(ii) That the applicant's initial appointment to serve in 15894
this state on the academic staff of a school or college is still 15895
valid or has been renewed; 15896

(iii) That the applicant has completed seventy-five hours 15897
of continuing medical education that meet the requirements set 15898
forth in section 4731.282 of the Revised Code. 15899

(4) Regardless of whether the certificate has expired, a 15900
person who was granted a visiting medical faculty certificate 15901
under this section as it existed immediately prior to June 6, 15902
2012, may apply for a clinical research faculty certificate as a 15903
renewal. The board may issue the clinical research faculty 15904
certificate if the applicant meets the requirements of division 15905
(F) (3) of this section. The board may not issue a clinical 15906
research faculty certificate if the visiting medical faculty 15907
certificate was revoked. 15908

(G) A person holding a clinical research faculty 15909
certificate issued under this section shall not be required to 15910
obtain a certificate under section 9.79 of the Revised Code. 15911

(H) The board may adopt any rules it considers necessary 15912
to implement this section. The rules shall be adopted in 15913

accordance with Chapter 119. of the Revised Code. 15914

Sec. 4731.294. (A) The state medical board may issue, 15915
without examination, a special activity certificate to any_ 15916
nonresident person seeking to practice medicine and surgery or 15917
osteopathic medicine and surgery in conjunction with a special 15918
activity, program, or event taking place in this state. 15919

(B) An applicant for a special activity certificate shall 15920
submit evidence satisfactory to the board of all of the 15921
following: 15922

(1) The applicant holds a current, unrestricted license to 15923
practice medicine and surgery or osteopathic medicine and 15924
surgery issued by another state or country and that within the 15925
two-year period immediately preceding application, the applicant 15926
has done one of the following: 15927

(a) Actively practiced medicine and surgery or osteopathic 15928
medicine and surgery in the United States; 15929

(b) Participated in a graduate medical education program 15930
accredited by either the accreditation council for graduate 15931
medical education of the American medical association or the 15932
American osteopathic association; 15933

(c) Successfully passed the federation licensing 15934
examination established by the federation of state medical 15935
boards, a special examination established by the federation of 15936
state medical boards, or all parts of a standard medical 15937
licensing examination established for purposes of determining 15938
the competence of individuals to practice medicine and surgery 15939
or osteopathic medicine and surgery in the United States. 15940

(2) The applicant meets the same educational requirements 15941
that individuals must meet under sections 4731.09 and 4731.14 of 15942

the Revised Code. 15943

(3) The applicant's practice in conjunction with the 15944
special activity, program, or event will be in the public 15945
interest. 15946

(C) The applicant shall pay a fee of one hundred twenty- 15947
five dollars. 15948

(D) The holder of a special activity certificate may 15949
practice medicine and surgery or osteopathic medicine and 15950
surgery only in conjunction with the special activity, event, or 15951
program for which the certificate is issued. The board may 15952
revoke a certificate on receiving proof satisfactory to the 15953
board that the holder of the certificate has engaged in practice 15954
in this state outside the scope of the certificate or that there 15955
are grounds for action against the certificate holder under 15956
section 4731.22 of the Revised Code. 15957

(E) A special activity certificate is valid for the 15958
shorter of thirty days or the duration of the special activity, 15959
program, or event. The certificate may not be renewed. 15960

(F) The board shall not require a person holding a special 15961
activity certificate issued under this section to obtain a 15962
certificate under section 9.79 of the Revised Code. 15963

(G) The state medical board shall adopt rules in 15964
accordance with Chapter 119. of the Revised Code that specify 15965
how often an applicant may be granted a certificate under this 15966
section. 15967

Sec. 4731.295. (A) (1) As used in this section: 15968

(a) "Free clinic" has the same meaning as in section 15969
3701.071 of the Revised Code. 15970

(b) "Indigent and uninsured person" and "operation" have 15971
the same meanings as in section 2305.234 of the Revised Code. 15972

(2) For the purposes of this section, a person shall be 15973
considered retired from practice if the person's license has 15974
expired with the person's intention of ceasing to practice 15975
medicine and surgery or osteopathic medicine and surgery for 15976
remuneration. 15977

(B) The state medical board may issue, without 15978
examination, a volunteer's certificate to a person who is 15979
retired from practice so that the person may provide medical 15980
services to indigent and uninsured persons at any location, 15981
including a free clinic. The board shall deny issuance of a 15982
volunteer's certificate to a person who is not qualified under 15983
this section to hold a volunteer's certificate. 15984

(C) An application for a volunteer's certificate shall 15985
include all of the following: 15986

(1) A copy of the applicant's degree of medicine or 15987
osteopathic medicine. 15988

(2) One of the following, as applicable: 15989

(a) A copy of the applicant's most recent license 15990
authorizing the practice of medicine and surgery or osteopathic 15991
medicine and surgery issued by a jurisdiction in the United 15992
States that licenses persons to practice medicine and surgery or 15993
osteopathic medicine and surgery-. 15994

(b) A copy of the applicant's most recent license 15995
equivalent to a license to practice medicine and surgery or 15996
osteopathic medicine and surgery in one or more branches of the 15997
United States armed services that the United States government 15998
issued. 15999

(3) Evidence of one of the following, as applicable:	16000
(a) That the applicant has maintained for at least ten years prior to retirement full licensure in good standing in any jurisdiction in the United States that licenses persons to practice medicine and surgery or osteopathic medicine and surgery.	16001 16002 16003 16004 16005
(b) That the applicant has practiced for at least ten years prior to retirement in good standing as a doctor of medicine and surgery or osteopathic medicine and surgery in one or more of the branches of the United States armed services.	16006 16007 16008 16009
(4) An attestation that the applicant will not accept any form of remuneration for any medical services rendered while in possession of a volunteer's certificate.	16010 16011 16012
(D) The holder of a volunteer's certificate may provide medical services only to indigent and uninsured persons, but may do so at any location, including a free clinic. The holder shall not accept any form of remuneration for providing medical services while in possession of the certificate. Except in a medical emergency, the holder shall not perform any operation or deliver babies. The board may revoke a volunteer's certificate on receiving proof satisfactory to the board that the holder has engaged in practice in this state outside the scope of the certificate.	16013 16014 16015 16016 16017 16018 16019 16020 16021 16022
(E) (1) A volunteer's certificate shall be valid for a period of three years, unless earlier revoked under division (D) of this section or pursuant to section 4731.22 of the Revised Code. A volunteer's certificate may be renewed upon the application of the holder. The board shall maintain a register of all persons who hold volunteer's certificates. The board	16023 16024 16025 16026 16027 16028

shall not charge a fee for issuing or renewing a certificate 16029
pursuant to this section. 16030

(2) To be eligible for renewal of a volunteer's 16031
certificate the holder of the certificate shall certify to the 16032
board completion of one hundred fifty hours of continuing 16033
medical education that meets the requirements of section 16034
4731.282 of the Revised Code regarding certification by private 16035
associations and approval by the board. The board may not renew 16036
a certificate if the holder has not complied with the continuing 16037
medical education requirements. Any entity for which the holder 16038
provides medical services may pay for or reimburse the holder 16039
for any costs incurred in obtaining the required continuing 16040
medical education credits. 16041

(3) The board shall issue a volunteer's certificate to 16042
each person who qualifies under this section for the 16043
certificate. The certificate shall state that the certificate 16044
holder is authorized to provide medical services pursuant to the 16045
laws of this state. The holder shall display the certificate 16046
prominently at the location where the holder primarily 16047
practices. 16048

(4) The holder of a volunteer's certificate issued 16049
pursuant to this section is subject to the immunity provisions 16050
regarding the provision of services to indigent and uninsured 16051
persons in section 2305.234 of the Revised Code. 16052

(F) The holder of a volunteer's certificate issued under 16053
this section is not required to obtain a license under section 16054
9.79 of the Revised Code. 16055

(G) The board shall adopt rules in accordance with Chapter 16056
119. of the Revised Code to administer and enforce this section. 16057

Sec. 4731.297. (A) As used in this section:	16058
(1) "Academic medical center" means a medical school and its affiliated teaching hospitals and clinics partnering to do all of the following:	16059 16060 16061
(a) Provide the highest quality of patient care from expert physicians;	16062 16063
(b) Conduct groundbreaking research leading to medical advancements for current and future patients;	16064 16065
(c) Provide medical education and graduate medical education to educate and train physicians.	16066 16067
(2) "Affiliated physician group practice" means a medical practice that consists of one or more physicians authorized under this chapter to practice medicine and surgery or osteopathic medicine and surgery and that is affiliated with an academic medical center to further the objectives described in divisions (A) (1) (a) to (c) of this section.	16068 16069 16070 16071 16072 16073
(B) The state medical board shall issue, without examination, to an applicant who meets the requirements of this section a certificate of conceded eminence authorizing the practice of medicine and surgery or osteopathic medicine and surgery as part of the applicant's employment with an academic medical center in this state or affiliated physician group practice in this state.	16074 16075 16076 16077 16078 16079 16080
(C) To be eligible for a certificate of conceded eminence, an applicant shall provide to the board all of the following:	16081 16082
(1) Evidence satisfactory to the board of all of the following:	16083 16084
(a) That the applicant is an international medical	16085

graduate who holds a medical degree from an educational 16086
institution listed in the international medical education 16087
directory; 16088

(b) That the applicant has been appointed to serve in this 16089
state as a full-time faculty member of a medical school 16090
accredited by the liaison committee on medical education or an 16091
osteopathic medical school accredited by the American 16092
osteopathic association; 16093

(c) That the applicant has accepted an offer of employment 16094
with an academic medical center in this state or affiliated 16095
physician group practice in this state; 16096

(d) That the applicant holds a license in good standing in 16097
another state or country authorizing the practice of medicine 16098
and surgery or osteopathic medicine and surgery; 16099

(e) That the applicant has unique talents and 16100
extraordinary abilities not generally found within the 16101
applicant's specialty, as demonstrated by satisfying at least 16102
four of the following: 16103

(i) The applicant has achieved educational qualifications 16104
beyond those that are required for entry into the applicant's 16105
specialty, including advanced degrees, special certifications, 16106
or other academic credentials. 16107

(ii) The applicant has written multiple articles in 16108
journals listed in the index medicus or an equivalent scholarly 16109
publication acceptable to the board. 16110

(iii) The applicant has a sustained record of excellence 16111
in original research, at least some of which involves serving as 16112
the principal investigator or co-principal investigator for a 16113
research project. 16114

- (iv) The applicant has received nationally or internationally recognized prizes or awards for excellence. 16115
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- (v) The applicant has participated in peer review in a field of specialization that is the same as or similar to the applicant's specialty. 16117
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- (vi) The applicant has developed new procedures or treatments for complex medical problems that are recognized by peers as a significant advancement in the applicable field of medicine. 16120
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- (vii) The applicant has held previous academic appointments with or been employed by a health care organization that has a distinguished national or international reputation. 16124
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- (viii) The applicant has been the recipient of a national institutes of health or other competitive grant award. 16127
16128
- (f) That the applicant has received staff membership or professional privileges from the academic medical center pursuant to standards adopted under section 3701.351 of the Revised Code on a basis that requires the applicant's medical education and graduate medical education to be at least equivalent to that of a physician educated and trained in the United States; 16129
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- (g) That the applicant has sufficient written and oral English skills to communicate effectively and reliably with patients, their families, and other medical professionals; 16136
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- (h) That the applicant will have professional liability insurance through the applicant's employment with the academic medical center or affiliated physician group practice. 16139
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- (2) An attestation that the applicant agrees to practice 16142

only within the clinical setting of the academic medical center 16143
or for the affiliated physician group practice; 16144

(3) Three letters of reference from distinguished experts 16145
in the applicant's specialty attesting to the unique 16146
capabilities of the applicant, at least one of which must be 16147
from outside the academic medical center or affiliated physician 16148
group practice; 16149

(4) An affidavit from the dean of the medical school where 16150
the applicant has been appointed to serve as a faculty member 16151
stating that the applicant meets all of the requirements of 16152
division (C) (1) of this section and that the letters of 16153
reference submitted under division (C) (3) of this section are 16154
from distinguished experts in the applicant's specialty, and 16155
documentation to support the affidavit; 16156

(5) A fee of one thousand dollars for the certificate. 16157

(D) (1) The holder of a certificate of conceded eminence 16158
may practice medicine and surgery or osteopathic medicine and 16159
surgery only within the clinical setting of the academic medical 16160
center with which the certificate holder is employed or for the 16161
affiliated physician group practice with which the certificate 16162
holder is employed. 16163

(2) A certificate holder may supervise medical students, 16164
physicians participating in graduate medical education, advanced 16165
practice nurses, and physician assistants when performing 16166
clinical services in the certificate holder's area of specialty. 16167

(E) The board may revoke a certificate issued under this 16168
section on receiving proof satisfactory to the board that the 16169
certificate holder has engaged in practice in this state outside 16170
the scope of the certificate or that there are grounds for 16171

action against the certificate holder under section 4731.22 of 16172
the Revised Code. 16173

(F) A certificate of conceded eminence is valid for the 16174
shorter of two years or the duration of the certificate holder's 16175
employment with the academic medical center or affiliated 16176
physician group practice. The certificate ceases to be valid if 16177
the holder resigns or is otherwise terminated from the academic 16178
medical center or affiliated physician group practice. 16179

(G) A certificate of conceded eminence may be renewed for 16180
an additional two-year period. There is no limit on the number 16181
of times a certificate may be renewed. A person seeking renewal 16182
of a certificate shall apply to the board and is eligible for 16183
renewal if the applicant does all of the following: 16184

(1) Pays the renewal fee of one thousand dollars; 16185

(2) Provides to the board an affidavit and supporting 16186
documentation from the academic medical center or affiliated 16187
physician group practice of all of the following: 16188

(a) That the applicant's initial appointment to the 16189
medical faculty is still valid or has been renewed; 16190

(b) That the applicant's clinical practice is consistent 16191
with the established standards in the field; 16192

(c) That the applicant has demonstrated continued 16193
scholarly achievement; 16194

(d) That the applicant has demonstrated continued 16195
professional achievement consistent with the academic medical 16196
center's requirements, established pursuant to standards adopted 16197
under section 3701.351 of the Revised Code, for physicians with 16198
staff membership or professional privileges with the academic 16199

medical center. 16200

(3) Satisfies the same continuing medical education 16201
requirements set forth in section 4731.282 of the Revised Code 16202
that apply to a person who holds a certificate to practice 16203
medicine and surgery or osteopathic medicine and surgery issued 16204
under this chapter. 16205

(4) Complies with any other requirements established by 16206
the board. 16207

(H) The board shall not require a person to obtain a 16208
certificate under section 9.79 of the Revised Code to practice 16209
medicine and surgery or osteopathic medicine and surgery if the 16210
person holds a certificate of conceded eminence issued under 16211
this section. 16212

(I) The board may adopt any rules it considers necessary 16213
to implement this section. The rules shall be adopted in 16214
accordance with Chapter 119. of the Revised Code. 16215

Sec. 4731.299. (A) The Except as provided in division (I) 16216
of this section, the state medical board may issue, without 16217
examination, to an applicant who meets all of the requirements 16218
of this section an expedited license to practice medicine and 16219
surgery or osteopathic medicine and surgery by endorsement. 16220

(B) An individual who seeks an expedited license by 16221
endorsement shall file with the board a written application on a 16222
form prescribed and supplied by the board. The application shall 16223
include all of the information the board considers necessary to 16224
process it. 16225

(C) To Except as provided in division (I) of this section, 16226
to be eligible to receive an expedited license by endorsement, 16227
an applicant shall do both of the following: 16228

- (1) Provide evidence satisfactory to the board that the applicant meets all of the following requirements: 16229
16230
- (a) Has passed one of the following: 16231
- (i) Steps one, two, and three of the United States medical licensing examination; 16232
16233
- (ii) Levels one, two, and three of the comprehensive osteopathic medical licensing examination of the United States; 16234
16235
- (iii) Any other medical licensing examination recognized by the board. 16236
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- (b) During the five-year period immediately preceding the date of application, has held a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued by the licensing authority of ~~another state or a~~ Canadian province; 16238
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- (c) For at least two years immediately preceding the date of application, has actively practiced medicine and surgery or osteopathic medicine and surgery in a clinical setting; 16243
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- (d) Is in compliance with the medical education and training requirements in sections 4731.09 and 4731.14 of the Revised Code. 16246
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- (2) Certify to the board that all of the following are the case: 16249
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- (a) Not more than two malpractice claims, which resulted in a finding of liability or in payment, have been filed against the applicant during the ten-year period immediately preceding the date of application and no malpractice claim against the applicant during that ten-year period has resulted in total payment of more than five hundred thousand dollars. 16251
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(b) The applicant does not have a criminal record 16257
according to the criminal records check required by section 16258
4731.08 of the Revised Code. 16259

(c) The applicant does not have a medical condition that 16260
could affect the applicant's ability to practice according to 16261
acceptable and prevailing standards of care. 16262

(d) No adverse action has been taken against the applicant 16263
by a health care institution. 16264

(e) To the applicant's knowledge, no federal agency, 16265
medical society, medical association, or branch of the United 16266
States military has investigated or taken action against the 16267
applicant. 16268

(f) No professional licensing or regulatory authority has 16269
filed a complaint against, investigated, or taken action against 16270
the applicant and the applicant has not withdrawn a professional 16271
license application. 16272

(g) The applicant has not been suspended or expelled from 16273
any institution of higher education or school, including a 16274
medical school. 16275

(D) An applicant for an expedited license by endorsement 16276
shall comply with section 4731.08 of the Revised Code. 16277

(E) ~~At~~ Except as provided in division (I) of this section, 16278
at the time of application, the applicant shall pay to the board 16279
a fee of one thousand dollars, no part of which shall be 16280
returned. No application shall be considered filed until the 16281
board receives the fee. 16282

(F) The secretary and supervising member of the board 16283
shall review all applications received under this section. 16284

If the secretary and supervising member determine that an applicant meets the requirements for an expedited license by endorsement, the board shall issue the license to the applicant. 16285
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If the secretary and supervising member determine that an applicant does not meet the requirements for an expedited license by endorsement, the application shall be treated as an application under section 4731.09 of the Revised Code. 16288
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(G) Each license issued by the board under this section shall be signed by the president and secretary of the board and attested by the board's seal. 16292
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(H) Within sixty days after September 29, 2013, the board shall approve acceptable means of demonstrating compliance with sections 4731.09 and 4731.14 of the Revised Code as required by division (C) (1) (d) of this section. 16295
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(I) The board shall issue a license to practice medicine and surgery or osteopathic medicine and surgery in accordance with section 9.79 of the Revised Code to an applicant if either of the following applies: 16299
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(1) The applicant holds a license in another state. 16303

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that section as a physician in a state that does not issue that license. 16304
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Sec. 4731.30. (A) As used in this section and sections 4731.301 and 4731.302 of the Revised Code, "medical marijuana," "drug database," "physician," and "qualifying medical condition" have the same meanings as in section 3796.01 of the Revised Code. 16308
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(B) (1) Except as provided in division (B) (4) or (I) of 16313
this section, a physician seeking to recommend treatment with 16314
medical marijuana shall apply to the state medical board for a 16315
certificate to recommend. An application shall be submitted in 16316
the manner established in rules adopted under section 4731.301 16317
of the Revised Code. 16318

(2) ~~The Except as provided in division (I) of this~~ 16319
~~section, the~~ board shall grant a certificate to recommend if 16320
both of the following conditions are met: 16321

(a) The application is complete and meets the requirements 16322
established in rules. 16323

(b) The applicant demonstrates that the applicant does not 16324
have an ownership or investment interest in or compensation 16325
arrangement with an entity licensed under Chapter 3796. of the 16326
Revised Code or an applicant for licensure. 16327

(3) A certificate to recommend expires according to the 16328
renewal schedule established in rules adopted under section 16329
4731.301 of the Revised Code and may be renewed in accordance 16330
with the procedures established in those rules. 16331

(4) This section does not apply to a physician who 16332
recommends treatment with marijuana or a drug derived from 16333
marijuana under any of the following that is approved by an 16334
investigational review board or equivalent entity, the United 16335
States food and drug administration, or the national institutes 16336
of health or one of its cooperative groups or centers under the 16337
United States department of health and human services: 16338

(a) A research protocol; 16339

(b) A clinical trial; 16340

(c) An investigational new drug application;	16341
(d) An expanded access submission.	16342
(C) (1) A physician who holds a certificate to recommend	16343
may recommend that a patient be treated with medical marijuana	16344
if all of the following conditions are met:	16345
(a) The patient has been diagnosed with a qualifying	16346
medical condition;	16347
(b) A bona fide physician-patient relationship has been	16348
established through all of the following:	16349
(i) An in-person physical examination of the patient by	16350
the physician;	16351
(ii) A review of the patient's medical history by the	16352
physician;	16353
(iii) An expectation of providing care and receiving care	16354
on an ongoing basis.	16355
(c) The physician has requested, or a physician delegate	16356
approved by the state board of pharmacy has requested, from the	16357
drug database a report of information related to the patient	16358
that covers at least the twelve months immediately preceding the	16359
date of the report, and the physician has reviewed the report.	16360
(2) In the case of a patient who is a minor, the physician	16361
may recommend treatment with medical marijuana only after	16362
obtaining the consent of the patient's parent or other person	16363
responsible for providing consent to treatment.	16364
(D) (1) When issuing a written recommendation to a patient,	16365
the physician shall specify any information required in rules	16366
adopted by the board under section 4731.301 of the Revised Code.	16367

(2) A written recommendation issued to a patient under 16368
this section is valid for a period of not more than ninety days. 16369
The physician may renew the recommendation for not more than 16370
three additional periods of not more than ninety days each. 16371
Thereafter, the physician may issue another recommendation to 16372
the patient only upon a physical examination of the patient. 16373

(E) Annually, the physician shall submit to the state 16374
medical board a report that describes the physician's 16375
observations regarding the effectiveness of medical marijuana in 16376
treating the physician's patients during the year covered by the 16377
report. When submitting reports, a physician shall not include 16378
any information that identifies or would tend to identify any 16379
specific patient. 16380

(F) Each physician who holds a certificate to recommend 16381
shall complete annually at least two hours of continuing medical 16382
education in medical marijuana approved by the state medical 16383
board. 16384

(G) A physician shall not do any of the following: 16385

(1) Personally furnish or otherwise dispense medical 16386
marijuana; 16387

(2) Issue a recommendation for a family member or the 16388
physician's self. 16389

(H) A physician is immune from civil liability, is not 16390
subject to professional disciplinary action by the state medical 16391
board or state board of pharmacy, and is not subject to criminal 16392
prosecution for any of the following actions: 16393

(1) Advising a patient, patient representative, or 16394
caregiver about the benefits and risks of medical marijuana to 16395
treat a qualifying medical condition; 16396

(2) Recommending that a patient use medical marijuana to
treat or alleviate the condition; 16397
16398

(3) Monitoring a patient's treatment with medical
marijuana. 16399
16400

(I) The board shall issue a certificate to recommend in
accordance with section 9.79 of the Revised Code to an applicant
if either of the following applies: 16401
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(1) The applicant holds a license or certificate in
another state. 16404
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(2) The applicant has satisfactory work experience, a
government certification, or a private certification as
described in that section as a physician recommending treatment
with medical marijuana in a state that does not issue that
license or certificate. 16406
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Sec. 4731.52. (A) ~~A~~ Except as provided in division (E) of
this section, a person seeking a license to practice podiatric
medicine and surgery shall file with the state medical board an
application in the form and manner prescribed by the board. The
application must include all of the following: 16411
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(1) Evidence satisfactory to the board to demonstrate that
the applicant meets all of the following requirements: 16416
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(a) Is at least eighteen years of age and of good moral
character; 16418
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(b) Possesses a high school diploma or a certificate of
high school equivalence or has obtained the equivalent of such
education as determined by the board; 16420
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(c) Has completed at least two years of undergraduate work
in a college of arts and sciences or the equivalent of such 16423
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education as determined by the board; 16425

(d) Holds a degree from a college of podiatric medicine 16426
and surgery that was in good standing with the board at the time 16427
the degree was granted, as determined by the board; 16428

(e) Has completed one year of postgraduate training in a 16429
podiatric internship, residency, or clinical fellowship program 16430
accredited by the council on podiatric medicine or the American 16431
podiatric medical association or its equivalent as determined by 16432
the board; 16433

(f) Has successfully passed an examination prescribed in 16434
rules adopted by the board to determine competency to practice 16435
podiatric medicine and surgery; 16436

(g) Has complied with section 4731.531 of the Revised 16437
Code. 16438

(2) An attestation that the information submitted under 16439
this section is accurate and truthful; 16440

(3) Consent to the release of the applicant's information; 16441

(4) Any other information the board requires. 16442

(B) An applicant for a license to practice podiatric 16443
medicine and surgery shall include with the application a fee of 16444
three hundred five dollars, no part of which may be returned. An 16445
application is not considered submitted until the board receives 16446
the fee. 16447

(C) The board may conduct an investigation related to the 16448
application materials received pursuant to this section and may 16449
contact any individual, agency, or organization for 16450
recommendations or other information about the applicant. 16451

(D) The board shall conclude any investigation of an applicant conducted under section 4731.22 of the Revised Code not later than ninety days after receipt of a complete application unless the applicant agrees in writing to an extension or the board determines that there is a substantial question of a violation of this chapter or the rules adopted under it and notifies the applicant in writing of the reasons for continuation of the investigation. If the board determines that the applicant is not in violation of this chapter or the rules adopted under it, the board shall issue a license not later than forty-five days after making that determination.

(E) The board shall issue a license to practice podiatric medicine and surgery in accordance with section 9.79 of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that section as a podiatrist in a state that does not issue that license.

Sec. 4731.572. (A) The state medical board may issue, without examination, a visiting podiatric faculty certificate to any nonresident person who holds a current, unrestricted license to practice podiatric medicine and surgery issued by another state or country and has been appointed to serve in this state on the academic staff of an approved college of podiatric medicine and surgery in good standing, as determined by the board. The board shall not require a nonresident person who holds a license in another state to obtain a license under section 9.79 of the Revised Code.

(B) An applicant for a visiting podiatric faculty certificate shall submit evidence satisfactory to the board that the applicant meets the requirements of division (A) of this section. The applicant shall pay a fee of one hundred twenty-five dollars.

(C) The holder of a visiting podiatric faculty certificate may practice podiatric medicine and surgery only as is incidental to the certificate holder's teaching duties at the college or the teaching hospitals affiliated with the college. The board may revoke a certificate on receiving proof satisfactory to the board that the holder of the certificate 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.

(D) A visiting podiatric faculty certificate is valid for the shorter of one year or the duration of the holder's appointment to the academic staff of the college. The certificate may not be renewed.

Sec. 4731.573. (A) ~~An~~ Except as provided in division (E) of this section, an individual seeking to pursue an internship, residency, or clinical fellowship program in podiatric medicine and surgery in this state, who does not hold a license to practice podiatric medicine and surgery issued under this chapter, shall apply to the state medical board for a training certificate. The application shall be made on forms that the board shall furnish and shall be accompanied by an application fee of one hundred thirty dollars.

An applicant for a training certificate shall furnish to the board all of the following:

(1) Evidence satisfactory to the board that the applicant 16510
is at least eighteen years of age and is of good moral 16511
character; 16512

(2) Evidence satisfactory to the board that the applicant 16513
has been accepted or appointed to participate in this state in 16514
one of the following: 16515

(a) An internship, residency, or clinical fellowship 16516
program accredited by either the council on podiatric medical 16517
education or the American podiatric medical association; 16518

(b) A clinical fellowship program that is not accredited 16519
as described in division (A) (2) (a) of this section, but is 16520
conducted at an institution with a residency program that is 16521
accredited as described in that division and is in a clinical 16522
field the same as or related to the clinical field of the 16523
fellowship program. 16524

(3) Information identifying the beginning and ending dates 16525
of the period for which the applicant has been accepted or 16526
appointed to participate in the internship, residency, or 16527
clinical fellowship program; 16528

(4) Any other information that the board requires. 16529

(B) ~~If Except as provided in division (E) of this section,~~ 16530
if no grounds for denying a license or certificate under section 16531
4731.22 of the Revised Code apply and the applicant meets the 16532
requirements of division (A) of this section, the board shall 16533
issue a training certificate to the applicant. The board shall 16534
not require an examination as a condition of receiving a 16535
training certificate. 16536

A training certificate issued pursuant to this section 16537
shall be valid only for three years, but may be renewed by the 16538

board for one additional three-year period. To renew a training certificate, the holder shall apply to the board on or before the certificate's expiration date.

The fee for renewal of a training certificate shall be one hundred dollars. A late application may be submitted not more than thirty days after the certificate's expiration date. In such a case, the holder shall include with the application a one-hundred-fifty-dollar reinstatement fee.

(C) The holder of a valid training certificate shall be entitled to perform such acts as may be prescribed by or incidental to the holder's internship, residency, or clinical fellowship program, but the holder shall not be entitled otherwise to engage in the practice of podiatric medicine and surgery in this state. The holder shall limit activities under the certificate to the programs of the hospitals or facilities for which the training certificate is issued. The holder shall train only under the supervision of the podiatrists responsible for supervision as part of the internship, residency, or clinical fellowship program. A training certificate may be revoked by the board upon proof, satisfactory to the board, that the holder thereof has engaged in practice in this state outside the scope of the internship, residency, or clinical fellowship program for which the training certificate has been issued, or upon proof, satisfactory to the board, that the holder thereof has engaged in unethical conduct or that there are grounds for action against the holder under section 4731.22 of the Revised Code.

(D) The board may adopt rules as the board finds necessary to effect the purpose of this section.

(E) The board shall issue a training certificate to

practice podiatric medicine and surgery in accordance with 16569
section 9.79 of the Revised Code to an applicant if either of 16570
the following applies: 16571

(1) The applicant holds a license or certificate in 16572
another state. 16573

(2) The applicant has satisfactory work experience, a 16574
government certification, or a private certification as 16575
described in that section practicing podiatric medicine and 16576
surgery in a state that does not issue that license or 16577
certificate. 16578

Sec. 4732.10. (A) The state board of psychology shall 16579
appoint an entrance examiner who shall determine the sufficiency 16580
of an applicant's qualifications for admission to the 16581
appropriate examination. A member of the board or the executive 16582
director may be appointed as the entrance examiner. 16583

(B) Requirements for admission to examination for a 16584
psychologist license shall be that the applicant: 16585

(1) Is at least twenty-one years of age; 16586

(2) Is of good moral character; 16587

(3) Meets one of the following requirements: 16588

(a) Received an earned doctoral degree from an institution 16589
accredited or recognized by a national or regional accrediting 16590
agency and a program accredited by any of the following: 16591

(i) The American psychological association, office of 16592
program consultation and accreditation; 16593

(ii) The accreditation office of the Canadian 16594
psychological association; 16595

- (iii) A program listed by the association of state and provincial psychology boards/national register designation committee; 16596
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- (iv) The national association of school psychologists. 16599
- (b) Received an earned doctoral degree in psychology or school psychology from an institution accredited or recognized by a national or regional accrediting agency but the program does not meet the program accreditation requirements of division (B) (3) (a) of this section; 16600
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- (c) Received from an academic institution outside of the United States or Canada a degree determined, under rules adopted by the board under division (E) of this section, to be equivalent to a doctoral degree in psychology from a program described in division (B) (3) (a) of this section; 16605
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- (d) Held a psychologist license, certificate, or registration required for practice in ~~another United States or a~~ Canadian jurisdiction for a minimum of ten years and meets educational, experience, and professional requirements established under rules adopted by the board. 16610
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- (4) Has had at least two years of supervised professional experience in psychological work of a type satisfactory to the board, at least one year of which must be a predoctoral internship. The board shall adopt guidelines for the kind of supervised professional experience that fulfill this requirement. 16615
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- (5) If applying under division (B) (3) (b) or (c) of this section, has had at least two years of supervised professional experience in psychological work of a type satisfactory to the board, at least one year of which must be postdoctoral. The 16621
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board shall adopt guidelines for the kind of supervised 16625
professional experience that fulfill this requirement. 16626

(C) Requirements for admission to examination for a school 16627
psychologist license shall be that the applicant: 16628

(1) Has received from an educational institution 16629
accredited or recognized by national or regional accrediting 16630
agencies as maintaining satisfactory standards, including those 16631
approved by the state board of education for the training of 16632
school psychologists, at least a master's degree in school 16633
psychology, or a degree considered equivalent by the board; 16634

(2) Is at least twenty-one years of age; 16635

(3) Is of good moral character; 16636

(4) Has completed at least sixty quarter hours, or the 16637
semester hours equivalent, at the graduate level, of accredited 16638
study in course work relevant to the study of school psychology; 16639

(5) Has completed an internship in an educational 16640
institution approved by the Ohio department of education for 16641
school psychology supervised experience or one year of other 16642
training experience acceptable to the board, such as supervised 16643
professional experience under the direction of a licensed 16644
psychologist or licensed school psychologist; 16645

(6) Furnishes proof of at least twenty-seven months, 16646
exclusive of internship, of full-time experience as a 16647
certificated school psychologist employed by a board of 16648
education or a private school meeting the standards prescribed 16649
by the state board of education, or of experience that the board 16650
deems equivalent. 16651

(D) If the entrance examiner finds that the applicant 16652

meets the requirements set forth in this section, the applicant 16653
shall be admitted to the appropriate examination. 16654

(E) The board shall adopt under Chapter 119. of the 16655
Revised Code rules for determining for the purposes of division 16656
(B) (3) (b) of this section whether a degree is equivalent to a 16657
degree in psychology from an institution in the United States. 16658

Sec. 4732.12. If an applicant for a license issued by the 16659
state board of psychology to practice as a psychologist or 16660
school psychologist receives a score acceptable to the board on 16661
the appropriate examination required by section 4732.11 of the 16662
Revised Code and has paid the fee required by section 4732.15 of 16663
the Revised Code, the board shall issue the appropriate license. 16664

The board shall issue a license to practice as a 16665
psychologist or school psychologist, as appropriate, in 16666
accordance with section 9.79 of the Revised Code to an applicant 16667
who holds a license in another state or has satisfactory work 16668
experience, a government certification, or a private 16669
certification as described in that section as a psychologist or 16670
school psychologist in a state that does not issue that license. 16671

Sec. 4732.22. (A) The following persons are exempted from 16672
the licensing requirements of this chapter: 16673

(1) A person who holds a license or certificate issued by 16674
the state board of education authorizing the practice of school 16675
psychology, while practicing school psychology within the scope 16676
of employment by a board of education or by a private school 16677
meeting the standards prescribed by the state board of education 16678
under division (D) of section 3301.07 of the Revised Code, or 16679
while acting as a school psychologist within the scope of 16680
employment in a program for children with disabilities 16681

established under Chapter 3323. or 5126. of the Revised Code. A 16682
person exempted under this division shall not offer 16683
psychological services to any other individual, organization, or 16684
group for remuneration, monetary or otherwise, unless the person 16685
is licensed by the state board of psychology. 16686

(2) Any nonresident temporarily employed in this state to 16687
render psychological services for not more than thirty days a 16688
year, who, in the opinion of the board, meets the standards for 16689
entrance in division (B) of section 4732.10 of the Revised Code, 16690
who has paid the required fee and submitted an application 16691
prescribed by the board, and who holds whatever license or 16692
certificate, if any, is required for such practice in the 16693
person's home state or home country. The state board of 16694
psychology shall not require a nonresident temporarily employed 16695
in this state who holds a license or certificate in another 16696
state to obtain a license in accordance with section 9.79 of the 16697
Revised Code to practice or render psychological services in the 16698
manner described under this division. 16699

(3) Any person working under the supervision of a 16700
psychologist or school psychologist licensed under this chapter, 16701
while carrying out specific tasks, under the license holder's 16702
supervision, as an extension of the license holder's legal and 16703
ethical authority as specified under this chapter if the person 16704
is registered under division (B) of this section. All fees shall 16705
be billed under the name of the license holder. The person 16706
working under the license holder's supervision shall not 16707
represent self to the public as a psychologist or school 16708
psychologist, although supervised persons and persons in 16709
training may be ascribed such titles as "psychology trainee," 16710
"psychology assistant," "psychology intern," or other 16711
appropriate term that clearly implies their supervised or 16712

training status. 16713

(4) Any student in an accredited educational institution, 16714
while carrying out activities that are part of the student's 16715
prescribed course of study, provided such activities are 16716
supervised by a professional person who is qualified to perform 16717
such activities and is licensed under this chapter or is a 16718
qualified supervisor pursuant to rules of the board; 16719

(5) Recognized religious officials, including ministers, 16720
priests, rabbis, imams, Christian science practitioners, and 16721
other persons recognized by the board, conducting counseling 16722
when the counseling activities are within the scope of the 16723
performance of their regular duties and are performed under the 16724
auspices or sponsorship of an established and legally cognizable 16725
religious denomination or sect, as defined in current federal 16726
tax regulations, and when the religious official does not refer 16727
to the official's self as a psychologist and remains accountable 16728
to the established authority of the religious denomination or 16729
sect; 16730

(6) Persons in the employ of the federal government 16731
insofar as their activities are a part of the duties of their 16732
positions; 16733

(7) Persons licensed, certified, or registered under any 16734
other provision of the Revised Code who are practicing those 16735
arts and utilizing psychological procedures that are allowed and 16736
within the standards and ethics of their profession or within 16737
new areas of practice that represent appropriate extensions of 16738
their profession, provided that they do not hold themselves out 16739
to the public by the title of psychologist; 16740

(8) Persons using the term "social psychologist," 16741

"experimental psychologist," "developmental psychologist," 16742
"research psychologist," "cognitive psychologist," and other 16743
terms used by those in academic and research settings who 16744
possess a doctoral degree in psychology from an educational 16745
institution accredited or recognized by national or regional 16746
accrediting agencies as maintaining satisfactory standards and 16747
who do not use such a term in the solicitation or rendering of 16748
professional psychological services. 16749

(B) The license holder who is supervising a person 16750
described in division (A) (3) of this section shall register the 16751
person with the board. The board shall adopt rules regarding the 16752
registration process and the supervisory relationship. 16753

Sec. 4733.18. (A) The state board of registration for 16754
professional engineers and surveyors ~~may shall~~ authorize a 16755
temporary registration for an individual who has filed with the 16756
board an application for a temporary registration and has paid 16757
the required fee in accordance with section 9.79 of the Revised 16758
Code. The temporary registration continues only for the time the 16759
board requires for consideration of the application for 16760
registration, ~~provided a person is legally qualified to practice~~ 16761
~~that profession in the person's own state in which the~~ 16762
~~requirements and qualifications of registration are not lower~~ 16763
~~than those specified in this chapter.~~ 16764

(B) (1) The following persons are exempt from this chapter: 16765

(a) An employee or a subordinate of a person registered 16766
under this chapter or an employee of a person holding temporary 16767
registration under division (A) of this section, provided the 16768
employee's or subordinate's duties do not include responsible 16769
charge of engineering or surveying work; 16770

(b) Officers and employees of the government of the United States while engaged within this state in the practice of engineering or surveying, for that government;

(c) An engineer engaged solely as an officer of a privately owned public utility.

