

As Passed by the House

134th General Assembly

Regular Session

2021-2022

Sub. H. B. No. 203

Representative Powell

**Cosponsors: Representatives Riedel, Click, Fowler Arthur, Lipps, Gross, Merrin,
Kick, McClain, Dean, Jordan, Zeltwanger, Ferguson, Hall, Holmes, Stevens,
Wiggam, West**

A BILL

To amend sections 109.73, 109.77, 109.771, 109.78, 1
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5126.25, 5902.02, 5903.04, 6109.04, and 6111.46; 59
to enact sections 3746.041, 4796.01, 4796.02, 60
4796.03, 4796.04, 4796.05, 4796.08, 4796.10, 61
4796.12, 4796.15, 4796.18, and 4796.20; and to 62
repeal sections 921.08, 1322.24, 3905.081, 63
4707.12, 4740.08, and 4757.25 of the Revised 64
Code to require an occupational licensing 65
authority to issue a license or government 66
certification to an applicant who holds a 67
license, government certification, or private 68
certification or has satisfactory work 69
experience in another state under certain 70
circumstances and to amend the version of 71
section 3319.22 of the Revised Code that is 72
scheduled to take effect on April 12, 2023, to 73
continue the changes on and after that date. 74

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

Section 1. That sections 4796.01, 4796.02, 4796.03, 75
4796.04, 4796.05, 4796.08, 4796.10, 4796.12, 4796.15, 4796.18, 76
and 4796.20 of the Revised Code be enacted to read as follows: 77

Sec. 4796.01. As used in this chapter: 78

(A) "License" means an authorization evidenced by a 79
license, certificate, registration, permit, card, or other 80

authority that is issued or conferred by a licensing authority 81
to an individual by which the individual has or claims the 82
privilege to engage in a profession, occupation, or occupational 83
activity over which the licensing authority has jurisdiction. 84

(B) "Licensing authority" means a state agency or 85
political subdivision that issues licenses or government 86
certifications. 87

(C) "State agency" has the same meaning as in section 1.60 88
of the Revised Code. 89

(D) "Political subdivision" means a county, township, 90
municipal corporation, or any other body corporate and politic 91
that is responsible for government activities in a geographic 92
area smaller than that of the state. 93

(E) "Out-of-state occupational license" means a license, 94
certificate, registration, permit, card, or other authority that 95
is issued or conferred by one of the uniformed services or the 96
government of another state to an individual by which the 97
individual has or claims the privilege to engage in a 98
profession, occupation, or occupational activity over which that 99
service or state has jurisdiction. 100

(F) (1) "Government certification" means authorization from 101
a licensing authority, one of the uniformed services, or the 102
government of another state to an individual who meets 103
qualifications related to a profession, occupation, or 104
occupational activity to which both of the following apply: 105

(a) Only an individual holding the authorization may use a 106
specific title or titles when advertising or holding the 107
individual's self out to engage in the profession, occupation, 108
or occupational activity. 109

(b) An individual is not required to have the 110
authorization to engage in the profession, occupation, or 111
occupational activity in the respective jurisdiction. 112

(2) "Government certification" does not include a license 113
or an out-of-state occupational license. 114

(G) "Private certification" means authorization from a 115
private organization to an individual who meets qualifications 116
determined by the organization related to the performance of a 117
profession, occupation, or occupational activity and by which 118
the individual may hold the individual's self out as certified 119
by the organization. 120

(H) "Armed forces of the United States" means the army, 121
navy, air force, marine corps, space force, coast guard, or any 122
other reserve components of those forces. 123

(I) "Uniformed services" means the armed forces of the 124
United States; the commissioned corps of the national oceanic 125
and atmospheric administration; the commissioned corps of the 126
public health service; or any reserve components of those 127
forces; and such other service as may be designated by congress. 128

Sec. 4796.02. For purposes of any law requiring a 129
licensing authority to issue a license or government 130
certification under this chapter to an individual who holds a 131
license or government certification issued by another state, 132
"another state," "any other state," and "home state" include the 133
uniformed services. This section does not apply to any provision 134
of a law governing a profession, occupation, or occupational 135
activity that does not require an individual who holds a license 136
or government certification in another state to be issued a 137
license or government certification under this chapter. 138

<u>Sec. 4796.03. Except as otherwise provided in this</u>	139
<u>chapter, a licensing authority shall issue a license or</u>	140
<u>government certification to an applicant if the licensing</u>	141
<u>authority determines that all of the following apply:</u>	142
<u>(A) The applicant holds either of the following:</u>	143
<u>(1) An out-of-state occupational license that authorizes</u>	144
<u>the applicant to engage in the same profession, occupation, or</u>	145
<u>occupational activity, and at the same practice level, as the</u>	146
<u>license or government certification for which the applicant is</u>	147
<u>applying in this state;</u>	148
<u>(2) A government certification in the same profession,</u>	149
<u>occupation, or occupational activity as the license or</u>	150
<u>government certification for which the applicant is applying in</u>	151
<u>this state from one of the uniformed services or a state that</u>	152
<u>does not issue an out-of-state occupational license for the</u>	153
<u>respective profession, occupation, or occupational activity.</u>	154
<u>(B) The applicant has held the out-of-state occupational</u>	155
<u>license or government certification for at least one year and is</u>	156
<u>in good standing in all jurisdictions in which the applicant</u>	157
<u>holds an out-of-state occupational license or government</u>	158
<u>certification to practice the same profession, occupation, or</u>	159
<u>occupational activity for which the applicant is applying in</u>	160
<u>this state.</u>	161
<u>(C) The applicant was required to satisfy minimum</u>	162
<u>education, training, or experience requirements or pass an</u>	163
<u>examination to receive the out-of-state occupational license or</u>	164
<u>government certification.</u>	165
<u>(D) The applicant has not surrendered or had revoked a</u>	166
<u>license, out-of-state occupational license, or government</u>	167

certification because of negligence or intentional misconduct 168
related to the applicant's work in the same profession, 169
occupation, or occupational activity for which the applicant is 170
applying in this state. 171

(E) The applicant pays a fee to the licensing authority 172
that is equal to the renewal fee required for license or 173
government certification holders under the applicable law or to 174
the initial licensure fee, if the license or government 175
certification for which the applicant is applying in this state 176
does not have a renewal fee. 177

(F) The applicant is not disqualified from obtaining the 178
license or government certification because of a conviction, 179
judicial finding of guilt, or plea of guilty to a disqualifying 180
criminal offense specified on the list the licensing authority 181
makes available pursuant to division (C) of section 9.78 of the 182
Revised Code and in accordance with the process described in 183
section 9.79 of the Revised Code. 184

Sec. 4796.04. Except as otherwise provided in this 185
chapter, a licensing authority shall issue a license or 186
government certification to an applicant if the licensing 187
authority determines that all of the following apply: 188

(A) The applicant holds a private certification and has at 189
least two years of work experience in the same profession, 190
occupation, or occupational activity, and at the same practice 191
level, as the license or government certification for which the 192
applicant is applying in this state in a state that does not 193
issue an out-of-state occupational license or government 194
certification for the respective profession, occupation, or 195
occupational activity. 196

(B) The applicant is in good standing with the private 197
organization that issued the private certification. 198

(C) The applicant meets the requirements specified under 199
divisions (D) to (F) of section 4796.03 of the Revised Code. 200

Sec. 4796.05. Except as otherwise provided in this 201
chapter, a licensing authority shall issue a license or 202
government certification to an applicant if the licensing 203
authority determines that both of the following apply: 204

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

(B) The applicant meets the requirements under divisions 212
(D) to (F) of section 4796.03 of the Revised Code. 213

Sec. 4796.08. (A) If a licensing authority requires an 214
applicant to pass an examination on this state's laws and rules 215
governing the applicable profession, occupation, or occupational 216
activity to receive a license or government certification under 217
the applicable law, a licensing authority may require an 218
applicant to pass the examination to receive a license or 219
government certification under this chapter. 220

(B) If a licensing authority requires an applicant under 221
the law governing the applicable profession, occupation, or 222
occupational activity to submit to a criminal records check to 223
receive a license or government certification, the licensing 224
authority shall require an applicant to submit to the criminal 225

records check to receive a license or government certification 226
under this chapter. 227

(C) If a licensing authority requires an applicant under 228
the law governing the applicable profession, occupation, or 229
occupational activity to satisfy a financial responsibility 230
requirement to receive a license or government certification, 231
the licensing authority shall require an applicant to satisfy 232
the requirement to receive a license or government certification 233
under this chapter. 234

Sec. 4796.10. (A) Except as provided in division (B) of 235
this section, a licensing authority shall provide an applicant 236
with a written decision to issue or reject a license or 237
government certification under this chapter within sixty days 238
after receiving a complete application. For purposes of this 239
division, an application shall not be considered complete until 240
any required examination or criminal records check under 241
divisions (A) and (B) of section 4796.08 of the Revised Code is 242
complete. 243

(B) If an applicant is the subject of a complaint, 244
allegation, or investigation that relates to unprofessional 245
conduct or an alleged crime pending before a court, 246
administrative agency, or entity that regulates a license, out- 247
of-state occupational license, or government certification, a 248
licensing authority shall not issue or deny a license or 249
government certification to the applicant under this chapter 250
until the complaint, allegation, or investigation is resolved. 251

Sec. 4796.12. An applicant who is issued a license or 252
government certification under this chapter is subject to the 253
laws regulating the practice of the applicable occupation or 254
profession in this state and is subject to the licensing 255

<u>authority's jurisdiction.</u>	256
<u>A license or government certification issued under this</u>	257
<u>chapter shall be considered a license or government</u>	258
<u>certification issued under the laws regulating the practice of</u>	259
<u>the applicable occupation or profession in this state.</u>	260
<u>Provisions of law applicable to a license or government</u>	261
<u>certification issued to an applicant who does not obtain a</u>	262
<u>license or government certification under this chapter apply in</u>	263
<u>the same manner to licenses and government certifications issued</u>	264
<u>under this chapter.</u>	265
<u>Sec. 4796.15.</u> This chapter does not apply to any of the	266
<u>following:</u>	267
<u>(A) Medical marijuana cultivator licenses issued under</u>	268
<u>section 3796.09 of the Revised Code;</u>	269
<u>(B) Medical marijuana retail dispensary licenses issued</u>	270
<u>under section 3796.10 of the Revised Code;</u>	271
<u>(C) Licenses issued pursuant to rules prescribed under</u>	272
<u>Section 5 of Article IV, Ohio Constitution;</u>	273
<u>(D) Commercial fishing licenses issued under section</u>	274
<u>1533.342 of the Revised Code;</u>	275
<u>(E) Licenses issued under Chapter 4506. of the Revised</u>	276
<u>Code;</u>	277
<u>(F) Credit services organization certificates of</u>	278
<u>registration issued under Chapter 4712. of the Revised Code;</u>	279
<u>(G) Provisional veterinary graduate licenses issued under</u>	280
<u>section 4741.15 of the Revised Code;</u>	281
<u>(H) Fantasy contest operator licenses issued under section</u>	282

<u>3774.02 of the Revised Code;</u>	283
<u>(I) Licenses issued under Chapter 4740. of the Revised Code;</u>	284
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<u>(J) Licenses issued by a political subdivision to an individual by which the individual has or claims the privilege to act as a tradesperson as defined in section 4740.01 of the Revised Code in the political subdivision's jurisdiction.</u>	286
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<u>Sec. 4796.18. Each licensing authority shall adopt rules as necessary to implement this chapter.</u>	290
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<u>Sec. 4796.20. A political subdivision shall not prohibit an individual who holds a license or government certification issued by a state agency under this chapter from engaging in the respective profession, occupation, or occupational activity in the political subdivision's jurisdiction.</u>	292
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	296
<u>Section 2. That 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, 1322.10, 1322.21, 1513.07, 1513.161, 1514.12, 1514.47, 1531.40, 1533.051, 1533.51, 1561.14, 1561.15, 1561.16, 1561.17, 1561.18, 1561.19, 1561.20, 1561.21, 1561.22, 1565.06, 1565.15, 1707.15, 1707.151, 1707.16, 1707.161, 1707.163, 1707.165, 1717.06, 3101.10, 3301.071, 3301.074, 3319.088, 3319.22, 3319.226, 3319.229, 3319.26, 3319.261, 3319.262, 3319.27, 3319.28, 3319.301, 3319.303, 3319.361, 3327.10, 3703.21, 3704.14, 3713.05, 3717.09, 3723.03, 3723.06, 3737.83, 3737.881, 3742.05, 3743.03, 3743.16, 3743.40, 3743.51, 3748.07, 3748.12, 3769.03, 3770.05, 3772.13, 3772.131, 3773.36, 3773.421,</u>	297
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4779.17, 4779.18, 4781.07, 4781.08, 4781.17, 4783.04, 5123.161,	339
5123.45, 5126.25, 5902.02, 5903.04, 6109.04, and 6111.46 be	340
amended and section 3746.041 of the Revised Code be enacted to	341
read as follows:	342

Sec. 109.73. (A) The Ohio peace officer training	343
commission shall recommend rules to the attorney general with	344
respect to all of the following:	345
(1) The approval, or revocation of approval, of peace	346
officer training schools administered by the state, counties,	347
municipal corporations, public school districts, technical	348
college districts, and the department of natural resources;	349
(2) Minimum courses of study, attendance requirements, and	350
equipment and facilities to be required at approved state,	351
county, municipal, and department of natural resources peace	352
officer training schools;	353
(3) Minimum qualifications for instructors at approved	354
state, county, municipal, and department of natural resources	355
peace officer training schools;	356
(4) The requirements of minimum basic training that peace	357
officers appointed to probationary terms shall complete before	358
being eligible for permanent appointment, which requirements	359
shall include training in the handling of the offense of	360
domestic violence, other types of domestic violence-related	361
offenses and incidents, and protection orders and consent	362
agreements issued or approved under section 2919.26 or 3113.31	363
of the Revised Code; crisis intervention training; and training	364
in the handling of missing children and child abuse and neglect	365
cases; and training in handling violations of section 2905.32 of	366
the Revised Code; and the time within which such basic training	367
shall be completed following appointment to a probationary term;	368
(5) The requirements of minimum basic training that peace	369
officers not appointed for probationary terms but appointed on	370
other than a permanent basis shall complete in order to be	371

eligible for continued employment or permanent appointment, 372
which requirements shall include training in the handling of the 373
offense of domestic violence, other types of domestic violence- 374
related offenses and incidents, and protection orders and 375
consent agreements issued or approved under section 2919.26 or 376
3113.31 of the Revised Code, crisis intervention training, and 377
training in the handling of missing children and child abuse and 378
neglect cases, and training in handling violations of section 379
2905.32 of the Revised Code, and the time within which such 380
basic training shall be completed following appointment on other 381
than a permanent basis; 382

(6) Categories or classifications of advanced in-service 383
training programs for peace officers, including programs in the 384
handling of the offense of domestic violence, other types of 385
domestic violence-related offenses and incidents, and protection 386
orders and consent agreements issued or approved under section 387
2919.26 or 3113.31 of the Revised Code, in crisis intervention, 388
and in the handling of missing children and child abuse and 389
neglect cases, and in handling violations of section 2905.32 of 390
the Revised Code, and minimum courses of study and attendance 391
requirements with respect to such categories or classifications; 392

(7) Permitting persons, who are employed as members of a 393
campus police department appointed under section 1713.50 of the 394
Revised Code; who are employed as police officers by a qualified 395
nonprofit corporation police department pursuant to section 396
1702.80 of the Revised Code; who are appointed and commissioned 397
as bank, savings and loan association, savings bank, credit 398
union, or association of banks, savings and loan associations, 399
savings banks, or credit unions police officers, as railroad 400
police officers, or as hospital police officers pursuant to 401
sections 4973.17 to 4973.22 of the Revised Code; or who are 402

appointed and commissioned as amusement park police officers 403
pursuant to section 4973.17 of the Revised Code, to attend 404
approved peace officer training schools, including the Ohio 405
peace officer training academy, and to receive certificates of 406
satisfactory completion of basic training programs, if the 407
private college or university that established the campus police 408
department; qualified nonprofit corporation police department; 409
bank, savings and loan association, savings bank, credit union, 410
or association of banks, savings and loan associations, savings 411
banks, or credit unions; railroad company; hospital; or 412
amusement park sponsoring the police officers pays the entire 413
cost of the training and certification and if trainee vacancies 414
are available; 415