(2) This chapter does not require registration for the purpose of practicing professional engineering, or professional surveying by an individual, firm, or corporation on property owned or leased by that individual, firm, or corporation unless the same involves the public welfare or the safeguarding of life, health, or property, or for the performance of engineering or surveying which relates solely to the design or fabrication of manufactured products.

(C) Nothing in this chapter prevents persons other than engineers from preparing plans, drawings, specifications, or data, from filing applications for building permits, or from obtaining those permits for residential buildings, as defined by section 3781.06 of the Revised Code, or buildings that are erected as one-, two-, or three-family units or structures within the meaning of the term "industrialized unit" as provided in section 3781.06 of the Revised Code.

(D) Nothing in this chapter prevents persons other than engineers from preparing drawings or data, from filing applications for building permits, or from obtaining those permits for the installation of replacement equipment or systems that are similar in type or capacity to the equipment or systems being replaced, and for any improvement, alteration, repair, painting, decorating, or other modification of any buildings or structures subject to sections 3781.06 to 3781.18 and 3791.04 of the Revised Code where the building official determines that no

plans or specifications are required for approval. 16801

Sec. 4733.19. ~~A~~ With respect to a person registered or 16802
licensed to engage in the practice of engineering or surveying 16803
by a proper authority of a state, territory, or possession of 16804
the United States, or the District of Columbia, who, in the 16805
opinion of or has satisfactory work experience, a government 16806
certification, or a private certification as an engineer or 16807
surveyor in a state, territory, or possession of the United 16808
States, or the District of Columbia that does not issue that 16809
registration or license, the state board of registration for 16810
professional engineers and surveyors, ~~meets the requirements of~~ 16811
~~this chapter, based on verified evidence, may, upon application~~ 16812
~~and payment of the established fee, be registered~~ shall register 16813
the person as a professional engineer or surveyor in accordance 16814
with section 9.79 of the Revised Code. 16815

~~Any person who seeks registration as a professional~~ 16816
~~surveyor under this section must pass a two hour professional~~ 16817
~~practice examination, devoted to the laws and practices of this~~ 16818
~~state prior to receiving such registration.~~ 16819

Sec. 4734.23. (A) A person licensed by another ~~state or~~ 16820
country in the practice of chiropractic may apply under this 16821
section for a license to practice chiropractic in this state in 16822
lieu of applying under section 4734.20 of the Revised Code. The 16823
fee for applying under this ~~section~~ division shall be five 16824
hundred dollars. 16825

(B) The state chiropractic board may, for good cause, 16826
waive all or part of the educational and testing requirements 16827
specified under section 4734.20 of the Revised Code and issue a 16828
license to an applicant under division (A) of this section, if 16829
the applicant presents satisfactory proof of being licensed to 16830

practice chiropractic in another ~~state or~~ country where the 16831
requirements for receipt of the license, on the date the license 16832
was issued, are considered by the board to be substantially 16833
equivalent to those of this chapter. The applicant must meet the 16834
same age and moral character requirements that must be met under 16835
section 4734.20 of the Revised Code. If the board does not waive 16836
all of the educational and testing requirements, the board may 16837
require that the applicant complete and receive a score 16838
specified by the board on one or more tests administered by the 16839
board or by the national board of chiropractic examiners or 16840
another testing entity. 16841

(C) The state chiropractic board shall issue a license to 16842
practice chiropractic in accordance with section 9.79 of the 16843
Revised Code to an applicant if either of the following applies: 16844

(1) The applicant holds a license to practice chiropractic 16845
in another state. 16846

(2) The applicant has satisfactory work experience, a 16847
government certification, or a private certification as 16848
described in that section as a chiropractor in a state that does 16849
not issue that license. 16850

Sec. 4734.27. (A) To the extent it is in the public 16851
interest, the state chiropractic board may issue, without 16852
examination, a special limited license to practice chiropractic 16853
as follows: 16854

(1) To a person who is seeking to participate in an 16855
internship, residency, preceptorship, or clinical fellowship in 16856
this state in preparation for the practice of chiropractic; 16857

(2) To a nonresident person who plans to provide 16858
chiropractic services in connection with a special activity, 16859

program, or event conducted in this state, if the person holds a 16860
current, valid, and unrestricted license to practice 16861
chiropractic in another state or country; 16862

(3) To a person who previously held an unrestricted 16863
license to practice chiropractic in this state who plans to 16864
offer gratuitous chiropractic services as a voluntary public 16865
service; 16866

(4) To any other person for any other reason specified as 16867
good cause by the board in rules adopted under this section. 16868

(B) An applicant for a special limited license shall 16869
submit to the board a complete application on a form prescribed 16870
by the board, pay an application fee of seventy-five dollars, 16871
and furnish proof satisfactory to the board of being at least 16872
twenty-one years of age, of good moral character, and of either 16873
holding the degree of doctor of chiropractic or being enrolled 16874
in a program leading to the degree. The institution from which 16875
the applicant received the degree or in which the applicant is 16876
enrolled must be a school or college that is approved by the 16877
board under section 4734.21 of the Revised Code. 16878

(C) The provisions of this chapter that apply to 16879
applicants for and holders of licenses to practice chiropractic 16880
shall apply to applicants for and holders of special limited 16881
licenses to the extent the board considers appropriate, 16882
including the board's authority to conduct any investigation it 16883
considers appropriate to verify an applicant's credentials, 16884
moral character, and fitness to receive a license and the 16885
board's authority to take actions under section 4734.31 of the 16886
Revised Code. 16887

(D) The board shall adopt any rules it considers necessary 16888

to implement this section. All rules adopted under this section 16889
shall be adopted in accordance with Chapter 119. of the Revised 16890
Code. 16891

(E)(1) The board shall issue a special limited license to 16892
practice chiropractic under division (A)(1) of this section in 16893
accordance with section 9.79 of the Revised Code to a person if 16894
either of the following applies: 16895

(a) The person holds a limited license to practice 16896
chiropractic in another state. 16897

(b) The person has satisfactory work experience, a 16898
government certification, or a private certification as 16899
described in section 9.79 of the Revised Code as a chiropractor 16900
in a state that does not issue that limited license. 16901

(2) A nonresident person who holds a special limited 16902
license to practice chiropractic under division (A)(2) of this 16903
section is not required to obtain a license under section 9.79 16904
of the Revised Code to practice under the special limited 16905
license. 16906

(3) Section 9.79 of the Revised Code does not apply to a 16907
special limited license issued under division (A)(3) or (4) of 16908
this section. 16909

Sec. 4734.283. If the state chiropractic board determines 16910
under section 4734.282 of the Revised Code that an applicant 16911
meets the requirements for a certificate to practice 16912
acupuncture, the executive director of the board shall issue to 16913
the applicant a certificate to practice acupuncture. The 16914
certificate shall expire annually. It may be renewed in 16915
accordance with section 4734.284 of the Revised Code. 16916

Notwithstanding the requirements for a certificate under 16917

this chapter, the executive director shall issue a certificate 16918
to practice acupuncture in accordance with section 9.79 of the 16919
Revised Code to a chiropractor who holds a license or 16920
certificate to practice acupuncture in another state or has 16921
satisfactory work experience, a government certification, or a 16922
private certification as described in that section as an 16923
acupuncturist in a state that does not issue that license or 16924
certificate. 16925

Sec. 4735.023. (A) An oil and gas land professional who is 16926
not otherwise permitted to engage in the activities described in 16927
division (A) of section 4735.01 of the Revised Code may perform 16928
such activities, if the oil and gas land professional does all 16929
of the following: 16930

(1) (a) Registers on an annual basis as an oil and gas land 16931
professional with the superintendent of real estate by such date 16932
specified and on a form approved by the superintendent, which 16933
form includes both of the following: 16934

(i) The name and address of the oil and gas land 16935
professional; 16936

(ii) Evidence of the oil and gas land professional's 16937
membership in good standing in a national, state, or local 16938
professional organization that has been in existence for at 16939
least three years and has, as part of its mission, developed a 16940
set of standards of performance and ethics for oil and gas land 16941
professionals. 16942

(b) Pays an annual fee, established by the superintendent 16943
in an amount not to exceed one hundred dollars, which shall 16944
accompany the registration. 16945

(2) At or prior to first contacting any landowner or other 16946

person with an interest in real estate for the purpose of 16947
engaging in the activities of an oil and gas land professional, 16948
and on a form approved by the superintendent, discloses to the 16949
landowner or other person all of the following: 16950

(a) The oil and gas land professional's name and address 16951
as registered with the superintendent; 16952

(b) That the oil and gas land professional is registered 16953
as such with the superintendent and is a member in good standing 16954
in a national, state, or local professional organization that 16955
has been in existence for at least three years and has, as part 16956
of its mission, developed a set of standards of performance and 16957
ethics for oil and gas land professionals; 16958

(c) That the oil and gas land professional is not a 16959
licensed real estate broker or real estate salesperson under 16960
Chapter 4735. of the Revised Code; 16961

(d) That the landowner or other person with an interest in 16962
real estate may seek legal counsel in connection with any 16963
transaction with the oil and gas land professional; 16964

(e) That the oil and gas land professional is not 16965
representing the landowner or other person with an interest in 16966
real estate. 16967

(3) At or prior to entering into any agreements for the 16968
purpose of exploring for, transporting, producing, or developing 16969
oil and gas mineral interests including, but not limited to, oil 16970
and gas leases and pipeline easements with any landowner or 16971
other person with an interest in real estate, and on a form 16972
approved by the superintendent, discloses to the landowner or 16973
other person with an interest in real estate all of the 16974
following: 16975

(a) The oil and gas land professional's name and address 16976
as registered with the superintendent; 16977

(b) That the oil and gas land professional is registered 16978
as such with the superintendent and a member in good standing in 16979
a national, state, or local professional organization that has 16980
been in existence for at least three years and has, as part of 16981
its mission, developed a set of standards of performance and 16982
ethics for oil and gas land professionals; 16983

(c) That the oil and gas land professional is not a 16984
licensed real estate broker or real estate salesperson under 16985
Chapter 4735. of the Revised Code; 16986

(d) That the landowner or other person may seek legal 16987
counsel in connection with any transaction with the oil and gas 16988
land professional; 16989

(e) That the oil and gas land professional is not 16990
representing the landowner or other person with an interest in 16991
real estate. 16992

(B) Any oil and gas land professional who must be 16993
registered as such with the superintendent pursuant to this 16994
section who ceases to be a member in good standing of an 16995
organization described in division (A) (1) (a) (ii) of this section 16996
shall report the change in membership status to the 16997
superintendent within thirty days of that change. Failure to 16998
report such change in membership status shall result in the 16999
automatic suspension of registration status and subject the 17000
registrant to the penalties for unlicensed activity as found in 17001
section 4735.052 of the Revised Code. 17002

(C) Any oil and gas land professional who fails to 17003
register with the superintendent pursuant to this section is 17004

subject to the penalties for unlicensed activity as found in 17005
section 4735.052 of the Revised Code. 17006

(D) Notwithstanding any provision of this section to the 17007
contrary, the superintendent shall register in accordance with 17008
section 9.79 of the Revised Code as an oil and gas land 17009
professional a person if either of the following applies: 17010

(1) The person is licensed or registered as an oil and gas 17011
land professional in another state. 17012

(2) The person has satisfactory work experience, a 17013
government certification, or a private certification as 17014
described in that section as an oil and gas land professional in 17015
a state that does not issue that license or registration. 17016

Sec. 4735.07. (A) The superintendent of real estate, with 17017
the consent of the Ohio real estate commission, may enter into 17018
agreements with recognized national testing services to 17019
administer the real estate broker's examination under the 17020
superintendent's supervision and control, consistent with the 17021
requirements of this chapter as to the contents of such 17022
examination. 17023

(B) No applicant for a real estate broker's license shall 17024
take the broker's examination who has not established to the 17025
satisfaction of the superintendent that the applicant: 17026

(1) Is honest, truthful, and of good reputation; 17027

(2) (a) Has not been convicted of a felony or crime of 17028
moral turpitude, or if the applicant has been so convicted, the 17029
superintendent has disregarded the conviction because the 17030
applicant has proven to the superintendent, by a preponderance 17031
of the evidence, that the applicant's activities and employment 17032
record since the conviction show that the applicant is honest, 17033

truthful, and of good reputation, and there is no basis in fact 17034
for believing that the applicant again will violate the laws 17035
involved; 17036

(b) Has not been finally adjudged by a court to have 17037
violated any municipal, state, or federal civil rights laws 17038
relevant to the protection of purchasers or sellers of real 17039
estate or, if the applicant has been so adjudged, at least two 17040
years have passed since the court decision and the 17041
superintendent has disregarded the adjudication because the 17042
applicant has proven, by a preponderance of the evidence, that 17043
the applicant's activities and employment records since the 17044
adjudication show that the applicant is honest, truthful, and of 17045
good reputation, and there is no basis in fact for believing 17046
that the applicant will again violate the laws involved. 17047

(3) Has not, during any period in which the applicant was 17048
licensed under this chapter, violated any provision of, or any 17049
rule adopted pursuant to, this chapter, or, if the applicant has 17050
violated any such provision or rule, has established to the 17051
satisfaction of the superintendent that the applicant will not 17052
again violate such provision or rule; 17053

(4) Is at least eighteen years of age; 17054

(5) Has been a licensed real estate broker or salesperson 17055
for at least two years; during at least two of the five years 17056
preceding the person's application, has worked as a licensed 17057
real estate broker or salesperson for an average of at least 17058
thirty hours per week; and has completed one of the following: 17059

(a) At least twenty real estate transactions, in which 17060
property was sold for another by the applicant while acting in 17061
the capacity of a real estate broker or salesperson; 17062

(b) Such equivalent experience as is defined by rules adopted by the commission.	17063 17064
(6) (a) If licensed as a real estate salesperson prior to August 1, 2001, successfully has completed at an institution of higher education all of the following credit-eligible courses by either classroom instruction or distance education:	17065 17066 17067 17068
(i) Thirty hours of instruction in real estate practice;	17069
(ii) Thirty hours of instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination. If feasible, the instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of this division do not apply to an applicant who is admitted to practice before the supreme court.	17070 17071 17072 17073 17074 17075 17076 17077 17078 17079 17080 17081 17082 17083
(iii) Thirty hours of instruction in real estate appraisal;	17084 17085
(iv) Thirty hours of instruction in real estate finance;	17086
(v) Three quarter hours, or its equivalent in semester hours, in financial management;	17087 17088
(vi) Three quarter hours, or its equivalent in semester hours, in human resource or personnel management;	17089 17090

(vii) Three quarter hours, or its equivalent in semester hours, in applied business economics;	17091 17092
(viii) Three quarter hours, or its equivalent in semester hours, in business law.	17093 17094
(b) If licensed as a real estate salesperson on or after August 1, 2001, successfully has completed at an institution of higher education all of the following credit-eligible courses by either classroom instruction or distance education:	17095 17096 17097 17098
(i) Forty hours of instruction in real estate practice;	17099
(ii) Forty hours of instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination. If feasible, the instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of this division do not apply to an applicant who is admitted to practice before the supreme court.	17100 17101 17102 17103 17104 17105 17106 17107 17108 17109 17110 17111 17112 17113
(iii) Twenty hours of instruction in real estate appraisal;	17114 17115
(iv) Twenty hours of instruction in real estate finance;	17116
(v) The training in the amount of hours specified under divisions (B) (6) (a) (v), (vi), (vii), and (viii) of this section.	17117 17118

(c) Division (B) (6) (a) or (b) of this section does not 17119
apply to any applicant who holds a valid real estate 17120
salesperson's license issued prior to January 2, 1972. Divisions 17121
(B) (6) (a) (v), (vi), (vii), and (viii) or division (B) (6) (b) (v) 17122
of this section do not apply to any applicant who holds a valid 17123
real estate salesperson's license issued prior to January 3, 17124
1984. 17125

(d) Divisions (B) (6) (a) (iii) and (B) (6) (b) (iii) of this 17126
section do not apply to any new applicant who holds a valid Ohio 17127
real estate appraiser license or certificate issued prior to the 17128
date of application for a real estate broker's license. 17129

(e) Successful completion of the instruction required by 17130
division (B) (6) (a) or (b) of this section shall be determined by 17131
the law in effect on the date the instruction was completed. 17132

(7) If licensed as a real estate salesperson on or after 17133
January 3, 1984, satisfactorily has completed a minimum of two 17134
years of post-secondary education, or its equivalent in semester 17135
or quarter hours, at an institution of higher education, and has 17136
fulfilled the requirements of division (B) (6) (a) or (b) of this 17137
section. The requirements of division (B) (6) (a) or (b) of this 17138
section may be included in the two years of post-secondary 17139
education, or its equivalent in semester or quarter hours, that 17140
is required by this division. The post-secondary education 17141
requirement may be satisfied by completing the credit-eligible 17142
courses using either classroom instruction or distance 17143
education. Successful completion of any course required by this 17144
section shall be determined by the law in effect on the date the 17145
course was completed. 17146

(C) Each applicant for a broker's license shall be 17147
examined in the principles of real estate practice, Ohio real 17148

estate law, and financing and appraisal, and as to the duties of 17149
real estate brokers and real estate salespersons, the 17150
applicant's knowledge of real estate transactions and 17151
instruments relating to them, and the canons of business ethics 17152
pertaining to them. The commission from time to time shall 17153
promulgate such canons and cause them to be published in printed 17154
form. 17155

(D) Examinations shall be administered with reasonable 17156
accommodations in accordance with the requirements of the 17157
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 17158
U.S.C. 12101. The contents of an examination shall be consistent 17159
with the requirements of division (B) (6) of this section and 17160
with the other specific requirements of this section. An 17161
applicant who has completed the requirements of division (B) (6) 17162
of this section at the time of application shall be examined no 17163
later than twelve months after the applicant is notified of 17164
admission to the examination. 17165

~~(E) The superintendent may waive one or more of the~~ 17166
~~requirements of this section in the case of an application from~~ 17167
~~a nonresident real estate broker pursuant to a reciprocity~~ 17168
~~agreement with the licensing authority of the state from which~~ 17169
~~the nonresident applicant holds a valid real estate broker~~ 17170
~~license. Notwithstanding any provision of this chapter to the~~ 17171
~~contrary, the superintendent shall issue a real estate broker's~~ 17172
~~license in accordance with section 9.79 of the Revised Code to~~ 17173
~~an applicant if either of the following applies:~~ 17174

(1) The applicant holds a license in another state. 17175

(2) The applicant has satisfactory work experience, a 17176
government certification, or a private certification as 17177
described in that section as a real estate broker in a state 17178

that does not issue that license. 17179

(F) There shall be no limit placed on the number of times 17180
an applicant may retake the examination. 17181

(G) (1) Not earlier than the date of issue of a real estate 17182
broker's license to a licensee, but not later than twelve months 17183
after the date of issue of a real estate broker's license to a 17184
licensee, the licensee shall submit proof satisfactory to the 17185
superintendent, on forms made available by the superintendent, 17186
of the completion of ten hours of instruction that shall be 17187
completed in schools, seminars, and educational institutions 17188
that are approved by the commission. Approval of the curriculum 17189
and providers shall be granted according to rules adopted 17190
pursuant to section 4735.10 of the Revised Code and may be taken 17191
through classroom instruction or distance education. 17192

If the required proof of completion is not submitted to 17193
the superintendent within twelve months of the date a license is 17194
issued under this section, the license of the real estate broker 17195
is suspended automatically without the taking of any action by 17196
the superintendent. The broker's license shall not be 17197
reactivated by the superintendent until it is established, to 17198
the satisfaction of the superintendent, that the requirements of 17199
this division have been met and that the licensee is in 17200
compliance with this chapter. A licensee's license is revoked 17201
automatically without the taking of any action by the 17202
superintendent if the licensee fails to submit proof of 17203
completion of the education requirements specified under 17204
division (G) (1) of this section within twelve months of the date 17205
the license is suspended. 17206

(2) If the license of a real estate broker is suspended 17207
pursuant to division (G) (1) of this section, the license of a 17208

real estate salesperson associated with that broker 17209
correspondingly is suspended pursuant to division (H) of section 17210
4735.20 of the Revised Code. However, the suspended license of 17211
the associated real estate salesperson shall be reactivated and 17212
no fee shall be charged or collected for that reactivation if 17213
all of the following occur: 17214

(a) That broker subsequently submits satisfactory proof to 17215
the superintendent that the broker has complied with the 17216
requirements of division (G)(1) of this section and requests 17217
that the broker's license as a real estate broker be 17218
reactivated; 17219

(b) The superintendent then reactivates the broker's 17220
license as a real estate broker; 17221

(c) The associated real estate salesperson intends to 17222
continue to be associated with that broker and otherwise is in 17223
compliance with this chapter. 17224

Sec. 4735.08. The superintendent of real estate shall 17225
issue a real estate broker's license when the superintendent is 17226
satisfied that: 17227

(A) An applicant who is not a partnership, association, 17228
limited liability company, limited liability partnership, or 17229
corporation ~~satisfies one of the following:~~ 17230

~~(1) Has has received a passing score on each portion of~~ 17231
~~the real estate broker's examination as determined by rule by~~ 17232
~~the real estate commission;~~ 17233

~~(2) Is qualified to be licensed without examination as a~~ 17234
~~nonresident real estate broker, under division (E) of section~~ 17235
~~4735.07 of the Revised Code.~~ 17236

(B) All the members or officers who are authorized to 17237
perform the functions of a real estate broker as the agents of 17238
an applicant that is a partnership, association, limited 17239
liability company, limited liability partnership, or 17240
corporation, are licensed themselves as real estate brokers 17241
under this chapter. 17242

Sec. 4735.09. (A) Application for a license as a real 17243
estate salesperson shall be made to the superintendent of real 17244
estate on forms furnished by the superintendent and signed by 17245
the applicant. The application shall be in the form prescribed 17246
by the superintendent and shall contain such information as is 17247
required by this chapter and the rules of the Ohio real estate 17248
commission. The application shall be accompanied by the 17249
recommendation of the real estate broker with whom the applicant 17250
is associated or with whom the applicant intends to be 17251
associated, certifying that the applicant is honest, truthful, 17252
and of good reputation, has not been convicted of a felony or a 17253
crime involving moral turpitude, and has not been finally 17254
adjudged by a court to have violated any municipal, state, or 17255
federal civil rights laws relevant to the protection of 17256
purchasers or sellers of real estate, which conviction or 17257
adjudication the applicant has not disclosed to the 17258
superintendent, and recommending that the applicant be admitted 17259
to the real estate salesperson examination. 17260

(B) A fee of eighty-one dollars shall accompany the 17261
application, which fee includes the fee for the initial year of 17262
the licensing period, if a license is issued. The initial year 17263
of the licensing period commences at the time the license is 17264
issued and ends on the applicant's first birthday thereafter. 17265
The application fee shall be nonrefundable. A fee of eighty-one 17266
dollars shall be charged by the superintendent for each 17267

successive application made by the applicant. One dollar of each 17268
application fee shall be credited to the real estate education 17269
and research fund. 17270

(C) There shall be no limit placed on the number of times 17271
an applicant may retake the examination. 17272

(D) The superintendent, with the consent of the 17273
commission, may enter into an agreement with a recognized 17274
national testing service to administer the real estate 17275
salesperson's examination under the superintendent's supervision 17276
and control, consistent with the requirements of this chapter as 17277
to the contents of the examination. 17278

If the superintendent, with the consent of the commission, 17279
enters into an agreement with a national testing service to 17280
administer the real estate salesperson's examination, the 17281
superintendent may require an applicant to pay the testing 17282
service's examination fee directly to the testing service. If 17283
the superintendent requires the payment of the examination fee 17284
directly to the testing service, each applicant shall submit to 17285
the superintendent a processing fee in an amount determined by 17286
the Ohio real estate commission pursuant to division (A) (1) of 17287
section 4735.10 of the Revised Code. 17288

(E) The superintendent shall issue a real estate 17289
salesperson's license when satisfied that the applicant has 17290
received a passing score on each portion of the salesperson's 17291
examination as determined by rule by the real estate commission, ~~17292~~
~~except that the superintendent may waive one or more of the 17293~~
~~requirements of this section in the case of an applicant who is 17294~~
~~a licensed real estate salesperson in another state pursuant to 17295~~
~~a reciprocity agreement with the licensing authority of the 17296~~
~~state from which the applicant holds a valid real estate 17297~~

~~salesperson's license.~~ 17298

(F) No applicant for a salesperson's license shall take 17299
the salesperson's examination who has not established to the 17300
satisfaction of the superintendent that the applicant: 17301

(1) Is honest, truthful, and of good reputation; 17302

(2) (a) Has not been convicted of a felony or crime of 17303
moral turpitude or, if the applicant has been so convicted, the 17304
superintendent has disregarded the conviction because the 17305
applicant has proven to the superintendent, by a preponderance 17306
of the evidence, that the applicant's activities and employment 17307
record since the conviction show that the applicant is honest, 17308
truthful, and of good reputation, and there is no basis in fact 17309
for believing that the applicant again will violate the laws 17310
involved; 17311

(b) Has not been finally adjudged by a court to have 17312
violated any municipal, state, or federal civil rights laws 17313
relevant to the protection of purchasers or sellers of real 17314
estate or, if the applicant has been so adjudged, at least two 17315
years have passed since the court decision and the 17316
superintendent has disregarded the adjudication because the 17317
applicant has proven, by a preponderance of the evidence, that 17318
the applicant is honest, truthful, and of good reputation, and 17319
there is no basis in fact for believing that the applicant again 17320
will violate the laws involved. 17321

(3) Has not, during any period in which the applicant was 17322
licensed under this chapter, violated any provision of, or any 17323
rule adopted pursuant to this chapter, or, if the applicant has 17324
violated such provision or rule, has established to the 17325
satisfaction of the superintendent that the applicant will not 17326

again violate such provision or rule; 17327

(4) Is at least eighteen years of age; 17328

(5) If born after the year 1950, has a high school diploma 17329
or a certificate of high school equivalence issued by the 17330
department of education; 17331

(6) Has successfully completed at an institution of higher 17332
education all of the following credit-eligible courses by either 17333
classroom instruction or distance education: 17334

(a) Forty hours of instruction in real estate practice; 17335

(b) Forty hours of instruction that includes the subjects 17336
of Ohio real estate law, municipal, state, and federal civil 17337
rights law, new case law on housing discrimination, 17338
desegregation issues, and methods of eliminating the effects of 17339
prior discrimination. If feasible, the instruction in Ohio real 17340
estate law shall be taught by a member of the faculty of an 17341
accredited law school. If feasible, the instruction in 17342
municipal, state, and federal civil rights law, new case law on 17343
housing discrimination, desegregation issues, and methods of 17344
eliminating the effects of prior discrimination shall be taught 17345
by a staff member of the Ohio civil rights commission who is 17346
knowledgeable with respect to those subjects. The requirements 17347
of this division do not apply to an applicant who is admitted to 17348
practice before the supreme court. 17349

(c) Twenty hours of instruction in real estate appraisal; 17350

(d) Twenty hours of instruction in real estate finance. 17351

(G) (1) Successful completion of the instruction required 17352
by division (F) (6) of this section shall be determined by the 17353
law in effect on the date the instruction was completed. 17354

(2) Division (F) (6) (c) of this section does not apply to
any new applicant who holds a valid Ohio real estate appraiser
license or certificate issued prior to the date of application
for a real estate salesperson's license.

(H) Only for noncredit course offerings, an institution of
higher education shall obtain approval from the appropriate
state authorizing entity prior to offering a real estate course
that is designed and marketed as satisfying the salesperson
license education requirements of division (F) (6) of this
section. The state authorizing entity may consult with the
superintendent in reviewing the course for compliance with this
section.

(I) Any person who has not been licensed as a real estate
salesperson or broker within a four-year period immediately
preceding the person's current application for the salesperson's
examination shall have successfully completed the prelicensure
instruction required by division (F) (6) of this section within a
ten-year period immediately preceding the person's current
application for the salesperson's examination.

(J) Not earlier than the date of issue of a real estate
salesperson's license to a licensee, but not later than twelve
months after the date of issue of a real estate salesperson
license to a licensee, the licensee shall submit proof
satisfactory to the superintendent, on forms made available by
the superintendent, of the completion of twenty hours of
instruction that shall be completed in schools, seminars, and
educational institutions approved by the commission. The
instruction shall include, but is not limited to, current
practices relating to commercial real estate, property
management, short sales, and land contracts; contract law;

federal and state programs; economic conditions; and fiduciary responsibility. Approval of the curriculum and providers shall be granted according to rules adopted pursuant to section 4735.10 of the Revised Code and may be taken through classroom instruction or distance education.

If proof of completion of the required instruction is not submitted within twelve months of the date a license is issued under this section, the licensee's license is suspended automatically without the taking of any action by the superintendent. The superintendent immediately shall notify the broker with whom such salesperson is associated of the suspension of the salesperson's license. A salesperson whose license has been suspended under this division shall have twelve months after the date of the suspension of the salesperson's license to submit proof of successful completion of the instruction required under this division. No such license shall be reactivated by the superintendent until it is established, to the satisfaction of the superintendent, that the requirements of this division have been met and that the licensee is in compliance with this chapter. A licensee's license is revoked automatically without the taking of any action by the superintendent when the licensee fails to submit the required proof of completion of the education requirements under division (I) of this section within twelve months of the date the license is suspended.

(K) Examinations shall be administered with reasonable accommodations in accordance with the requirements of the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C. 12189. The contents of an examination shall be consistent with the classroom instructional requirements of division (F) (6) of this section. An applicant who has completed the classroom

instructional requirements of division (F) (6) of this section at 17416
the time of application shall be examined no later than twelve 17417
months after the applicant is notified of the applicant's 17418
admission to the examination. 17419

(L) Notwithstanding any provision of this chapter to the 17420
contrary, the superintendent shall issue a real estate 17421
salesperson's license in accordance with section 9.79 of the 17422
Revised Code to an applicant if either of the following applies: 17423

(1) The applicant holds a license in another state. 17424

(2) The applicant has satisfactory work experience, a 17425
government certification, or a private certification as 17426
described in that section as a real estate salesperson in a 17427
state that does not issue that license. 17428

Sec. 4735.10. (A) (1) The Ohio real estate commission may 17429
adopt reasonable rules in accordance with Chapter 119. of the 17430
Revised Code, necessary for implementing the provisions of this 17431
chapter relating, but not limited to, the following: 17432

(a) The form and manner of filing applications for 17433
licensure; 17434

(b) Times and form of examination for license; 17435

(c) Placing an existing broker's license on deposit or a 17436
salesperson's license on an inactive status for an indefinite 17437
period; 17438

(d) Specifying the process by which a licensee may resign 17439
the licensee's license; 17440

(e) Defining any additional license status that the 17441
commission determines is necessary and that is not otherwise 17442
defined in this chapter and establishing the process by which a 17443

licensee places the licensee's license in a status defined by 17444
the commission in the rules the commission adopts; 17445

(f) Clarification of the activities that require a license 17446
under this chapter; 17447

(g) Permitting a broker to act as principal broker for 17448
more than one brokerage. 17449

(2) The commission shall adopt reasonable rules in 17450
accordance with Chapter 119. of the Revised Code, for 17451
implementing the provisions of this chapter relating to the 17452
following: 17453

(a) The issuance, renewal, suspension, and revocation of 17454
licenses, other sanctions that may be imposed for violations of 17455
this chapter, the conduct of hearings related to these actions, 17456
and the process of reactivating a license; 17457

(b) A three-year license and a three-year license renewal 17458
system; 17459

(c) Standards for the approval of the postlicensure 17460
courses as required by division (G) of section 4735.07 and 17461
division (J) of section 4735.09 of the Revised Code, courses of 17462
study required for licenses, courses offered in preparation for 17463
license examinations, or courses required as continuing 17464
education for licenses. 17465

(d) Guidelines to ensure that continuing education classes 17466
are open to all persons licensed under this chapter. The rules 17467
shall specify that an organization that sponsors a continuing 17468
education class may offer its members a reasonable reduction in 17469
the fees charged for the class. 17470

(e) Requirements for trust accounts and property 17471

management accounts. The rules shall specify that: 17472

(i) Brokerages engaged in the management of property for 17473
another may, pursuant to a written contract with the property 17474
owner, exercise signatory authority for withdrawals from 17475
property management accounts maintained in the name of the 17476
property owner. The exercise of authority for withdrawals does 17477
not constitute a violation of any provision of division (A) of 17478
section 4735.18 of the Revised Code. 17479

(ii) The interest earned on property management trust 17480
accounts maintained in the name of the property owner or the 17481
broker shall be payable to the property owner unless otherwise 17482
specified in a written contract. 17483

(f) Notice of renewal forms and filing deadlines; 17484

(g) Special assessments under division (A) of section 17485
4735.12 of the Revised Code. 17486

(B) The commission may adopt rules in accordance with 17487
Chapter 119. of the Revised Code establishing standards and 17488
guidelines with which the superintendent of real estate shall 17489
comply in the exercise of the following powers: 17490

(1) Appointment and recommendation of ancillary trustees 17491
under section 4735.05 of the Revised Code; 17492

(2) Rejection of names proposed to be used by 17493
partnerships, associations, limited liability companies, limited 17494
liability partnerships, and corporations, under division (B) of 17495
section 4735.06 of the Revised Code, including procedures for 17496
the application and approval of more than one trade name for a 17497
brokerage; 17498

(3) Acceptance and rejection of applications to take the 17499

broker and salesperson examinations and licensure, ~~with~~ 17500
~~appropriate waivers pursuant to division (E) of section 4735.07~~ 17501
~~and section 4735.09 of the Revised Code;~~ 17502

(4) Approval of applications of brokers to place their 17503
licenses in an inactive status and to become salespersons under 17504
section 4735.13 of the Revised Code; 17505

(5) Appointment of hearing examiners under section 119.09 17506
of the Revised Code; 17507

(6) Acceptance and rejection of applications to take the 17508
foreign real estate dealer and salesperson examinations and 17509
licensure, with waiver of examination, under sections 4735.27 17510
and 4735.28 of the Revised Code; 17511

(7) Qualification of foreign real estate under section 17512
4735.25 of the Revised Code. 17513

If at any time there is no rule in effect establishing a 17514
guideline or standard required by this division, the 17515
superintendent may adopt a rule in accordance with Chapter 119. 17516
of the Revised Code for such purpose. 17517

(C) The commission or superintendent may hear testimony in 17518
matters relating to the duties imposed upon them, and the 17519
president of the commission and superintendent may administer 17520
oaths. The commission or superintendent may require other proof 17521
of the honesty, truthfulness, and good reputation of any person 17522
named in an application for a real estate broker's or real 17523
estate salesperson's license before admitting the applicant to 17524
the examination or issuing a license. 17525

Sec. 4735.27. (A) An application to act as a foreign real 17526
estate dealer shall be in writing and filed with the 17527
superintendent of real estate. It shall be in the form the 17528

superintendent prescribes and shall contain the following 17529
information: 17530

(1) The name and address of the applicant; 17531

(2) A description of the applicant, including, if the 17532
applicant is a partnership, unincorporated association, or any 17533
similar form of business organization, the names and the 17534
residence and business addresses of all partners, officers, 17535
directors, trustees, or managers of the organization, and the 17536
limitation of the liability of any partner or member; and if the 17537
applicant is a corporation, a list of its officers and 17538
directors, and the residence and business addresses of each, 17539
and, if it is a foreign corporation, a copy of its articles of 17540
incorporation in addition; 17541

(3) The location and addresses of the principal office and 17542
all other offices of the applicant; 17543

(4) A general description of the business of the applicant 17544
prior to the application, including a list of states in which 17545
the applicant is a licensed foreign real estate dealer; 17546

(5) The names and addresses of all salespersons of the 17547
applicant at the date of the application; 17548

(6) The nature of the business of the applicant, and its 17549
places of business, for the ten-year period preceding the date 17550
of application. 17551

(B) Every nonresident applicant shall name a person within 17552
this state upon whom process against the applicant may be served 17553
and shall give the complete residence and business address of 17554
the person designated. Every applicant shall file an irrevocable 17555
written consent, executed and acknowledged by an individual duly 17556
authorized to give such consent, that actions growing out of a 17557

fraud committed by the applicant in connection with the sale in 17558
this state of foreign real estate may be commenced against it, 17559
in the proper court of any county in this state in which a cause 17560
of action for such fraud may arise or in which the plaintiff in 17561
such action may reside, by serving on the secretary of state any 17562
proper process or pleading authorized by the laws of this state, 17563
in the event that the applicant if a resident of this state, or 17564
the person designated by the nonresident applicant, cannot be 17565
found at the address given. The consent shall stipulate that the 17566
service of process on the secretary of state shall be taken in 17567
all courts to be as valid and binding as if service had been 17568
made upon the foreign real estate dealer. If the applicant is a 17569
corporation or an unincorporated association, the consent shall 17570
be accompanied by a certified copy of the resolution of the 17571
board of directors, trustees, or managers of the corporation or 17572
association, authorizing such individual to execute the consent. 17573

(C) The superintendent may investigate any applicant for a 17574
dealer's license, and may require any additional information the 17575
superintendent considers necessary to determine the business 17576
repute and qualifications of the applicant to act as a foreign 17577
real estate dealer. If the application for a dealer's license 17578
involves investigation outside this state, the superintendent 17579
may require the applicant to advance sufficient funds to pay any 17580
of the actual expenses of the investigation, and an itemized 17581
statement of such expense shall be furnished to the applicant. 17582

(D) Every applicant shall take a written examination, 17583
prescribed and conducted by the superintendent, which covers the 17584
applicant's knowledge of the principles of real estate practice, 17585
real estate law, financing and appraisal, real estate 17586
transactions and instruments relating to them, canons of 17587
business ethics relating to real estate transactions, and the 17588

duties of foreign real estate dealers and salespersons. The fee 17589
for the examination, when administered by the superintendent, is 17590
one hundred one dollars. If the applicant does not appear for 17591
the examination, the fee shall be forfeited and a new 17592
application and fee shall be filed, unless good cause for the 17593
failure to appear is shown to the superintendent. ~~The~~ 17594
~~requirement of an examination may be waived in whole or in part~~ 17595
~~by the superintendent if an applicant is licensed as a real~~ 17596
~~estate broker by any state.~~ 17597

Any applicant who fails the examination twice shall wait 17598
six months before applying to retake the examination. 17599

(E) No person shall take the foreign real estate dealer's 17600
examination who has not established to the satisfaction of the 17601
superintendent that the person: 17602

(1) Has not been convicted of a felony or a crime of moral 17603
turpitude or, if the applicant has been so convicted, the 17604
superintendent has disregarded the conviction because the 17605
applicant has proven to the superintendent, by a preponderance 17606
of the evidence, that the applicant's activities and employment 17607
record since the conviction show that the applicant is honest, 17608
truthful, and of good reputation, and there is no basis in fact 17609
for believing that the applicant again will violate the laws 17610
involved; 17611

(2) Has not been finally adjudged by a court to have 17612
violated any municipal, state, or federal civil rights laws 17613
relevant to the protection of purchasers or sellers of real 17614
estate or, if the applicant has been so adjudged, at least two 17615
years have passed since the court decision and the 17616
superintendent has disregarded the adjudication because the 17617
applicant has proven, by a preponderance of the evidence, that 17618

the applicant's activities and employment record since the 17619
adjudication show that the applicant is honest, truthful, and of 17620
good reputation, and there is no basis in fact for believing 17621
that the applicant again will violate the laws involved; 17622

(3) Has not, during any period for which the applicant was 17623
licensed under this chapter or any former section of the Revised 17624
Code applicable to licensed foreign real estate dealers or 17625
salespersons, violated any provision of, or any rule adopted 17626
pursuant to, this chapter or that section, or, if the applicant 17627
has violated any such provision or rule, has established to the 17628
satisfaction of the superintendent that the applicant will not 17629
again violate the provision or rule. 17630

(F) ~~If Except as provided in division (H) of this section,~~ 17631
if the superintendent finds that an applicant for a license as a 17632
foreign real estate dealer, or each named member, manager, or 17633
officer of a partnership, association, or corporate applicant is 17634
at least eighteen years of age, is of good business repute, has 17635
passed the examination required under this section ~~or has had~~ 17636
~~the requirement of an examination waived,~~ and appears otherwise 17637
qualified, the superintendent shall issue a license to the 17638
applicant to engage in business in this state as a foreign real 17639
estate dealer. Dealers licensed pursuant to this section shall 17640
employ as salespersons of foreign real estate only persons 17641
licensed pursuant to section 4735.28 of the Revised Code. If at 17642
any time such salespersons resign or are discharged or new 17643
salespersons are added, the dealer forthwith shall notify the 17644
superintendent and shall file with the division of real estate 17645
the names and addresses of new salespersons. 17646

(G) If the applicant merely is renewing the applicant's 17647
license for the previous year, the application need contain only 17648

the information required by divisions (A) (2), (3), and (6) of 17649
this section. 17650

(H) The superintendent shall issue a license to engage in 17651
business in this state as a foreign real estate dealer in 17652
accordance with section 9.79 of the Revised Code to an applicant 17653
if either of the following applies: 17654

(1) The applicant holds a license in another state. 17655

(2) The applicant has satisfactory work experience, a 17656
government certification, or a private certification as 17657
described in that section as a foreign real estate dealer in a 17658
state that does not issue that license. 17659

Sec. 4735.28. (A) An application to act as a foreign real 17660
estate salesperson shall be in writing and filed with the 17661
superintendent of real estate. It shall be in the form the 17662
superintendent prescribes and shall contain the following 17663
information: 17664

(1) The name and complete residence and business addresses 17665
of the applicant; 17666

(2) The name of the foreign real estate dealer who is 17667
employing the applicant or who intends to employ the applicant; 17668

(3) The age and education of the applicant, and the 17669
applicant's experience in the sale of foreign real estate; 17670
whether the applicant has ever been licensed by the 17671
superintendent, and if so, when; whether the applicant has ever 17672
been refused a license by the superintendent; and whether the 17673
applicant has ever been licensed or refused a license or any 17674
similar permit by any division or superintendent of real estate, 17675
by whatsoever name known or designated, anywhere; 17676

(4) The nature of the employment, and the names and 17677
addresses of the employers, of the applicant for the period of 17678
ten years immediately preceding the date of the application. 17679

(B) Every applicant shall take a written examination, 17680
prescribed and conducted by the superintendent, which covers the 17681
applicant's knowledge of the principles of real estate practice, 17682
real estate law, financing and appraisal, real estate 17683
transactions and instruments relating to them, canons of 17684
business ethics relating to real estate transactions, and the 17685
duties of foreign real estate salespersons. The fee for the 17686
examination, when administered by the superintendent, is sixty- 17687
eight dollars. If the applicant does not appear for the 17688
examination, the fee shall be forfeited and a new application 17689
and fee shall be filed, unless good cause for the failure to 17690
appear is shown to the superintendent. ~~The requirement of an 17691
examination may be waived in whole or in part by the 17692
superintendent if an applicant is licensed as a real estate 17693
broker or salesperson by any state.~~ 17694

Any applicant who fails the examination twice shall wait 17695
six months before applying to retake the examination. 17696

(C) No person shall take the foreign real estate 17697
salesperson's examination who has not established to the 17698
satisfaction of the superintendent that the person: 17699

(1) Has not been convicted of a felony or a crime of moral 17700
turpitude or, if the applicant has been so convicted, the 17701
superintendent has disregarded the conviction because the 17702
applicant has proven to the superintendent, by a preponderance 17703
of the evidence, that the applicant's activities and employment 17704
record since the conviction show that the applicant is honest, 17705
truthful, and of good reputation, and there is no basis in fact 17706

for believing that the applicant again will violate the laws 17707
involved; 17708

(2) Has not been finally adjudged by a court to have 17709
violated any municipal, state, or federal civil rights laws 17710
relevant to the protection of purchasers or sellers of real 17711
estate or, if the applicant has been so adjudged, at least two 17712
years have passed since the court decision and the 17713
superintendent has disregarded the adjudication because the 17714
applicant has proven, by a preponderance of the evidence, that 17715
the applicant's activities and employment record since the 17716
adjudication show that the applicant is honest, truthful, and of 17717
good reputation, and there is no basis in fact for believing 17718
that the applicant will again violate the laws; 17719

(3) Has not, during any period for which the applicant was 17720
licensed under this chapter or any former section of the Revised 17721
Code applicable to licensed foreign real estate dealers or 17722
salespersons, violated any provision of, or any rule adopted 17723
pursuant to, this chapter or that section, or, if the applicant 17724
has violated any such provision or rule, has established to the 17725
satisfaction of the superintendent that the applicant will not 17726
again violate the provision or rule. 17727

(D) Every salesperson of foreign real estate shall be 17728
licensed by the superintendent of real estate and shall be 17729
employed only by the licensed foreign real estate dealer 17730
specified on the salesperson's license. 17731

(E) If the superintendent finds that the applicant is of 17732
good business repute, appears to be qualified to act as a 17733
foreign real estate salesperson, and has fully complied with the 17734
provisions of this chapter, and that the dealer in the 17735
application is a licensed foreign real estate dealer, the 17736

superintendent, upon payment of the fees prescribed by section 17737
4735.15 of the Revised Code, shall issue a license to the 17738
applicant authorizing the applicant to act as a salesperson for 17739
the dealer named in the application. 17740

(F) The superintendent shall issue a license to act as a 17741
salesperson of foreign real estate in accordance with section 17742
9.79 of the Revised Code to an applicant if either of the 17743
following applies: 17744

(1) The applicant holds a license in another state. 17745

(2) The applicant has satisfactory work experience, a 17746
government certification, or a private certification as 17747
described in that section as acting as a salesperson of foreign 17748
real estate in a state that does not issue that license. 17749

Sec. 4736.10. Any (A) Except as provided in division (B) 17750
of this section, any person who meets the educational 17751
qualifications of division (A), (B), or (C) of section 4736.08 17752
of the Revised Code, but does not meet the experience 17753
requirement of such division may make application to the 17754
director of health on a form prescribed by the director for 17755
registration as a sanitarian-in-training. The director shall 17756
register such person as a sanitarian-in-training upon payment of 17757
the fee required by section 4736.12 of the Revised Code, if the 17758
person passes any examination which the director may require for 17759
registration as a sanitarian-in-training. Any such examination 17760
shall be conducted in the same manner as the examination 17761
required for registration as a sanitarian under section 4736.09 17762
of the Revised Code. 17763

(B) The director shall issue a sanitarian-in-training 17764
registration in accordance with section 9.79 of the Revised Code 17765

to an applicant if either of the following applies: 17766

(1) The applicant holds a license or registration in another state. 17767
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(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that section as a sanitarian-in-training in a state that does not issue that license or registration. 17769
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(C) A sanitarian-in-training shall apply for registration as a sanitarian within three years after registration as a sanitarian-in-training. The director may extend the registration of any sanitarian-in-training who furnishes, in writing, sufficient cause for not applying for registration as a sanitarian within the three-year period. 17773
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Sec. 4736.14. ~~The director of health may, upon application and proof of valid registration,~~ shall issue a certificate of registration in accordance with section 9.79 of the Revised Code to ~~any a person who~~ if either of the following applies: 17779
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(A) The person is or has been registered as a sanitarian by any other state, ~~if the requirements of that state at the time of such registration are determined by the director to be at least equivalent to the requirements of this chapter.~~ 17783
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(B) The person has satisfactory work experience, a government certification, or a private certification as described in that section as a sanitarian in a state that does not issue that certificate of registration. 17787
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Sec. 4740.08. ~~When a written reciprocity agreement between the states exists, and an individual who is registered, licensed, or certified in another state applies to the appropriate specialty section of the Ohio construction industry~~ 17791
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~~licensing board submits a copy of the reciprocity agreement, and~~ 17795
~~pays the licensure fee determined pursuant to section 4740.09 of~~ 17796
~~the Revised Code, the appropriate specialty section of the board~~ 17797
~~shall authorize the administrative section to issue, without~~ 17798
~~examination, a license to that individual if the appropriate~~ 17799
~~specialty section of the board determines, pursuant to rules it~~ 17800
~~adopts, that the requirements for registration, licensure, or~~ 17801
~~certification under the laws of the other state are~~ 17802
~~substantially equal to the requirements for licensure in this~~ 17803
~~state and that the other state extends similar reciprocity to~~ 17804
~~persons licensed under this chapter. The appropriate specialty~~ 17805
~~section of the Ohio construction industry licensing board may~~ 17806
~~withdraw its authorization to the administrative section for~~ 17807
~~issuance of a license for good cause prior to the administrative~~ 17808
~~section's issuance of the license shall grant a license in~~ 17809
~~accordance with section 9.79 of the Revised Code to an applicant~~ 17810
~~if either of the following applies:~~ 17811

(A) The applicant holds a license in another state. 17812

(B) The applicant has satisfactory work experience, a 17813
government certification, or a private certification as 17814
described in that section for performing work in a licensed 17815
trade in a state that does not issue that license. 17816

Sec. 4741.12. (A) The state veterinary medical licensing 17817
board shall issue a license to practice veterinary medicine in 17818
accordance with section 9.79 of the Revised Code to an applicant 17819
if either of the following applies: 17820

(1) The applicant holds a license in another state. 17821

(2) The applicant has satisfactory work experience, a 17822
government certification, or a private certification as 17823

described in that section in the practice of veterinary medicine 17824
in a state that does not issue that license. 17825

(B) The board may issue a license to practice veterinary 17826
medicine without the examination required pursuant to section 17827
4741.11 of the Revised Code to an applicant from another ~~state,~~ 17828
~~territory,~~ country, ~~or the District of Columbia~~ who furnishes 17829
satisfactory proof to the board that the applicant meets all of 17830
the following criteria: 17831

~~(A)~~ (1) The applicant is a graduate of a veterinary college 17832
accredited by the American veterinary medical association or 17833
holds a certificate issued, on or after May 1, 1987, by the 17834
education commission for foreign veterinary graduates of the 17835
American veterinary medical association or issued by any other 17836
nationally recognized certification program the board approves 17837
by rule. 17838

~~(B)~~ (2) The applicant holds a license, which is not under 17839
suspension, revocation, or other disciplinary action, issued by 17840
an agency similar to this board of another ~~state, territory,~~ 17841
~~country, or the District of Columbia,~~ having requirements 17842
equivalent to those of this state, provided the laws of such 17843
~~state, territory, country, or district~~ accord equal rights to 17844
the holder of a license to practice in this state who removes to 17845
such ~~state, territory, country, or district.~~ 17846

~~(C)~~ (3) The applicant is of good moral character, as 17847
determined by the board. 17848

~~(D)~~ (4) The applicant is not under investigation for an act 17849
which would constitute a violation of this chapter that would 17850
require the revocation of or refusal to renew a license. 17851

~~(E)~~ (5) The applicant has a thorough knowledge of the laws 17852

and rules governing the practice of veterinary medicine in this 17853
state, as determined by the board. 17854

Sec. 4741.13. The state veterinary medical licensing board 17855
may issue a limited license to practice veterinary medicine to 17856
~~an~~a nonresident individual whose sole professional capacity is 17857
with a veterinary academic institution or veterinary technology 17858
institution recognized by the board in accordance with rules the 17859
board adopts or with a government diagnostic laboratory. A 17860
person holding a limited license is authorized to engage in the 17861
practice of veterinary medicine only to the extent necessary to 17862
fulfill the person's employment or educational obligations as an 17863
instructor, researcher, diagnostician, intern, resident in a 17864
veterinary specialty, or graduate student. 17865

The board may issue a limited license to ~~an~~a nonresident 17866
applicant who submits a completed application on a form 17867
prescribed by the board, pays the applicable fee prescribed in 17868
section 4741.17 of the Revised Code, and meets the criteria 17869
established by the board.The board shall not require an 17870
individual issued a limited license under this section to obtain 17871
a license under section 9.79 of the Revised Code. 17872

Sec. 4741.14. The state veterinary medical licensing board 17873
may issue, without the examination required pursuant to section 17874
4741.11 of the Revised Code, a temporary permit to practice 17875
veterinary medicine to a nonresident veterinarian holding a 17876
license which is not revoked, suspended, expired, or under any 17877
restrictions and is otherwise in good standing from another 17878
state, territory, or the District of Columbia, provided that a 17879
veterinarian who holds a current license in this state applies 17880
for the temporary permit for the veterinarian.The board shall 17881
not require a veterinarian issued a temporary permit under this 17882

section to obtain a license under section 9.79 of the Revised 17883
Code. 17884

A temporary permit issued pursuant to this section only 17885
authorizes the permit holder to act as a veterinary consultant 17886
or to provide veterinary medical services in this state for a 17887
specific animal or animals. When using the services of a 17888
veterinary consultant, the responsibility for the care and 17889
treatment of the patient remains with the veterinarian who holds 17890
a current license in this state and who is providing treatment, 17891
or consultation as to treatment, to the patient. The board shall 17892
determine by rule the specific purposes for which it may issue a 17893
temporary permit and the duration of the permit, not to exceed 17894
six months, under rules it adopts pursuant to Chapter 119. of 17895
the Revised Code. No more than two temporary permits may be 17896
issued pursuant to this section to any one applicant. Any 17897
subsequent applications shall be made pursuant to section 17898
4741.12 of the Revised Code. 17899

Sec. 4741.15. (A) A person who has done both of the 17900
following may submit an application to the state veterinary 17901
medical licensing board for a provisional veterinary graduate 17902
license: 17903

(1) Graduated from a veterinary college approved by the 17904
board; 17905

(2) Applied for and is waiting to take a nationally 17906
recognized examination approved by the board for a license to 17907
practice veterinary medicine. 17908

The application shall be on a form that the board 17909
prescribes and shall contain any information that the board 17910
requires together with a letter or letters of recommendation 17911

from a licensed veterinarian or veterinarians who will be 17912
directly supervising and responsible for the applicant as 17913
provided in division (C) of this section. The applicant shall 17914
include with the application the fee established in section 17915
4741.17 of the Revised Code. 17916

(B) The board may issue a provisional veterinary graduate 17917
license to an applicant who has satisfied the requirements 17918
established in division (A) of this section. The board shall 17919
issue a provisional veterinary graduate license in accordance 17920
with section 9.79 of the Revised Code to an applicant if the 17921
applicant holds a license in another state or has satisfactory 17922
work experience, a government certification, or a private 17923
certification as described in that section in performing or 17924
assisting in medical treatments, diagnoses, and surgeries under 17925
veterinary supervision in a state that does not issue that 17926
license. A provisional veterinary graduate license is valid for 17927
six months following the date of its issuance and is not 17928
renewable. 17929

(C) A person who holds a provisional veterinary graduate 17930
license may perform or assist in medical treatments, diagnosis, 17931
and surgery on a patient only under the direct veterinary 17932
supervision of the veterinarian or veterinarians who provided 17933
the letter or letters of recommendation accompanying the 17934
person's application under division (A) of this section and may 17935
engage in other duties related to the practice of veterinary 17936
medicine only under veterinary supervision. 17937

(D) No person who holds a provisional veterinary graduate 17938
license shall be represented, explicitly or implicitly, as being 17939
a licensed veterinarian. 17940

(E) The board may revoke a provisional veterinary graduate 17941

license if the person who holds the license violates division 17942
(C) or (D) of this section. 17943

Sec. 4741.19. (A) Unless exempted under this chapter, no 17944
person shall practice veterinary medicine, or any of its 17945
branches, without a license or limited license issued by the 17946
state veterinary medical licensing board pursuant to sections 17947
4741.11 to 4741.13 of the Revised Code, a temporary permit 17948
issued pursuant to section 4741.14 of the Revised Code, or a 17949
registration certificate issued pursuant to division (C) of this 17950
section, or with an inactive, expired, suspended, terminated, or 17951
revoked license, temporary permit, or registration. 17952

(B) No veterinary student shall: 17953

(1) Perform or assist surgery unless under direct 17954
veterinary supervision and unless the student has had the 17955
minimum education and experience prescribed by rule of the 17956
board; 17957

(2) Engage in any other work related to the practice of 17958
veterinary medicine unless under veterinary supervision; 17959

(3) Participate in the operation of a branch office, 17960
clinic, or allied establishment unless a licensed veterinarian 17961
is present on the establishment premises. 17962

(C) No person shall act as a registered veterinary 17963
technician unless the person is registered with the board on a 17964
biennial basis and pays the biennial registration fee. A 17965
registered veterinary technician registration expires biennially 17966
on the first day of March in the odd-numbered years and may be 17967
renewed in accordance with the standard renewal procedures 17968
contained in Chapter 4745. of the Revised Code upon payment of 17969
the biennial registration fee and fulfillment of ten continuing 17970

education hours during the two years immediately preceding 17971
renewal for registration. Each registered veterinary technician 17972
shall notify in writing the executive director of the board of 17973
any change in the registered veterinary technician's office 17974
address or employment within ninety days after the change has 17975
taken place. 17976

(1) A registered veterinary technician operating under 17977
veterinary supervision may perform the following duties: 17978

(a) Prepare or supervise the preparation of patients, 17979
instruments, equipment, and medications for surgery; 17980

(b) Collect or supervise the collection of specimens and 17981
perform laboratory procedures as required by the supervising 17982
veterinarian; 17983

(c) Apply wound dressings, casts, or splints as required 17984
by the supervising veterinarian; 17985

(d) Assist a veterinarian in immunologic, diagnostic, 17986
medical, and surgical procedures; 17987

(e) Suture skin incisions; 17988

(f) Administer or supervise the administration of topical, 17989
oral, or parenteral medication under the direction of the 17990
supervising veterinarian; 17991

(g) Other ancillary veterinary technician functions that 17992
are performed pursuant to the order and control and under the 17993
full responsibility of a licensed veterinarian. 17994

(h) Any additional duties as established by the board in 17995
rule. 17996

(2) A registered veterinary technician operating under 17997

direct veterinary supervision may perform all of the following: 17998

(a) Induce and monitor general anesthesia according to 17999
medically recognized and appropriate methods; 18000

(b) Dental prophylaxis, periodontal care, and extraction 18001
not involving sectioning of teeth or resection of bone or both 18002
of these; 18003

(c) Equine dental procedures, including the floating of 18004
molars, premolars, and canine teeth; removal of deciduous teeth; 18005
and the extraction of first premolars or wolf teeth. 18006

The degree of supervision by a licensed veterinarian over 18007
the functions performed by the registered veterinary technician 18008
shall be consistent with the standards of generally accepted 18009
veterinary medical practices. 18010

(3) The board shall issue a registration to be a 18011
veterinary technician in accordance with section 9.79 of the 18012
Revised Code to an applicant if either of the following applies: 18013

(a) The applicant holds a similar registration or license 18014
in another state. 18015

(b) The applicant has satisfactory work experience, a 18016
government certification, or a private certification as 18017
described in that section as a veterinary technician in a state 18018
that does not issue that registration or license. 18019

(D) A veterinarian licensed to practice in this state 18020
shall not present the person's self as or state a claim that the 18021
person is a specialist unless the veterinarian has previously 18022
met the requirements for certification by a specialty 18023
organization recognized by the American board of veterinary 18024
specialties for a specialty or such other requirements set by 18025

rule of the board and has paid the fee required by division (A) 18026
(10) of section 4741.17 of the Revised Code. 18027

The board shall issue a certification as a veterinary 18028
specialist in accordance with section 9.79 of the Revised Code 18029
to an applicant if the applicant holds a certification as a 18030
specialist in another state or has satisfactory work experience, 18031
a government certification, or a private certification as 18032
described in that section as a veterinary specialist in a state 18033
that does not issue that certification. 18034

(E) Notwithstanding division (A) of this section, any 18035
animal owner or the owner's designee may engage in the practice 18036
of embryo transfer on the owner's animal if a licensed 18037
veterinarian directly supervises the owner or the owner's 18038
designee and the means used to perform the embryo transfer are 18039
nonsurgical. 18040

(F) Allied medical support may assist a licensed 18041
veterinarian to the extent to which the law that governs the 18042
individual providing the support permits, if all of the 18043
following apply: 18044

(1) A valid veterinary-client-patient-relationship exists. 18045

(2) The individual acts under direct veterinary 18046
supervision. 18047

(3) The allied medical support individual receives 18048
informed, written, client consent. 18049

(4) The veterinarian maintains responsibility for the 18050
patient and keeps the patient's medical records. 18051

The board may inspect the facilities of an allied medical 18052
support individual in connection with an investigation based on 18053

a complaint received in accordance with section 4741.26 of the Revised Code involving that individual. 18054
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Sec. 4743.04. (A) The renewal of a license or other authorization to practice a trade or profession issued under Title XLVII of the Revised Code is subject to the provisions of section 5903.10 of the Revised Code relating to service in the armed forces. 18056
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(B) Continuing education requirements applicable to the licensees under Title XLVII of the Revised Code are subject to the provisions of section 5903.12 of the Revised Code relating to active duty military service. 18061
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~~(C) A department, agency, or office of this state or of any political subdivision of this state that issues a license or certificate to practice a trade or profession may, pursuant to rules adopted by the department, agency, or office, issue a temporary license or certificate to practice the trade or profession to a person whose spouse is on active military duty in this state.~~ 18065
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~~(D)~~The issuance of a license or other authorization to practice a trade or profession issued under Title XLVII of the Revised Code is subject to the provisions of section 5903.03 of the Revised Code relating to service in the armed forces. 18072
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Sec. 4747.04. (A) The state speech and hearing professionals board shall: 18076
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(1) Establish the nature and scope of qualifying examinations in accordance with section 4747.08 of the Revised Code; 18078
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(2) Determine whether persons holding similar valid licenses from other ~~states or jurisdictions~~ other than other 18081
18082

states shall be required to take and successfully pass the 18083
appropriate qualifying examination as a condition for licensing 18084
in this state; 18085

(3) Review complaints and conduct investigations in 18086
accordance with section 4747.13 of the Revised Code and hold any 18087
hearings that are necessary to carry out this chapter; 18088

(4) Determine and specify the length of time each license 18089
that is suspended or revoked shall remain suspended or revoked; 18090

(5) Deposit all payments collected under this chapter into 18091
the state treasury to the credit of the occupational licensing 18092
and regulatory fund created in section 4743.05 of the Revised 18093
Code; 18094

(6) Establish a list of disqualifying offenses for 18095
licensure as a hearing aid dealer or fitter, or for a hearing 18096
aid dealer or fitter trainee permit, pursuant to sections 18097
4747.05, 4747.10, 4747.12, and 4776.10 of the Revised Code. 18098

(B) The board shall adopt reasonable rules, in accordance 18099
with Chapter 119. of the Revised Code, necessary for the 18100
administration of this chapter. The board shall include all of 18101
the following in those rules: 18102

(1) The amount of any fees required under this chapter; 18103

(2) The information to be included in a hearing aid 18104
receipt provided by a licensed hearing aid dealer or fitter to a 18105
person under section 4747.09 of the Revised Code; 18106

(3) The amount of time a licensed hearing aid dealer or 18107
fitter or trainee permit holder has to provide the notice of a 18108
change in address or addresses required under section 4747.11 of 18109
the Revised Code and any other requirements relating to the 18110

notice; 18111

(4) Any additional conduct for which the board may 18112
discipline a licensee or permit holder under section 4747.12 of 18113
the Revised Code. 18114

(C) Nothing in this section shall be interpreted as 18115
granting to the board the right to restrict advertising which is 18116
not false or misleading, or to prohibit or in any way restrict a 18117
hearing aid dealer or fitter from renting or leasing space from 18118
any person, firm or corporation in a mercantile establishment 18119
for the purpose of using such space for the lawful sale of 18120
hearing aids or to prohibit a mercantile establishment from 18121
selling hearing aids if the sale would be otherwise lawful under 18122
this chapter. 18123

Sec. 4747.05. (A) (1) The state speech and hearing 18124
professionals board shall issue to each applicant, within sixty 18125
days of receipt of a properly completed application and payment 18126
of an application fee set by the board in rules adopted under 18127
section 4747.04 of the Revised Code, a hearing aid dealer's or 18128
fitter's license if the applicant: 18129

~~(1)~~ (a) In the case of an individual, the individual is at 18130
least eighteen years of age, has not committed a disqualifying 18131
offense or a crime of moral turpitude, as those terms are 18132
defined in section 4776.10 of the Revised Code, is free of 18133
contagious or infectious disease, and has successfully passed a 18134
qualifying examination specified and administered by the board. 18135

~~(2)~~ (b) In the case of a firm, partnership, association, or 18136
corporation, the application, in addition to such information as 18137
the board requires, is accompanied by an application for a 18138
license for each person, whether owner or employee, of the firm, 18139

partnership, association, or corporation, who engages in dealing 18140
in or fitting of hearing aids, or contains a statement that such 18141
applications are submitted separately. No firm, partnership, 18142
association, or corporation licensed pursuant to this chapter 18143
shall permit any unlicensed person to sell or fit hearing aids. 18144

(2) The board shall issue a hearing aid dealer's or 18145
fitter's license in accordance with section 9.79 of the Revised 18146
Code to an applicant if either of the following applies: 18147

(a) The applicant holds a license in another state. 18148

(b) The applicant has satisfactory work experience, a 18149
government certification, or a private certification as 18150
described in that section as a hearing aid dealer or fitter in a 18151
state that does not issue that license. 18152

(B) (1) Subject to divisions (B) (2), (3), and (4) of this 18153
section, the board shall not adopt or enforce any rule that 18154
precludes an individual from receiving or renewing a license 18155
issued under this chapter due to any past criminal activity, 18156
unless the individual has committed a crime of moral turpitude 18157
or a disqualifying offense as those terms are defined in section 18158
4776.10 of the Revised Code. The board shall comply with Chapter 18159
119. of the Revised Code when denying an individual a license or 18160
license renewal. 18161

(2) Except as otherwise provided in this division, if an 18162
individual applying for a license has been convicted of or 18163
pleaded guilty to a misdemeanor that is not a crime of moral 18164
turpitude or a disqualifying offense less than one year prior to 18165
making the application, the board may use the board's discretion 18166
in granting or denying the individual a license. Except as 18167
otherwise provided in this division, if an individual applying 18168

for a license has been convicted of or pleaded guilty to a 18169
felony that is not a crime of moral turpitude or a disqualifying 18170
offense less than three years prior to making the application, 18171
the board may use the board's discretion in granting or denying 18172
the individual a license. The provisions in this paragraph do 18173
not apply with respect to any offense unless the board, prior to 18174
September 28, 2012, was required or authorized to deny the 18175
application based on that offense. 18176

In all other circumstances, the board shall follow the 18177
procedures it adopts by rule that conform to division (B) (1) of 18178
this section. 18179

(3) In considering a renewal of an individual's license, 18180
the board shall not consider any conviction or plea of guilty 18181
prior to the initial licensing. However, the board may consider 18182
a conviction or plea of guilty if it occurred after the 18183
individual was initially licensed, or after the most recent 18184
license renewal. 18185

(4) The board may grant an individual a conditional 18186
license that lasts for one year. After the one-year period has 18187
expired, the license is no longer considered conditional, and 18188
the individual shall be considered fully licensed. 18189

(C) (1) Except as provided in division (C) (2) of this 18190
section, each license issued is valid from the date of issuance 18191
until the thirty-first day of December of the even-numbered year 18192
that follows the date of issuance. 18193

(2) A license issued less than one hundred days before the 18194
thirty-first day of December of an even-numbered year is valid 18195
from the date of issuance until the thirty-first day of December 18196
of the even-numbered year that follows the thirty-first day of 18197

December immediately after the date of issuance. 18198

Sec. 4747.10. (A) (1) Each person currently engaged in 18199
training to become a licensed hearing aid dealer or fitter shall 18200
apply to the state speech and hearing professionals board for a 18201
hearing aid dealer's and fitter's trainee permit. The board 18202
shall issue to each applicant within thirty days of receipt of a 18203
properly completed application and payment of an application fee 18204
set by the board in rules adopted under section 4747.04 of the 18205
Revised Code, a trainee permit if such applicant meets all of 18206
the following criteria: 18207

~~(A)~~ (a) Is at least eighteen years of age; 18208

~~(B)~~ (b) Is the holder of a diploma from an accredited high 18209
school or a certificate of high school equivalence issued by the 18210
department of education; 18211

~~(C)~~ (c) Has not committed a disqualifying offense or a 18212
crime of moral turpitude, as those terms are defined in section 18213
4776.10 of the Revised Code; 18214

~~(D)~~ (d) Is free of contagious or infectious disease. 18215

(2) The board shall issue a hearing aid dealer's and 18216
fitter's trainee permit in accordance with section 9.79 of the 18217
Revised Code to an applicant if either of the following applies: 18218

(a) The applicant holds a permit or license in another 18219
state. 18220

(b) The applicant has satisfactory work experience, a 18221
government certification, or a private certification as 18222
described in that section as a hearing aid dealer and fitter 18223
trainee in a state that does not issue that permit or license. 18224

(B) Subject to the next paragraph, the board shall not 18225

deny a trainee permit issued under this section to any 18226
individual based on the individual's past criminal history 18227
unless the individual has committed a disqualifying offense or 18228
crime of moral turpitude as those terms are defined in section 18229
4776.10 of the Revised Code. Except as otherwise provided in 18230
this paragraph, if an individual applying for a trainee permit 18231
has been convicted of or pleaded guilty to a misdemeanor that is 18232
not a crime of moral turpitude or a disqualifying offense less 18233
than one year prior to making the application, the board may use 18234
the board's discretion in granting or denying the individual a 18235
trainee permit. Except as otherwise provided in this paragraph, 18236
if an individual applying for a trainee permit has been 18237
convicted of or pleaded guilty to a felony that is not a crime 18238
of moral turpitude or a disqualifying offense less than three 18239
years prior to making the application, the board may use the 18240
board's discretion in granting or denying the individual a 18241
trainee permit. The provisions in this paragraph do not apply 18242
with respect to any offense unless the board, prior to September 18243
28, 2012, was required or authorized to deny the application 18244
based on that offense. 18245

In all other circumstances not described in the preceding 18246
paragraph, the board shall follow the procedures it adopts by 18247
rule that conform to this section. 18248

In considering a renewal of an individual's trainee 18249
permit, the board shall not consider any conviction or plea of 18250
guilty prior to the issuance of the initial trainee permit. 18251
However, the board may consider a conviction or plea of guilty 18252
if it occurred after the individual was initially granted the 18253
trainee permit, or after the most recent trainee permit renewal. 18254
The board shall comply with Chapter 119. of the Revised Code 18255
when denying an individual for a trainee permit or renewal. 18256

Additionally, the board may grant an individual a conditional 18257
trainee permit that lasts for one year. After the one-year 18258
period has expired, the permit is no longer considered 18259
conditional, and the individual shall be considered to be 18260
granted a full trainee permit. 18261

(C) Each trainee permit issued by the board expires one 18262
year from the date it was first issued, and may be renewed once 18263
if the trainee has not successfully completed the qualifying 18264
requirements for licensing as a hearing aid dealer or fitter 18265
before the expiration date of such permit. The board shall issue 18266
a renewed permit to each applicant upon receipt of a properly 18267
completed application and payment of a renewal fee set by the 18268
board in rules adopted under section 4747.04 of the Revised 18269
Code. No person holding a trainee permit shall engage in the 18270
practice of dealing in or fitting of hearing aids except while 18271
under supervision by a licensed hearing aid dealer or fitter. 18272

Sec. 4749.12. ~~(A) A~~ The director of public safety shall 18273
issue a license as a private investigator, security guard 18274
provider, or as a private investigator and a security guard 18275
provider in accordance with section 9.79 of the Revised Code to 18276
a person who is a resident of another state; if either of the 18277
following applies: 18278

(A) The person is licensed as a private investigator, 18279
security guard provider, or as a private investigator and a 18280
security guard provider in another state; and wishes to engage 18281
in the business of private investigation, the business of 18282
security services, or both businesses in this state, shall be 18283
licensed pursuant to section 4749.03 of the Revised Code, but 18284
the director of public safety may waive the examination 18285
requirement of that section and issue a license to a nonresident 18286

~~under the circumstances described in division (B) of this section.~~ 18287
18288