(8) Permitting undercover drug agents to attend approved 416
peace officer training schools, other than the Ohio peace 417
officer training academy, and to receive certificates of 418
satisfactory completion of basic training programs, if, for each 419
undercover drug agent, the county, township, or municipal 420
corporation that employs that undercover drug agent pays the 421
entire cost of the training and certification; 422

(9) (a) The requirements for basic training programs for 423
bailiffs and deputy bailiffs of courts of record of this state 424
and for criminal investigators employed by the state public 425
defender that those persons shall complete before they may carry 426
a firearm while on duty; 427

(b) The requirements for any training received by a 428
bailiff or deputy bailiff of a court of record of this state or 429
by a criminal investigator employed by the state public defender 430
prior to June 6, 1986, that is to be considered equivalent to 431
the training described in division (A) (9) (a) of this section. 432

(10) Establishing minimum qualifications and requirements	433
for certification for dogs utilized by law enforcement agencies;	434
(11) Establishing minimum requirements for certification	435
of persons who are employed as correction officers in a full-	436
service jail, five-day facility, or eight-hour holding facility	437
or who provide correction services in such a jail or facility;	438
(12) Establishing requirements for the training of humane	439
society agents under section 1717.061 of the Revised Code,	440
including, without limitation, a requirement that the agents	441
receive instruction on traditional animal husbandry methods and	442
training techniques, including customary owner-performed	443
practices;	444
(13) Permitting tactical medical professionals to attend	445
approved peace officer training schools, including the Ohio	446
peace officer training academy, to receive training of the type	447
described in division (A) (14) of this section and to receive	448
certificates of satisfactory completion of training programs	449
described in that division;	450
(14) The requirements for training programs that tactical	451
medical professionals shall complete to qualify them to carry	452
firearms while on duty under section 109.771 of the Revised	453
Code, which requirements shall include at least the firearms	454
training specified in division (A) of section 109.748 of the	455
Revised Code;	456
(15) Procedures and requirements for a portion of basic	457
training that peace officers complete in proper interactions	458
with civilians during traffic stops and other in-person	459
encounters as specified in division (B) (4) of section 109.803 of	460
the Revised Code and including the topics of instruction listed	461

for active duty peace officers under divisions (B) (4) (a) to (d) 462
of that section. 463

(B) The commission shall appoint an executive director, 464
with the approval of the attorney general, who shall hold office 465
during the pleasure of the commission. The executive director 466
shall perform such duties assigned by the commission. The 467
executive director shall receive a salary fixed pursuant to 468
Chapter 124. of the Revised Code and reimbursement for expenses 469
within the amounts available by appropriation. The executive 470
director may appoint officers, employees, agents, and 471
consultants as the executive director considers necessary, 472
prescribe their duties, and provide for reimbursement of their 473
expenses within the amounts available for reimbursement by 474
appropriation and with the approval of the commission. 475

(C) The commission may do all of the following: 476

(1) Recommend studies, surveys, and reports to be made by 477
the executive director regarding the carrying out of the 478
objectives and purposes of sections 109.71 to 109.77 of the 479
Revised Code; 480

(2) Visit and inspect any peace officer training school 481
that has been approved by the executive director or for which 482
application for approval has been made; 483

(3) Make recommendations, from time to time, to the 484
executive director, the attorney general, and the general 485
assembly regarding the carrying out of the purposes of sections 486
109.71 to 109.77 of the Revised Code; 487

(4) Report to the attorney general from time to time, and 488
to the governor and the general assembly at least annually, 489
concerning the activities of the commission; 490

(5) Establish fees for the services the commission offers 491
under sections 109.71 to 109.79 of the Revised Code, including, 492
but not limited to, fees for training, certification, and 493
testing; 494

(6) Perform such other acts as are necessary or 495
appropriate to carry out the powers and duties of the commission 496
as set forth in sections 109.71 to 109.77 of the Revised Code. 497

(D) In establishing the requirements, under division (A) 498
(12) of this section, the commission may consider any portions 499
of the curriculum for instruction on the topic of animal 500
husbandry practices, if any, of the Ohio state university 501
college of veterinary medicine. No person or entity that fails 502
to provide instruction on traditional animal husbandry methods 503
and training techniques, including customary owner-performed 504
practices, shall qualify to train a humane society agent for 505
appointment under section 1717.06 of the Revised Code. 506

(E) (1) As used in this division, "license" has the same 507
meaning as in section 4796.01 of the Revised Code, except that 508
it includes a certificate of completion of a training program 509
required under sections 109.71 to 109.804 of the Revised Code. 510
"License" does not include a certificate of completion of a 511
firearm basic training program under division (B) (1) of section 512
109.78 of the Revised Code or a certificate of completion of any 513
firearm requalification training program. 514

(2) Notwithstanding any requirement for a license issued 515
by the commission, the commission shall issue a license in 516
accordance with Chapter 4796. of the Revised Code to an 517
individual if either of the following applies: 518

(a) The individual holds a license in another state. 519

(b) The individual has satisfactory work experience, a 520
government certification, or a private certification as 521
described in that chapter in the same profession, occupation, or 522
occupational activity as the profession, occupation, or 523
occupational activity for which the license is required in this 524
state in a state that does not require such a license. 525

Sec. 109.77. (A) As used in this section: 526

(1) "Felony" has the same meaning as in section 109.511 of 527
the Revised Code. 528

(2) "Companion animal" has the same meaning as in section 529
959.131 of the Revised Code. 530

(B) (1) Notwithstanding any general, special, or local law 531
or charter to the contrary, and except as otherwise provided in 532
this section, no person shall receive an original appointment on 533
a permanent basis as any of the following unless the person 534
previously has been awarded a certificate by the executive 535
director of the Ohio peace officer training commission attesting 536
to the person's satisfactory completion of an approved state, 537
county, municipal, or department of natural resources peace 538
officer basic training program: 539

(a) A peace officer of any county, township, municipal 540
corporation, regional transit authority, or metropolitan housing 541
authority; 542

(b) A natural resources law enforcement staff officer, 543
forest-fire investigator, wildlife officer, or natural resources 544
officer of the department of natural resources; 545

(c) An employee of a park district under section 511.232 546
or 1545.13 of the Revised Code; 547

(d) An employee of a conservancy district who is	548
designated pursuant to section 6101.75 of the Revised Code;	549
(e) A state university law enforcement officer;	550
(f) A special police officer employed by the department of	551
mental health and addiction services pursuant to section 5119.08	552
of the Revised Code or the department of developmental	553
disabilities pursuant to section 5123.13 of the Revised Code;	554
(g) An enforcement agent of the department of public	555
safety whom the director of public safety designates under	556
section 5502.14 of the Revised Code;	557
(h) A special police officer employed by a port authority	558
under section 4582.04 or 4582.28 of the Revised Code;	559
(i) A special police officer employed by a municipal	560
corporation at a municipal airport, or other municipal air	561
navigation facility, that has scheduled operations, as defined	562
in section 119.3 of Title 14 of the Code of Federal Regulations,	563
14 C.F.R. 119.3, as amended, and that is required to be under a	564
security program and is governed by aviation security rules of	565
the transportation security administration of the United States	566
department of transportation as provided in Parts 1542. and	567
1544. of Title 49 of the Code of Federal Regulations, as	568
amended;	569
(j) A gaming agent employed under section 3772.03 of the	570
Revised Code.	571
(2) Every person who is appointed on a temporary basis or	572
for a probationary term or on other than a permanent basis as	573
any of the following shall forfeit the appointed position unless	574
the person previously has completed satisfactorily or, within	575
the time prescribed by rules adopted by the attorney general	576

pursuant to section 109.74 of the Revised Code, satisfactorily 577
completes a state, county, municipal, or department of natural 578
resources peace officer basic training program for temporary or 579
probationary officers and is awarded a certificate by the 580
director attesting to the satisfactory completion of the 581
program: 582

(a) A peace officer of any county, township, municipal 583
corporation, regional transit authority, or metropolitan housing 584
authority; 585

(b) A natural resources law enforcement staff officer, 586
park officer, forest officer, preserve officer, wildlife 587
officer, or state watercraft officer of the department of 588
natural resources; 589

(c) An employee of a park district under section 511.232 590
or 1545.13 of the Revised Code; 591

(d) An employee of a conservancy district who is 592
designated pursuant to section 6101.75 of the Revised Code; 593

(e) A special police officer employed by the department of 594
mental health and addiction services pursuant to section 5119.08 595
of the Revised Code or the department of developmental 596
disabilities pursuant to section 5123.13 of the Revised Code; 597

(f) An enforcement agent of the department of public 598
safety whom the director of public safety designates under 599
section 5502.14 of the Revised Code; 600

(g) A special police officer employed by a port authority 601
under section 4582.04 or 4582.28 of the Revised Code; 602

(h) A special police officer employed by a municipal 603
corporation at a municipal airport, or other municipal air 604

navigation facility, that has scheduled operations, as defined 605
in section 119.3 of Title 14 of the Code of Federal Regulations, 606
14 C.F.R. 119.3, as amended, and that is required to be under a 607
security program and is governed by aviation security rules of 608
the transportation security administration of the United States 609
department of transportation as provided in Parts 1542. and 610
1544. of Title 49 of the Code of Federal Regulations, as 611
amended. 612

(3) For purposes of division (B) of this section, a state, 613
county, municipal, or department of natural resources peace 614
officer basic training program, regardless of whether the 615
program is to be completed by peace officers appointed on a 616
permanent or temporary, probationary, or other nonpermanent 617
basis, shall include training in the handling of the offense of 618
domestic violence, other types of domestic violence-related 619
offenses and incidents, protection orders and consent agreements 620
issued or approved under section 2919.26 or 3113.31 of the 621
Revised Code, crisis intervention training, and training on 622
companion animal encounters and companion animal behavior. The 623
requirement to complete training in the handling of the offense 624
of domestic violence, other types of domestic violence-related 625
offenses and incidents, and protection orders and consent 626
agreements issued or approved under section 2919.26 or 3113.31 627
of the Revised Code does not apply to any person serving as a 628
peace officer on March 27, 1979, and the requirement to complete 629
training in crisis intervention does not apply to any person 630
serving as a peace officer on April 4, 1985. Any person who is 631
serving as a peace officer on April 4, 1985, who terminates that 632
employment after that date, and who subsequently is hired as a 633
peace officer by the same or another law enforcement agency 634
shall complete training in crisis intervention as prescribed by 635

rules adopted by the attorney general pursuant to section 636
109.742 of the Revised Code. No peace officer shall have 637
employment as a peace officer terminated and then be reinstated 638
with intent to circumvent this section. 639

(4) Division (B) of this section does not apply to any 640
person serving on a permanent basis on March 28, 1985, as a park 641
officer, forest officer, preserve officer, wildlife officer, or 642
state watercraft officer of the department of natural resources 643
or as an employee of a park district under section 511.232 or 644
1545.13 of the Revised Code, to any person serving on a 645
permanent basis on March 6, 1986, as an employee of a 646
conservancy district designated pursuant to section 6101.75 of 647
the Revised Code, to any person serving on a permanent basis on 648
January 10, 1991, as a preserve officer of the department of 649
natural resources, to any person employed on a permanent basis 650
on July 2, 1992, as a special police officer by the department 651
of mental health and addiction services pursuant to section 652
5119.08 of the Revised Code or by the department of 653
developmental disabilities pursuant to section 5123.13 of the 654
Revised Code, to any person serving on a permanent basis on May 655
17, 2000, as a special police officer employed by a port 656
authority under section 4582.04 or 4582.28 of the Revised Code, 657
to any person serving on a permanent basis on March 19, 2003, as 658
a special police officer employed by a municipal corporation at 659
a municipal airport or other municipal air navigation facility 660
described in division (A)(19) of section 109.71 of the Revised 661
Code, to any person serving on a permanent basis on June 19, 662
1978, as a state university law enforcement officer pursuant to 663
section 3345.04 of the Revised Code and who, immediately prior 664
to June 19, 1978, was serving as a special police officer 665
designated under authority of that section, or to any person 666

serving on a permanent basis on September 20, 1984, as a liquor 667
control investigator, known after June 30, 1999, as an 668
enforcement agent of the department of public safety, engaged in 669
the enforcement of Chapters 4301. and 4303. of the Revised Code. 670

(5) Division (B) of this section does not apply to any 671
person who is appointed as a regional transit authority police 672
officer pursuant to division (Y) of section 306.35 of the 673
Revised Code if, on or before July 1, 1996, the person has 674
completed satisfactorily an approved state, county, municipal, 675
or department of natural resources peace officer basic training 676
program and has been awarded a certificate by the executive 677
director of the Ohio peace officer training commission attesting 678
to the person's satisfactory completion of such an approved 679
program and if, on July 1, 1996, the person is performing peace 680
officer functions for a regional transit authority. 681

(C) No person, after September 20, 1984, shall receive an 682
original appointment on a permanent basis as a veterans' home 683
police officer designated under section 5907.02 of the Revised 684
Code unless the person previously has been awarded a certificate 685
by the executive director of the Ohio peace officer training 686
commission attesting to the person's satisfactory completion of 687
an approved police officer basic training program. Every person 688
who is appointed on a temporary basis or for a probationary term 689
or on other than a permanent basis as a veterans' home police 690
officer designated under section 5907.02 of the Revised Code 691
shall forfeit that position unless the person previously has 692
completed satisfactorily or, within one year from the time of 693
appointment, satisfactorily completes an approved police officer 694
basic training program. 695

(D) No bailiff or deputy bailiff of a court of record of 696

this state and no criminal investigator who is employed by the 697
state public defender shall carry a firearm, as defined in 698
section 2923.11 of the Revised Code, while on duty unless the 699
bailiff, deputy bailiff, or criminal investigator has done or 700
received one of the following: 701

(1) Has been awarded a certificate by the executive 702
director of the Ohio peace officer training commission, which 703
certificate attests to satisfactory completion of an approved 704
state, county, or municipal basic training program for bailiffs 705
and deputy bailiffs of courts of record and for criminal 706
investigators employed by the state public defender that has 707
been recommended by the Ohio peace officer training commission; 708

(2) Has successfully completed a firearms training program 709
approved by the Ohio peace officer training commission prior to 710
employment as a bailiff, deputy bailiff, or criminal 711
investigator; 712

(3) Prior to June 6, 1986, was authorized to carry a 713
firearm by the court that employed the bailiff or deputy bailiff 714
or, in the case of a criminal investigator, by the state public 715
defender and has received training in the use of firearms that 716
the Ohio peace officer training commission determines is 717
equivalent to the training that otherwise is required by 718
division (D) of this section. 719

(E) (1) Before a person seeking a certificate completes an 720
approved peace officer basic training program, the executive 721
director of the Ohio peace officer training commission shall 722
request the person to disclose, and the person shall disclose, 723
any previous criminal conviction of or plea of guilty of that 724
person to a felony. 725

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

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

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

(4) The executive director of the commission shall revoke the certificate awarded to a person as prescribed in this section, and that person shall forfeit all of the benefits derived from being certified as a peace officer under this 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. 756

(F) (1) Regardless of whether the person has been awarded 757
the certificate or has been classified as a peace officer prior 758
to, on, or after October 16, 1996, the executive director of the 759
Ohio peace officer training commission shall revoke any 760
certificate that has been awarded to a person as prescribed in 761
this section if the person does either of the following: 762