(B) ~~If a nonresident~~The applicant has satisfactory work 18289
experience, a government certification, or a private 18290
certification as described in that section as a private 18291
investigator, security guard provider, or a private investigator 18292
and security guard provider seeking licensure under this chapter 18293
submits with the application and accompanying matter specified 18294
in section 4749.03 of the Revised Code proof of licensure in 18295
another state, and if the requirements of divisions (A) (1) (a), 18296
(b), and (d) and, if applicable, (F) (1) of section 4749.03 of 18297
the Revised Code are satisfied and the nonresident meets all 18298
current requirements of the laws of the other state regulating 18299
the business of private investigation, the business of security 18300
services, or both businesses, the director may waive the 18301
examination requirement and fee of that section. This waiver 18302
authority may be exercised only if the director determines that 18303
the other state has a law similar to this division and extends 18304
to residents of this state a similar waiver of examination 18305
privilege in a state that does not issue that license. 18306

Sec. 4751.01. As used in this chapter: 18307

(A) "Health-care licensing agency" means any department, 18308
division, board, section of a board, or other government unit 18309
that is authorized by a statute of this or another state to 18310
issue a license, certificate, permit, card, or other authority 18311
to do either of the following in the context of health care: 18312

(1) Engage in a specific profession, occupation, or 18313
occupational activity; 18314

(2) Have charge of and operate certain specified 18315

equipment, machinery, or premises.	18316
(B) "Licensed health services executive" means an individual who holds a valid health services executive license.	18317 18318
(C) "Licensed nursing home administrator" means an individual who holds a valid nursing home administrator license.	18319 18320
(D) "Licensed temporary nursing home administrator" means an individual who holds a valid temporary nursing home administrator license.	18321 18322 18323
(E) "Long-term services and supports setting" means any institutional or community-based setting in which medical, health, psychosocial, habilitative, rehabilitative, or personal care services are provided to individuals on a post-acute care basis.	18324 18325 18326 18327 18328
(F) "Nursing home" means a nursing home as defined by or under the authority of section 3721.01 of the Revised Code, or a nursing home operated by a governmental agency.	18329 18330 18331
(G) "Nursing home administration" means planning, organizing, directing, and managing the operation of a nursing home.	18332 18333 18334
(H) "Nursing home administrator" means any individual who engages in the practice of nursing home administration, whether or not the individual shares the functions and duties of nursing home administration with one or more other individuals.	18335 18336 18337 18338
(I) "Valid health services executive license" means a health services executive license to which all of the following apply:	18339 18340 18341
(1) It was issued by the board of executives of long-term services and supports under section <u>4751.201</u> , 4751.21, 4751.23,	18342 18343

4751.25, or 4751.33 of the Revised Code;	18344
(2) It was not sold, fraudulently furnished, or	18345
fraudulently obtained in violation of division (F) of section	18346
4751.10 of the Revised Code;	18347
(3) It is current and in good standing.	18348
(J) "Valid nursing home administrator license" means a	18349
nursing home administrator license to which all of the following	18350
apply:	18351
(1) It was issued by the board under section 4751.20,	18352
4751.201, 4751.23, 4751.24, or 4751.33 of the Revised Code;	18353
(2) It was not sold, fraudulently furnished, or	18354
fraudulently obtained in violation of division (F) of section	18355
4751.10 of the Revised Code;	18356
(3) It is current and in good standing.	18357
(K) "Valid temporary nursing home administrator license"	18358
means a temporary nursing home administrator license to which	18359
all of the following apply:	18360
(1) It was issued by the board under section 4751.202,	18361
4751.23, or 4751.33 of the Revised Code;	18362
(2) It was not sold, fraudulently furnished, or	18363
fraudulently obtained in violation of division (F) of section	18364
4751.10 of the Revised Code;	18365
(3) It is current and in good standing.	18366
Sec. 4751.15. The board of executives of long-term	18367
services and supports shall administer, or contract with a	18368
government or private entity to administer, examinations that an	18369
individual must pass to obtain a nursing home administrator	18370

license under section 4751.20 ~~or 4751.201~~ of the Revised Code. 18371
If the board contracts with a government or private entity to 18372
administer the examinations, the contract may authorize the 18373
entity to collect and keep, as all or part of the entity's 18374
compensation under the contract, any fee an individual pays to 18375
take the examination. The entity is not required to deposit the 18376
fee into the state treasury. 18377

To be admitted to an examination administered under this 18378
section, an individual must pay the examination fee charged by 18379
the board or government or private entity. If an individual 18380
fails three times to pass the examination, the individual, 18381
before being admitted to the examination a subsequent time, also 18382
must satisfy any education requirements, experience 18383
requirements, or both, that may be prescribed in rules adopted 18384
under section 4751.04 of the Revised Code in addition to any 18385
education requirements or experience requirements that must be 18386
satisfied to obtain a nursing home administrator license under 18387
section 4751.20 ~~or 4751.201~~ of the Revised Code. 18388

Sec. 4751.20. (A) Subject ~~Except as provided in section~~ 18389
4751.201 of the Revised Code, and subject to section 4751.32 of 18390
the Revised Code, the board of executives of long-term services 18391
and supports shall issue a nursing home administrator license to 18392
an individual under this section if all of the following 18393
requirements are satisfied: 18394

(1) The individual has submitted to the board a completed 18395
application for the license in accordance with rules adopted 18396
under section 4751.04 of the Revised Code. 18397

(2) If the individual is required by rules adopted under 18398
section 4751.04 of the Revised Code to serve as a nursing home 18399
administrator in training, the individual has paid to the board 18400

the administrator in training fee of fifty dollars. 18401

(3) The individual is at least twenty-one years of age. 18402

(4) The individual has successfully completed educational 18403
requirements and work experience specified in rules adopted 18404
under section 4751.04 of the Revised Code, including, if so 18405
required by the rules, experience obtained as a nursing home 18406
administrator in training. 18407

(5) The individual is of good moral character. 18408

(6) The individual has complied with section 4776.02 of 18409
the Revised Code regarding a criminal records check. 18410

(7) The board, in its discretion, has determined that the 18411
results of the criminal records check do not make the individual 18412
ineligible for the license. 18413

(8) The individual has passed the licensing examination 18414
administered under section 4751.15 of the Revised Code. 18415

(9) The individual has paid to the board a license fee of 18416
two hundred fifty dollars. 18417

(10) The individual has satisfied any additional 18418
requirements as may be prescribed in rules adopted under section 18419
4751.04 of the Revised Code. 18420

(B) A nursing home administrator license shall certify 18421
that the individual to whom it was issued has met the applicable 18422
requirements of this chapter and any applicable rules adopted 18423
under section 4751.04 of the Revised Code and is authorized to 18424
practice nursing home administration while the license is valid. 18425

Sec. 4751.201. ~~(A) Subject to section 4751.32 of the~~ 18426
~~Revised Code, Notwithstanding the requirements for a license~~ 18427

under this chapter, the board of executives of long-term 18428
services and supports ~~may~~ shall issue a nursing home 18429
administrator license or a health services executive license in 18430
accordance with section 9.79 of the Revised Code to an 18431
individual ~~under this section if all of the following~~ 18432
~~requirements are satisfied:~~ 18433

~~(1) The individual is legally authorized to practice~~ 18434
~~nursing home administration in another state.~~ 18435

~~(2) The individual has submitted to the board a completed~~ 18436
~~application for the license in accordance with rules adopted~~ 18437
~~under section 4751.04 of the Revised Code.~~ 18438

~~(3) The individual is at least twenty one years of age.~~ 18439

~~(4) The individual holds at least a bachelor's degree from~~ 18440
~~an accredited educational institution.~~ 18441

~~(5) The individual is of good moral character.~~ 18442

~~(6) The individual has complied with section 4776.02 of~~ 18443
~~the Revised Code regarding a criminal records check.~~ 18444

~~(7) The board, in its discretion, has determined that the~~ 18445
~~results of the criminal records check do not make the individual~~ 18446
~~ineligible for the license.~~ 18447

~~(8) The individual has passed the licensing examination~~ 18448
~~administered under section 4751.15 of the Revised Code.~~ 18449

~~(9) The individual has paid to the board a license fee of~~ 18450
~~two hundred fifty dollars.~~ 18451

~~(10) The individual has satisfied any additional~~ 18452
~~requirements as may be prescribed in rules adopted under section~~ 18453
~~4751.04 of the Revised Code.~~ 18454

~~(B) A nursing home administrator license shall certify that the individual to whom it was issued has met the applicable requirements of this chapter and any applicable rules adopted under section 4751.04 of the Revised Code and is authorized to practice nursing home administration while the license is valid.~~ 18455
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applicant if either of the following applies:

(A) The applicant holds a license in another state. 18461

(B) The applicant has satisfactory work experience, a government certification, or a private certification as described in that section as a nursing home administrator or a health services executive in a state that does not issue that license. 18462
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Sec. 4751.202. (A) Subject to section 4751.32 of the Revised Code, the board of executives of long-term services and supports may issue a temporary nursing home administrator license to an individual if all of the following requirements are satisfied: 18467
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18469
18470
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(1) The operator of a nursing home has requested that the board issue a temporary nursing home administrator license to the individual to authorize the individual to temporarily practice nursing home administration at the nursing home because of a vacancy in the position of nursing home administrator at the nursing home resulting from a death, illness, or other unexpected cause. 18472
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(2) The individual is at least twenty-one years of age. 18479

(3) The individual is of good moral character. 18480

(4) The individual has complied with section 4776.02 of the Revised Code regarding a criminal records check. 18481
18482

(5) The board, in its discretion, has determined that the results of the criminal records check do not make the individual ineligible for the license.

(6) The individual has paid to the board a fee for the temporary license of one hundred dollars.

(7) The individual has satisfied any additional requirements as may be prescribed in rules adopted under section 4751.04 of the Revised Code.

(B) A temporary nursing home administrator license shall certify that the individual to whom it was issued has met the applicable requirements of this chapter and any applicable rules adopted under section 4751.04 of the Revised Code and is authorized to practice nursing home administration while the temporary license is valid.

(C) Except as provided in section 4751.32 of the Revised Code, a temporary nursing home administrator license is valid for a period of time the board shall specify on the temporary license. That period shall not exceed one hundred eighty days. If that period is less than one hundred eighty days, the individual holding the temporary license may apply to the board for renewal of the temporary license in accordance with rules the board shall adopt under section 4751.04 of the Revised Code. Except as provided in section 4751.32 of the Revised Code, a renewed temporary nursing home administrator license is valid for a period of time the board shall specify on the renewed temporary license. That period shall not exceed the difference between one hundred eighty days and the number of days for which the original temporary license was valid. A renewed temporary nursing home administrator license shall not be renewed. A licensed temporary nursing home administrator who intends to

continue to practice nursing home administration after the 18513
temporary license, including, if applicable, the renewed 18514
temporary license, expires must obtain a nursing home 18515
administrator license under section 4751.20 of the Revised Code. 18516

(D) Section 9.79 of the Revised Code does not apply to a 18517
temporary license issued under this section. 18518

Sec. 4751.21. (A) Subject—Except as provided in section 18519
4751.201 of the Revised Code, and subject to section 4751.32 of 18520
the Revised Code, the board of executives of long-term services 18521
and supports shall issue a health services executive license to 18522
an individual if all of the following requirements are 18523
satisfied: 18524

(1) The individual has submitted to the board a completed 18525
application for the license in accordance with rules adopted 18526
under section 4751.04 of the Revised Code. 18527

(2) The individual is a licensed nursing home 18528
administrator. 18529

(3) The individual has obtained the health services 18530
executive qualification through the national association of 18531
long-term care administrator boards. 18532

(4) The individual has complied with section 4776.02 of 18533
the Revised Code regarding a criminal records check. 18534

(5) The board, in its discretion, has determined that the 18535
results of the criminal records check do not make the individual 18536
ineligible for the license. 18537

(6) The individual has paid to the board a license fee of 18538
one hundred dollars. 18539

(B) A health services executive license shall certify that 18540

the individual to whom it was issued has met the applicable 18541
requirements of this chapter and any applicable rules adopted 18542
under section 4751.04 of the Revised Code and is a licensed 18543
health services executive while the license is valid. 18544

Sec. 4751.32. (A) The board of executives of long-term 18545
services and supports may take any of the actions authorized by 18546
division (B) of this section against an individual who has 18547
applied for or holds a nursing home administrator license, 18548
temporary nursing home administrator license, or health services 18549
executive license if any of the following apply to the 18550
individual: 18551

(1) The individual has failed to satisfy any requirement 18552
established by this chapter or the rules adopted under section 18553
4751.04 of the Revised Code that must be satisfied to obtain the 18554
license or temporary license. 18555

(2) The individual has violated, or failed to comply with 18556
a requirement of, this chapter or a rule adopted under section 18557
4751.04 of the Revised Code regarding the practice of nursing 18558
home administration, including the requirements of sections 18559
4751.40 and 4751.41 of the Revised Code. 18560

(3) The individual is unfit or incompetent to practice 18561
nursing home administration, serve in a leadership position at a 18562
long-term services and supports setting, or direct the practices 18563
of others in such a setting by reason of negligence, habits, or 18564
other causes, including the individual's habitual or excessive 18565
use or abuse of drugs, alcohol, or other substances. 18566

(4) The individual has acted in a manner inconsistent with 18567
the health and safety of either of the following: 18568

(a) The residents of the nursing home at which the 18569

individual practices nursing home administration; 18570

(b) The consumers of services and supports provided by a 18571
long-term services and supports setting at which the individual 18572
serves in a leadership position or directs the practices of 18573
others. 18574

(5) The individual has been convicted of, or pleaded 18575
guilty to, either of the following in a court of competent 18576
jurisdiction, either within or without this state: 18577

(a) A felony; 18578

(b) An offense of moral turpitude that constitutes a 18579
misdemeanor in this state. 18580

(6) The individual made a false, fraudulent, deceptive, or 18581
misleading statement in seeking to obtain, or obtaining, a 18582
nursing home administrator license, temporary nursing home 18583
administrator license, or health services executive license. 18584

(7) The individual made a fraudulent misrepresentation in 18585
attempting to obtain, or obtaining, money or anything of value 18586
in the practice of nursing home administration or while serving 18587
in a leadership position at a long-term services and supports 18588
setting or directing the practices of others in such a setting. 18589

(8) The individual has substantially deviated from the 18590
board's code of ethics. 18591

(9) Another health care licensing agency has taken any of 18592
the following actions against the individual for any reason 18593
other than nonpayment of a fee: 18594

(a) Denied, refused to renew or reinstate, limited, 18595
revoked, or suspended, or accepted the surrender of, a license 18596
or other authorization to practice; 18597

(b) Imposed probation;	18598
(c) Issued a censure or other reprimand.	18599
(10) The individual has failed to do any of the following:	18600
(a) Cooperate with an investigation conducted by the board under section 4751.31 of the Revised Code;	18601 18602
(b) Respond to or comply with a subpoena issued by the board in an investigation of the individual;	18603 18604
(c) Comply with any disciplinary action the board has taken against the individual pursuant to this section.	18605 18606
(B) The following are the actions that the board may take for the purpose of division (A) of this section:	18607 18608
(1) Deny the individual any of the following:	18609
(a) A nursing home administrator license under section 4751.20, 4751.201, 4751.23, or 4751.24 of the Revised Code;	18610 18611
(b) A temporary nursing home administrator license under section 4751.202 or 4751.23 of the Revised Code;	18612 18613
(c) A health services executive license under section_ <u>4751.201</u> , 4751.21, 4751.23, or 4751.25 of the Revised Code.	18614 18615
(2) Suspend the individual's nursing home administrator license, temporary nursing home administrator license, or health services executive license;	18616 18617 18618
(3) Revoke the individual's nursing home administrator license, temporary nursing home administrator license, or health services executive license, either permanently or for a period of time the board specifies;	18619 18620 18621 18622
(4) Place a limitation on the individual's nursing home	18623

administrator license, temporary nursing home administrator license, or health services executive license; 18624
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(5) Place the individual on probation; 18626

(6) Issue a written reprimand of the individual; 18627

(7) Impose on the individual a civil penalty, fine, or other sanction specified in rules adopted under section 4751.04 of the Revised Code. 18628
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(C) The board shall take actions authorized by division (B) of this section in accordance with Chapter 119. of the Revised Code, except that the board may enter into a consent agreement with an individual to resolve an alleged violation of this chapter or a rule adopted under section 4751.04 of the Revised Code in lieu of making an adjudication regarding the alleged violation. A consent agreement constitutes the board's findings and order with respect to the matter addressed in the consent agreement if the board ratifies the consent agreement. Any admissions or findings included in a proposed consent agreement have no force or effect if the board refuses to ratify the consent agreement. 18631
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Sec. 4752.05. (A) The Except as provided in division (D) of this section, the state board of pharmacy shall issue a license to provide home medical equipment services to each applicant under section 4752.04 of the Revised Code that meets either of the following requirements: 18643
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(1) Meets the standards established by the board in rules adopted under section 4752.17 of the Revised Code; 18648
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(2) Is a pharmacy licensed under Chapter 4729. of the Revised Code that receives total payments of ten thousand dollars or more per year from selling or renting home medical 18650
18651
18652

equipment. 18653

(B) During the period ending one year after September 16, 18654
2004, an applicant that does not meet either of the requirements 18655
of division (A) of this section shall be granted a provisional 18656
license if for at least twelve months prior to September 16, 18657
2004, the applicant was engaged in the business of providing 18658
home medical equipment services. The provisional license expires 18659
one year following the date on which it is issued and is not 18660
subject to renewal under section 4752.06 of the Revised Code. 18661

(C) The board may conduct a personal interview of an 18662
applicant, or an applicant's representative, to determine the 18663
applicant's qualifications for licensure. 18664

(D) The board shall issue a license to provide home 18665
medical equipment services in accordance with section 9.79 of 18666
the Revised Code to an applicant if either of the following 18667
applies: 18668

(1) The applicant holds a license in another state. 18669

(2) The applicant has satisfactory work experience, a 18670
government certification, or a private certification as 18671
described in that section as a provider of home medical 18672
equipment services in a state that does not issue that license. 18673

(E) A license issued under division (A) of this section to 18674
provide home medical equipment services expires at the end of 18675
the licensing period for which it is issued and may be renewed 18676
in accordance with section 4752.06 of the Revised Code. For 18677
purposes of issuing and renewing licenses, the board shall use a 18678
biennial licensing period that begins on the first day of July 18679
of each even-numbered year and ends on the thirtieth day of June 18680
of the next succeeding even-numbered year. 18681

~~(E)-(F)~~ Any license issued under this section is valid only 18682
for the facility named in the application. 18683

Sec. 4752.12. (A) ~~The~~ Except as provided in division (B) 18684
of this section, the state board of pharmacy shall issue a 18685
certificate of registration to provide home medical equipment 18686
services to each applicant who submits a complete application 18687
under section 4752.11 of the Revised Code. For purposes of this 18688
division, an application is complete only if the board finds 18689
that the applicant holds accreditation from the joint commission 18690
on accreditation of healthcare organizations or another national 18691
accrediting body recognized by the board, as specified in rules 18692
adopted under section 4752.17 of the Revised Code. 18693

(B) The board shall issue a certificate of registration in 18694
accordance with section 9.79 of the Revised Code to an applicant 18695
if either of the following applies: 18696

(1) The applicant holds a certificate of registration or 18697
license in another state. 18698

(2) The applicant has satisfactory work experience, a 18699
government certification, or a private certification as 18700
described in that section as a provider of home medical 18701
equipment services in a state that does not issue that 18702
certificate or license. 18703

(C) A certificate of registration issued under this 18704
section expires at the end of the registration period for which 18705
it is issued and may be renewed in accordance with section 18706
4752.13 of the Revised Code. For purposes of renewing 18707
certificates of registration, the board shall use a biennial 18708
registration period that begins on the first day of July of each 18709
even-numbered year and ends on the thirtieth day of June of the 18710

next succeeding even-numbered year. 18711

~~(C)~~(D) A certificate of registration ~~issued under this~~ 18712
~~section~~ is valid only for the facility named in the application. 18713

Sec. 4753.07. The state speech and hearing professionals 18714
board shall issue under its seal a license or conditional 18715
license to every applicant who has passed the appropriate 18716
examinations designated by the board and who otherwise complies 18717
with the licensure requirements of this chapter. The license or 18718
conditional license entitles the holder to practice speech- 18719
language pathology or audiology. 18720

The board shall issue under its seal a license or 18721
conditional license to practice speech-language pathology or 18722
audiology to an applicant in accordance with section 9.79 of the 18723
Revised Code if the applicant holds a license or conditional 18724
license in another state or the applicant has satisfactory work 18725
experience, a government certification, or a private 18726
certification as described in that section as a speech-language 18727
pathologist or audiologist in a state that does not issue those 18728
licenses. 18729

Each licensee shall display the license or conditional 18730
license or an official duplicate in a conspicuous place where 18731
the licensee practices speech-language pathology or audiology or 18732
both. 18733

Sec. 4753.071. A person who is required to meet the 18734
supervised professional experience requirement of division (F) 18735
of section 4753.06 of the Revised Code shall submit to the state 18736
speech and hearing professionals board an application for a 18737
conditional license. The application shall include a plan for 18738
the content of the supervised professional experience on a form 18739

the board shall prescribe. The board shall issue the conditional 18740
license to the applicant if the applicant meets the requirements 18741
of section 4753.06 of the Revised Code, other than the 18742
requirement to have obtained the supervised professional 18743
experience, and pays to the board the appropriate fee for a 18744
conditional license. The board shall issue a conditional license 18745
in accordance with section 9.79 of the Revised Code to an 18746
applicant if the applicant holds a license in another state or 18747
the applicant has satisfactory work experience, a government 18748
certification, or a private certification as described in that 18749
section in a state that does not issue a conditional license. An 18750
applicant may not begin employment until the conditional license 18751
has been issued. 18752

A conditional license authorizes an individual to practice 18753
speech-language pathology or audiology while completing the 18754
supervised professional experience as required by division (F) 18755
of section 4753.06 of the Revised Code. A person holding a 18756
conditional license may practice speech-language pathology or 18757
audiology while working under the supervision of a person fully 18758
licensed in accordance with this chapter. A conditional license 18759
is valid for eighteen months unless suspended or revoked 18760
pursuant to section 3123.47 or 4753.10 of the Revised Code. 18761

A person holding a conditional license may perform 18762
services for which payment will be sought under the medicare 18763
program or the medicaid program but all requests for payment for 18764
such services shall be made by the person who supervises the 18765
person performing the services. 18766

Sec. 4753.072. The state speech and hearing professionals 18767
board shall establish by rule pursuant to Chapter 119. of the 18768
Revised Code the qualifications for persons seeking licensure as 18769

a speech-language pathology aide or an audiology aide. The 18770
qualifications shall be less than the standards for licensure as 18771
a speech-language pathologist or audiologist. An aide shall not 18772
act independently and shall work under the direction and 18773
supervision of a speech-language pathologist or audiologist 18774
licensed by the board. An aide shall not dispense hearing aids. 18775
An applicant shall not begin employment until the license has 18776
been approved. 18777

The board shall issue a license for a speech-language 18778
pathology aide or an audiology aide in accordance with section 18779
9.79 of the Revised Code to an applicant who holds a license in 18780
another state or has satisfactory work experience, a government 18781
certification, or a private certification as described in that 18782
section as a speech-language pathology aide or an audiology aide 18783
in a state that does not issue those licenses. 18784

Sec. 4753.073. (A) The state speech and hearing 18785
professionals board shall issue under its seal a speech-language 18786
pathology student permit to any applicant who submits a plan 18787
that has been approved by the applicant's university graduate 18788
program in speech-language pathology and that conforms to 18789
requirements determined by the board by rule and who meets all 18790
of the following requirements: 18791

(1) Is enrolled in a graduate program at an educational 18792
institution located in this state that is accredited by the 18793
council on academic accreditation in audiology and speech- 18794
language pathology of the American speech-language-hearing 18795
association; 18796

(2) Has completed at least one year of postgraduate 18797
training in speech-language pathology, or equivalent coursework 18798
as determined by the board, and any student clinical experience 18799

the board may require by rule. 18800

(B) The board shall issue under its seal a speech-language pathology student permit to an applicant if either of the following applies: 18801
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(1) The applicant holds a permit or license in another state. 18804
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(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that section as a speech-language pathology student in a state that does not issue that permit or license. 18806
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(C) The speech-language pathology student permit authorizes the holder to practice speech-language pathology within limits determined by the board by rule, which shall include the following: 18810
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(1) The permit holder's caseload shall be limited in a manner to be determined by the board by rule. 18814
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(2) The permit holder's authorized scope of practice shall be limited in a manner to be determined by the board by rule. 18816
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The rule shall consider the coursework and clinical experience 18818
that has been completed by the permit holder and the 18819
recommendation of the applicant's university graduate program in 18820
speech-language pathology. 18821

(3) The permit holder shall practice only when under the supervision of a speech-language pathologist who is licensed by the board and acting under the approval and direction of the applicant's university graduate program in speech-language pathology. The board shall determine by rule the manner of supervision. 18822
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~~(C)(D)~~ A permit ~~issued under this section~~ shall expire two 18828
years after the date of issuance. Student permits may be renewed 18829
in a manner to be determined by the board by rule. 18830

~~(D)(E)~~ Each permit holder shall display the permit or an 18831
official duplicate in a conspicuous place where the permit 18832
holder practices speech-language pathology. 18833

Sec. 4753.08. The state speech and hearing professionals 18834
board shall waive the examination, educational, and professional 18835
experience requirements for any applicant who meets ~~any either~~ 18836
of the following requirements: 18837

(A) On September 26, 1975, had at least a bachelor's 18838
degree with a major in speech-language pathology or audiology 18839
from an accredited college or university, or was employed as a 18840
speech-language pathologist or audiologist for at least nine 18841
months at any time within the three years prior to September 26, 18842
1975, if an application providing bona fide proof of such degree 18843
or employment was filed with the former board of speech-language 18844
pathology and audiology within one year after that date, and was 18845
accompanied by the application fee as prescribed in division (A) 18846
of section 4753.11 of the Revised Code. 18847

~~(B) Presents proof to the state speech and hearing 18848
professionals board of current certification or licensure in 18849
good standing in the area in which licensure is sought in a 18850
state that has standards at least equal to the standards for 18851
licensure that are in effect in this state at the time the 18852
applicant applies for the license. 18853~~

~~(C) Presents proof to the state speech and hearing 18854
professionals board of both of the following: 18855~~

~~(1) Having current certification or licensure in good 18856~~

~~standing in audiology in a state that has standards at least
equal to the standards for licensure as an audiologist that were
in effect in this state on December 31, 2005.~~ 18857
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~~(2) Having first obtained that certification or licensure
not later than December 31, 2007.~~ 18860
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~~(D) Presents proof to the state speech and hearing
professionals board of a current certificate of clinical
competence in speech-language pathology or audiology that is in
good standing and received from the American speech-language-
hearing association in the area in which licensure is sought.~~ 18862
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Sec. 4753.09. Except as provided in this section and in 18867
section 4753.10 of the Revised Code, a license issued by the 18868
state speech and hearing professionals board shall be renewed 18869
biennially in accordance with the standard renewal procedure 18870
contained in Chapter 4745. of the Revised Code. If the 18871
application for renewal is made one year or longer after the 18872
renewal application is due, the person shall apply for licensure 18873
as provided in section 4753.06 or division (B), ~~(C), or (D)~~ of 18874
section 4753.08 of the Revised Code. The board shall not renew a 18875
conditional license; however, the board may grant an applicant a 18876
second conditional license. 18877

The board shall establish by rule adopted pursuant to 18878
Chapter 119. of the Revised Code the qualifications for license 18879
renewal. Applicants shall demonstrate continued competence, 18880
which may include continuing education, examination, self- 18881
evaluation, peer review, performance appraisal, or practical 18882
simulation. The board may establish other requirements as a 18883
condition for license renewal as considered appropriate by the 18884
board. 18885

The board may renew a license which expires while the license is suspended, but the renewal shall not affect the suspension. The board shall not renew a license which has been revoked. If a revoked license is reinstated under section 4753.10 of the Revised Code after it has expired, the licensee, as a condition of reinstatement, shall pay a reinstatement fee in the amount equal to the renewal fee in effect on the last preceding regular renewal date on which it is reinstated, plus any delinquent fees accrued from the time of the revocation, if such a fee is prescribed by the board by rule.

Sec. 4753.12. Nothing in this chapter shall be construed to:

(A) Prohibit a person other than an individual from engaging in the business of speech-language pathology or audiology without licensure if it employs a licensed individual in the direct practice of speech-language pathology and audiology. Such entity shall file a statement with the state speech and hearing professionals board, on a form approved by the board for this purpose, swearing that it submits itself to the rules of the board and the provisions of this chapter which the board determines applicable.

(B) Prevent or restrict the practice of a person employed as a speech-language pathologist or audiologist by any agency of the federal government.

(C) Restrict the activities and services of a student or intern in speech-language pathology or audiology from pursuing a course of study leading to a degree in these areas at a college or university accredited by a recognized regional or national accrediting body or in one of its cooperating clinical training facilities, if these activities and services are supervised by a

person licensed in the area of study or certified by the 18916
American speech-language-hearing association in the area of 18917
study and if the student is designated by a title such as 18918
"speech-language pathology intern," "audiology intern," 18919
"trainee," or other such title clearly indicating the training 18920
status. 18921

(D) Prevent a person from performing speech-language 18922
pathology or audiology services when performing these services 18923
in pursuit of the required supervised professional experience as 18924
prescribed in section 4753.06 of the Revised Code and that 18925
person has been issued a conditional license pursuant to section 18926
4753.071 of the Revised Code. 18927

(E) Restrict a speech-language pathologist or audiologist 18928
who holds the certification of the American speech-language- 18929
hearing association, or who is licensed as a speech-language 18930
pathologist or audiologist in another state and who has made 18931
application to the board for a license in this state from 18932
practicing speech-language pathology or audiology without a 18933
valid license pending the disposition of the application. The 18934
board shall not require a speech-language pathologist or 18935
audiologist who is licensed in another state to obtain a license 18936
in accordance with section 9.79 of the Revised Code to practice 18937
speech-language pathology or audiology in the manner described 18938
under this division. 18939

(F) Restrict a person not a resident of this state from 18940
offering speech-language pathology or audiology services in this 18941
state if such services are performed for not more than one 18942
period of thirty consecutive calendar days in any year, if the 18943
person is licensed in the state of the person's residence or 18944
certified by the American speech-language-hearing association 18945

and files a statement as prescribed by the board in advance of 18946
providing these services. Such person shall be subject to the 18947
rules of the board and the provisions of this chapter. The board 18948
shall not require a person not a resident of this state who is 18949
licensed in the state of the person's residence to obtain a 18950
license in accordance with section 9.79 of the Revised Code to 18951
offer speech-language pathology or audiology services in the 18952
manner described under this division. 18953

(G) Restrict a person licensed under Chapter 4747. of the 18954
Revised Code from engaging in the duties as defined in that 18955
chapter related to measuring, testing, and counseling for the 18956
purpose of identifying or modifying hearing conditions in 18957
connection with the fitting, dispensing, or servicing of a 18958
hearing aid, or affect the authority of hearing aid dealers to 18959
deal in hearing aids or advertise the practice of dealing in 18960
hearing aids in accordance with Chapter 4747. of the Revised 18961
Code. 18962

(H) Restrict a physician from engaging in the practice of 18963
medicine and surgery or osteopathic medicine and surgery or 18964
prevent any individual from carrying out any properly delegated 18965
responsibilities within the normal practice of medicine and 18966
surgery or osteopathic medicine and surgery. 18967

(I) Restrict a person registered or licensed under Chapter 18968
4723. of the Revised Code from performing those acts and 18969
utilizing those procedures that are within the scope of the 18970
practice of professional or practical nursing as defined in 18971
Chapter 4723. of the Revised Code and the ethics of the nursing 18972
profession, provided such a person does not claim to the public 18973
to be a speech-language pathologist or audiologist. 18974

(J) Restrict an individual licensed as an audiologist 18975

under this chapter from fitting, selling, or dispensing hearing aids. 18976
18977

(K) Authorize the practice of medicine and surgery or 18978
entitle a person licensed pursuant to this chapter to engage in 18979
the practice of medicine or surgery or any of its branches. 18980

(L) Restrict a person licensed pursuant to Chapter 4755. 18981
of the Revised Code from performing those acts and utilizing 18982
those procedures that are within the scope of the practice of 18983
occupational therapy or occupational therapy assistant as 18984
defined in Chapter 4755. of the Revised Code, provided the 18985
person does not claim to the public to be a speech-language 18986
pathologist or audiologist. 18987

Sec. 4755.08. The occupational therapy section of the Ohio 18988
occupational therapy, physical therapy, and athletic trainers 18989
board shall issue a license to every applicant who has passed 18990
the appropriate examination designated by the section and who 18991
otherwise complies with the licensure requirements of sections 18992
4755.04 to 4755.13 of the Revised Code. The license entitles the 18993
holder to practice occupational therapy or to assist in the 18994
practice of occupational therapy. The licensee shall display the 18995
license in a conspicuous place at the licensee's principal place 18996
of business. 18997

The section shall issue a license to practice occupational 18998
therapy or to assist in the practice of occupational therapy in 18999
accordance with section 9.79 of the Revised Code to an applicant 19000
if either of the following applies: 19001

(A) The applicant holds a license in another state. 19002

(B) The applicant has satisfactory work experience, a 19003
government certification, or a private certification as 19004

described in that section as an occupational therapist or 19005
assistant occupational therapist in a state that does not issue 19006
that license. 19007

The section may issue a limited permit to persons who have 19008
satisfied the requirements of divisions (A) to (C) of section 19009
4755.07 of the Revised Code. The section shall issue a limited 19010
permit in accordance with section 9.79 of the Revised Code to an 19011
applicant if the applicant holds a permit or license in another 19012
state or the applicant has satisfactory work experience, a 19013
government certification, or a private certification as 19014
described in that section in a state that does not issue that 19015
permit or license. This permit allows the person to practice as 19016
an occupational therapist or occupational therapy assistant 19017
under the supervision of a licensed occupational therapist and 19018
is valid until the date on which the results of the examination 19019
are made public. This limited permit shall not be renewed if the 19020
applicant has failed the examination. 19021

Sec. 4755.09. The occupational therapy section of the Ohio 19022
occupational therapy, physical therapy, and athletic trainers 19023
board may waive the examination requirement under section 19024
4755.07 of the Revised Code for any applicant for licensure as 19025
an occupational therapist or occupational therapy assistant who 19026
~~either~~ has met educational, training, and job experience 19027
requirements established by the section, ~~or presents proof of~~ 19028
~~current certification or licensure in another state that~~ 19029
~~requires standards for licensure at least equal to those for~~ 19030
~~licensure in this state.~~ 19031

The section may waive the educational requirements under 19032
section 4755.07 of the Revised Code for any applicant who has 19033
met job experience requirements established by the section. 19034

Sec. 4755.411. The physical therapy section of the Ohio	19035
occupational therapy, physical therapy, and athletic trainers	19036
board shall adopt rules in accordance with Chapter 119. of the	19037
Revised Code pertaining to the following:	19038
(A) Fees for the verification of a license and license	19039
reinstatement, and other fees established by the section;	19040
(B) Provisions for the section's government and control of	19041
its actions and business affairs;	19042
(C) Minimum curricula for physical therapy education	19043
programs that prepare graduates to be licensed in this state as	19044
physical therapists and physical therapist assistants;	19045
(D) Eligibility criteria to take the examinations required	19046
under sections 4755.43 and 4755.431 of the Revised Code;	19047
(E) The form and manner for filing applications for	19048
licensure with the section;	19049
(F) For purposes of section 4755.46 of the Revised Code,	19050
all of the following:	19051
(1) A schedule regarding when licenses to practice as a	19052
physical therapist and physical therapist assistant expire	19053
during a biennium;	19054
(2) An additional fee, not to exceed thirty-five dollars,	19055
that may be imposed if a licensee files a late application for	19056
renewal;	19057
(3) The conditions under which the license of a person who	19058
files a late application for renewal will be reinstated.	19059
(G) The issuance, renewal, suspension, and permanent	19060
revocation of a license and the conduct of hearings;	19061

(H) Appropriate ethical conduct in the practice of physical therapy;	19062 19063
(I) Requirements, including continuing education requirements, for restoring licenses that are inactive or have lapsed through failure to renew;	19064 19065 19066
(J) Conditions that may be imposed for reinstatement of a license following suspension pursuant to section 4755.47 of the Revised Code;	19067 19068 19069
(K) For purposes of sections 4755.45 and 4755.451 of the Revised Code, both of the following:	19070 19071
(1) Identification of the credentialing organizations from which the section will accept equivalency evaluations for foreign physical therapist education and foreign physical therapist assistant education. The physical therapy section shall identify only those credentialing organizations that use a course evaluation tool or form approved by the physical therapy section.	19072 19073 19074 19075 19076 19077 19078
(2) Evidence, other than the evaluations described in division (K)(1) of this section, that the section will consider for purposes of evaluating whether an applicant's education is reasonably equivalent to the educational requirements that were in force for licensure in this state as a physical therapist or physical therapist assistant on the date of the applicant's initial licensure or registration in another state or country.	19079 19080 19081 19082 19083 19084 19085
(L) Standards of conduct for physical therapists and physical therapist assistants, including requirements for supervision, delegation, and practicing with or without referral or prescription;	19086 19087 19088 19089
(M) Appropriate display of a license;	19090