(a) Pleads guilty to a felony committed on or after 763
January 1, 1997; 764

(b) Pleads guilty to a misdemeanor committed on or after 765
January 1, 1997, pursuant to a negotiated plea agreement as 766
provided in division (D) of section 2929.43 of the Revised Code 767
in which the person agrees to surrender the certificate awarded 768
to the person under this section. 769

(2) The executive director of the commission shall suspend 770
any certificate that has been awarded to a person as prescribed 771
in this section if the person is convicted, after trial, of a 772
felony committed on or after January 1, 1997. The executive 773
director shall suspend the certificate pursuant to division (F) 774
(2) of this section pending the outcome of an appeal by the 775
person from that conviction to the highest court to which the 776
appeal is taken or until the expiration of the period in which 777
an appeal is required to be filed. If the person files an appeal 778
that results in that person's acquittal of the felony or 779
conviction of a misdemeanor, or in the dismissal of the felony 780
charge against that person, the executive director shall 781
reinstate the certificate awarded to the person under this 782
section. If the person files an appeal from that person's 783
conviction of the felony and the conviction is upheld by the 784
highest court to which the appeal is taken or if the person does 785

not file a timely appeal, the executive director shall revoke 786
the certificate awarded to the person under this section. 787

(G) (1) If a person is awarded a certificate under this 788
section and the certificate is revoked pursuant to division (E) 789
(4) or (F) of this section, the person shall not be eligible to 790
receive, at any time, a certificate attesting to the person's 791
satisfactory completion of a peace officer basic training 792
program. 793

(2) The revocation or suspension of a certificate under 794
division (E) (4) or (F) of this section shall be in accordance 795
with Chapter 119. of the Revised Code. 796

(H) (1) A person who was employed as a peace officer of a 797
county, township, or municipal corporation of the state on 798
January 1, 1966, and who has completed at least sixteen years of 799
full-time active service as such a peace officer, or equivalent 800
service as determined by the executive director of the Ohio 801
peace officer training commission, may receive an original 802
appointment on a permanent basis and serve as a peace officer of 803
a county, township, or municipal corporation, or as a state 804
university law enforcement officer, without complying with the 805
requirements of division (B) of this section. 806

(2) Any person who held an appointment as a state highway 807
trooper on January 1, 1966, may receive an original appointment 808
on a permanent basis and serve as a peace officer of a county, 809
township, or municipal corporation, or as a state university law 810
enforcement officer, without complying with the requirements of 811
division (B) of this section. 812

(I) No person who is appointed as a peace officer of a 813
county, township, or municipal corporation on or after April 9, 814

1985, shall serve as a peace officer of that county, township, 815
or municipal corporation unless the person has received training 816
in the handling of missing children and child abuse and neglect 817
cases from an approved state, county, township, or municipal 818
police officer basic training program or receives the training 819
within the time prescribed by rules adopted by the attorney 820
general pursuant to section 109.741 of the Revised Code. 821

(J) No part of any approved state, county, or municipal 822
basic training program for bailiffs and deputy bailiffs of 823
courts of record and no part of any approved state, county, or 824
municipal basic training program for criminal investigators 825
employed by the state public defender shall be used as credit 826
toward the completion by a peace officer of any part of the 827
approved state, county, or municipal peace officer basic 828
training program that the peace officer is required by this 829
section to complete satisfactorily. 830

(K) This section does not apply to any member of the 831
police department of a municipal corporation in an adjoining 832
state serving in this state under a contract pursuant to section 833
737.04 of the Revised Code. 834

(L) The executive director of the commission shall issue a 835
certificate of completion of a training program required under 836
this section in accordance with Chapter 4796. of the Revised 837
Code to an individual if either of the following applies: 838

(1) The individual holds a certificate of completion of 839
such a program in another state. 840

(2) The individual has satisfactory work experience, a 841
government certification, or a private certification as 842
described in that chapter in the same profession, occupation, or 843

occupational activity as the profession, occupation, or 844
occupational activity for which the certificate is required in 845
this state in a state that does not require completion of such a 846
training program. 847

Sec. 109.771. (A) A tactical medical professional may 848
carry firearms while on duty in the same manner, to the same 849
extent, and in the same areas as a law enforcement officer of 850
the law enforcement agency the professional is serving, if all 851
of the following apply: 852

(1) The law enforcement agency that the tactical medical 853
professional is serving has specifically authorized the 854
professional to carry firearms while on duty. 855

(2) The tactical medical professional has done or received 856
one of the following: 857

(a) The professional has been awarded a certificate by the 858
executive director of the Ohio peace officer training 859
commission, which certificate attests to satisfactory completion 860
of an approved state, county, or municipal basic training 861
program or a program at the Ohio peace officer training academy 862
that qualifies the professional to carry firearms while on duty 863
and that conforms to the rules adopted under section 109.748 of 864
the Revised Code. 865

(b) Prior to or during employment as a tactical medical 866
professional and prior to ~~the effective date of this section~~ 867
June 1, 2018, the professional has successfully completed a 868
firearms training program, other than one described in division 869
(A) (2) (a) of this section, that was approved by the Ohio peace 870
officer training commission. 871

(B) A tactical medical professional to whom division (A) 872

of this section applies and who is carrying one or more firearms 873
under authority of that division has protection from potential 874
civil or criminal liability for any conduct occurring while 875
carrying the firearm or firearms to the same extent as a law 876
enforcement officer of the law enforcement agency the 877
professional is serving has such protection. 878

(C) The executive director of the commission shall issue a 879
certificate of completion of a training program required under 880
this section in accordance with Chapter 4796. of the Revised 881
Code to an individual if either of the following applies: 882

(1) The individual holds a certificate of completion of 883
such a program in another state. 884

(2) The individual has satisfactory work experience, a 885
government certification, or a private certification as 886
described in that chapter as a tactical medical professional who 887
carries a firearm while on duty in a state that does not require 888
completion of such a training program. 889

Sec. 109.78. (A) The executive director of the Ohio peace 890
officer training commission, on behalf of the commission and in 891
accordance with rules promulgated by the attorney general, shall 892
certify persons who have satisfactorily completed approved 893
training programs designed to qualify persons for positions as 894
special police, security guards, or persons otherwise privately 895
employed in a police capacity and issue appropriate certificates 896
to such persons. Application for approval of a training program 897
designed to qualify persons for such positions shall be made to 898
the commission. An application for approval shall be submitted 899
to the commission with a fee of one hundred twenty-five dollars, 900
which fee shall be refunded if the application is denied. Such 901
programs shall cover only duties and jurisdiction of such 902

security guards and special police privately employed in a 903
police capacity when such officers do not qualify for training 904
under section 109.71 of the Revised Code. A person attending an 905
approved basic training program administered by the state shall 906
pay to the agency administering the program the cost of the 907
person's participation in the program as determined by the 908
agency. A person attending an approved basic training program 909
administered by a county or municipal corporation shall pay the 910
cost of the person's participation in the program, as determined 911
by the administering subdivision, to the county or the municipal 912
corporation. A person who is issued a certificate for 913
satisfactory completion of an approved basic training program 914
shall pay to the commission a fee of fifteen dollars. A 915
duplicate of a lost, spoliated, or destroyed certificate may be 916
issued upon application and payment of a fee of fifteen dollars. 917
Such certificate or the completion of twenty years of active 918
duty as a peace officer shall satisfy the educational 919
requirements for appointment or commission as a special police 920
officer or special deputy of a political subdivision of this 921
state. 922

(B) (1) The executive director of the Ohio peace officer 923
training commission, on behalf of the commission and in 924
accordance with rules promulgated by the attorney general, shall 925
certify basic firearms training programs, and shall issue 926
certificates to class A, B, or C licensees or prospective class 927
A, B, or C licensees under Chapter 4749. of the Revised Code and 928
to registered or prospective employees of such class A, B, or C 929
licensees who have satisfactorily completed a basic firearms 930
training program of the type described in division (A) (1) of 931
section 4749.10 of the Revised Code. 932

Application for approval of a basic firearms training 933

program shall be made to the commission. An application shall be 934
submitted to the commission with a fee of one hundred dollars, 935
which fee shall be refunded if the application is denied. 936

A person who is issued a certificate for satisfactory 937
completion of an approved basic firearms training program shall 938
pay a fee of ten dollars to the commission. A duplicate of a 939
lost, spoliated, or destroyed certificate may be issued upon 940
application and payment of a fee of five dollars. 941

(2) The executive director, on behalf of the commission 942
and in accordance with rules promulgated by the attorney 943
general, also shall certify firearms requalification training 944
programs and instructors for the annual requalification of class 945
A, B, or C licensees under Chapter 4749. of the Revised Code and 946
registered or prospective employees of such class A, B, or C 947
licensees who are authorized to carry a firearm under section 948
4749.10 of the Revised Code. Application for approval of a 949
training program or instructor for such purpose shall be made to 950
the commission. Such an application shall be submitted to the 951
commission with a fee of fifty dollars, which fee shall be 952
refunded if the application is denied. 953

(3) The executive director, upon request, also shall 954
review firearms training received within three years prior to 955
November 23, 1985, by any class A, B, or C licensee or 956
prospective class A, B, or C licensee, or by any registered or 957
prospective employee of any class A, B, or C licensee under 958
Chapter 4749. of the Revised Code to determine if the training 959
received is equivalent to a basic firearms training program that 960
includes twenty hours of handgun training and five hours of 961
training in the use of other firearms, if any other firearm is 962
to be used. If the executive director determines the training 963

was received within the three-year period and that it is 964
equivalent to such a program, the executive director shall issue 965
written evidence of approval of the equivalency training to the 966
licensee or employee. 967

(C) There is hereby established in the state treasury the 968
peace officer private security fund, which shall be used by the 969
Ohio peace officer training commission to administer the 970
training program to qualify persons for positions as special 971
police, security guards, or other private employment in a police 972
capacity, as described in division (A) of this section, and the 973
training program in basic firearms and the training program for 974
firearms requalification, both as described in division (B) of 975
this section. All fees paid to the commission by applicants for 976
approval of a training program designed to qualify persons for 977
such private police positions, basic firearms training program, 978
or a firearms requalification training program or instructor, as 979
required by division (A) or (B) of this section, by persons who 980
satisfactorily complete a private police training program or a 981
basic firearms training program, as required by division (A) or 982
(B) of this section, or by persons who satisfactorily requalify 983
in firearms use, as required by division (B)(2) of section 984
4749.10 of the Revised Code, shall be transmitted to the 985
treasurer of state for deposit in the fund. The fund shall be 986
used only for the purpose set forth in this division. 987

(D) No public or private educational institution or 988
superintendent of the state highway patrol shall employ a person 989
as a special police officer, security guard, or other position 990
in which such person goes armed while on duty, who has not 991
received a certificate of having satisfactorily completed an 992
approved basic peace officer training program, unless the person 993
has completed twenty years of active duty as a peace officer. 994

(E) The executive director of the commission shall issue a certificate of completion of a training program required under division (A) of this section in accordance with Chapter 4796. of the Revised Code to an individual if either of the following applies: 995
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(1) The individual holds a certificate of completion of such a program in another state. 1000
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(2) The individual has satisfactory work experience, a government certification, or a private certification as described in that chapter in the same profession, occupation, or occupational activity as the profession, occupation, or occupational activity for which the certificate is required in this state in a state that does not require completion of such a training program. 1002
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Sec. 109.804. (A) (1) The Ohio peace officer training commission shall develop and conduct a chief of police training course lasting forty hours for newly appointed chiefs of police appointed on or after January 1, 2018. The commission shall determine the course topics, which shall include diversity training with an emphasis on historical perspectives and community-police relations, and shall establish criteria for what constitutes successful completion of the course. The commission shall conduct the course at the Ohio peace officer training academy and shall offer the course at least semiannually. 1009
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(2) The executive director of the commission shall issue a certificate of completion of a training program required under this section in accordance with Chapter 4796. of the Revised Code to a newly appointed chief of police if either of the following applies: 1020
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(a) The person holds a certificate of completion of such a 1025
program in another state. 1026

(b) The person has satisfactory work experience, a 1027
government certification, or a private certification as 1028
described in that chapter as a chief of police in a state that 1029
does not require completion of such a training program. 1030

(B) A newly appointed chief of police may request an 1031
equivalency exemption from a portion of the forty hours of the 1032
chief of police training course by submitting to the Ohio peace 1033
officer training commission, not more than ten calendar days 1034
following the person's appointment as a chief of police, 1035
evidence of training or qualification in the subject area of the 1036
exempted portion. 1037

(C) Upon presentation of evidence by a newly appointed 1038
chief of police that because of a medical disability or other 1039
good cause the newly appointed chief of police is unable to 1040
complete the chief of police training course, the Ohio peace 1041
officer training commission may defer the requirement for the 1042
newly appointed chief of police to complete the chief of police 1043
training course until the disability or cause terminates. 1044

(D) A newly appointed chief of police appointed on or 1045
after January 1, 2018, shall attend a chief of police training 1046
course conducted by the Ohio peace officer training commission 1047
pursuant to division (A) of this section not later than six 1048
months after the person's appointment as a chief of police. 1049
While attending the chief of police training course, a newly 1050
appointed chief of police shall receive compensation in the same 1051
manner and amounts as if carrying out the powers and duties of 1052
the office of chief of police. The costs of conducting the chief 1053
of police training course shall be paid from state funds 1054

appropriated to the attorney general. The cost of meals, 1055
lodging, and travel of a newly appointed chief of police 1056
attending the chief of police training course shall be paid from 1057
the budget of the entity for which the newly appointed chief of 1058
police was appointed. 1059

(E) As used in this section: 1060

"Newly appointed chief of police" means a person appointed 1061
chief of police under section 505.49, 737.05, or 737.15 of the 1062
Revised Code or any administrative official that is responsible 1063
for the daily administration and supervision of peace officers 1064
in a law enforcement agency who did not hold the office of chief 1065
of police on the date the person was appointed chief of police. 1066

"Law enforcement agency" means a municipal or township 1067
police department, or any other entity authorized by statute to 1068
appoint peace officers to enforce criminal laws and who have the 1069
statutory power of arrest. "Law enforcement agency" does not 1070
include a county sheriff's office, the state highway patrol, or 1071
the bureau of criminal identification and investigation. 1072

Sec. 147.01. (A) The secretary of state may appoint and 1073
commission as notaries public as many persons who meet the 1074
qualifications of division (B) of this section as the secretary 1075
of state considers necessary. 1076

(B) In order for a person to qualify to be appointed and 1077
commissioned as a notary public, except as provided in division 1078
(F) of this section, the person shall demonstrate to the 1079
secretary of state that the person satisfies all of the 1080
following: 1081

(1) The person has attained the age of eighteen years. 1082

(2) (a) Except as provided in division (B) (2) (b) of this 1083

section, the person is a legal resident of this state. 1084

(b) The person is not a legal resident of this state, but 1085
is an attorney admitted to the practice of law in this state by 1086
the Ohio supreme court, and has the person's principal place of 1087
business or the person's primary practice in this state. 1088

(3) (a) Except as provided in division (B) (3) (b) of this 1089
section, the person has submitted a criminal records check 1090
report completed within the preceding six months in accordance 1091
with section 147.022 of the Revised Code demonstrating that the 1092
applicant has not been convicted of or pleaded guilty or no 1093
contest to a disqualifying offense as determined in accordance 1094
with section 9.79 of the Revised Code. 1095

(b) An attorney admitted to the practice of law in this 1096
state shall not be required to submit a criminal records check 1097
when applying to be appointed a notary public. 1098

(4) (a) Except as provided in divisions (B) (4) (b) and (c) 1099
of this section, the person has successfully completed an 1100
educational program and passed a test administered by the 1101
entities authorized by the secretary of state as required under 1102
section 147.021 of the Revised Code. 1103