(N) Procedures for a licensee to follow in notifying the section within thirty days of a change in name or address, or both; 19091
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(O) The amount and content of corrective action courses required by the board under section 4755.47 of the Revised Code. 19094
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Sec. 4755.44. If an applicant passes the examination or examinations required under section 4755.43 of the Revised Code and pays the fee required by division (B) of section 4755.42 of the Revised Code, the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board shall issue a license, attested by the seal of the board, to the applicant to practice as a physical therapist. 19096
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The section shall issue a license to practice as a physical therapist in accordance with section 9.79 of the Revised Code, attested by the seal of the board, to an applicant if either of the following applies: 19103
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(A) The applicant holds a license in another state. 19107

(B) The applicant has satisfactory work experience, a government certification, or a private certification as described in that section as a physical therapist in a state that does not issue that license. 19108
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Sec. 4755.441. If an applicant passes the examination or examinations required under section 4755.431 of the Revised Code and pays the fee required by division (B) of section 4755.421 of the Revised Code, the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board shall issue a license, attested by the seal of the board, to the applicant to practice as physical therapist assistant. 19112
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The section shall issue a license to practice as a 19119

physical therapist assistant in accordance with section 9.79 of 19120
the Revised Code, attested by the seal of the board, to an 19121
applicant if either of the following applies: 19122

(A) The applicant holds a license in another state. 19123

(B) The applicant has satisfactory work experience, a 19124
government certification, or a private certification as 19125
described in that section as a physical therapist assistant in a 19126
state that does not issue that license. 19127

Sec. 4755.45. (A) The physical therapy section of the Ohio 19128
occupational therapy, physical therapy, and athletic trainers 19129
board shall issue to an applicant a license to practice as a 19130
physical therapist without requiring the applicant to have 19131
passed the national examination for physical therapists 19132
described in division (A) of section 4755.43 of the Revised Code 19133
within one year of filing an application described in section 19134
4755.42 of the Revised Code if all of the following are true: 19135

(1) The applicant presents evidence satisfactory to the 19136
physical therapy section that the applicant received a score on 19137
the national physical therapy examination described in division 19138
(A) of section 4755.43 of the Revised Code that would have been 19139
a passing score according to the board in the year the applicant 19140
sat for the examination; 19141

(2) The applicant presents evidence satisfactory to the 19142
physical therapy section that the applicant passed the 19143
jurisprudence examination described in division (B) of section 19144
4755.43 of the Revised Code; 19145

(3) The applicant holds a current and valid license or 19146
registration to practice physical therapy in another ~~state or~~ 19147
country; 19148

(4) Subject to division (B) of this section, the applicant 19149
can demonstrate that the applicant's education is reasonably 19150
equivalent to the educational requirements that were in force 19151
for licensure in this state on the date of the applicant's 19152
initial licensure or registration in the other ~~state or~~ country; 19153

(5) The applicant pays the fee described in division (B) 19154
of section 4755.42 of the Revised Code; 19155

(6) The applicant is not in violation of any section of 19156
this chapter or rule adopted under it. 19157

(B) For purposes of division (A)(4) of this section, if, 19158
after receiving the results of an equivalency evaluation from a 19159
credentialing organization identified by the section pursuant to 19160
rules adopted under section 4755.411 of the Revised Code, the 19161
section determines that regardless of the results of the 19162
evaluation the applicant's education is not reasonably 19163
equivalent to the educational requirements that were in force 19164
for licensure in this state on the date of the applicant's 19165
initial licensure or registration in ~~another state or a~~ foreign 19166
country, the section shall send a written notice to the 19167
applicant stating that the section is denying the applicant's 19168
application and stating the specific reason why the section is 19169
denying the applicant's application. The section shall send the 19170
notice to the applicant through certified mail within thirty 19171
days after the section makes that determination. 19172

Sec. 4755.451. (A) The physical therapy section of the 19173
Ohio occupational therapy, physical therapy, and athletic 19174
trainers board shall issue to an applicant a license as a 19175
physical therapist assistant without requiring the applicant to 19176
have passed the national examination for physical therapist 19177
assistants described in division (A) of section 4755.431 of the 19178

Revised Code within one year of filing an application described 19179
in section 4755.421 of the Revised Code if all of the following 19180
are true: 19181

(1) The applicant presents evidence satisfactory to the 19182
physical therapy section that the applicant received a score on 19183
the national physical therapy examination described in division 19184
(A) of section 4755.431 of the Revised Code that would have been 19185
a passing score according to the board in the year the applicant 19186
sat for the examination; 19187

(2) The applicant presents evidence satisfactory to the 19188
physical therapy section that the applicant passed the 19189
jurisprudence examination described in division (B) of section 19190
4755.431 of the Revised Code; 19191

(3) The applicant holds a current and valid license or 19192
registration to practice as a physical therapist assistant in 19193
another ~~state or~~ country; 19194

(4) Subject to division (B) of this section, the applicant 19195
can demonstrate that the applicant's education is reasonably 19196
equivalent to the educational requirements that were in force 19197
for licensure in this state on the date of the applicant's 19198
initial licensure or registration in the other ~~state or~~ country; 19199

(5) The applicant pays the fee described in division (B) 19200
of section 4755.421 of the Revised Code; 19201

(6) The applicant is not in violation of any section of 19202
this chapter or rule adopted under it. 19203

(B) For purposes of division (A)(4) of this section, if, 19204
after receiving the results of an equivalency evaluation from a 19205
credentialing organization identified by the section pursuant to 19206
rules adopted under section 4755.411 of the Revised Code, the 19207

section determines that, regardless of the results of the 19208
evaluation, the applicant's education is not reasonably 19209
equivalent to the educational requirements that were in force 19210
for licensure in this state on the date of the applicant's 19211
initial licensure or registration in ~~another state or a~~ foreign 19212
country, the section shall send a written notice to the 19213
applicant stating that the section is denying the applicant's 19214
application and stating the specific reason why the section is 19215
denying the applicant's application. The section shall send the 19216
notice to the applicant through certified mail within thirty 19217
days after the section makes the determination. 19218

Sec. 4755.48. (A) No person shall employ fraud or 19219
deception in applying for or securing a license to practice 19220
physical therapy or to be a physical therapist assistant. 19221

(B) No person shall practice or in any way imply or claim 19222
to the public by words, actions, or the use of letters as 19223
described in division (C) of this section to be able to practice 19224
physical therapy or to provide physical therapy services, 19225
including practice as a physical therapist assistant, unless the 19226
person holds a valid license under sections 4755.40 to 4755.56 19227
of the Revised Code or except for submission of claims as 19228
provided in section 4755.56 of the Revised Code. 19229

(C) No person shall use the words or letters, physical 19230
therapist, physical therapy, physical therapy services, 19231
physiotherapist, physiotherapy, physiotherapy services, licensed 19232
physical therapist, P.T., Ph.T., P.T.T., R.P.T., L.P.T., M.P.T., 19233
D.P.T., M.S.P.T., P.T.A., physical therapy assistant, physical 19234
therapist assistant, physical therapy technician, licensed 19235
physical therapist assistant, L.P.T.A., R.P.T.A., or any other 19236
letters, words, abbreviations, or insignia, indicating or 19237

implying that the person is a physical therapist or physical 19238
therapist assistant without a valid license under sections 19239
4755.40 to 4755.56 of the Revised Code. 19240

(D) No person who practices physical therapy or assists in 19241
the provision of physical therapy treatments under the 19242
supervision of a physical therapist shall fail to display the 19243
person's current license granted under sections 4755.40 to 19244
4755.56 of the Revised Code in a conspicuous location in the 19245
place where the person spends the major part of the person's 19246
time so engaged. 19247

(E) Nothing in sections 4755.40 to 4755.56 of the Revised 19248
Code shall affect or interfere with the performance of the 19249
duties of any physical therapist or physical therapist assistant 19250
in active service in the army, navy, coast guard, marine corps, 19251
air force, public health service, or marine hospital service of 19252
the United States, while so serving. 19253

(F) Nothing in sections 4755.40 to 4755.56 of the Revised 19254
Code shall prevent or restrict the activities or services of a 19255
person pursuing a course of study leading to a degree in 19256
physical therapy in an accredited or approved educational 19257
program if the activities or services constitute a part of a 19258
supervised course of study and the person is designated by a 19259
title that clearly indicates the person's status as a student. 19260

(G) (1) Subject to division (G) (2) of this section, nothing 19261
in sections 4755.40 to 4755.56 of the Revised Code shall prevent 19262
or restrict the activities or services of any person who holds a 19263
current, unrestricted license to practice physical therapy in 19264
another state when that person, pursuant to contract or 19265
employment with an athletic team located in the state in which 19266
the person holds the license, provides physical therapy to any 19267

of the following while the team is traveling to or from or 19268
participating in a sporting event in this state: 19269

(a) A member of the athletic team; 19270

(b) A member of the athletic team's coaching, 19271
communications, equipment, or sports medicine staff; 19272

(c) A member of a band or cheerleading squad accompanying 19273
the athletic team; 19274

(d) The athletic team's mascot. 19275

(2) In providing physical therapy pursuant to division (G) 19276
(1) of this section, the person shall not do either of the 19277
following: 19278

(a) Provide physical therapy at a health care facility; 19279

(b) Provide physical therapy for more than sixty days in a 19280
calendar year. 19281

(3) The physical therapy section of the occupational 19282
therapy, physical therapy, and athletic trainers board shall not 19283
require a nonresident person who holds a license to practice 19284
physical therapy in another state to obtain a license in 19285
accordance with section 9.79 of the Revised Code to provide 19286
physical therapy services in the manner described under division 19287
(G) (1) of this section. 19288

(H) (1) Except as provided in division (H) (2) of this 19289
section and subject to division (I) of this section, no person 19290
shall practice physical therapy other than on the prescription 19291
of, or the referral of a patient by, a person who is licensed in 19292
this or another state to do at least one of the following: 19293

(a) Practice medicine and surgery, chiropractic, 19294

dentistry, osteopathic medicine and surgery, podiatric medicine 19295
and surgery; 19296

(b) Practice as a physician assistant; 19297

(c) Practice nursing as an advanced practice registered 19298
nurse. 19299

(2) The prohibition in division (H) (1) of this section on 19300
practicing physical therapy other than on the prescription of, 19301
or the referral of a patient by, any of the persons described in 19302
that division does not apply if either of the following applies 19303
to the person: 19304

(a) The person holds a master's or doctorate degree from a 19305
professional physical therapy program that is accredited by a 19306
national physical therapy accreditation agency recognized by the 19307
United States department of education. 19308

(b) On or before December 31, 2004, the person has 19309
completed at least two years of practical experience as a 19310
licensed physical therapist. 19311

(I) To be authorized to prescribe physical therapy or 19312
refer a patient to a physical therapist for physical therapy, a 19313
person described in division (H) (1) of this section must be in 19314
good standing with the relevant licensing board in this state or 19315
the state in which the person is licensed and must act only 19316
within the person's scope of practice. 19317

(J) In the prosecution of any person for violation of 19318
division (B) or (C) of this section, it is not necessary to 19319
allege or prove want of a valid license to practice physical 19320
therapy or to practice as a physical therapist assistant, but 19321
such matters shall be a matter of defense to be established by 19322
the accused. 19323

Sec. 4755.482. (A) Except as otherwise provided in 19324
divisions (B) and (C) of this section, a person shall not teach 19325
a physical therapy theory and procedures course in physical 19326
therapy education without obtaining a license as a physical 19327
therapist from the physical therapy section of the Ohio 19328
occupational therapy, physical therapy, and athletic trainers 19329
board. 19330

(B) A nonresident person who is registered or licensed as 19331
a physical therapist under the laws of another state shall not 19332
teach a physical therapy theory and procedures course in 19333
physical therapy education for more than one year without 19334
obtaining a license as a physical therapist from the physical 19335
therapy section, and the section shall not require that person 19336
to obtain a license in accordance with section 9.79 of the 19337
Revised Code to teach as described in this division. 19338

(C) A person who is registered or licensed as a physical 19339
therapist under the laws of a foreign country and is not 19340
registered or licensed as a physical therapist in any state who 19341
wishes to teach a physical therapy theory and procedures course 19342
in physical therapy education in this state, or an institution 19343
that wishes the person to teach such a course at the 19344
institution, may apply to the physical therapy section to 19345
request authorization for the person to teach such a course for 19346
a period of not more than one year. Any member of the physical 19347
therapy section may approve the person's or institution's 19348
application. No person described in this division shall teach 19349
such a course for longer than one year without obtaining a 19350
license from the physical therapy section. 19351

(D) The physical therapy section may investigate any 19352
person who allegedly has violated this section. The physical 19353

therapy section has the same powers to investigate an alleged 19354
violation of this section as those powers specified in section 19355
4755.02 of the Revised Code. If, after investigation, the 19356
physical therapy section determines that reasonable evidence 19357
exists that a person has violated this section, within seven 19358
days after that determination, the physical therapy section 19359
shall send a written notice to that person in the same manner as 19360
prescribed in section 119.07 of the Revised Code for licensees, 19361
except that the notice shall specify that a hearing will be held 19362
and specify the date, time, and place of the hearing. 19363

The physical therapy section shall hold a hearing 19364
regarding the alleged violation in the same manner prescribed 19365
for an adjudication hearing under section 119.09 of the Revised 19366
Code. If the physical therapy section, after the hearing, 19367
determines a violation has occurred, the physical therapy 19368
section may discipline the person in the same manner as the 19369
physical therapy section disciplines licensees under section 19370
4755.47 of the Revised Code. The physical therapy section's 19371
determination is an order that the person may appeal in 19372
accordance with section 119.12 of the Revised Code. 19373

If a person who allegedly committed a violation of this 19374
section fails to appear for a hearing, the physical therapy 19375
section may request the court of common pleas of the county 19376
where the alleged violation occurred to compel the person to 19377
appear before the physical therapy section for a hearing. If the 19378
physical therapy section assesses a person a civil penalty for a 19379
violation of this section and the person fails to pay that civil 19380
penalty within the time period prescribed by the physical 19381
therapy section, the physical therapy section shall forward to 19382
the attorney general the name of the person and the amount of 19383
the civil penalty for the purpose of collecting that civil 19384

penalty. In addition to the civil penalty assessed pursuant to 19385
this section, the person also shall pay any fee assessed by the 19386
attorney general for collection of the civil penalty. 19387

Sec. 4755.62. (A) No person shall claim to the public to 19388
be an athletic trainer or imply by words, actions, or letters 19389
that the person is an athletic trainer, or otherwise engage in 19390
the practice of athletic training, unless the person is licensed 19391
as an athletic trainer pursuant to this chapter. 19392

(B) Except as otherwise provided in division (B) of 19393
section 4755.65 of the Revised Code, no educational institution, 19394
partnership, association, or corporation shall advertise or 19395
otherwise offer to provide or convey the impression that it is 19396
providing athletic training unless an individual licensed as an 19397
athletic trainer pursuant to this chapter is employed by, or 19398
under contract to, the educational institution, partnership, 19399
association, or corporation and will be performing the athletic 19400
training services to which reference is made. 19401

(C) To qualify for an athletic trainers license, a person 19402
shall: 19403

(1) Have satisfactorily completed an application for 19404
licensure in accordance with rules adopted by the athletic 19405
trainers section of the Ohio occupational therapy, physical 19406
therapy, and athletic trainers board under section 4755.61 of 19407
the Revised Code; 19408

(2) Have paid the examination fee required under this 19409
section; 19410

(3) Be of good moral character; 19411

(4) Have shown, to the satisfaction of the athletic 19412
trainers section, that the applicant has received a 19413

baccalaureate or higher degree from an institution of higher 19414
education, approved by the athletic trainers section of the 19415
board and the federal regional accreditation agency and 19416
recognized by the council on postsecondary accreditation, and 19417
has satisfactorily completed the educational course work 19418
requirements established by rule of the athletic trainers 19419
section under section 4755.61 of the Revised Code. 19420

(5) In addition to educational course work requirements, 19421
have obtained supervised clinical experience that meets the 19422
requirements established in rules adopted by the athletic 19423
trainers section under section 4755.61 of the Revised Code; 19424

(6) Have passed an examination adopted by the athletic 19425
trainers section under division (A) (8) of section 4755.61 of the 19426
Revised Code. Each applicant for licensure shall pay, at the 19427
time of application, the nonrefundable examination fee set by 19428
the athletic trainers section. 19429

(D) ~~The section may waive the requirements of division (C)~~ 19430
~~of this section for any applicant who presents proof of current~~ 19431
~~licensure shall issue a license to engage in the practice of~~ 19432
athletic training in accordance with section 9.79 of the Revised 19433
Code to an applicant who holds a license in another state whose 19434
~~standards for licensure, as determined by the section, are equal~~ 19435
~~to or greater than those in effect in this state on the date of~~ 19436
application or to an applicant who has satisfactory work 19437
experience, a government certification, or a private 19438
certification as described in that section as an athletic 19439
trainer in a state that does not issue that license. 19440

(E) The section shall issue a license to every applicant 19441
who complies with the requirements of division (C) of this 19442
section, files the required application form, and pays the fees 19443

required by section 4755.61 of the Revised Code. A license 19444
issued under this section entitles the holder to engage in the 19445
practice of athletic training, claim to the public to be an 19446
athletic trainer, or to imply by words or letters that the 19447
licensee is an athletic trainer. Each licensee shall display the 19448
licensee's license in a conspicuous place at the licensee's 19449
principal place of employment. 19450

Sec. 4755.65. (A) Nothing in sections 4755.61 to 4755.64 19451
of the Revised Code shall be construed to prevent or restrict 19452
the practice, services, or activities of any person who: 19453

(1) Is an individual authorized under Chapter 4731. of the 19454
Revised Code to practice medicine and surgery, osteopathic 19455
medicine and surgery, or podiatry, a dentist licensed under 19456
Chapter 4715. of the Revised Code, a chiropractor licensed under 19457
Chapter 4734. of the Revised Code, a dietitian licensed under 19458
Chapter 4759. of the Revised Code, a physical therapist licensed 19459
under this chapter, or a qualified member of any other 19460
occupation or profession practicing within the scope of the 19461
person's license or profession and who does not claim to the 19462
public to be an athletic trainer; 19463

(2) Is employed as an athletic trainer by an agency of the 19464
United States government and provides athletic training solely 19465
under the direction or control of the agency by which the person 19466
is employed; 19467

(3) Is a student in an athletic training education program 19468
approved by the athletic trainers section leading to a 19469
baccalaureate or higher degree from an accredited college or 19470
university and is performing duties that are a part of a 19471
supervised course of study; 19472

(4) Is ~~not an a nonresident~~ individual not licensed as an athletic trainer in this state who practices or offers to practice athletic training while traveling with a visiting team or organization from outside the state or an event approved by the section for the purpose of providing athletic training to the visiting team, organization, or event;

(5) Provides athletic training only to relatives or in medical emergencies;

(6) Provides gratuitous care to friends or members of the person's family;

(7) Provides only self-care.

(B) Nothing in this chapter shall be construed to prevent any person licensed under Chapter 4723. of the Revised Code and whose license is in good standing, any person authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery and whose certificate to practice is in good standing, any person authorized under Chapter 4731. of the Revised Code to practice podiatry and whose certificate to practice is in good standing, any person licensed under Chapter 4734. of the Revised Code to practice chiropractic and whose license is in good standing, any person licensed as a dietitian under Chapter 4759. of the Revised Code to practice dietetics and whose license is in good standing, any person licensed as a physical therapist under this chapter to practice physical therapy and whose license is in good standing, or any association, corporation, or partnership from advertising, describing, or offering to provide athletic training, or billing for athletic training if the athletic training services are provided by a person licensed under this chapter and practicing within the scope of the person's license,

by a person licensed under Chapter 4723. of the Revised Code and 19503
practicing within the scope of the person's license, by a person 19504
authorized under Chapter 4731. of the Revised Code to practice 19505
podiatry, by a person authorized under Chapter 4731. of the 19506
Revised Code to practice medicine and surgery or osteopathic 19507
medicine and surgery, by a person licensed under Chapter 4734. 19508
of the Revised Code to practice chiropractic, or by a person 19509
licensed under Chapter 4759. of the Revised Code to practice 19510
dietetics. 19511

(C) Nothing in this chapter shall be construed as 19512
authorizing a licensed athletic trainer to practice medicine and 19513
surgery, osteopathic medicine and surgery, podiatry, or 19514
chiropractic. 19515

(D) The athletic trainer section of the occupational 19516
therapy, physical therapy, and athletic trainers board shall not 19517
require a nonresident individual licensed as an athletic trainer 19518
in another state to obtain a license in accordance with section 19519
9.79 of the Revised Code to practice or offer to practice 19520
athletic training in the manner described under division (A) (4) 19521
of this section. 19522

~~Sec. 4757.18. The counselor, social worker, and marriage 19523~~
~~and family therapist board may enter into a reciprocal agreement 19524~~
~~with any state that regulates individuals practicing in the same 19525~~
~~capacities as those regulated under this chapter if the board 19526~~
~~finds that the state has requirements substantially equivalent 19527~~
~~to the requirements this state has for receipt of a license or 19528~~
~~certificate of registration under this chapter. In a reciprocal 19529~~
~~agreement, the board agrees to issue the appropriate license or 19530~~
~~certificate of registration to any resident of the other state 19531~~
~~whose practice is currently authorized by that state if that 19532~~

~~state's regulatory body agrees to authorize the appropriate- 19533
practice of any resident of this state who holds a valid license- 19534
or certificate of registration issued under this chapter. 19535~~

~~Subject to section 4757.25 of the Revised Code, the The 19536
professional standards committees of the counselor, social 19537
worker, and marriage and family therapist board ~~may~~shall, by 19538
endorsement, issue the appropriate license, temporary license, 19539
or certificate of registration in accordance with section 9.79 19540
of the Revised Code to a resident of a state with which the 19541
board does not have a reciprocal agreement, if the person 19542
submits proof satisfactory to the committee of currently being 19543
licensed, certified, registered, or otherwise authorized to 19544
practice by that state an applicant if either of the following 19545
applies: 19546~~

~~(A) The applicant holds a license or certificate of 19547
registration in another state. 19548~~

~~(B) The applicant has satisfactory work experience, a 19549
government certification, or a private certification as 19550
described in that section in a state that does not issue the 19551
license, temporary license, or certificate of registration for 19552
which the applicant is applying. 19553~~

Sec. 4758.25. ~~(A) The chemical dependency professionals 19554
board ~~may enter into a reciprocal agreement with any state that~~ 19555
~~regulates individuals practicing in the same capacities as those~~ 19556
~~regulated under this chapter if the board finds that the state~~ 19557
~~has requirements substantially equivalent to the requirements of~~ 19558
~~this state to receive a license or certificate under this~~ 19559
~~chapter. 19560~~~~

~~The board may become a member of a national reciprocity- 19561~~

~~organization that requires its members to have requirements- 19562~~
~~substantially equivalent to the requirements of this state to- 19563~~
~~receive a license or certificate to practice in the same- 19564~~
~~capacities as those regulated under this chapter. If the board- 19565~~
~~becomes a member of such an organization, the board shall- 19566~~
~~consider itself to have a reciprocal agreement with the other- 19567~~
~~states that are also members of the organization. 19568~~

~~(B) The board may, by endorsement, shall issue the- 19569~~
~~appropriate a license or, certificate, or endorsement in- 19570~~
~~accordance with section 9.79 of the Revised Code to a resident- 19571~~
~~of a an applicant if either of the following applies: 19572~~

~~(1) The applicant holds a license, certificate, or 19573~~
~~endorsement in another state with which the board does not have- 19574~~
~~a reciprocal agreement if both of the following apply: 19575~~

~~(1) The board finds that the state has requirements- 19576~~
~~substantially equivalent to the requirements of this state for- 19577~~
~~receipt of a license or certificate under this chapter. 19578~~

~~(2) The individual submits proof satisfactory to the board- 19579~~
~~of being currently authorized to practice by that state 19580~~

~~(2) The applicant has satisfactory work experience, a 19581~~
~~government certification, or a private certification as 19582~~
~~described in that section in a state that does not issue the 19583~~
~~license, certificate, or endorsement for which the applicant is 19584~~
~~applying. 19585~~

~~(C) (B) A license or certificate obtained by reciprocity- 19586~~
~~or endorsement under this section may be renewed or restored 19587~~
~~under section 4758.26 of the Revised Code if the individual 19588~~
~~holding the license or certificate satisfies the renewal or 19589~~
~~restoration requirements established by that section. An 19590~~

individual holding a license or certificate obtained by ~~by~~ 19591
~~reciprocity or endorsement~~ under this section may obtain, under 19592
section 4758.24 of the Revised Code, a different license or 19593
certificate available under this chapter if the individual meets 19594
all of the requirements as specified in that section for the 19595
license or certificate the individual seeks. 19596

Sec. 4759.05. (A) ~~The~~ Except as provided in division (E) 19597
of this section, the state medical board shall adopt, amend, or 19598
rescind rules pursuant to Chapter 119. of the Revised Code to 19599
carry out the provisions of this chapter, including rules 19600
governing the following: 19601

(1) Selection and approval of a dietitian licensure 19602
examination offered by the commission on dietetic registration 19603
or any other examination; 19604

(2) The examination of applicants for licensure as a 19605
dietitian, as required under division (A) of section 4759.06 of 19606
the Revised Code; 19607

(3) Requirements for pre-professional dietetic experience 19608
of applicants for licensure as a dietitian that are at least 19609
equivalent to the requirements adopted by the commission on 19610
dietetic registration; 19611

(4) Requirements for a person holding a limited permit 19612
under division (G) of section 4759.06 of the Revised Code, 19613
including the duration of validity of a limited permit and 19614
procedures for renewal; 19615

(5) Continuing education requirements for renewal of a 19616
license, including rules providing for pro rata reductions by 19617
month of the number of hours of continuing education that must 19618
be completed for license holders who have been disabled by 19619

illness or accident or have been absent from the country. Rules 19620
adopted under this division shall be consistent with the 19621
continuing education requirements adopted by the commission on 19622
dietetic registration. 19623

(6) Any additional education requirements the board 19624
considers necessary, for applicants who have not practiced 19625
dietetics within five years of the initial date of application 19626
for licensure; 19627

(7) Standards of professional responsibility and practice 19628
for persons licensed under this chapter that are consistent with 19629
those standards of professional responsibility and practice 19630
adopted by the academy of nutrition and dietetics; 19631

(8) Formulation of an application form for licensure or 19632
license renewal; 19633

(9) Procedures for license renewal; 19634

(10) Requirements for criminal records checks of 19635
applicants under section 4776.03 of the Revised Code. 19636

(B) (1) The board shall investigate evidence that appears 19637
to show that a person has violated any provision of this chapter 19638
or any rule adopted under it. Any person may report to the board 19639
in a signed writing any information that the person may have 19640
that appears to show a violation of any provision of this 19641
chapter or any rule adopted under it. In the absence of bad 19642
faith, any person who reports information of that nature or who 19643
testifies before the board in any adjudication conducted under 19644
Chapter 119. of the Revised Code shall not be liable in damages 19645
in a civil action as a result of the report or testimony. Each 19646
complaint or allegation of a violation received by the board 19647
shall be assigned a case number and shall be recorded by the 19648

board. 19649

(2) Investigations of alleged violations of this chapter 19650
or any rule adopted under it shall be supervised by the 19651
supervising member elected by the board in accordance with 19652
section 4731.02 of the Revised Code and by the secretary as 19653
provided in section 4759.012 of the Revised Code. The president 19654
may designate another member of the board to supervise the 19655
investigation in place of the supervising member. No member of 19656
the board who supervises the investigation of a case shall 19657
participate in further adjudication of the case. 19658

(3) In investigating a possible violation of this chapter 19659
or any rule adopted under this chapter, the board may issue 19660
subpoenas, question witnesses, conduct interviews, administer 19661
oaths, order the taking of depositions, inspect and copy any 19662
books, accounts, papers, records, or documents, and compel the 19663
attendance of witnesses and the production of books, accounts, 19664
papers, records, documents, and testimony, except that a 19665
subpoena for patient record information shall not be issued 19666
without consultation with the attorney general's office and 19667
approval of the secretary and supervising member of the board. 19668

Before issuance of a subpoena for patient record 19669
information, the secretary and supervising member shall 19670
determine whether there is probable cause to believe that the 19671
complaint filed alleges a violation of this chapter or any rule 19672
adopted under it and that the records sought are relevant to the 19673
alleged violation and material to the investigation. The 19674
subpoena may apply only to records that cover a reasonable 19675
period of time surrounding the alleged violation. 19676

On failure to comply with any subpoena issued by the board 19677
and after reasonable notice to the person being subpoenaed, the 19678

board may move for an order compelling the production of persons 19679
or records pursuant to the Rules of Civil Procedure. 19680

A subpoena issued by the board may be served by a sheriff, 19681
the sheriff's deputy, or a board employee or agent designated by 19682
the board. Service of a subpoena issued by the board may be made 19683
by delivering a copy of the subpoena to the person named 19684
therein, reading it to the person, or leaving it at the person's 19685
usual place of residence, usual place of business, or address on 19686
file with the board. When serving a subpoena to an applicant for 19687
or the holder of a license or limited permit issued under this 19688
chapter, service of the subpoena may be made by certified mail, 19689
return receipt requested, and the subpoena shall be deemed 19690
served on the date delivery is made or the date the person 19691
refuses to accept delivery. If the person being served refuses 19692
to accept the subpoena or is not located, service may be made to 19693
an attorney who notifies the board that the attorney is 19694
representing the person. 19695

A sheriff's deputy who serves a subpoena shall receive the 19696
same fees as a sheriff. Each witness who appears before the 19697
board in obedience to a subpoena shall receive the fees and 19698
mileage provided for under section 119.094 of the Revised Code. 19699

(4) All hearings, investigations, and inspections of the 19700
board shall be considered civil actions for the purposes of 19701
section 2305.252 of the Revised Code. 19702

(5) A report required to be submitted to the board under 19703
this chapter, a complaint, or information received by the board 19704
pursuant to an investigation is confidential and not subject to 19705
discovery in any civil action. 19706

The board shall conduct all investigations or inspections 19707

and proceedings in a manner that protects the confidentiality of 19708
patients and persons who file complaints with the board. The 19709
board shall not make public the names or any other identifying 19710
information about patients or complainants unless proper consent 19711
is given. 19712

The board may share any information it receives pursuant 19713
to an investigation or inspection, including patient records and 19714
patient record information, with law enforcement agencies, other 19715
licensing boards, and other governmental agencies that are 19716
prosecuting, adjudicating, or investigating alleged violations 19717
of statutes or administrative rules. An agency or board that 19718
receives the information shall comply with the same requirements 19719
regarding confidentiality as those with which the state medical 19720
board must comply, notwithstanding any conflicting provision of 19721
the Revised Code or procedure of the agency or board that 19722
applies when it is dealing with other information in its 19723
possession. In a judicial proceeding, the information may be 19724
admitted into evidence only in accordance with the Rules of 19725
Evidence, but the court shall require that appropriate measures 19726
are taken to ensure that confidentiality is maintained with 19727
respect to any part of the information that contains names or 19728
other identifying information about patients or complainants 19729
whose confidentiality was protected by the state medical board 19730
when the information was in the board's possession. Measures to 19731
ensure confidentiality that may be taken by the court include 19732
sealing its records or deleting specific information from its 19733
records. 19734

(6) On a quarterly basis, the board shall prepare a report 19735
that documents the disposition of all cases during the preceding 19736
three months. The report shall contain the following information 19737
for each case with which the board has completed its activities: 19738

(a) The case number assigned to the complaint or alleged violation;	19739 19740
(b) The type of license, if any, held by the individual against whom the complaint is directed;	19741 19742
(c) A description of the allegations contained in the complaint;	19743 19744
(d) The disposition of the case.	19745
The report shall state how many cases are still pending and shall be prepared in a manner that protects the identity of each person involved in each case. The report shall be a public record under section 149.43 of the Revised Code.	19746 19747 19748 19749
(C) The board shall keep records as are necessary to carry out the provisions of this chapter.	19750 19751
(D) The board shall maintain and publish on its internet web site the board's rules and requirements for licensure adopted under division (A) of this section.	19752 19753 19754
<u>(E) The board shall issue a license or limited permit to practice dietetics in accordance with section 9.79 of the Revised Code to an applicant if either of the following apply:</u>	19755 19756 19757
<u>(1) The applicant holds a license or permit in another state.</u>	19758 19759
<u>(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that section as a dietitian in a state that does not issue that license.</u>	19760 19761 19762 19763
Sec. 4759.06. (A) <u>The Except as provided in section 4759.05 of the Revised Code, the state medical board shall issue</u>	19764 19765

a license to practice dietetics to an applicant who meets all of 19766
the following requirements: 19767

(1) Has satisfactorily completed an application for 19768
licensure in accordance with rules adopted under division (A) of 19769
section 4759.05 of the Revised Code; 19770

(2) Has paid the fee required under division (A) of 19771
section 4759.08 of the Revised Code; 19772

(3) Is of good moral character; 19773

(4) Has received a baccalaureate or higher degree from an 19774
institution of higher education that is approved by the board or 19775
a regional accreditation agency that is recognized by the 19776
council on postsecondary accreditation, and has completed a 19777
program consistent with the academic standards for dietitians 19778
established by the academy of nutrition and dietetics; 19779

(5) Has successfully completed a pre-professional dietetic 19780
experience approved by the academy of nutrition and dietetics, 19781
or experience approved by the board under division (A) (3) of 19782
section 4759.05 of the Revised Code; 19783

(6) Has passed the examination approved by the board under 19784
division (A) (1) of section 4759.05 of the Revised Code. 19785

(B) The board shall waive the requirements of divisions 19786
(A) (4), (5), and (6) of this section and any rules adopted under 19787
division (A) (6) of section 4759.05 of the Revised Code if the 19788
applicant presents satisfactory evidence to the board of current 19789
registration as a registered dietitian with the commission on 19790
dietetic registration. 19791

(C) (1) The board shall issue a license to practice 19792
dietetics to an applicant who meets the requirements of division 19793

(A) of this section. A license shall be valid for a two-year 19794
period unless revoked or suspended by the board and shall expire 19795
on the date that is two years after the date of issuance. A 19796
license may be renewed for additional two-year periods. 19797

(2) The board shall renew an applicant's license if the 19798
applicant has paid the license renewal fee specified in section 19799
4759.08 of the Revised Code and certifies to the board that the 19800
applicant has met the continuing education requirements adopted 19801
under division (A) (5) of section 4759.05 of the Revised Code. 19802
The renewal shall be pursuant to the standard renewal procedure 19803
of sections 4745.01 to 4745.03 of the Revised Code. 19804

At least one month before a license expires, the board 19805
shall provide a renewal notice. Failure of any person to receive 19806
a notice of renewal from the board shall not excuse the person 19807
from the requirements contained in this section. Each person 19808
holding a license shall give notice to the board of a change in 19809
the license holder's residence address, business address, or 19810
electronic mail address not later than thirty days after the 19811
change occurs. 19812

(D) Any person licensed to practice dietetics by the 19813
former Ohio board of dietetics before January 21, 2018, may 19814
continue to practice dietetics in this state under that license 19815
if the person continues to meet the requirements to renew a 19816
license under this chapter and renews the license through the 19817
state medical board. 19818

The state medical board may take any of the following 19819
actions, as provided in section 4759.07 of the Revised Code, 19820
against the holder of a license to practice dietetics issued 19821
before January 21, 2018, by the former Ohio board of dietetics: 19822

(1) Limit, revoke, or suspend the holder's license;	19823
(2) Refuse to renew or reinstate the holder's license;	19824
(3) Reprimand the holder or place the holder on probation.	19825
(E) The board may require a random sample of dietitians to	19826
submit materials documenting that the continuing education	19827
requirements adopted under division (A) (5) of section 4759.05 of	19828
the Revised Code have been met.	19829
This division does not limit the board's authority to	19830
conduct investigations pursuant to section 4759.07 of the	19831
Revised Code.	19832
(F) (1) If, through a random sample conducted under	19833
division (E) of this section or any other means, the board finds	19834
that an individual who certified completion of the number of	19835
hours and type of continuing education required to renew,	19836
reinstate, or restore a license to practice did not complete the	19837
requisite continuing education, the board may do either of the	19838
following:	19839
(a) Take disciplinary action against the individual under	19840
section 4759.07 of the Revised Code, impose a civil penalty, or	19841
both;	19842
(b) Permit the individual to agree in writing to complete	19843
the continuing education and pay a civil penalty.	19844
(4) <u>(2)</u> The board's finding in any disciplinary action	19845
taken under division (F) (1) (a) of this section shall be made	19846
pursuant to an adjudication under Chapter 119. of the Revised	19847
Code and by an affirmative vote of not fewer than six of its	19848
members.	19849
(5) <u>(3)</u> A civil penalty imposed under division (F) (1) (a) of	19850

this section or paid under division (F) (1) (b) of this section 19851
shall be in an amount specified by the board of not more than 19852
five thousand dollars. The board shall deposit civil penalties 19853
in accordance with section 4731.24 of the Revised Code. 19854

(G) (1) ~~The~~ Except as provided in section 4759.05 of the 19855
Revised Code, the board may grant a limited permit to a person 19856
who has completed the education and pre-professional 19857
requirements of divisions (A) (4) and (5) of this section and who 19858
presents evidence to the board of having applied to take the 19859
examination approved by the board under division (A) (1) of 19860
section 4759.05 of the Revised Code. An application for a 19861
limited permit shall be made on forms that the board shall 19862
furnish and shall be accompanied by the limited permit fee 19863
specified in section 4759.08 of the Revised Code. 19864

(2) If no grounds apply under section 4759.07 of the 19865
Revised Code for denying a license to the applicant and the 19866
applicant meets the requirements of division (G) (1) of this 19867
section, the board shall issue a limited permit to the 19868
applicant. 19869

A limited permit expires in accordance with rules adopted 19870
under section 4759.05 of the Revised Code. A limited permit may 19871
be renewed in accordance with those rules. 19872

(3) A person holding a limited permit who has failed the 19873
examination shall practice only under the direct supervision of 19874
a licensed dietitian. 19875

(4) The board may revoke a limited permit on proof 19876
satisfactory to the board that the permit holder has engaged in 19877
practice in this state outside the scope of the permit, that the 19878
holder has engaged in unethical conduct, or that grounds for 19879

action against the holder exist under section 4759.07 of the Revised Code. 19880
19881

Sec. 4760.03. (A) ~~An~~ Except as provided in division (D) of this section, an individual seeking a license to practice as an anesthesiologist assistant shall file with the state medical board a written application on a form prescribed and supplied by the board. The application shall include all of the following information: 19882
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(1) Evidence satisfactory to the board that the applicant is at least twenty-one years of age and of good moral character; 19888
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(2) Evidence satisfactory to the board that the applicant has successfully completed the training necessary to prepare individuals to practice as anesthesiologist assistants, as specified in section 4760.031 of the Revised Code; 19890
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(3) Evidence satisfactory to the board that the applicant holds current certification from the national commission for certification of anesthesiologist assistants and that the requirements for receiving the certification included passage of an examination to determine the individual's competence to practice as an anesthesiologist assistant; 19894
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(4) Any other information the board considers necessary to process the application and evaluate the applicant's qualifications. 19900
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(B) (1) At the time of making application for a license_ under division (A) of this section, the ~~an~~ applicant shall pay the board a fee of one hundred dollars, no part of which shall be returned. 19903
19904
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(2) An applicant seeking a license under division (D) of this section shall pay the fee required under section 9.79 of 19907
19908

the Revised Code. 19909

(C) The board shall review all applications received under 19910
this section. Not later than sixty days after receiving a 19911
complete application, the board shall determine whether an 19912
applicant meets the requirements to receive a license. ~~The~~ 19913
Except as provided in division (D) of this section, the board 19914
shall not issue a license to an applicant unless the applicant 19915
is certified by the national commission for certification of 19916
anesthesiologist assistants or a successor organization that is 19917
recognized by the board. 19918

(D) The board shall issue a license to practice as an 19919
anesthesiologist assistant in accordance with section 9.79 of 19920
the Revised Code to an applicant if either of the following 19921
applies: 19922

(1) The applicant holds a license in another state. 19923

(2) The applicant has satisfactory work experience, a 19924
government certification, or a private certification as 19925
described in that section as an anesthesiologist assistant in a 19926
state that does not issue that license. 19927

Sec. 4760.031. ~~As~~Except for a license issued under 19928
division (D) of section 4760.03 of the Revised Code, as a 19929
condition of being eligible to receive a license to practice as 19930
an anesthesiologist assistant, an individual must successfully 19931
complete the following training requirements: 19932

(A) A baccalaureate or higher degree program at an 19933
institution of higher education accredited by an organization 19934
recognized by the department of higher education. The program 19935
must have included courses in the following areas of study: 19936

(1) General biology; 19937

(2) General chemistry;	19938
(3) Organic chemistry;	19939
(4) Physics;	19940
(5) Calculus.	19941
(B) A training program conducted for the purpose of	19942
preparing individuals to practice as anesthesiologist	19943
assistants. If the program was completed prior to May 31, 2000,	19944
the program must have been completed at case western reserve	19945
university or emory university in Atlanta, Georgia. If the	19946
program is completed on or after May 31, 2000, the program must	19947
be a graduate-level program accredited by the commission on	19948
accreditation of allied health education programs or any of the	19949
commission's successor organizations. In either case, the	19950
training program must have included at least all of the	19951
following components:	19952
(1) Basic sciences of anesthesia: physiology,	19953
pathophysiology, anatomy, and biochemistry. The courses must be	19954
presented as a continuum of didactic courses designed to teach	19955
students the foundations of human biological existence on which	19956
clinical correlations to anesthesia practice are based.	19957
(2) Pharmacology for the anesthetic sciences. The course	19958
must include instruction in the anesthetic principles of	19959
pharmacology, pharmacodynamics, pharmacokinetics, uptake and	19960
distribution, intravenous anesthetics and narcotics, and	19961
volatile anesthetics.	19962
(3) Physics in anesthesia.	19963
(4) Fundamentals of anesthetic sciences, presented as a	19964
continuum of courses covering a series of topics in basic	19965

medical sciences with special emphasis on the effects of 19966
anesthetics on normal physiology and pathophysiology. 19967

(5) Patient instrumentation and monitoring, presented as a 19968
continuum of courses focusing on the design of, proper 19969
preparation of, and proper methods of resolving problems that 19970
arise with anesthesia equipment. The courses must provide a 19971
balance between the engineering concepts used in anesthesia 19972
instruments and the clinical application of anesthesia 19973
instruments. 19974

(6) Clinically based conferences in which techniques of 19975
anesthetic management, quality assurance issues, and current 19976
professional literature are reviewed from the perspective of 19977
practice improvement. 19978

(7) Clinical experience consisting of at least two 19979
thousand hours of direct patient contact, presented as a 19980
continuum of courses throughout the entirety of the program, 19981
beginning with a gradual introduction of the techniques for the 19982
anesthetic management of patients and culminating in the 19983
assimilation of the graduate of the program into the work force. 19984
Areas of instruction must include the following: 19985

(a) Preoperative patient assessment; 19986

(b) Indwelling vascular catheter placement, including 19987
intravenous and arterial catheters; 19988

(c) Airway management, including mask airway and 19989
orotracheal intubation; 19990

(d) Intraoperative charting; 19991

(e) Administration and maintenance of anesthetic agents, 19992
narcotics, hypnotics, and muscle relaxants; 19993

(f) Administration and maintenance of volatile anesthetics;	19994 19995
(g) Administration of blood products and fluid therapy;	19996
(h) Patient monitoring;	19997
(i) Postoperative management of patients;	19998
(j) Regional anesthesia techniques;	19999
(k) Administration of vasoactive substances for treatment of unacceptable patient hemodynamic status;	20000 20001
(l) Specific clinical training in all the subspecialties of anesthesia, including pediatrics, neurosurgery, cardiovascular surgery, trauma, obstetrics, orthopedics, and vascular surgery.	20002 20003 20004 20005
(8) Basic life support that qualifies the individual to administer cardiopulmonary resuscitation to patients in need. The course must include the instruction necessary to be certified in basic life support by the American red cross or the American heart association.	20006 20007 20008 20009 20010
(9) Advanced cardiac life support that qualifies the individual to participate in the pharmacologic intervention and management resuscitation efforts for a patient in full cardiac arrest. The course must include the instruction necessary to be certified in advanced cardiac life support by the American red cross or the American heart association.	20011 20012 20013 20014 20015 20016
Sec. 4761.04. (A) Except as provided in division (B) <u>or</u> <u>(C)</u> of this section, no person is eligible for licensure as a respiratory care professional unless the person has shown, to the satisfaction of the state medical board, all of the following:	20017 20018 20019 20020 20021

(1) That the person is of good moral character;	20022
(2) That the person has successfully completed the requirements of an educational program approved by the board that includes instruction in the biological and physical sciences, pharmacology, respiratory care theory, procedures, and clinical practice, and cardiopulmonary rehabilitation techniques;	20023 20024 20025 20026 20027 20028
(3) That the person has passed an examination approved under rules adopted by the board that tests the applicant's knowledge of the basic and clinical sciences relating to respiratory care theory and practice, professional skills and judgment in the utilization of respiratory care techniques, and such other subjects as the board considers useful in determining fitness to practice.	20029 20030 20031 20032 20033 20034 20035
(B) Any person licensed to practice respiratory care by the former Ohio respiratory care board before January 21, 2018, may continue to practice respiratory care in this state under that license if the person continues to meet the requirements to renew a license under this chapter and renews the license through the state medical board.	20036 20037 20038 20039 20040 20041
The state medical board may take any of the following actions, as provided in section 4761.09 of the Revised Code, against the holder of a license to practice respiratory care issued before January 21, 2018, by the former Ohio respiratory care board:	20042 20043 20044 20045 20046
(1) Limit, revoke, or suspend the holder's license;	20047
(2) Refuse to renew or reinstate the holder's license;	20048
(3) Reprimand the holder or place the holder on probation.	20049

(C) The board shall issue a license to act as a respiratory care professional in accordance with section 9.79 of the Revised Code to an applicant if either of the following apply: 20050
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(1) The applicant holds a license in another state. 20054

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that section as a respiratory care professional in a state that does not issue that license. 20055
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Sec. 4761.05. (A) The Except as provided in division (C) of section 4761.04 of the Revised Code, the state medical board shall issue a license to any applicant who complies with the requirements of section 4761.04 of the Revised Code, files the prescribed application form, and pays the fee or fees required under section 4761.07 of the Revised Code. The license entitles the holder to practice respiratory care. 20059
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(B) (1) The Except as provided in division (D) of this section, the board shall issue a limited permit to any applicant who meets the requirements of division (A) (1) of section 4761.04 of the Revised Code, files an application on a form furnished by the board, pays the fee required under section 4761.07 of the Revised Code, and meets either of the following requirements: 20066
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(a) Is enrolled in and is in good standing in a respiratory care educational program approved by the board that meets the requirements of division (A) (2) of section 4761.04 of the Revised Code leading to a degree or certificate of completion or is a graduate of the program; 20072
20073
20074
20075
20076

(b) Is employed as a provider of respiratory care in this state and was employed as a provider of respiratory care in this 20077
20078

state prior to March 14, 1989. 20079

(2) If no grounds apply under section 4761.09 of the 20080
Revised Code for denying a limited permit to the applicant and 20081
the applicant meets the requirements of division (B) of this 20082
section, the board shall issue a limited permit to the 20083
applicant. 20084

The limited permit authorizes the holder to provide 20085
respiratory care under the supervision of a respiratory care 20086
professional. A person issued a limited permit under division 20087
(B) (1) (a) of this section may practice respiratory care under 20088
the limited permit for not more than three years after the date 20089
the limited permit is issued, except that the limited permit 20090
shall cease to be valid one year following the date of receipt 20091
of a certificate of completion from a board-approved respiratory 20092
care education program or immediately if the holder discontinues 20093
participation in the educational program. 20094

The holder shall notify the board as soon as practicable 20095
when the holder completes a board-approved respiratory care 20096
education program or discontinues participation in the 20097
educational program. 20098

This division does not require a student enrolled in an 20099
educational program leading to a degree or certificate of 20100
completion in respiratory care approved by the board to obtain a 20101
limited permit to perform any duties that are part of the 20102
required course of study. 20103

(3) A person issued a limited permit under division (B) (1) 20104
(b) of this section may practice under a limited permit for not 20105
more than three years, except that this restriction does not 20106
apply to a permit holder who, on March 14, 1989, has been 20107

employed as a provider of respiratory care for an average of not 20108
less than twenty-five hours per week for a period of not less 20109
than five years by a hospital. 20110

(4) During the three-year period in which a person may 20111
practice under a limited permit, the person shall apply for 20112
renewal on an annual basis in accordance with section 4761.06 of 20113
the Revised Code. 20114

(5) The board may revoke a limited permit upon proof 20115
satisfactory to the board that the permit holder has engaged in 20116
practice in this state outside the scope of the permit, that the 20117
holder has engaged in unethical conduct, or that there are 20118
grounds for action against the holder under section 4761.09 of 20119
the Revised Code. 20120

(C) The holder of a license or limited permit issued under 20121
this section shall either provide verification of licensure or 20122
permit status from the board's internet web site on request or 20123
prominently display a wall certificate in the license holder's 20124
office or place where the majority of the holder's practice is 20125
conducted. 20126

(D) The board shall issue a limited permit to practice 20127
respiratory care in accordance with section 9.79 of the Revised 20128
Code to an applicant if either of the following applies: 20129

(1) The applicant holds a license or permit in another 20130
state. 20131

(2) The applicant has satisfactory work experience, a 20132
government certification, or a private certification as 20133
described in that section as a provider of respiratory care in a 20134
state that does not issue that license. 20135

Sec. 4762.03. (A) Except as provided in division (D) of 20136

this section, an individual seeking a license to practice as an 20137
oriental medicine practitioner or license to practice as an 20138
acupuncturist shall file with the state medical board a written 20139
application on a form prescribed and supplied by the board. 20140

(B) ~~To~~ Except as provided in division (D) of this section, 20141
to be eligible for the license, an applicant shall meet all of 20142
the following conditions, as applicable: 20143

(1) The applicant shall submit evidence satisfactory to 20144
the board that the applicant is at least eighteen years of age 20145
and of good moral character. 20146

(2) In the case of an applicant seeking a license to 20147
practice as an oriental medicine practitioner, the applicant 20148
shall submit evidence satisfactory to the board of both of the 20149
following: 20150

(a) That the applicant holds a current and active 20151
designation from the national certification commission for 20152
acupuncture and oriental medicine as either a diplomate in 20153
oriental medicine or diplomate of acupuncture and Chinese 20154
herbology; 20155

(b) That the applicant has successfully completed, in the 20156
two-year period immediately preceding application for the 20157
license to practice, one course approved by the commission on 20158
federal food and drug administration dispensary and compounding 20159
guidelines and procedures. 20160

(3) In the case of an applicant seeking a license to 20161
practice as an acupuncturist, the applicant shall submit 20162
evidence satisfactory to the board that the applicant holds a 20163
current and active designation from the national certification 20164
commission for acupuncture and oriental medicine as a diplomate 20165

in acupuncture. 20166

(4) The applicant shall demonstrate to the board 20167
proficiency in spoken English by satisfying one of the following 20168
requirements: 20169

(a) Passing the examination described in section 4731.142 20170
of the Revised Code; 20171

(b) Submitting evidence satisfactory to the board that the 20172
applicant was required to demonstrate proficiency in spoken 20173
English as a condition of obtaining designation from the 20174
national certification commission for acupuncture and oriental 20175
medicine as a diplomate in oriental medicine, diplomate of 20176
acupuncture and Chinese herbology, or diplomate in acupuncture; 20177

(c) Submitting evidence satisfactory to the board that the 20178
applicant, in seeking a designation from the national 20179
certification commission for acupuncture and oriental medicine 20180
as a diplomate of oriental medicine, diplomate of acupuncture 20181
and Chinese herbology, or diplomate of acupuncture, has 20182
successfully completed in English the examination required for 20183
such a designation by the national certification commission for 20184
acupuncture and oriental medicine; 20185

(d) In the case of an applicant seeking a license to 20186
practice as an oriental medicine practitioner, submitting 20187
evidence satisfactory to the board that the applicant has 20188
previously held a license to practice as an acupuncturist issued 20189
under section 4762.04 of the Revised Code. 20190

(5) The applicant shall submit to the board any other 20191
information the board requires. 20192

(6) The applicant shall pay to the board a fee of one 20193
hundred dollars, no part of which may be returned to the 20194

applicant. 20195

(C) The board shall review all applications received under 20196
this section. The board shall determine whether an applicant 20197
meets the requirements to receive a license not later than sixty 20198
days after receiving a complete application. 20199

(D) The board shall issue a license to practice as an 20200
oriental medicine practitioner or acupuncturist in accordance 20201
with section 9.79 of the Revised Code to an applicant if either 20202
of the following applies: 20203

(1) The applicant holds a license in another state. 20204

(2) The applicant has satisfactory work experience, a 20205
government certification, or a private certification as 20206
described in that section as an oriental medicine practitioner 20207
or acupuncturist in a state that does not issue that license. 20208

Sec. 4763.05. (A) (1) (a) A person shall make application 20209
for an initial state-certified general real estate appraiser 20210
certificate, an initial state-certified residential real estate 20211
appraiser certificate, an initial state-licensed residential 20212
real estate appraiser license, or an initial state-registered 20213
real estate appraiser assistant registration in writing to the 20214
superintendent of real estate on a form the superintendent 20215
prescribes. The application shall include the address of the 20216
applicant's principal place of business and all other addresses 20217
at which the applicant currently engages in the business of 20218
performing real estate appraisals and the address of the 20219
applicant's current residence. The superintendent shall retain 20220
the applicant's current residence address in a separate record 20221
which does not constitute a public record for purposes of 20222
section 149.43 of the Revised Code. The application shall 20223

indicate whether the applicant seeks certification as a general 20224
real estate appraiser or as a residential real estate appraiser, 20225
licensure as a residential real estate appraiser, or 20226
registration as a real estate appraiser assistant and be 20227
accompanied by the prescribed examination and certification, 20228
registration, or licensure fees set forth in section 4763.09 of 20229
the Revised Code. The application also shall include a pledge, 20230
signed by the applicant, that the applicant will comply with the 20231
standards set forth in this chapter; and a statement that the 20232
applicant understands the types of misconduct for which 20233
disciplinary proceedings may be initiated against the applicant 20234
pursuant to this chapter. 20235

(b) Upon the filing of an application and payment of any 20236
examination and certification, registration, or licensure fees, 20237
the superintendent of real estate shall request the 20238
superintendent of the bureau of criminal identification and 20239
investigation, or a vendor approved by the bureau, to conduct a 20240
criminal records check based on the applicant's fingerprints in 20241
accordance with section 109.572 of the Revised Code. 20242
Notwithstanding division (K) of section 121.08 of the Revised 20243
Code, the superintendent of real estate shall request that 20244
criminal record information from the federal bureau of 20245
investigation be obtained as part of the criminal records check. 20246
Any fee required under division (C) (3) of section 109.572 of the 20247
Revised Code shall be paid by the applicant. 20248

(2) For purposes of providing funding for the real estate 20249
appraiser recovery fund established by section 4763.16 of the 20250
Revised Code, the real estate appraiser board shall levy an 20251
assessment against each person issued an initial certificate, 20252
registration, or license and against current licensees, 20253
registrants, and certificate holders, as required by board rule. 20254

The assessment is in addition to the application and examination fees for initial applicants required by division (A) (1) of this section and the renewal fees required for current certificate holders, registrants, and licensees. The superintendent of real estate shall deposit the assessment into the state treasury to the credit of the real estate appraiser recovery fund. The assessment for initial certificate holders, registrants, and licensees shall be paid prior to the issuance of a certificate, registration, or license, and for current certificate holders, registrants, and licensees, at the time of renewal.

(B) An applicant for an initial general real estate appraiser certificate, residential real estate appraiser certificate, or residential real estate appraiser license shall possess experience in real estate appraisal as the board prescribes by rule. In addition to any other information required by the board, the applicant shall furnish, under oath, a detailed listing of the appraisal reports or file memoranda for each year for which experience is claimed and, upon request of the superintendent or the board, shall make available for examination a sample of the appraisal reports prepared by the applicant in the course of the applicant's practice.

(C) An applicant for an initial certificate, registration, or license shall be at least eighteen years of age, honest, truthful, and of good reputation and shall present satisfactory evidence to the superintendent that the applicant has successfully completed any education requirements the board prescribes by rule.

(D) An applicant for an initial general real estate appraiser or residential real estate appraiser certificate or residential real estate appraiser license shall take and

successfully complete a written examination in order to qualify 20285
for the certificate or license. 20286

The board shall prescribe the examination requirements by 20287
rule. 20288

(E) (1) ~~A person who has obtained~~ The board shall issue a 20289
residential real estate appraiser license, a residential real 20290
estate appraiser certificate, real estate appraiser assistant 20291
registration, or a general real estate appraiser certificate 20292
~~from another state may apply to obtain a license or certificate~~ 20293
~~issued under this chapter provided the state that issued the~~ 20294
~~license or certificate has requirements that meet or exceed the~~ 20295
~~requirements found in this chapter. The board shall adopt rules~~ 20296
~~relating to this division. The application for obtaining a~~ 20297
~~license or certificate under this division may include any of~~ 20298
~~the following:~~ 20299

~~(a) A pledge, signed by the applicant, that the applicant~~ 20300
~~will comply with the standards set forth in this chapter;~~ 20301

~~(b) A statement that the applicant understands the types~~ 20302
~~of misconduct for which disciplinary proceedings may be~~ 20303
~~initiated against the applicant pursuant to this chapter;~~ 20304

~~(c) A consent to service of process in accordance with~~ 20305
~~section 9.79 of the Revised Code to an applicant if either of~~ 20306
~~the following applies:~~ 20307

(a) The applicant holds a certificate, license, or 20308
registration in another state. 20309

(b) The applicant has satisfactory work experience, a 20310
government certification, or a private certification as 20311
described in that section as a residential real estate 20312
appraiser, real estate appraiser assistant, or general real 20313

estate appraiser in a state that does not issue that 20314
certificate, license, or registration. 20315

(2) (a) The board shall recognize on a temporary basis a 20316
certification or license issued in another state and shall 20317
register on a temporary basis an appraiser who is certified or 20318
licensed in another state if all of the following apply: 20319

(i) The temporary registration is to perform an appraisal 20320
assignment that is part of a federally related transaction. 20321

(ii) The appraiser's business in this state is of a 20322
temporary nature. 20323

(iii) The appraiser registers with the board pursuant to 20324
this division. 20325

(b) An appraiser who is certified or licensed in another 20326
state shall register with the board for temporary practice 20327
before performing an appraisal assignment in this state in 20328
connection with a federally related transaction. 20329

(c) The board shall adopt rules relating to registration 20330
for the temporary recognition of certification and licensure of 20331
appraisers from another state. The registration for temporary 20332
recognition of certified or licensed appraisers from another 20333
state shall not authorize completion of more than one appraisal 20334
assignment in this state. The board shall not issue more than 20335
two registrations for temporary practice to any one applicant in 20336
any calendar year. The application for obtaining a registration 20337
under this division may include any of the following: 20338

(i) A pledge, signed by the applicant, that the applicant 20339
will comply with the standards set forth in this chapter; 20340

(ii) A statement that the applicant understands the types 20341

of misconduct for which disciplinary proceedings may be 20342
initiated against the applicant pursuant to this chapter; 20343

(iii) A consent to service of process. 20344

~~(3) The board may enter into reciprocal agreements with~~ 20345
~~other states. The board shall prescribe reciprocal agreement~~ 20346
~~requirements by rule.~~ (d) A nonresident appraiser whose 20347
certification or license has been recognized by the board on a 20348
temporary basis and who is acting in accordance with this 20349
section and the board's rules is not required to obtain a 20350
license in accordance with section 9.79 of the Revised Code. 20351

(F) The superintendent shall not issue a certificate, 20352
registration, or license to, or recognize on a temporary basis 20353
an appraiser from another state that is a corporation, 20354
partnership, or association. This prohibition shall not be 20355
construed to prevent a certificate holder or licensee from 20356
signing an appraisal report on behalf of a corporation, 20357
partnership, or association. 20358

(G) Every person licensed, registered, or certified under 20359
this chapter shall notify the superintendent, on a form provided 20360
by the superintendent, of a change in the address of the 20361
licensee's, registrant's, or certificate holder's principal 20362
place of business or residence within thirty days of the change. 20363
If a licensee's, registrant's, or certificate holder's license, 20364
registration, or certificate is revoked or not renewed, the 20365
licensee, registrant, or certificate holder immediately shall 20366
return the annual and any renewal certificate, registration, or 20367
license to the superintendent. 20368

(H) (1) The superintendent shall not issue a certificate, 20369
registration, or license to any person, or recognize on a 20370

temporary basis an appraiser from another state, who does not 20371
meet applicable minimum criteria for state certification, 20372
registration, or licensure prescribed by federal law or rule. 20373

(2) The superintendent shall not issue a general real 20374
estate appraiser certificate, residential real estate appraiser 20375
certificate, residential real estate appraiser license, or real 20376
estate appraiser assistant registration to any person who has 20377
been convicted of or pleaded guilty to any criminal offense 20378
involving theft, receiving stolen property, embezzlement, 20379
forgery, fraud, passing bad checks, money laundering, or drug 20380
trafficking, or any criminal offense involving money or 20381
securities, including a violation of an existing or former law 20382
of this state, any other state, or the United States that 20383
substantially is equivalent to such an offense. However, if the 20384
applicant has pleaded guilty to or been convicted of such an 20385
offense, the superintendent shall not consider the offense if 20386
the applicant has proven to the superintendent, by a 20387
preponderance of the evidence, that the applicant's activities 20388
and employment record since the conviction show that the 20389
applicant is honest, truthful, and of good reputation, and there 20390
is no basis in fact for believing that the applicant will commit 20391
such an offense again. 20392

Sec. 4764.10. (A) The superintendent of real estate and 20393
professional licensing may issue a home inspector license to an 20394
applicant who holds a license, registration, or certification as 20395
a home inspector in another jurisdiction other than another 20396
state if that applicant submits an application on a form the 20397
superintendent provides, pays the fee the Ohio home inspector 20398
board prescribes, and satisfies all of the following 20399
requirements: 20400

~~(A)~~ (1) The applicant is licensed, registered, or certified as a home inspector in a jurisdiction that the board determines grants the same privileges to persons licensed under this chapter as this state grants to persons in that jurisdiction.

~~(B)~~ (2) That other jurisdiction has licensing, registration, or certification requirements that are substantially similar to, or exceed, those of this state.

~~(C)~~ (3) The applicant attests that the applicant is familiar with and will abide by this chapter.

~~(D)~~ (4) The applicant attests to all of the following in a written statement that the applicant submits to the superintendent:

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

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

~~(3)~~ (c) That any cause of action arising out of the conduct of the applicant's business in this state shall be filed in the county in which the events that gave rise to that cause of action occurred.

(B) The board shall issue a home inspector license in accordance with section 9.79 of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that section as a home inspector in a state that does not issue that license. 20429
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Sec. 4765.10. (A) The state board of emergency medical, fire, and transportation services shall do all of the following: 20433
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(1) Administer and enforce the provisions of this chapter and the rules adopted under it; 20435
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(2) Approve, in accordance with procedures established in rules adopted under section 4765.11 of the Revised Code, examinations that demonstrate competence to have a certificate to practice renewed without completing a continuing education program; 20437
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(3) Advise applicants for state or federal emergency medical services funds, review and comment on applications for these funds, and approve the use of all state and federal funds designated solely for emergency medical service programs unless federal law requires another state agency to approve the use of all such federal funds; 20442
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(4) Serve as a statewide clearinghouse for discussion, inquiry, and complaints concerning emergency medical services; 20448
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(5) Make recommendations to the general assembly on legislation to improve the delivery of emergency medical services; 20450
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20452

(6) Maintain a toll-free long distance telephone number through which it shall respond to questions about emergency medical services; 20453
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20455

(7) Work with appropriate state offices in coordinating 20456

the training of firefighters and emergency medical service 20457
personnel. Other state offices that are involved in the training 20458
of firefighters or emergency medical service personnel shall 20459
cooperate with the board and its committees and subcommittees to 20460
achieve this goal. 20461

(8) Provide a liaison to the state emergency operation 20462
center during those periods when a disaster, as defined in 20463
section 5502.21 of the Revised Code, has occurred in this state 20464
and the governor has declared an emergency as defined in that 20465
section. 20466

(B) The board may do any of the following: 20467

(1) Investigate complaints concerning emergency medical 20468
services and emergency medical service organizations as it 20469
determines necessary; 20470

~~(2) Enter into reciprocal agreements with other states 20471
that have standards for accreditation of emergency medical 20472
services training programs and for certification of first- 20473
responders, EMTs basic, EMTs I, paramedics, firefighters, or 20474
fire safety inspectors that are substantially similar to those 20475
established under this chapter and the rules adopted under it; 20476~~

~~(3) Establish a statewide public information system and 20477
public education programs regarding emergency medical services; 20478~~

~~(4) (3) Establish an injury prevention program. 20479~~

(C) The state board of emergency medical, fire, and 20480
transportation services shall not regulate any profession that 20481
otherwise is regulated by another board, commission, or similar 20482
regulatory entity. 20483

Sec. 4765.11. (A) The state board of emergency medical, 20484

fire, and transportation services shall adopt, and may amend and 20485
rescind, rules in accordance with Chapter 119. of the Revised 20486
Code and division (C) of this section that establish all of the 20487
following: 20488

(1) Procedures for its governance and the control of its 20489
actions and business affairs; 20490

(2) Standards for the performance of emergency medical 20491
services by first responders, emergency medical technicians- 20492
basic, emergency medical technicians-intermediate, and emergency 20493
medical technicians-paramedic; 20494

(3) Application fees for certificates of accreditation, 20495
certificates of approval, certificates to teach, and 20496
certificates to practice, which shall be deposited into the 20497
trauma and emergency medical services fund created in section 20498
4513.263 of the Revised Code; 20499

(4) Criteria for determining when the application or 20500
renewal fee for a certificate to practice may be waived because 20501
an applicant cannot afford to pay the fee; 20502

(5) Procedures for issuance and renewal of certificates of 20503
accreditation, certificates of approval, certificates to teach, 20504
and certificates to practice, including any procedures necessary 20505
to ensure that adequate notice of renewal is provided in 20506
accordance with division ~~(D)~~ (E) of section 4765.30 of the 20507
Revised Code; 20508

(6) Procedures for suspending or revoking certificates of 20509
accreditation, certificates of approval, certificates to teach, 20510
and certificates to practice; 20511

(7) Grounds for suspension or revocation of a certificate 20512
to practice issued under section 4765.30 of the Revised Code and 20513

for taking any other disciplinary action against a first responder, EMT-basic, EMT-I, or paramedic;	20514 20515
(8) Procedures for taking disciplinary action against a first responder, EMT-basic, EMT-I, or paramedic;	20516 20517
(9) Standards for certificates of accreditation and certificates of approval;	20518 20519
(10) Qualifications for certificates to teach;	20520
(11) Requirements for a certificate to practice;	20521
(12) The curricula, number of hours of instruction and training, and instructional materials to be used in adult and pediatric emergency medical services training programs and adult and pediatric emergency medical services continuing education programs;	20522 20523 20524 20525 20526
(13) Procedures for conducting courses in recognizing symptoms of life-threatening allergic reactions and in calculating proper dosage levels and administering injections of epinephrine to adult and pediatric patients who suffer life-threatening allergic reactions;	20527 20528 20529 20530 20531
(14) Examinations for certificates to practice;	20532
(15) Procedures for administering examinations for certificates to practice;	20533 20534
(16) Procedures for approving examinations that demonstrate competence to have a certificate to practice renewed without completing an emergency medical services continuing education program;	20535 20536 20537 20538
(17) Procedures for granting extensions and exemptions of emergency medical services continuing education requirements;	20539 20540

(18) Procedures for approving the additional emergency	20541
medical services first responders are authorized by division (C)	20542
of section 4765.35 of the Revised Code to perform, EMTs-basic	20543
are authorized by division (C) of section 4765.37 of the Revised	20544
Code to perform, EMTs-I are authorized by division (B) (5) of	20545
section 4765.38 of the Revised Code to perform, and paramedics	20546
are authorized by division (B) (6) of section 4765.39 of the	20547
Revised Code to perform;	20548
(19) Standards and procedures for implementing the	20549
requirements of section 4765.06 of the Revised Code, including	20550
designations of the persons who are required to report	20551
information to the board and the types of information to be	20552
reported;	20553
(20) Procedures for administering the emergency medical	20554
services grant program established under section 4765.07 of the	20555
Revised Code;	20556
(21) Procedures consistent with Chapter 119. of the	20557
Revised Code for appealing decisions of the board;	20558
(22) Minimum qualifications and peer review and quality	20559
improvement requirements for persons who provide medical	20560
direction to emergency medical service personnel;	20561
(23) The manner in which a patient, or a patient's parent,	20562
guardian, or custodian may consent to the board releasing	20563
identifying information about the patient under division (D) of	20564
section 4765.102 of the Revised Code;	20565
(24) Circumstances under which a training program or	20566
continuing education program, or portion of either type of	20567
program, may be taught by a person who does not hold a	20568
certificate to teach issued under section 4765.23 of the Revised	20569

Code;	20570
(25) Certification cycles for certificates issued under sections 4765.23 and 4765.30 of the Revised Code and certificates issued by the executive director of the state board of emergency medical, fire, and transportation services under section 4765.55 of the Revised Code that establish a common expiration date for all certificates.	20571 20572 20573 20574 20575 20576
(B) The board may adopt, and may amend and rescind, rules in accordance with Chapter 119. of the Revised Code and division (C) of this section that establish the following:	20577 20578 20579
(1) Specifications of information that may be collected under the trauma system registry and incidence reporting system created under section 4765.06 of the Revised Code;	20580 20581 20582
(2) Standards and procedures for implementing any of the recommendations made by any committees of the board or under section 4765.04 of the Revised Code;	20583 20584 20585
(3) Requirements that a person must meet to receive a certificate to practice as a first responder pursuant to division (A) (2) of section 4765.30 of the Revised Code;	20586 20587 20588
(4) Any other rules necessary to implement this chapter.	20589
(C) In developing and administering rules adopted under this chapter, the state board of emergency medical, fire, and transportation services shall consult with regional directors and regional physician advisory boards created by section 4765.05 of the Revised Code and emphasize the special needs of pediatric and geriatric patients.	20590 20591 20592 20593 20594 20595
(D) Except as otherwise provided in this division, before adopting, amending, or rescinding any rule under this chapter,	20596 20597

the board shall submit the proposed rule to the director of 20598
public safety for review. The director may review the proposed 20599
rule for not more than sixty days after the date it is 20600
submitted. If, within this sixty-day period, the director 20601
approves the proposed rule or does not notify the board that the 20602
rule is disapproved, the board may adopt, amend, or rescind the 20603
rule as proposed. If, within this sixty-day period, the director 20604
notifies the board that the proposed rule is disapproved, the 20605
board shall not adopt, amend, or rescind the rule as proposed 20606
unless at least twelve members of the board vote to adopt, 20607
amend, or rescind it. 20608

This division does not apply to an emergency rule adopted 20609
in accordance with section 119.03 of the Revised Code. 20610

(E) Notwithstanding any requirement for a certificate 20611
issued in accordance with rules adopted by the board under this 20612
section, the board, in accordance with section 9.79 of the 20613
Revised Code, shall issue a certificate that is a license as 20614
defined in that section to an individual if either of the 20615
following applies: 20616

(1) The individual holds a license or certificate in 20617
another state. 20618

(2) The individual has satisfactory work experience, a 20619
government certification, or a private certification as 20620
described in that section as a first responder, emergency 20621
medical technician-basic, emergency medical technician- 20622
intermediate, or emergency medical technician-paramedic in a 20623
state that does not issue that license or certificate. 20624

Sec. 4765.30. (A) (1) The state board of emergency medical, 20625
fire, and transportation services shall issue a certificate to 20626

practice as a first responder to an applicant who meets all of 20627
the following conditions: 20628

(a) Except as provided in division (A) (2) of this section, 20629
is a volunteer for a nonprofit emergency medical service 20630
organization or a nonprofit fire department; 20631

(b) Holds the appropriate certificate of completion issued 20632
in accordance with section 4765.24 of the Revised Code; 20633

(c) Passes the appropriate examination conducted under 20634
section 4765.29 of the Revised Code; 20635

(d) Is not in violation of any provision of this chapter 20636
or the rules adopted under it; 20637

(e) Meets any other certification requirements established 20638
in rules adopted under section 4765.11 of the Revised Code. 20639

(2) The board may waive the requirement to be a volunteer 20640
for a nonprofit entity if the applicant meets other requirements 20641
established in rules adopted under division (B) (3) of section 20642
4765.11 of the Revised Code relative to a person's eligibility 20643
to practice as a first responder. 20644

(B) The state board of emergency medical, fire, and 20645
transportation services shall issue a certificate to practice as 20646
an emergency medical technician-basic to an applicant who meets 20647
all of the following conditions: 20648

(1) Holds a certificate of completion in emergency medical 20649
services training-basic issued in accordance with section 20650
4765.24 of the Revised Code; 20651

(2) Passes the examination for emergency medical 20652
technicians-basic conducted under section 4765.29 of the Revised 20653
Code; 20654