(b) An attorney who is commissioned as a notary public in 1104
this state prior to September 20, 2019, shall not be required to 1105
complete an education program or pass a test as required in 1106
division (B) (4) (a) of this section. 1107

(c) Any attorney who applies to become commissioned as a 1108
notary public in this state after September 20, 2019, shall not 1109
be required to pass a test as required in division (B) (4) (a) of 1110
this section, but shall be required to complete an education 1111
program required by that division. 1112

(C) A notary public shall be appointed and commissioned as 1113
a notary public for the state. The secretary of state may revoke 1114
a commission issued to a notary public upon presentation of 1115
satisfactory evidence of official misconduct or incapacity. 1116

(D) The secretary of state shall oversee the processing of 1117
notary public applications and shall issue all notary public 1118
commissions. The secretary of state shall oversee the creation 1119
and maintenance of the online database of notaries public 1120
commissioned in this state pursuant to section 147.051 of the 1121
Revised Code. The secretary of state may perform all other 1122
duties as required by this section. The entities authorized by 1123
the secretary of state pursuant to section 147.021 or 147.63 of 1124
the Revised Code shall administer the educational program and 1125
required test or course of instruction and examination, as 1126
applicable. 1127

(E) All submissions to the secretary of state for 1128
receiving and renewing commissions, or notifications made under 1129
section 147.05 of the Revised Code, shall be done 1130
electronically. 1131

(F) The secretary of state shall appoint and commission as 1132
a notary public for the state an applicant who is commissioned 1133
or licensed as a notary public in another state in accordance 1134
with Chapter 4796. of the Revised Code. 1135

Sec. 147.63. (A) A notary public who has been duly 1136
appointed and commissioned under section 147.01 of the Revised 1137
Code, and who is a resident of this state, may apply to the 1138
secretary of state to be authorized to act as an online notary 1139
public during the term of that notary public's commission. A 1140
state resident commissioned as a notary public qualifies to be 1141
an online notary public by paying the fee described in section 1142

147.631 of the Revised Code and submitting to the secretary of 1143
state an application in the form prescribed by the secretary 1144
that demonstrates to the satisfaction of the secretary that the 1145
applicant will comply with the standards adopted in rules under 1146
section 147.62 of the Revised Code and that the applicant is 1147
otherwise qualified to be an online notary. 1148

(B) (1) Before an individual may be authorized to act as an 1149
online notary public, that individual shall successfully 1150
complete a course of instruction approved by the secretary of 1151
state and pass an examination based on the course. The content 1152
of the course shall include notarial rules, procedures, and 1153
ethical obligations pertaining to online notarization contained 1154
in sections 147.60 to 147.66 of the Revised Code or in any other 1155
law or rules of this state. The course may be taken in 1156
conjunction with the educational program required under section 1157
147.021 of the Revised Code for a notary public commission. 1158

(2) The secretary of state shall approve one business 1159
entity comprised of bar associations with statewide scope and 1160
regional presence that have expertise and experience in notary 1161
laws and processes to provide the course and administer the 1162
examination to become an online notary. 1163

(C) The application required under division (A) of this 1164
section shall be transmitted electronically to the secretary of 1165
state and shall include all of the following information: 1166

(1) The applicant's full legal name and official notary 1167
public name to be used in acting as an online notary public; 1168

(2) A description of the technology the applicant intends 1169
to use in performing online notarizations; 1170

(3) A certification that the applicant will comply with 1171

the rules adopted under section 147.62 of the Revised Code;	1172
(4) An electronic mail address of the applicant;	1173
(5) Any decrypting instructions, keys, codes, or software necessary to enable the application to be read;	1174 1175
(6) Proof of successful completion of the course and passage of the examination required under division (B) of this section;	1176 1177 1178
(7) A disclosure of any and all license or commission revocations or other professional disciplinary actions taken against the applicant;	1179 1180 1181
(8) Any other information that the secretary of state may require.	1182 1183
(D) (1) If the secretary of state is satisfied that an applicant meets the standards adopted in rules under section 147.62 of the Revised Code, and that the applicant is otherwise qualified to be an online notary public, then the secretary shall issue to the applicant a written authorization to perform online notarizations.	1184 1185 1186 1187 1188 1189
<u>The secretary of state shall issue a written authorization to perform online notarizations to an applicant who holds an authorization or license to perform online notarizations in another state in accordance with Chapter 4796. of the Revised Code.</u>	1190 1191 1192 1193 1194
(2) Except as provided in division (D) (4) of this section, the authorization shall expire when the notary public's commission expires or is revoked under section 147.03, 147.031, or 147.032 of the Revised Code.	1195 1196 1197 1198
(3) (a) Except as provided in division (D) (5) of this	1199

section, the authorization shall be renewed when the notary 1200
public's commission is renewed. 1201

(b) An authorization to perform online notarizations that 1202
is set to expire shall not be renewed unless the notary submits 1203
to the secretary of state through the entity authorized in this 1204
section all of the following: 1205

(i) A fee, set by the secretary of state, of not more than 1206
four times the fee prescribed in division (B) (2) of section 1207
147.031 of the Revised Code; 1208

(ii) An application for renewal on a form prescribed by 1209
the secretary; 1210

(iii) Evidence of having completed continuing education, 1211
as required under division (G) of this section. 1212

(c) If a notary public's online notarization authorization 1213
expires before the notary submits the application for renewal, 1214
the secretary of state shall not renew that expired 1215
authorization but shall permit that person to apply for a new 1216
online notarization authorization. 1217

(4) An authorization to perform online notarizations 1218
granted to an attorney admitted to the practice of law in this 1219
state by the Ohio supreme court shall expire on the earlier of 1220
five years after the date the authorization is granted or when 1221
the attorney's term of office as a notary public ends. 1222

(5) An attorney authorized to perform online notarizations 1223
may apply to renew the attorney's authorization three months 1224
prior to the authorization's expiration date. 1225

(6) (a) The secretary may deny an application for an online 1226
notary public if any of the required information is missing or 1227

incorrect on the application form. 1228

(b) The secretary may also deny an application if the 1229
technology the applicant identifies pursuant to division (C)(2) 1230
of this section does not conform to the standards developed by 1231
the secretary pursuant to section 147.62 of the Revised Code. 1232

(E) Nothing in this section shall be construed as 1233
prohibiting an online notary public from receiving, installing, 1234
and utilizing a software update to the technology that the 1235
online notary public disclosed pursuant to division (C)(2) of 1236
this section if that software update does not result in a 1237
technology that is materially different from the technology that 1238
the online notary public disclosed pursuant to division (C)(2) 1239
of this section. 1240

(F)(1) If a notary public changes either the hardware or 1241
the software that the notary intends to use to carry out online 1242
notarizations, then the notary shall inform the secretary of 1243
this intent on a form prescribed by the secretary. 1244

(2) If the secretary determines that the new hardware or 1245
software does not meet the standards prescribed in rules under 1246
section 147.62 of the Revised Code, then the secretary may 1247
suspend or revoke the notary's authority to perform online 1248
notarizations. 1249

(G)(1) The secretary of state shall not renew an online 1250
notarization authorization unless the applicant has completed 1251
continuing education as required under rules adopted pursuant to 1252
division (G)(2) of this section. 1253

(2) The secretary shall adopt rules in accordance with 1254
Chapter 119. of the Revised Code related to continuing education 1255
requirements for an online notarization authorization. The rules 1256

shall specify the number of hours of continuing education a 1257
notary must complete over the duration of the notary's license 1258
and may specify content to be included in the continuing 1259
education. 1260

Sec. 169.16. (A) No person, on behalf of any other person, 1261
shall engage in any activity for the purpose of locating, 1262
delivering, recovering, or assisting in the recovery of 1263
unclaimed funds or contents of a safe deposit box, and receive a 1264
fee, compensation, commission, or other remuneration for such 1265
activity, without first having obtained a certificate of 1266
registration from the director of commerce in accordance with 1267
this section. 1268

(B) An application for a certificate of registration shall 1269
be in writing and in the form prescribed by the director. The 1270
application shall be accompanied by a recent full-face color 1271
photograph of the applicant and notarized reference letters from 1272
two reputable witnesses. The application shall, at a minimum, 1273
provide all of the following: 1274