(3) Is not in violation of any provision of this chapter	20655
or the rules adopted under it;	20656
(4) Meets any other certification requirements established	20657
in rules adopted under section 4765.11 of the Revised Code.	20658
(C) The state board of emergency medical, fire, and	20659
transportation services shall issue a certificate to practice as	20660
an emergency medical technician-intermediate or emergency	20661
medical technician-paramedic to an applicant who meets all of	20662
the following conditions:	20663
(1) Holds a certificate to practice as an emergency	20664
medical technician-basic;	20665
(2) Holds the appropriate certificate of completion issued	20666
in accordance with section 4765.24 of the Revised Code;	20667
(3) Passes the appropriate examination conducted under	20668
section 4765.29 of the Revised Code;	20669
(4) Is not in violation of any provision of this chapter	20670
or the rules adopted under it;	20671
(5) Meets any other certification requirements established	20672
in rules adopted under section 4765.11 of the Revised Code.	20673
(D) <u>Notwithstanding any requirement for a certificate to</u>	20674
<u>practice issued under this section, the board shall issue a</u>	20675
<u>certificate in accordance with section 9.79 of the Revised Code</u>	20676
<u>to an individual if either of the following applies:</u>	20677
(1) <u>The individual holds a license or certificate in</u>	20678
<u>another state.</u>	20679
(2) <u>The individual has satisfactory work experience, a</u>	20680
<u>government certification, or a private certification as</u>	20681

described in that section as a first responder in a state that 20682
does not issue that license or certificate. 20683

(E) A certificate to practice shall have a certification 20684
cycle established by the board and may be renewed by the board 20685
pursuant to rules adopted under section 4765.11 of the Revised 20686
Code. Not later than sixty days prior to the expiration date of 20687
an individual's certificate to practice, the board shall notify 20688
the individual of the scheduled expiration. 20689

An application for renewal shall be accompanied by the 20690
appropriate renewal fee established in rules adopted under 20691
section 4765.11 of the Revised Code, unless the board waives the 20692
fee on determining pursuant to those rules that the applicant 20693
cannot afford to pay the fee. Except as provided in division (B) 20694
of section 4765.31 of the Revised Code, the application shall 20695
include evidence of either of the following: 20696

(1) That the applicant received a certificate of 20697
completion from the appropriate emergency medical services 20698
continuing education program pursuant to section 4765.24 of the 20699
Revised Code; 20700

(2) That the applicant has successfully passed an 20701
examination that demonstrates the competence to have a 20702
certificate renewed without completing an emergency medical 20703
services continuing education program. The board shall approve 20704
such examinations in accordance with rules adopted under section 20705
4765.11 of the Revised Code. 20706

~~(E)~~ (F) The board shall not require an applicant for 20707
renewal of a certificate to practice to take an examination as a 20708
condition of renewing the certificate. This division does not 20709
preclude the use of examinations by operators of approved 20710

emergency medical services continuing education programs as a 20711
condition for issuance of a certificate of completion in 20712
emergency medical services continuing education. 20713

Sec. 4765.55. (A) The executive director of the state 20714
board of emergency medical, fire, and transportation services, 20715
with the advice and counsel of the firefighter and fire safety 20716
inspector training committee of the state board of emergency 20717
medical, fire, and transportation services, shall assist in the 20718
establishment and maintenance by any state agency, or any 20719
county, township, city, village, school district, or educational 20720
service center of a fire service training program for the 20721
training of all persons in positions of any fire training 20722
certification level approved by the executive director, 20723
including full-time paid firefighters, part-time paid 20724
firefighters, volunteer firefighters, and fire safety inspectors 20725
in this state. The executive director, with the advice and 20726
counsel of the committee, shall adopt rules to regulate those 20727
firefighter and fire safety inspector training programs, and 20728
other training programs approved by the executive director. The 20729
rules may include, but need not be limited to, training 20730
curriculum, certification examinations, training schedules, 20731
minimum hours of instruction, attendance requirements, required 20732
equipment and facilities, basic physical requirements, and 20733
methods of training for all persons in positions of any fire 20734
training certification level approved by the executive director, 20735
including full-time paid firefighters, part-time paid 20736
firefighters, volunteer firefighters, and fire safety 20737
inspectors. The rules adopted to regulate training programs for 20738
volunteer firefighters shall not require more than thirty-six 20739
hours of training. 20740

The executive director, with the advice and counsel of the 20741

committee, shall provide for the classification and chartering 20742
of fire service training programs in accordance with rules 20743
adopted under division (B) of this section, and may take action 20744
against any chartered training program or applicant, in 20745
accordance with rules adopted under divisions (B)(4) and (5) of 20746
this section, for failure to meet standards set by the adopted 20747
rules. 20748

(B) The executive director, with the advice and counsel of 20749
the firefighter and fire safety inspector training committee of 20750
the state board of emergency medical, fire, and transportation 20751
services, shall adopt, and may amend or rescind, rules under 20752
Chapter 119. of the Revised Code that establish all of the 20753
following: 20754

(1) Requirements for, and procedures for chartering, the 20755
training programs regulated by this section; 20756

(2) Requirements for, and requirements and procedures for 20757
obtaining and renewing, an instructor certificate to teach the 20758
training programs and continuing education classes regulated by 20759
this section; 20760

(3) Requirements for, and requirements and procedures for 20761
obtaining and renewing, any of the fire training certificates 20762
regulated by this section; 20763

(4) Grounds and procedures for suspending, revoking, 20764
restricting, or refusing to issue or renew any of the 20765
certificates or charters regulated by this section, which 20766
grounds shall be limited to one of the following: 20767

(a) Failure to satisfy the education or training 20768
requirements of this section; 20769

(b) Conviction of a felony offense; 20770

(c) Conviction of a misdemeanor involving moral turpitude;	20771
(d) Conviction of a misdemeanor committed in the course of practice;	20772 20773
(e) In the case of a chartered training program or applicant, failure to meet standards set by the rules adopted under this division.	20774 20775 20776
(5) Grounds and procedures for imposing and collecting fines, not to exceed one thousand dollars, in relation to actions taken under division (B) (4) of this section against persons holding certificates and charters regulated by this section, the fines to be deposited into the trauma and emergency medical services fund established under section 4513.263 of the Revised Code;	20777 20778 20779 20780 20781 20782 20783
(6) Continuing education requirements for certificate holders, including a requirement that credit shall be granted for in-service training programs conducted by local entities;	20784 20785 20786
(7) Procedures for considering the granting of an extension or exemption of fire service continuing education requirements;	20787 20788 20789
(8) Certification cycles for which the certificates and charters regulated by this section are valid.	20790 20791
(C) The executive director, with the advice and counsel of the firefighter and fire safety inspector training committee of the state board of emergency medical, fire, and transportation services, shall issue or renew an instructor certificate to teach the training programs and continuing education classes regulated by this section to any applicant that the executive director determines meets the qualifications established in rules adopted under division (B) of this section, and may take	20792 20793 20794 20795 20796 20797 20798 20799

disciplinary action against an instructor certificate holder or 20800
applicant in accordance with rules adopted under division (B) of 20801
this section. The executive director, with the advice and 20802
counsel of the committee, shall charter or renew the charter of 20803
any training program that the executive director determines 20804
meets the qualifications established in rules adopted under 20805
division (B) of this section, and may take disciplinary action 20806
against the holder of a charter in accordance with rules adopted 20807
under division (B) of this section. 20808

(D) The executive director shall issue or renew a fire 20809
training certificate for a firefighter, a fire safety inspector, 20810
or another position of any fire training certification level 20811
approved by the executive director, to any applicant that the 20812
executive director determines meets the qualifications 20813
established in rules adopted under division (B) of this section 20814
and may take disciplinary actions against a certificate holder 20815
or applicant in accordance with rules adopted under division (B) 20816
of this section. 20817

(E) Certificates issued under this section shall be on a 20818
form prescribed by the executive director, with the advice and 20819
counsel of the firefighter and fire safety inspector training 20820
committee of the state board of emergency medical, fire, and 20821
transportation services. 20822

(F) (1) The executive director, with the advice and counsel 20823
of the firefighter and fire safety inspector training committee 20824
of the state board of emergency medical, fire, and 20825
transportation services, shall establish criteria for evaluating 20826
the standards maintained by ~~other states and~~ the branches of the 20827
United States military for firefighter, fire safety inspector, 20828
and fire instructor training programs, and other training 20829

programs recognized by the executive director, to determine 20830
whether the standards are equivalent to those established under 20831
this section and shall establish requirements and procedures for 20832
issuing a certificate to each person who presents proof to the 20833
executive director of having satisfactorily completed a training 20834
program that meets those standards. 20835

(2) The executive director, with the committee's advice 20836
and counsel, shall adopt rules establishing requirements and 20837
procedures for issuing a fire training certificate in lieu of 20838
completing a chartered training program. 20839

(G) Notwithstanding any requirement for a certificate 20840
issued under this section, the executive director shall issue a 20841
certificate in accordance with section 9.79 of the Revised Code 20842
to an individual if either of the following applies: 20843

(1) The individual holds a license or certificate in 20844
another state. 20845

(2) The individual has satisfactory work experience, a 20846
government certification, or a private certification as 20847
described in that section as a firefighter or fire safety 20848
inspector in a state that does not issue that license or 20849
certificate. 20850

(H) Nothing in this section invalidates any other section 20851
of the Revised Code relating to the fire training academy. 20852
Section 4765.11 of the Revised Code does not affect any powers 20853
and duties granted to the executive director under this section. 20854

Sec. 4767.031. (A) The owner or the person responsible for 20855
the operation of each cemetery required to register under 20856
section 4767.03 of the Revised Code shall provide the division 20857
of real estate in the department of commerce, on a form 20858

prescribed by the division, at the same time the owner or other person applies for registration or renewal of registration as required by section 4767.03 of the Revised Code, a list of the names and residence addresses of all persons employed or otherwise engaged by the cemetery to sell interment rights. The provision of this information constitutes the registration of these persons to sell interment rights.

In order for an independent contractor to sell interment rights for a cemetery, the cemetery shall sponsor and register the independent contractor with the division. More than one cemetery may sponsor and register the same independent contractor-. The division shall register an independent contractor in accordance with section 9.79 of the Revised Code if either of the following applies:

(1) The individual is licensed or registered in another state.

(2) The individual has satisfactory work experience, a government certification, or a private certification as described in that section as an independent contractor selling interment rights for a cemetery in a state that does not issue that license or registration.

(B) The owner or the person responsible for the operation of each cemetery required to register under section 4767.03 of the Revised Code shall provide the division with a revised list of the names and residence addresses of all persons employed or otherwise engaged by the cemetery to sell interment rights within the calendar quarter immediately following the date of the termination of the cemetery's relationship with an existing salesperson or the commencement of a relationship with a new salesperson. As used in this division, "calendar quarter" means

the three-month period that commences on the first day of each 20889
January, April, July, and October. 20890

Sec. 4771.08. (A) Upon receipt of all the materials 20891
required for application for registration under section 4771.07 20892
of the Revised Code, the Ohio athletic commission shall evaluate 20893
the information provided and issue a certificate of registration 20894
to the applicant, unless the commission finds that the applicant 20895
or an employee or representative of the applicant has committed 20896
any of the acts described in division (A) of section 4771.18 of 20897
the Revised Code. 20898

Notwithstanding the requirements for a certificate of 20899
registration under this chapter, the commission shall issue a 20900
certificate of registration in accordance with section 9.79 of 20901
the Revised Code to an applicant if either of the following 20902
applies: 20903

(1) The applicant is registered in another state. 20904

(2) The applicant has satisfactory work experience, a 20905
government certification, or a private certification as 20906
described in that section as an athlete agent in a state that 20907
does not issue that certificate of registration. 20908

(B) The commission may issue a temporary certificate of 20909
registration, effective for a period of up to ninety days after 20910
the issuance of the temporary registration, to ~~an a nonresident~~ 20911
athlete agent who is registered as an athlete agent in another 20912
state, or to a person who has not submitted all the material 20913
required under section 4771.07 of the Revised Code, but who the 20914
commission determines to have submitted sufficient material to 20915
warrant the issuance of a temporary certificate. Section 9.79 of 20916
the Revised Code does not apply to a temporary certificate of 20917

registration issued under this division. 20918

(C) The registration of an athlete agent with the 20919
commission is valid for a period of two years after the date the 20920
certificate of registration is issued. An athlete agent shall 20921
file an application for the renewal of a registration with the 20922
commission at least thirty days prior to the expiration of the 20923
registration of the athlete agent. An application for renewal 20924
shall be accompanied by a renewal fee in an amount determined by 20925
the commission pursuant to division (F) of section 4771.05 of 20926
the Revised Code. 20927

(D) Each certificate of registration issued by the 20928
commission to an athlete agent shall contain all the following 20929
information: 20930

(1) The name of the athlete agent; 20931

(2) The address of the primary location in which the 20932
athlete agent is authorized to conduct business as an athlete 20933
agent; 20934

(3) A registration number for the athlete agent and the 20935
date of issuance of the registration. 20936

(E) No registration or certificate of registration is 20937
valid for any individual other than the athlete agent to whom it 20938
is issued. 20939

(F) The commission is not liable for the acts of an 20940
athlete agent who is registered with the commission. 20941

Sec. 4773.03. (A) ~~Each~~ Except as provided in division (G) 20942
of this section, each individual seeking a license to practice 20943
as a general x-ray machine operator, radiographer, radiation 20944
therapy technologist, or nuclear medicine technologist shall 20945

apply to the department of health on a form the department shall 20946
prescribe and provide. The application shall be accompanied by 20947
the appropriate license application fee established in rules 20948
adopted under section 4773.08 of the Revised Code. 20949

(B) ~~The~~ Except as provided in division (G) of this 20950
section, the department shall review all applications received 20951
and issue the appropriate general x-ray machine operator, 20952
radiographer, radiation therapy technologist, or nuclear 20953
medicine technologist license to each applicant who meets all of 20954
the following requirements: 20955

(1) Is eighteen years of age or older; 20956

(2) Is of good moral character; 20957

(3) Except as provided in division (C) of this section, 20958
passes the examination administered under section 4773.04 of the 20959
Revised Code for the applicant's area of practice; 20960

(4) Complies with any other licensing standards 20961
established in rules adopted under section 4773.08 of the 20962
Revised Code. 20963

(C) An applicant is not required to take a licensing 20964
examination if one of the following applies to the applicant: 20965

(1) The individual is applying for a license as a general 20966
x-ray machine operator and holds certification in that area of 20967
practice from the American registry of radiologic technologists 20968
or the American chiropractic registry of radiologic 20969
technologists. 20970

(2) The individual is applying for a license as a 20971
radiographer and holds certification in that area of practice 20972
from the American registry of radiologic technologists. 20973

(3) The individual is applying for a license as a
radiation therapy technologist and holds certification in that
area of practice from the American registry of radiologic
technologists.

(4) The individual is applying for a license as a nuclear
medicine technologist and holds certification in that area of
practice from the American registry of radiologic technologists
or the nuclear medicine technology certification board.

(5) The individual holds a conditional license issued
under section 4773.05 of the Revised Code and has completed the
continuing education requirements established in rules adopted
under section 4773.08 of the Revised Code.

~~(6) The individual holds a license, certificate, or other
credential issued by another state that the department
determines uses standards for radiologic professions that are at
least equal to those established under this chapter.~~

(D) A license issued under this section expires biennially
on the license holder's birthday, except for an initial license
which expires on the license holder's birthday following two
years after it is issued. For an initial license, the fee
established in rules adopted under section 4773.08 of the
Revised Code may be increased in proportion to the amount of
time beyond two years that the license may be valid.

A license may be renewed. To be eligible for renewal, the
license holder must complete the continuing education
requirements specified in rules adopted by the department under
section 4773.08 of the Revised Code. Applications for license
renewal shall be accompanied by the appropriate renewal fee
established in rules adopted under section 4773.08 of the

Revised Code. Renewals shall be made in accordance with the 21003
standard renewal procedure established under Chapter 4745. of 21004
the Revised Code. 21005

(E) (1) A license that has lapsed or otherwise become 21006
inactive may be reinstated. An individual seeking reinstatement 21007
of a license shall apply to the department on a form the 21008
department shall prescribe and provide. The application shall be 21009
accompanied by the appropriate reinstatement fee established in 21010
rules adopted under section 4773.08 of the Revised Code. 21011

(2) To be eligible for reinstatement, both of the 21012
following apply: 21013

(a) An applicant must continue to meet the conditions for 21014
receiving an initial license, including the examination or 21015
certification requirements specified in division (B) or (C) of 21016
this section. In the case of an applicant seeking reinstatement 21017
based on having passed an examination administered under section 21018
4773.04 of the Revised Code, the length of time that has elapsed 21019
since the examination was passed is not a consideration in 21020
determining whether the applicant is eligible for reinstatement. 21021

(b) The applicant must complete the continuing education 21022
requirements for reinstatement established in rules adopted 21023
under section 4773.08 of the Revised Code. 21024

(F) The department shall refuse to issue, renew, or 21025
reinstate and may suspend or revoke a general x-ray machine 21026
operator, radiographer, radiation therapy technologist, or 21027
nuclear medicine technologist license if the applicant or 21028
license holder does not comply with the applicable requirements 21029
of this chapter or rules adopted under it. 21030

(G) The department shall issue a general x-ray machine 21031

operator, radiographer, radiation therapy technologist, or 21032
nuclear medicine technologist license in accordance with section 21033
9.79 of the Revised Code to an applicant if either of the 21034
following applies: 21035

(1) The applicant holds a license in another state. 21036

(2) The applicant has satisfactory work experience, a 21037
government certification, or a private certification as 21038
described in that section as a general x-ray machine operator, 21039
radiographer, radiation therapy technologist, or nuclear 21040
medicine technologist in a state that does not issue that 21041
license. 21042

Sec. 4774.03. (A) ~~An~~ Except as provided in division (D) of 21043
this section, an individual seeking a license to practice as a 21044
radiologist assistant shall file with the state medical board a 21045
written application on a form prescribed and supplied by the 21046
board. The application shall include all the information the 21047
board considers necessary to process the application, including 21048
evidence satisfactory to the board that the applicant meets the 21049
requirements specified in division (B) of this section. 21050

At the time an application is submitted, the applicant 21051
shall pay the board the application fee specified by the board 21052
in rules adopted under section 4774.11 of the Revised Code. No 21053
part of the fee shall be returned. 21054

(B) ~~To~~ Except as provided in division (D) of this section, 21055
to be eligible to receive a license to practice as a radiologist 21056
assistant, an applicant shall meet all of the following 21057
requirements: 21058

(1) Be at least eighteen years of age and of good moral 21059
character; 21060

(2) Hold a current, valid license as a radiographer under Chapter 4773. of the Revised Code;	21061 21062
(3) Have attained a baccalaureate degree or postbaccalaureate certificate from an advanced academic program encompassing a nationally recognized radiologist assistant curriculum that includes a radiologist-directed clinical preceptorship;	21063 21064 21065 21066 21067
(4) Hold current certification as a registered radiologist assistant from the American registry of radiologic technologists and have attained the certification by meeting the standard certification requirements established by the registry, including the registry's requirements for documenting clinical education in the form of a clinical portfolio and passing an examination to determine competence to practice;	21068 21069 21070 21071 21072 21073 21074
(5) Hold current certification in advanced cardiac life support.	21075 21076
(C) The board shall review all applications received under this section. Not later than sixty days after receiving an application the board considers to be complete, the board shall determine whether the applicant meets the requirements to receive a license to practice as a radiologist assistant.	21077 21078 21079 21080 21081
<u>(D) The board shall issue a license to practice as a radiologist assistant in accordance with section 9.79 of the Revised Code to an applicant if either of the following applies:</u>	21082 21083 21084
<u>(1) The applicant holds a license in another state.</u>	21085
<u>(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that section as a radiologist assistant in a state that does not issue that license.</u>	21086 21087 21088 21089

Sec. 4775.07. (A) Any person required to be registered as 21090
a motor vehicle repair operator shall apply to the motor vehicle 21091
repair board upon forms prescribed by the board. The forms shall 21092
contain sufficient information to identify the applicant, 21093
including name, address, state tax identification number, and 21094
any other identifying data prescribed by rule of the board. If 21095
the applicant is a partnership, identifying data as prescribed 21096
by the board may be required for each partner. If the applicant 21097
is a corporation, identifying data may be required for each 21098
officer of the corporation and each person in charge of each 21099
place of the motor vehicle repair operator's business in this 21100
state. The applicant shall affirm the application by oath. The 21101
applicant shall include with the application the initial 21102
registration fee set forth in section 4775.08 of the Revised 21103
Code and proof satisfactory to the board that the applicant has 21104
a current state and federal tax identification number, a valid 21105
vendor's license issued pursuant to section 5739.17 of the 21106
Revised Code, a United States environmental protection agency 21107
identification number issued under the "Resource Conservation 21108
and Recovery Act of 1976," 90 Stat. 2795, 42 U.S.C.A. 6901, as 21109
amended, and regulations adopted under that act, proof of 21110
possession of all permits required under Chapter 3704. of the 21111
Revised Code, general liability insurance and liability 21112
insurance that protects a person against liability for damage to 21113
motor vehicles in the applicant's care, custody, or control in 21114
an amount and form that conforms to the rules the board adopts 21115
under section 4775.04 of the Revised Code, and coverage under 21116
Chapters 4123. and 4141. of the Revised Code. In addition, the 21117
applicant shall affirm that the applicant is in compliance with 21118
all applicable federal and state statutes and rules and all 21119
local ordinances and resolutions, including all applicable 21120
zoning regulations. 21121

(B) Upon receipt of the completed application form and fees and after the board determines that the applicant meets the requirements for registration under division (A) of this section, the board shall direct the executive director to issue a registration certificate to the applicant for each place of business. The motor vehicle repair operator shall display the registration certificate in a conspicuous place on the premises of the business for which the registration is obtained. The board and director shall issue a registration certificate in accordance with section 9.79 of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license or registration certificate in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that section as a motor vehicle repair operator in a state that does not issue that license or registration certificate.

(C) Each registration certificate issued under this section expires annually on the date of its original issuance and may be renewed in accordance with the standard renewal procedure of Chapter 4745. of the Revised Code. The application for a renewal of a registration certificate shall be accompanied by the same information and proof as is required to accompany an initial application under division (A) of this section.

(D) When a motor vehicle repair operator experiences a change in any information or data required under division (A) of this section or by rule of the board for registration as a motor vehicle repair operator, the motor vehicle repair operator shall submit written notification of the change to the board within

sixty days after the date that the information becomes obsolete. 21152
If a motor vehicle repair operator fails to submit the written 21153
notification of a change in information or data within sixty 21154
days after the change in information or data, the operator's 21155
registration certificate is automatically suspended, except that 21156
the board may waive the suspension for good cause shown. 21157

(E) Notwithstanding section 5703.21 of the Revised Code, 21158
the department of taxation may disclose to the board any 21159
information necessary for the board to verify the existence of 21160
an applicant's valid vendor's license and current state tax 21161
identification number. 21162

Sec. 4778.03. (A) ~~An~~ Except as provided in division (D) of 21163
this section, an individual seeking a license to practice as a 21164
genetic counselor shall file with the state medical board an 21165
application in a manner prescribed by the board. The application 21166
shall include all the information the board considers necessary 21167
to process the application, including evidence satisfactory to 21168
the board that the applicant meets the requirements specified in 21169
division (B) of this section. 21170

At the time an application is submitted, the applicant 21171
shall pay the board an application fee of two hundred dollars. 21172
No part of the fee shall be returned to the applicant or 21173
transferred for purposes of another application. 21174

(B) (1) ~~To~~ Except as provided in division (D) of this 21175
section, to be eligible to receive a license to practice as a 21176
genetic counselor, an applicant shall demonstrate to the board 21177
that the applicant meets all of the following requirements: 21178

(a) Is at least eighteen years of age and of good moral 21179
character; 21180

(b) Except as provided in division (B) (2) of this section, 21181
has attained a master's degree or higher degree from a genetic 21182
counseling graduate program accredited by the American board of 21183
genetic counseling, inc.; 21184

(c) Is a certified genetic counselor; 21185

(d) Has satisfied any other requirements established by 21186
the board in rules adopted under section 4778.12 of the Revised 21187
Code. 21188

(2) In the case of an applicant who files an application 21189
not later than December 31, 2013, and meets all eligibility 21190
requirements other than the requirement specified in division 21191
(B) (1) (b) of this section, the applicant is eligible for a 21192
license to practice as a genetic counselor if the applicant has 21193
attained a master's or higher degree in education or in a field 21194
that the state medical board considers to be closely related to 21195
genetic counseling. 21196

(C) The board shall review all applications received under 21197
this section. Not later than sixty days after receiving an 21198
application it considers complete, the board shall determine 21199
whether the applicant meets the requirements for a license to 21200
practice as a genetic counselor. 21201

(D) The board shall issue a license to practice as a 21202
genetic counselor in accordance with section 9.79 of the Revised 21203
Code to an applicant if either of the following applies: 21204

(1) The applicant holds a license in another state. 21205

(2) The applicant has satisfactory work experience, a 21206
government certification, or a private certification as 21207
described in that section as a genetic counselor in a state that 21208
does not issue that license. 21209

Sec. 4778.08. (A) The-Except as provided in division (C) 21210
of this section, the state medical board may issue to an 21211
applicant under section 4778.03 of the Revised Code a license to 21212
practice as a genetic counselor, designated as a supervised 21213
practice license, if both of the following apply: 21214

(1) The applicant meets the requirements specified in 21215
section 4778.03 of the Revised Code other than being a certified 21216
genetic counselor; 21217

(2) The applicant is in active candidate status with the 21218
American board of genetic counseling. 21219

(B) A supervised practice license authorizes the holder to 21220
engage in the activities authorized by section 4778.11 of the 21221
Revised Code while the holder is under the general supervision 21222
of a genetic counselor licensed under section 4778.05 of the 21223
Revised Code or a physician. General supervision does not 21224
require the supervising licensed genetic counselor or physician 21225
to be present while the holder engages in such activities, but 21226
does require the licensed genetic counselor or physician to have 21227
professional responsibility for the holder and be readily 21228
accessible to the holder for professional consultation and 21229
assistance. 21230

A supervised practice license is valid from the date of 21231
issuance until the earlier of one year from that date or the 21232
date a license is issued under section 4778.05 of the Revised 21233
Code. A supervised practice license may not be renewed. 21234

(C) The board shall issue a supervised practice license to 21235
practice as a genetic counselor in accordance with section 9.79 21236
of the Revised Code to an applicant if either of the following 21237
applies: 21238

<u>(1) The applicant holds a license in another state.</u>	21239
<u>(2) The applicant has satisfactory work experience, a</u>	21240
<u>government certification, or a private certification as</u>	21241
<u>described in that section as a supervised practice genetic</u>	21242
<u>counselor in a state that does not issue that license.</u>	21243
Sec. 4778.09. (A) The state medical board may issue a	21244
license to practice as a genetic counselor, designated as a	21245
special activity license, to an individual from another state	21246
seeking to practice in this state genetic counseling associated	21247
with a rare disease.	21248
(B) An applicant for a special activity license shall	21249
submit to the board all of the following information:	21250
(1) Evidence that the applicant holds a current,	21251
unrestricted license to practice genetic counseling issued by	21252
another state or, if the applicant practices genetic counseling	21253
in another state that does not license genetic counselors,	21254
evidence that the applicant is a certified genetic counselor;	21255
(2) Evidence that the applicant has actively practiced	21256
genetic counseling within the two-year period immediately	21257
preceding application;	21258
(3) The name of the applicant's sponsoring institution or	21259
organization, a statement of need for genetic counseling from	21260
the sponsoring institution or organization, and the name of the	21261
rare disease for which the applicant will be practicing genetic	21262
counseling in this state.	21263
(C) At the time an application is submitted, the applicant	21264
shall pay a fee of twenty-five dollars. No part of the fee shall	21265
be returned to the applicant or transferred for purposes of	21266
another application.	21267

(D) The board shall not require the holder of a special activity license issued under this section to obtain a license under section 9.79 of the Revised Code. A special activity license is valid for the shorter of thirty days or the duration of the genetic counseling associated with the rare disease for which the license was issued. The license may not be renewed.

(E) The holder of a special activity license may practice genetic counseling only to the extent that it is associated with the rare disease for which the license was issued. The license holder shall not bill a patient or any third party payer for genetic counseling provided in this state.

(F) The board may revoke a special activity license on receiving proof satisfactory to the board that the holder of the license has engaged in practice in this state outside the scope of the license or that there are grounds for action against the license holder under section 4778.14 of the Revised Code.

Sec. 4779.17. The Ohio occupational therapy, physical therapy, and athletic trainers board shall issue a license under section 4779.09 of the Revised Code to practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics ~~without examination to an applicant who meets all of the following requirements:~~

~~(A) Applies to the board in accordance with section 4779.09 of the Revised Code;~~

~~(B) Holds a license to practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics issued by the appropriate authority of another state;~~

~~(C) One of the following applies:~~

~~(1) In the case of an applicant for a license to practice~~

orthotics, the applicant meets the requirements in divisions (B)	21297
and (C) of section 4779.10 of the Revised Code.	21298
(2) In the case of an applicant for a license to practice	21299
prosthetics, the applicant meets the requirements in divisions	21300
(B) and (C) of section 4779.11 of the Revised Code.	21301
(3) In the case of an applicant for a license to practice	21302
orthotics and prosthetics, the applicant meets the requirements	21303
in divisions (B) and (C) of section 4779.12 of the Revised Code.	21304
(4) In the case of an applicant for a license to practice	21305
pedorthics, the applicant meets the requirements in divisions	21306
(B) and (C) of section 4779.13 of the Revised Code.	21307
(D) All fees received by the board under this section	21308
shall be deposited in the state treasury to the credit of the	21309
occupational licensing and regulatory fund established in	21310
accordance with section 4743.05-9.79 of the Revised Code to an	21311
applicant if either of the following applies:	21312
(A) The applicant holds a license in another state.	21313
(B) The applicant has satisfactory work experience, a	21314
government certification, or a private certification in	21315
orthotics, prosthetics, orthotics and prosthetics, or pedorthics	21316
in a state that does not issue that license.	21317
Sec. 4779.18. (A) The Ohio occupational therapy, physical	21318
therapy, and athletic trainers board shall issue a temporary	21319
license to an individual who meets all of the following	21320
requirements:	21321
(1) Applies to the board in accordance with rules adopted	21322
under section 4779.08 of the Revised Code and pays the	21323
application fee specified in the rules;	21324

(2) Is eighteen years of age or older;	21325
(3) Is of good moral character;	21326
(4) One of the following applies:	21327
(a) In the case of an applicant for a license to practice orthotics, the applicant meets the requirements in divisions (B) and (C) of section 4779.10 of the Revised Code.	21328 21329 21330
(b) In the case of an applicant for a license to practice prosthetics, the applicant meets the requirements in divisions (B) and (C) of section 4779.11 of the Revised Code.	21331 21332 21333
(c) In the case of an applicant for a license to practice orthotics and prosthetics, the applicant meets the requirements in divisions (B) and (C) of section 4779.12 of the Revised Code.	21334 21335 21336
(d) In the case of an applicant for a license to practice pedorthics, the applicant meets the requirements in divisions (B) and (C) of section 4779.13 of the Revised Code.	21337 21338 21339
(B) <u>The board shall issue a temporary license in accordance with section 9.79 of the Revised Code to an applicant who holds a license in another state, a government certification, or a private certification as described in that section in a state that does not issue that license.</u>	21340 21341 21342 21343 21344
<u>(C)</u> A temporary license issued under this section is valid for one year and may be renewed once in accordance with rules adopted by the board under section 4779.08 of the Revised Code.	21345 21346 21347
<u>(D)</u> An individual who holds a temporary license may practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics only under the supervision of an individual who holds a license issued under section 4779.09 of the Revised Code in the same area of practice.	21348 21349 21350 21351 21352

~~(C)~~(E) All fees received by the board under this section 21353
shall be deposited in the state treasury to the credit of the 21354
occupational licensing and regulatory fund established in 21355
section 4743.05 of the Revised Code. 21356

Sec. 4781.07. (A) Pursuant to rules the division of 21357
industrial compliance adopts, the division may certify 21358
municipal, township, and county building departments and the 21359
personnel of those departments, or any private third party, to 21360
exercise the division's enforcement authority, accept and 21361
approve plans and specifications for foundations, support 21362
systems and installations, and inspect manufactured housing 21363
foundations, support systems, and manufactured housing 21364
installations. Any certification is effective for three years. 21365

(B) Following an investigation and finding of facts that 21366
support its action, the division of industrial compliance may 21367
revoke or suspend certification. The division may initiate an 21368
investigation on the division's own motion or the petition of a 21369
person affected by the enforcement or approval of plans. 21370

(C) (1) If a township, municipal corporation, or county 21371
does not have a building department that is certified pursuant 21372
to this section, it may designate by resolution or ordinance 21373
another building department that has been certified pursuant to 21374
this section to exercise the commission's enforcement authority, 21375
accept and approve plans and specifications for foundations, 21376
support systems and installations, and inspect manufactured 21377
housing foundations, support systems, and manufactured housing 21378
installations. The designation is effective upon acceptance by 21379
the designee. 21380

(2) An owner of a manufactured home or an operator of a 21381
manufactured home park may request an inspection and obtain an 21382

approval described in division (C)(1) of this section from any building department certified pursuant to this section designated by the township, municipal corporation, or county in which the owner's manufactured home or operator's manufactured home park is located.

(D) The board shall certify an individual to exercise enforcement authority, to accept and approve plans and specifications, or to make inspections in this state in accordance with section 9.79 of the Revised Code if either of the following applies:

(1) The individual is certified in another state.

(2) The individual has satisfactory work experience, a government certification, or a private certification as described in that section in exercising enforcement authority, accepting and approving plans and specifications for foundations, support systems and installations, or inspecting manufactured housing foundations, support systems, and installations, in a state that does not issue that certification.

Sec. 4781.08. (A) The division of industrial compliance shall issue a manufactured housing installer license to any applicant who is at least eighteen years of age and meets all of the following requirements:

(1) Submits an application to the division on a form the division prescribes and pays the fee the division requires;

(2) Completes all training requirements the division prescribes;

(3) Meets the experience requirements the division prescribes by rule;

- (4) Has at least one year of experience installing manufactured housing under the supervision of a licensed manufactured home installer if applying for licensure after January 1, 2006;
- (5) Has completed an installation training course the division approves, which may be offered by the Ohio manufactured homes association or other entity;
- (6) Receives a passing score on the licensure examination the division administers;
- (7) Provides information the division requires to demonstrate compliance with this chapter and the rules the division adopts;
- (8) Provides the division with three references from persons who are retailers, manufacturers, or manufactured home park operators familiar with the person's installation work experience and competency, with at least two of the three references provided after January 1, 2006, being from persons who are licensed manufactured housing installers;
- (9) Has liability insurance or a surety bond that is issued by an insurance or surety company authorized to transact business in Ohio, in the amount the division specifies, and containing the terms and conditions the division requires;
- (10) Is in compliance with section 4123.35 of the Revised Code.
- (B) The division of industrial compliance shall not grant a license to any person who the division finds has engaged in actions during the previous two years that constitute a ground for denial, suspension, or revocation of a license or who has had a license revoked or disciplinary action imposed by the

licensing or certification board of another state or 21441
jurisdiction during the previous two years in connection with 21442
the installation of manufactured housing. 21443

(C) Any person who is licensed, certified, or otherwise 21444
approved under the laws of another state to perform functions 21445
substantially similar to those of a manufactured housing 21446
installer may apply to the division for licensure on a form the 21447
division prescribes. The division shall issue a license ~~if the~~ 21448
~~standards for licensure, certification, or approval in the state~~ 21449
~~in which the applicant is licensed, certified, or approved are~~ 21450
~~substantially similar to or exceed the requirements set forth in~~ 21451
~~this chapter and the rules adopted pursuant to it~~ in accordance 21452
with section 9.79 of the Revised Code to an applicant if either 21453
of the following applies: 21454

(1) The applicant holds a license in another state. 21455

(2) The applicant has satisfactory work experience, a 21456
government certification, or a private certification as a 21457
manufactured housing installer in a state that does not issue 21458
that license. ~~The division may require the applicant to pass the~~ 21459
~~division's licensure examination.~~ 21460

(D) Any license issued pursuant to this section shall bear 21461
the licensee's name and post-office address, the issue date, a 21462
serial number the division designates, and the signature of the 21463
person the division designates pursuant to rules. 21464

(E) A manufactured housing installer license expires two 21465
years after it is issued. The division of industrial compliance 21466
shall renew a license if the applicant does all of the 21467
following: 21468

(1) Meets the requirements of division (A) of this 21469

section;	21470
(2) Demonstrates compliance with the requirements of this chapter and the rules adopted pursuant to it;	21471 21472
(3) Meets the division's continuing education requirements.	21473 21474
(F) No manufactured housing installer license may be transferred to another person.	21475 21476
Sec. 4781.17. (A) Each person applying for a manufactured housing dealer's license or manufactured housing broker's license shall complete and deliver to the department of commerce, division of real estate, before the first day of April, a separate application for license for each county in which the business of selling or brokering manufactured or mobile homes is to be conducted. The application shall be in the form prescribed by the division of real estate and accompanied by the fee established by the division of real estate. The applicant shall sign and swear to the application that shall include all of the following:	21477 21478 21479 21480 21481 21482 21483 21484 21485 21486 21487
(1) Name of applicant and location of principal place of business;	21488 21489
(2) Name or style under which business is to be conducted and, if a corporation, the state of incorporation;	21490 21491
(3) Name and address of each owner or partner and, if a corporation, the names of the officers and directors;	21492 21493
(4) The county in which the business is to be conducted and the address of each place of business therein;	21494 21495
(5) A statement of the previous history, record, and association of the applicant and of each owner, partner,	21496 21497

officer, and director, that is sufficient to establish to the 21498
satisfaction of the division of real estate the reputation in 21499
business of the applicant; 21500

(6) A statement showing whether the applicant has 21501
previously applied for a manufactured housing dealer's license, 21502
manufactured housing broker's license, manufactured housing 21503
salesperson's license, or, prior to July 1, 2010, a motor 21504
vehicle dealer's license, manufactured home broker's license, or 21505
motor vehicle salesperson's license, and the result of the 21506
application, and whether the applicant has ever been the holder 21507
of any such license that was revoked or suspended; 21508

(7) If the applicant is a corporation or partnership, a 21509
statement showing whether any partner, employee, officer, or 21510
director has been refused a manufactured housing dealer's 21511
license, manufactured housing broker's license, manufactured 21512
housing salesperson's license, or, prior to July 1, 2010, a 21513
motor vehicle dealer's license, manufactured home broker's 21514
license, or motor vehicle salesperson's license, or has been the 21515
holder of any such license that was revoked or suspended; 21516

(8) Any other information required by the division of real 21517
estate. 21518

(B) Each person applying for a manufactured housing 21519
salesperson's license shall complete and deliver to the division 21520
of real estate before the first day of July an application for 21521
license. The application shall be in the form prescribed by the 21522
division of real estate and shall be accompanied by the fee 21523
established by the division. The applicant shall sign and swear 21524
to the application that shall include all of the following: 21525

(1) Name and post-office address of the applicant; 21526

(2) Name and post-office address of the manufactured housing dealer or manufactured housing broker for whom the applicant intends to act as salesperson; 21527
21528
21529

(3) A statement of the applicant's previous history, record, and association, that is sufficient to establish to the satisfaction of the division of real estate the applicant's reputation in business; 21530
21531
21532
21533

(4) A statement as to whether the applicant intends to engage in any occupation or business other than that of a manufactured housing salesperson; 21534
21535
21536

(5) A statement as to whether the applicant has ever had any previous application for a manufactured housing salesperson license refused or, prior to July 1, 2010, any application for a motor vehicle salesperson license refused, and whether the applicant has previously had a manufactured housing salesperson or motor vehicle salesperson license revoked or suspended; 21537
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(6) A statement as to whether the applicant was an employee of or salesperson for a manufactured housing dealer or manufactured housing broker whose license was suspended or revoked; 21543
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21545
21546

(7) A statement of the manufactured housing dealer or manufactured housing broker named therein, designating the applicant as the dealer's or broker's salesperson; 21547
21548
21549

(8) Any other information required by the division of real estate. 21550
21551

(C) Any application for a manufactured housing dealer or manufactured housing broker delivered to the division of real estate under this section also shall be accompanied by a photograph, as prescribed by the division, of each place of 21552
21553
21554
21555

business operated, or to be operated, by the applicant. 21556

(D) The division of real estate shall deposit all license 21557
fees into the state treasury to the credit of the manufactured 21558
homes regulatory fund. 21559

(E) Notwithstanding any provision of this chapter to the 21560
contrary, the division shall issue a manufactured housing 21561
dealer's license or manufactured housing broker's license in 21562
accordance with section 9.79 of the Revised Code to an applicant 21563
if either of the following applies: 21564

(1) The applicant holds a license in another state. 21565

(2) The applicant has satisfactory work experience, a 21566
government certification, or a private certification as a 21567
manufactured housing dealer or manufactured housing broker in a 21568
state that does not issue that license. 21569

Sec. 4783.04. (A) An individual seeking a certificate to 21570
practice as a certified Ohio behavior analyst shall file with 21571
the state board of psychology a written application on a form 21572
prescribed and supplied by the board. To be eligible for a 21573
certificate, the individual shall do all of the following: 21574

(1) Demonstrate that the applicant is of good moral 21575
character and conducts the applicant's professional activities 21576
in accordance with accepted professional and ethical standards; 21577

(2) Comply with sections 4776.01 to 4776.04 of the Revised 21578
Code; 21579

(3) Demonstrate an understanding of the law regarding 21580
behavioral health practice; 21581

(4) Demonstrate current certification as a board certified 21582
behavior analyst by the behavior analyst certification board or 21583

its successor organization or demonstrate completion of 21584
equivalent requirements and passage of a psychometrically valid 21585
examination administered by a nationally accredited 21586
credentialing organization; 21587

(5) Pay the fee established by the state board of 21588
psychology. 21589

(B) The state board of psychology shall review all 21590
applications received under this section. The state board of 21591
psychology shall not grant a certificate to an applicant for an 21592
initial certificate unless the applicant complies with sections 21593
4776.01 to 4776.04 of the Revised Code and the state board of 21594
psychology, in its discretion, decides that the results of the 21595
criminal records check do not make the applicant ineligible for 21596
a certificate issued pursuant to section 4783.09 of the Revised 21597
Code. If the state board of psychology determines that an 21598
applicant satisfies the requirements for a certificate to 21599
practice as a certified Ohio behavior analyst, the state board 21600
of psychology shall issue the applicant a certificate. 21601

(C) The board shall issue a certificate to practice as a 21602
certified Ohio behavior analyst in accordance with section 9.79 21603
of the Revised Code to an applicant if either of the following 21604
applies: 21605

(1) The applicant holds a certificate or license in 21606
another state. 21607

(2) The applicant has satisfactory work experience, a 21608
government certification, or a private certification as 21609
described in that section as a behavior analyst in a state that 21610
does not issue that certificate or license. 21611

Sec. 5123.161. A person or government entity that seeks to 21612

provide supported living shall apply to the director of 21613
developmental disabilities for a supported living certificate. 21614

Except as provided in sections 5123.166 and 5123.169 of 21615
the Revised Code, the director shall issue to the person or 21616
government entity a supported living certificate if the person 21617
or government entity follows the application process established 21618
in rules adopted under section 5123.1611 of the Revised Code, 21619
meets the applicable certification standards established in 21620
those rules, and pays the certification fee established in those 21621
rules. The director shall issue a supported living certificate 21622
in accordance with section 9.79 of the Revised Code to a person 21623
if either of the following applies: 21624

(A) The person holds a supported living certificate issued 21625
by another state. 21626

(B) The person has satisfactory work experience, a 21627
government certification, or a private certification as 21628
described in that section as a person providing supported living 21629
in a state that does not issue that certificate. 21630

Sec. 5123.45. (A) The department of developmental 21631
disabilities shall establish a program under which the 21632
department issues certificates to the following: 21633

(1) Developmental disabilities personnel, for purposes of 21634
meeting the requirement of division (D) (1) of section 5123.42 of 21635
the Revised Code to obtain a certificate or certificates to 21636
administer medications and perform health-related activities 21637
pursuant to the authority granted under division (C) of that 21638
section; 21639

(2) Registered nurses, for purposes of meeting the 21640
requirement of division (B) of section 5123.441 of the Revised 21641

Code to obtain a certificate or certificates to provide the 21642
developmental disabilities personnel training courses developed 21643
under section 5123.43 of the Revised Code. 21644

(B) To receive a certificate issued under this section, 21645
developmental disabilities personnel and registered nurses shall 21646
successfully complete the applicable training course or courses 21647
and meet all other applicable requirements established in rules 21648
adopted pursuant to this section. The department shall issue the 21649
appropriate certificate or certificates to developmental 21650
disabilities personnel and registered nurses who meet the 21651
requirements for the certificate or certificates. The department 21652
shall issue the appropriate certificate or certificates in 21653
accordance with section 9.79 of the Revised Code to an applicant 21654
if either of the following applies: 21655

(1) The applicant holds a certificate or certificates 21656
issued by another state. 21657

(2) The applicant has satisfactory work experience, a 21658
government certification, or a private certification as 21659
described in that section as developmental disabilities 21660
personnel in a state that does not issue that certificate. 21661

(C) Certificates issued to developmental disabilities 21662
personnel are valid for one year and may be renewed. 21663
Certificates issued to registered nurses are valid for two years 21664
and may be renewed. 21665

To be eligible for renewal, developmental disabilities 21666
personnel and registered nurses shall meet the applicable 21667
continued competency requirements and continuing education 21668
requirements specified in rules adopted under division (D) of 21669
this section. In the case of registered nurses, continuing 21670

nursing education completed in compliance with the license 21671
renewal requirements established under Chapter 4723. of the 21672
Revised Code may be counted toward meeting the continuing 21673
education requirements established in the rules adopted under 21674
division (D) of this section. 21675

(D) In accordance with section 5123.46 of the Revised 21676
Code, the department shall adopt rules that establish all of the 21677
following: 21678

(1) Requirements that developmental disabilities personnel 21679
and registered nurses must meet to be eligible to take a 21680
training course, including having sufficient written and oral 21681
English skills to communicate effectively and reliably with 21682
patients, their families, and other medical professionals; 21683

(2) Standards that must be met to receive a certificate, 21684
including requirements pertaining to an applicant's criminal 21685
background; 21686

(3) Procedures to be followed in applying for a 21687
certificate and issuing a certificate; 21688

(4) Standards and procedures for renewing a certificate, 21689
including requirements for continuing education and, in the case 21690
of developmental disabilities personnel who administer 21691
prescribed medications, standards that require successful 21692
demonstration of proficiency in administering prescribed 21693
medications; 21694

(5) Any other standards or procedures the department 21695
considers necessary to administer the certification program. 21696

Sec. 5126.25. (A) The director of developmental 21697
disabilities shall adopt rules under division (C) of this 21698
section establishing uniform standards and procedures for the 21699

certification and registration of persons, other than the 21700
persons described in division (I) of this section, who are 21701
seeking employment with or are employed by either of the 21702
following: 21703

(1) A county board of developmental disabilities; 21704

(2) An entity that contracts with a county board to 21705
operate programs and services for individuals with developmental 21706
disabilities. 21707

(B) No person shall be employed in a position for which 21708
certification or registration is required pursuant to the rules 21709
adopted under this section without the certification or 21710
registration that is required for that position. The person 21711
shall not be employed or shall not continue to be employed if 21712
the required certification or registration is denied, revoked, 21713
or not renewed. 21714

(C) The director shall adopt rules in accordance with 21715
Chapter 119. of the Revised Code as the director considers 21716
necessary to implement and administer this section, including 21717
rules establishing all of the following: 21718

(1) Positions of employment that are subject to this 21719
section and, for each position, whether a person must receive 21720
certification or receive registration to be employed in that 21721
position; 21722

(2) Requirements that must be met to receive the 21723
certification or registration required to be employed in a 21724
particular position, including standards regarding education, 21725
specialized training, and experience, taking into account the 21726
needs of individuals with developmental disabilities and the 21727
specialized techniques needed to serve them, except that the 21728

rules shall not require a person designated as a service 21729
employee under section 5126.22 of the Revised Code to have or 21730
obtain a bachelor's or higher degree; 21731

(3) Procedures to be followed in applying for initial 21732
certification or registration and for renewing the certification 21733
or registration. 21734

(4) Requirements that must be met for renewal of 21735
certification or registration, which may include continuing 21736
education and professional training requirements; 21737

(5) Subject to section 5126.23 of the Revised Code, 21738
grounds for which certification or registration may be denied, 21739
suspended, or revoked and procedures for appealing the denial, 21740
suspension, or revocation. 21741

(D) Each person seeking certification or registration for 21742
employment shall apply in the manner established in rules 21743
adopted under this section. 21744

(E) (1) Except as provided in division (E) (2) of this 21745
section, the superintendent of each county board is responsible 21746
for taking all actions regarding certification and registration 21747
of employees, other than the position of superintendent, early 21748
intervention supervisor, early intervention specialist, or 21749
investigative agent. For the position of superintendent, early 21750
intervention supervisor, early intervention specialist, or 21751
investigative agent, the director of developmental disabilities 21752
is responsible for taking all such actions. 21753

Actions that may be taken by the superintendent or 21754
director include issuing, renewing, denying, suspending, and 21755
revoking certification and registration. All actions shall be 21756
taken in accordance with the rules adopted under this section. 21757

The superintendent may charge a fee to persons applying 21758
for certification or registration. The superintendent shall 21759
establish the amount of the fee according to the costs the 21760
county board incurs in administering its program for 21761
certification and registration of employees. 21762

A person subject to the denial, suspension, or revocation 21763
of certification or registration may appeal the decision. The 21764
appeal shall be made in accordance with the rules adopted under 21765
this section. 21766

(2) Pursuant to division (C) of section 5126.05 of the 21767
Revised Code, the superintendent may enter into a contract with 21768
any other entity under which the entity is given authority to 21769
carry out all or part of the superintendent's responsibilities 21770
under division (E) (1) of this section. 21771

(F) A person with valid certification or registration 21772
under this section on the effective date of any rules adopted 21773
under this section that increase the standards applicable to the 21774
certification or registration shall have such period as the 21775
rules prescribe, but not less than one year after the effective 21776
date of the rules, to meet the new certification or registration 21777
standards. 21778

(G) A person with valid certification or registration is 21779
qualified to be employed according to that certification or 21780
registration by any county board or entity contracting with a 21781
county board. 21782

(H) The director shall monitor county boards to ensure 21783
that their employees and the employees of their contracting 21784
entities have the applicable certification or registration 21785
required under this section and that the employees are 21786

performing only those functions they are authorized to perform 21787
under the certification or registration. The superintendent of 21788
each county board or the superintendent's designee shall 21789
maintain in appropriate personnel files evidence acceptable to 21790
the director that the employees have met the requirements. On 21791
request, representatives of the department of developmental 21792
disabilities shall be given access to the evidence. 21793

(I) The certification and registration requirements of 21794
this section and the rules adopted under it do not apply to 21795
either of the following: 21796

(1) A person who holds a valid license issued or 21797
certificate issued under Chapter 3319. of the Revised Code and 21798
performs no duties other than teaching or supervision of a 21799
teaching program; 21800

(2) A person who holds a valid license or certificate 21801
issued under Title XLVII of the Revised Code and performs only 21802
those duties governed by the license or certificate. 21803

(J) The director shall issue a certification or 21804
registration in accordance with section 9.79 of the Revised Code 21805
to a person if either of the following applies: 21806

(1) The person holds a license, certification, or 21807
registration in another state. 21808

(2) The person has satisfactory work experience, a 21809
government certification, or a private certification as 21810
described in that section in a state that does not issue that 21811
license, certification, or registration. 21812

Sec. 5902.02. The duties of the director of veterans 21813
services shall include the following: 21814

(A) Furnishing the veterans service commissions of all	21815
counties of the state copies of the state laws, rules, and	21816
legislation relating to the operation of the commissions and	21817
their offices;	21818
(B) Upon application, assisting the general public in	21819
obtaining records of vital statistics pertaining to veterans or	21820
their dependents;	21821
(C) Adopting rules pursuant to Chapter 119. of the Revised	21822
Code pertaining to minimum qualifications for hiring,	21823
certifying, and accrediting county veterans service officers,	21824
pertaining to their required duties, and pertaining to	21825
revocation of the certification of county veterans service	21826
officers;	21827
(D) Adopting rules pursuant to Chapter 119. of the Revised	21828
Code for the education, training, certification, and duties of	21829
veterans service commissioners and for the revocation of the	21830
certification of a veterans service commissioner;	21831
(E) Developing and monitoring programs and agreements	21832
enhancing employment and training for veterans in single or	21833
multiple county areas;	21834
(F) Developing and monitoring programs and agreements to	21835
enable county veterans service commissions to address	21836
homelessness, indigency, and other veteran-related issues	21837
individually or jointly;	21838
(G) Developing and monitoring programs and agreements to	21839
enable state agencies, individually or jointly, that provide	21840
services to veterans, including the veterans' homes operated	21841
under Chapter 5907. of the Revised Code and the director of job	21842
and family services, to address homelessness, indigency,	21843

employment, and other veteran-related issues; 21844

(H) Establishing and providing statistical reporting 21845
formats and procedures for county veterans service commissions; 21846

(I) Publishing electronically a listing of county veterans 21847
service offices and county veterans service commissioners. The 21848
listing shall include the expiration dates of commission 21849
members' terms of office and the organizations they represent; 21850
the names, addresses, and telephone numbers of county veterans 21851
service offices; and the addresses and telephone numbers of the 21852
Ohio offices and headquarters of state and national veterans 21853
service organizations. 21854

(J) Establishing a veterans advisory committee to advise 21855
and assist the department of veterans services in its duties. 21856
Members shall include a member of the national guard association 21857
of the United States who is a resident of this state, a member 21858
of the military officers association of America who is a 21859
resident of this state, a state representative of 21860
congressionally chartered veterans organizations referred to in 21861
section 5901.02 of the Revised Code, a representative of any 21862
other congressionally chartered state veterans organization that 21863
has at least one veterans service commissioner in the state, 21864
three representatives of the Ohio state association of county 21865
veterans service commissioners, who shall have a combined vote 21866
of one, three representatives of the state association of county 21867
veterans service officers, who shall have a combined vote of 21868
one, one representative of the county commissioners association 21869
of Ohio, who shall be a county commissioner not from the same 21870
county as any of the other county representatives, a 21871
representative of the advisory committee on women veterans, a 21872
representative of a labor organization, and a representative of 21873

the office of the attorney general. The department of veterans services shall submit to the advisory committee proposed rules for the committee's operation. The committee may review and revise these proposed rules prior to submitting them to the joint committee on agency rule review.

(K) Adopting, with the advice and assistance of the veterans advisory committee, policy and procedural guidelines that the veterans service commissions shall adhere to in the development and implementation of rules, policies, procedures, and guidelines for the administration of Chapter 5901. of the Revised Code. The department of veterans services shall adopt no guidelines or rules regulating the purposes, scope, duration, or amounts of financial assistance provided to applicants pursuant to sections 5901.01 to 5901.15 of the Revised Code. The director of veterans services may obtain opinions from the office of the attorney general regarding rules, policies, procedures, and guidelines of the veterans service commissions and may enforce compliance with Chapter 5901. of the Revised Code.

(L) Receiving copies of form DD214 filed in accordance with the director's guidelines adopted under division (L) of this section from members of veterans service commissions appointed under section 5901.02 and from county veterans service officers employed under section 5901.07 of the Revised Code;

(M) Developing and maintaining and improving a resource, such as a telephone answering point or a web site, by means of which veterans and their dependents, through a single portal, can access multiple sources of information and interaction with regard to the rights of, and the benefits available to, veterans and their dependents. The director of veterans services may enter into agreements with state and federal agencies, with

agencies of political subdivisions, with state and local 21904
instrumentalities, and with private entities as necessary to 21905
make the resource as complete as is possible. 21906

(N) Planning, organizing, advertising, and conducting 21907
outreach efforts, such as conferences and fairs, at which 21908
veterans and their dependents may meet, learn about the 21909
organization and operation of the department of veterans 21910
services and of veterans service commissions, and obtain 21911
information about the rights of, and the benefits and services 21912
available to, veterans and their dependents; 21913

(O) Advertising, in print, on radio and television, and 21914
otherwise, the rights of, and the benefits and services 21915
available to, veterans and their dependents; 21916

(P) Developing and advocating improved benefits and 21917
services for, and improved delivery of benefits and services to, 21918
veterans and their dependents; 21919

(Q) Searching for, identifying, and reviewing statutory 21920
and administrative policies that relate to veterans and their 21921
dependents and reporting to the general assembly statutory and 21922
administrative policies that should be consolidated in whole or 21923
in part within the organization of the department of veterans 21924
services to unify funding, delivery, and accounting of statutory 21925
and administrative policy expressions that relate particularly 21926
to veterans and their dependents; 21927

(R) Encouraging veterans service commissions to innovate 21928
and otherwise to improve efficiency in delivering benefits and 21929
services to veterans and their dependents and to report 21930
successful innovations and efficiencies to the director of 21931
veterans services; 21932

(S) Publishing and encouraging adoption of successful innovations and efficiencies veterans service commissions have achieved in delivering benefits and services to veterans and their dependents;	21933 21934 21935 21936
(T) Establishing advisory committees, in addition to the veterans advisory committee established under division (K) of this section, on veterans issues;	21937 21938 21939
(U) Developing and maintaining a relationship with the United States department of veterans affairs, seeking optimal federal benefits and services for Ohio veterans and their dependents, and encouraging veterans service commissions to maximize the federal benefits and services to which veterans and their dependents are entitled;	21940 21941 21942 21943 21944 21945
(V) Developing and maintaining relationships with the several veterans organizations, encouraging the organizations in their efforts at assisting veterans and their dependents, and advocating for adequate state subsidization of the organizations;	21946 21947 21948 21949 21950
(W) Requiring the several veterans organizations that receive funding from the state annually, not later than the thirtieth day of July, to report to the director of veterans services and prescribing the form and content of the report;	21951 21952 21953 21954
(X) Reviewing the reports submitted to the director under division (W) of this section within thirty days of receipt and informing the veterans organization of any deficiencies that exist in the organization's report and that funding will not be released until the deficiencies have been corrected and a satisfactory report submitted;	21955 21956 21957 21958 21959 21960
(Y) Releasing funds and processing payments to veterans	21961

organizations when a report submitted to the director under 21962
division (W) of this section has been reviewed and determined to 21963
be satisfactory; 21964

(Z) Furnishing copies of all reports that the director of 21965
veterans services has determined have been submitted 21966
satisfactorily under division (W) of this section to the 21967
chairperson of the finance committees of the general assembly; 21968

(AA) Investigating complaints against county veterans 21969
services commissioners and county veterans service officers if 21970
the director reasonably believes the investigation to be 21971
appropriate and necessary; 21972

(BB) Developing and maintaining a web site that is 21973
accessible by veterans and their dependents and provides a link 21974
to the web site of each state agency that issues a license, 21975
certificate, or other authorization permitting an individual to 21976
engage in an occupation or occupational activity; 21977

(CC) Encouraging state agencies to conduct outreach 21978
efforts through which veterans and their dependents can learn 21979
about available job and education benefits; 21980

(DD) Informing state agencies about changes in statutes 21981
and rules that affect veterans and their dependents; 21982

(EE) Assisting licensing agencies in adopting rules under 21983
section 5903.03 of the Revised Code; 21984

(FF) Administering the provision of grants from the 21985
military injury relief fund under section 5902.05 of the Revised 21986
Code; 21987

(GG) Issuing a county veterans service officer 21988
certification or county veterans service commissioner 21989

<u>certification in accordance with section 9.79 of the Revised</u>	21990
<u>Code to an applicant if the applicant holds a license or</u>	21991
<u>certification in another state or the applicant has satisfactory</u>	21992
<u>work experience, a government certification, or a private</u>	21993
<u>certification as described in that section as a county veterans</u>	21994
<u>service officer or county veterans service commissioner, or in a</u>	21995
<u>position that is the equivalent to county veterans service</u>	21996
<u>officer or county veterans service commissioner, in a state that</u>	21997
<u>does not issue that license or certification;</u>	21998
<u>(HH)</u> Taking any other actions required by this chapter.	21999
Sec. 6109.04. (A) The director of environmental protection	22000
shall administer and enforce this chapter and rules adopted	22001
under it.	22002
(B) The director shall adopt, amend, and rescind such	22003
rules in accordance with Chapter 119. of the Revised Code as may	22004
be necessary or desirable to do both of the following:	22005
(1) Govern public water systems in order to protect the	22006
public health;	22007
(2) Govern public water systems to protect the public	22008
welfare, including rules governing contaminants in water that	22009
may adversely affect the suitability of the water for its	22010
intended uses or that may otherwise adversely affect the public	22011
health or welfare.	22012
(C) The director may do any or all of the following:	22013
(1) Adopt, amend, and rescind such rules in accordance	22014
with Chapter 119. of the Revised Code as may be necessary or	22015
desirable to do any or all of the following:	22016
(a) Govern the granting of variances and exemptions from	22017

rules adopted under this chapter, subject to requirements of the Safe Drinking Water Act;

(b) Govern the certification of operators of public water systems, including establishment of qualifications according to a classification of public water systems and of provisions for examination, grounds for revocation, ~~reciprocity with other states,~~ renewal of certification, and other provisions necessary or desirable for assurance of proper operation of water systems;

(c) Carry out the powers and duties of the director under this chapter.

(2) Provide a program for the general supervision of operation and maintenance of public water systems;

(3) Maintain an inventory of public water systems;

(4) Adopt and implement a program for conducting sanitary surveys of public water systems;

(5) Establish and maintain a system of record keeping and reporting of activities of the environmental protection agency under this chapter;

(6) Establish and maintain a program for the certification of laboratories conducting analyses of drinking water;

(7) Issue, modify, and revoke orders as necessary to carry out the director's powers and duties under this chapter and primary enforcement responsibility for public water systems under the "Safe Drinking Water Act." Orders issued under this chapter are subject to Chapter 119. of the Revised Code.

(D) Before adopting, amending, or rescinding a rule authorized by this chapter, the director shall do all of the following:

(1) Mail notice to each statewide organization that the director determines represents persons who would be affected by the proposed rule, amendment, or rescission at least thirty-five days before any public hearing thereon;

(2) Mail a copy of each proposed rule, amendment, or rescission to any person who requests a copy, within five days after receipt of the request;

(3) Consult with appropriate state and local government agencies or their representatives, including statewide organizations of local government officials, industrial representatives, and other interested persons.

Although the director is expected to discharge these duties diligently, failure to mail any such notice or copy or to consult with any person does not invalidate any proceeding or action of the director.

(E) The director shall issue a certification as an operator of a public water system in accordance with section 9.79 of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a certification or license in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that section as an operator of a public water system in a state that does not issue that certification or license.

Sec. 6111.30. (A) Applications for a section 401 water quality certification required under division (O) of section 6111.03 of the Revised Code shall be submitted on forms provided

by the director of environmental protection and shall include 22075
all information required on those forms as well as all of the 22076
following: 22077

(1) A copy of a letter from the United States army corps 22078
of engineers documenting its jurisdiction over the wetlands, 22079
streams, or other waters of the state that are the subject of 22080
the section 401 water quality certification application; 22081

(2) If the project involves impacts to a wetland, a 22082
wetland characterization analysis consistent with the Ohio rapid 22083
assessment method; 22084

(3) If the project involves a stream for which a specific 22085
aquatic life use designation has not been made, data sufficient 22086
to determine the existing aquatic life use; 22087

(4) A specific and detailed mitigation proposal, including 22088
the location and proposed real estate instrument or other 22089
available mechanism for protecting the property long term; 22090

(5) Applicable fees; 22091

(6) Site photographs; 22092

(7) Adequate documentation confirming that the applicant 22093
has requested comments from the department of natural resources 22094
and the United States fish and wildlife service regarding 22095
threatened and endangered species, including the presence or 22096
absence of critical habitat; 22097

(8) Descriptions, schematics, and appropriate economic 22098
information concerning the applicant's preferred alternative, 22099
nondegradation alternatives, and minimum degradation 22100
alternatives for the design and operation of the project; 22101

(9) The applicant's investigation report of the waters of 22102

the United States in support of a section 404 permit application 22103
concerning the project; 22104

(10) A copy of the United States army corps of engineers' 22105
public notice regarding the section 404 permit application 22106
concerning the project. 22107

(B) Not later than fifteen business days after the receipt 22108
of an application for a section 401 water quality certification, 22109
the director shall review the application to determine if it is 22110
complete and shall notify the applicant in writing as to whether 22111
the application is complete. If the director fails to notify the 22112
applicant within fifteen business days regarding the 22113
completeness of the application, the application is considered 22114
complete. If the director determines that the application is not 22115
complete, the director shall include with the written 22116
notification an itemized list of the information or materials 22117
that are necessary to complete the application. If the applicant 22118
fails to provide the information or materials within sixty days 22119
after the director's receipt of the application, the director 22120
may return the incomplete application to the applicant and take 22121
no further action on the application. If the application is 22122
returned to the applicant because it is incomplete, the director 22123
shall return the review fee levied under division (A) (1), (2), 22124
or (3) of section 3745.114 of the Revised Code to the applicant, 22125
but shall retain the application fee levied under that section. 22126

(C) Not later than twenty-one days after a determination 22127
that an application is complete under division (B) of this 22128
section, the applicant shall publish public notice of the 22129
director's receipt of the complete application in a newspaper of 22130
general circulation in the county in which the project that is 22131
the subject of the application is located. The public notice 22132

shall be in a form acceptable to the director. The applicant 22133
shall promptly provide the director with proof of publication. 22134
The applicant may choose, subject to review by and approval of 22135
the director, to include in the public notice an advertisement 22136
for an antidegradation public hearing on the application 22137
pursuant to section 6111.12 of the Revised Code. There shall be 22138
a public comment period of thirty days following the publication 22139
of the public notice. 22140

(D) If the director determines that there is significant 22141
public interest in a public hearing as evidenced by the public 22142
comments received concerning the application and by other 22143
requests for a public hearing on the application, the director 22144
or the director's representative shall conduct a public hearing 22145
concerning the application. Notice of the public hearing shall 22146
be published by the applicant, subject to review and approval by 22147
the director, at least thirty days prior to the date of the 22148
hearing in a newspaper of general circulation in the county in 22149
which the project that is the subject of the application is to 22150
take place. If a public hearing is requested concerning an 22151
application, the director shall accept comments concerning the 22152
application until five business days after the public hearing. A 22153
public hearing conducted under this division shall take place 22154
not later than one hundred days after the application is 22155
determined to be complete. 22156

(E) The director shall forward all public comments 22157
concerning an application submitted under this section that are 22158
received through the public involvement process required by 22159
rules adopted under this chapter to the applicant not later than 22160
five business days after receipt of the comments by the 22161
director. 22162

(F) The applicant shall respond in writing to written 22163
comments or to deficiencies identified by the director during 22164
the course of reviewing the application not later than fifteen 22165
days after receiving or being notified of them. 22166

(G) The director shall issue or deny a section 401 water 22167
quality certification not later than one hundred eighty days 22168
after the complete application for the certification is 22169
received. The director shall provide an applicant for a section 22170
401 water quality certification with an opportunity to review 22171
the certification prior to its issuance. However, when a 22172
certified water quality professional conducts a stream or 22173
wetland assessment to support an application and the application 22174
does not require or necessitate a public hearing, the director 22175
shall issue or deny a section 401 water quality certification 22176
not later than ninety days after the complete application for 22177
the certification is received. 22178

(H) The director shall maintain an accessible database 22179
that includes environmentally beneficial water restoration and 22180
protection projects that may serve as potential mitigation 22181
projects for projects in the state for which a section 401 water 22182
quality certification is required. A project's inclusion in the 22183
database does not constitute an approval of the project. 22184

(I) Mitigation required by a section 401 water quality 22185
certification may be accomplished by any of the following: 22186

(1) Purchasing credits at a mitigation bank approved in 22187
accordance with 33 C.F.R. 332.8; 22188

(2) Participating in an in-lieu fee mitigation program 22189
approved in accordance with 33 C.F.R. 332.8; 22190

(3) Constructing individual mitigation projects. 22191

Notwithstanding the mitigation hierarchy specified in 22192
section 3745-1-54 of the Administrative Code, mitigation 22193
projects shall be approved in accordance with the hierarchy 22194
specified in 33 C.F.R. 332.3 unless the director determines that 22195
the size or quality of the impacted resource necessitates 22196
reasonably identifiable, available, and practicable mitigation 22197
conducted by the applicant. The director shall adopt rules in 22198
accordance with Chapter 119. of the Revised Code consistent with 22199
the mitigation hierarchy specified in 33 C.F.R. 332.3. 22200

(J) The director shall establish a program and adopt rules 22201
in accordance with Chapter 119. of the Revised Code for the 22202
purpose of certifying water quality professionals to assess 22203
streams to determine existing aquatic life use and to categorize 22204
wetlands in support of applications for section 401 water 22205
quality certification under divisions (A) (2) and (3) of this 22206
section and isolated wetland permits under sections 6111.022 to 22207
6111.024 of the Revised Code. The director shall establish a 22208
multi-sector work group to assist in the development of rules 22209
adopted under this division. The director shall use information 22210
submitted by certified water quality professionals in the review 22211
of those applications. The director shall issue a water quality 22212
professional certification in accordance with section 9.79 of 22213
the Revised Code to an applicant if the applicant holds a 22214
certification or license in another state or the applicant has 22215
satisfactory work experience, a government certification, or a 22216
private certification as described in that section as a water 22217
quality professional in a state that does not issue that 22218
certification or license. 22219

Rules adopted under this division shall do all of the 22220
following: 22221

(1) Provide for the certification of water quality 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:

(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;

(b) Authorize the director to establish experience requirements and to use tests to determine the competency of applicants for water quality professional certification;

(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;

(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;

(e) Require periodic renewal of a water quality professional's certification and establish continuing education requirements for purposes of that renewal.

(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 22251
incurred by the environmental protection agency for reviewing 22252
applications for water quality professional certification and 22253
for issuing those certifications; 22254

(3) Authorize the director to suspend or revoke the 22255
certification of a water quality professional if the director 22256
finds that the professional's performance has resulted in 22257
submission of documentation that is inconsistent with standards 22258
established in rules adopted under division (J) (7) of this 22259
section; 22260

(4) Authorize the director to review documentation 22261
submitted by a certified water quality professional to ensure 22262
compliance with requirements established in rules adopted under 22263
division (J) (7) of this section; 22264

(5) Require a certified water quality professional to 22265
submit any documentation developed in support of an application 22266
for a section 401 water quality certification or an isolated 22267
wetland permit upon the request of the director; 22268

(6) Authorize audits by the director of documentation 22269
developed or submitted by certified water quality professionals 22270
to ensure compliance with requirements established in rules 22271
adopted under division (J) (7) of this section; 22272

(7) Establish technical standards to be used by certified 22273
water quality professionals in conducting stream assessments and 22274
wetlands categorizations; 22275

(8) Authorize the director to require public disclosure, 22276
including publication on the environmental protection agency's 22277
web site, of all of the following information for each certified 22278
water quality professional: 22279

(a) Name;	22280
(b) Qualifications and credentials;	22281
(c) Status of the professional's certifications;	22282
(d) Documents and reports submitted by the certified water quality professional;	22283 22284
(e) Documentation and results of agency audits of the certified water quality professional's work;	22285 22286
(f) Any final disciplinary action related to the certified water quality professional's performance.	22287 22288
(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.	22289 22290 22291 22292
(L) 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.	22293 22294 22295 22296 22297 22298 22299
Section 2. That existing sections 109.73, 109.77, 109.771, 109.78, 109.804, 147.01, 147.63, 169.16, 173.21, 173.391, 173.422, 503.41, 715.27, 903.07, 905.321, 917.09, 917.091, 921.06, 921.11, 921.12, 921.24, 921.26, 926.30, 928.02, 943.09, 956.05, 956.06, 1315.04, 1315.13, 1315.23, 1321.04, 1321.37, 1321.53, 1321.64, 1321.74, 1322.07, 1322.10, 1322.21, 1513.07, 1513.161, 1514.12, 1514.47, 1531.40, 1533.051, 1533.51, 1561.07, 1561.14, 1561.15, 1561.16, 1561.17, 1561.18, 1561.19, 1561.20,	22300 22301 22302 22303 22304 22305 22306 22307

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6109.04, and 6111.30 of the Revised Code are hereby repealed. 22344

Section 3. That sections 921.08, 1322.24, 3905.081, 22345
4707.12, and 4757.25 of the Revised Code are hereby repealed. 22346

Section 4. The General Assembly, applying the principle 22347
stated in division (B) of section 1.52 of the Revised Code that 22348
amendments are to be harmonized if reasonably capable of 22349
simultaneous operation, finds that the the following sections, 22350
presented in this act as composites of the sections as amended 22351
by the acts indicated, are the resulting versions of the section 22352
in effect prior to the effective date of the sections as 22353
presented in this act: 22354

Section 1321.53 of the Revised Code as amended by both 22355
H.B. 199 and S.B. 24 of the 132nd General Assembly. 22356

Section 3319.22 of the Revised Code as amended by both 22357
H.B. 438 and S.B. 216 of the 132nd General Assembly. 22358

Section 4715.09 of the Revised Code as amended by both 22359
H.B. 541 and S.B. 259 of the 132nd General Assembly. 22360

Section 4723.651 of the Revised Code as amended by both 22361
H.B. 113 and H.B. 483 of the 131st General Assembly. 22362

Section 5123.45 of the Revised Code as amended by both 22363
H.B. 158 and H.B. 483 of the 131st General Assembly. 22364

Section 6111.30 of the Revised Code as amended by both 22365
S.B. 2 and H.B. 49 of the 132nd General Assembly. 22366