(1) The applicant's full name, home address, and work 1275
address; 1276

(2) The name, address, and telephone number of the two 1277
witnesses who have provided the reference letters; 1278

(3) A statement that the applicant has not, during the 1279
five-year period immediately preceding the submission of the 1280
application, violated division (A) of this section on or after 1281
the effective date of this section, or division (C) of section 1282
169.13 of the Revised Code; 1283

(4) A statement that the applicant has not been convicted 1284
of, or pleaded guilty to, any disqualifying offense as 1285

determined in accordance with section 9.79 of the Revised Code; 1286

(5) The notarized signature of the applicant immediately 1287
following an acknowledgment that any false or perjured statement 1288
subjects the applicant to criminal liability under section 1289
2921.13 of the Revised Code. 1290

(C) Upon the filing of the application with the division 1291
of unclaimed funds, the division may investigate the applicant 1292
to verify the information provided in the application and to 1293
determine the applicant's eligibility for a certificate of 1294
registration under this section. False information on an 1295
application is grounds for the denial or revocation of the 1296
applicant's certificate of registration. 1297

~~(D) The~~ (1) Except as provided in division (D) (2) of this 1298
section, the director shall issue a certificate of registration 1299
to an applicant if the director finds that the following 1300
conditions are met: 1301

~~(1) (a)~~ The applicant has not, during the five-year period 1302
immediately preceding the submission of the application, 1303
violated division (A) of this section on or after the effective 1304
date of this section, or division (C) of section 169.13 of the 1305
Revised Code; 1306

~~(2) (b)~~ The applicant has not been convicted of, or 1307
pleaded guilty to, any disqualifying offense as determined in 1308
accordance with section 9.79 of the Revised Code. 1309

~~(3) (c)~~ The applicant's general fitness command the 1310
confidence of the public and warrant the belief that the 1311
applicant's business will be conducted honestly and fairly. 1312

(2) The director shall issue a certificate of registration 1313
in accordance with Chapter 4796. of the Revised Code to an 1314

applicant if either of the following applies: 1315

(a) The applicant holds a license or certificate of registration in another state. 1316
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(b) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter in the same profession, occupation, or occupational activity as the profession, occupation, or occupational activity for which the certificate of registration is required in this state in a state that does not issue such a license or certificate of registration. 1318
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(E) ~~The A certificate of registration issued pursuant to division (D) of this section~~ may be renewed annually if the director finds that the following conditions are met: 1325
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(1) The applicant submits a renewal application form prescribed by the director. 1328
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(2) The applicant meets the conditions set forth in divisions (D) (1) (a) and ~~(3) (c)~~ of this section. 1330
1331

(3) The applicant has not, during the ten-year period immediately preceding the submission of the renewal application but excluding any time before the initial issuance of the certificate of registration, been convicted of, or pleaded guilty to, any felony or any offense involving moral turpitude, including theft, attempted theft, falsification, tampering with records, securing writings by deception, fraud, forgery, and perjury. 1332
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(4) The applicant's certificate of registration is not subject to an order of revocation by the director. 1340
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Sec. 173.21. (A) The office of the state long-term care 1342

ombudsman program, through the state long-term care ombudsman 1343
and the regional long-term care ombudsman programs, shall 1344
require each representative of the office to complete a training 1345
and certification program in accordance with this section and to 1346
meet the continuing education requirements established under 1347
this section. 1348

(B) The department of aging shall adopt rules in 1349
accordance with Chapter 119. of the Revised Code specifying the 1350
content of training programs for representatives of the office 1351
of the state long-term care ombudsman program. Training for 1352
representatives other than those who are volunteers providing 1353
services through regional long-term care ombudsman programs 1354
shall include instruction regarding federal, state, and local 1355
laws, rules, and policies on long-term care facilities and 1356
community-based long-term care services; investigative 1357
techniques; and other topics considered relevant by the 1358
department and shall consist of the following: 1359

(1) A minimum of forty clock hours of basic instruction, 1360
which shall be completed before the trainee is permitted to 1361
handle complaints without the supervision of a representative of 1362
the office certified under this section; 1363

(2) An additional sixty clock hours of instruction, which 1364
shall be completed within the first fifteen months of 1365
employment; 1366

(3) An internship of twenty clock hours, which shall be 1367
completed within the first twenty-four months of employment, 1368
including instruction in, and observation of, basic nursing care 1369
and long-term care provider operations and procedures. The 1370
internship shall be performed at a site that has been approved 1371
as an internship site by the state long-term care ombudsman. 1372

- (4) One of the following, which shall be completed within 1373
the first twenty-four months of employment: 1374
- (a) Observation of a survey conducted by the director of 1375
health to certify a nursing facility to participate in the 1376
medicaid program; 1377
- (b) Observation of an inspection conducted by the director 1378
of mental health and addiction services to license a residential 1379
facility under section 5119.34 of the Revised Code that provides 1380
accommodations, supervision, and personal care services for 1381
three to sixteen unrelated adults. 1382
- (5) Any other training considered appropriate by the 1383
department. 1384
- (C) Any person who for a period of at least six months 1385
prior to June 11, 1990, served as an ombudsman through the long- 1386
term care ombudsman program established by the department of 1387
aging under section 173.01 of the Revised Code shall not be 1388
required to complete a training program. Such a person and 1389
persons who complete a training program shall take an 1390
examination administered by the department of aging. On 1391
attainment of a passing score, the person shall be certified by 1392
the department as a representative of the office. The department 1393
shall issue the person an identification card, which the 1394
representative shall show at the request of any person with whom 1395
the representative deals while performing the representative's 1396
duties and which shall be surrendered at the time the 1397
representative separates from the office. 1398
- (D) The state ombudsman and each regional program shall 1399
conduct training programs for volunteers on their respective 1400
staffs in accordance with the rules of the department of aging 1401

adopted under division (B) of this section. Training programs 1402
may be conducted that train volunteers to complete some, but not 1403
all, of the duties of a representative of the office. Each 1404
regional office shall bear the cost of training its 1405
representatives who are volunteers. On completion of a training 1406
program, the representative shall take an examination 1407
administered by the department of aging. On attainment of a 1408
passing score, a volunteer shall be certified by the department 1409
as a representative authorized to perform services specified in 1410
the certification. The department shall issue an identification 1411
card, which the representative shall show at the request of any 1412
person with whom the representative deals while performing the 1413
representative's duties and which shall be surrendered at the 1414
time the representative separates from the office. Except as a 1415
supervised part of a training program, no volunteer shall 1416
perform any duty unless the volunteer is certified as a 1417
representative having received appropriate training for that 1418
duty. 1419

(E) The state ombudsman shall provide technical assistance 1420
to regional programs conducting training programs for volunteers 1421
and shall monitor the training programs. 1422

(F) Prior to scheduling an observation of a certification 1423
survey or licensing inspection for purposes of division (B) (4) 1424
of this section, the state ombudsman shall obtain permission to 1425
have the survey or inspection observed from both the long-term 1426
care facility at which the survey or inspection is to take place 1427
and, as the case may be, the director of health or director of 1428
mental health and addiction services. 1429

(G) Notwithstanding the requirements for a certification 1430
under this section, the department shall issue a certificate as 1431

a representative of the office of the state long-term care 1432
ombudsman program in accordance with Chapter 4796. of the 1433
Revised Code to a person if either of the following applies: 1434

(1) The person holds a license or certificate in another 1435
state. 1436

(2) The person has satisfactory work experience, a 1437
government certification, or a private certification as 1438
described in that chapter as a representative of a state long- 1439
term care ombudsman program in a state that does not issue that 1440
license or certificate. 1441

(H) The department of aging shall establish continuing 1442
education requirements for representatives of the office. 1443

Sec. 173.391. (A) Subject to section 173.381 of the 1444
Revised Code and except as provided in division (I) of this 1445
section, the department of aging or its designee shall do all of 1446
the following in accordance with Chapter 119. of the Revised 1447
Code: 1448

(1) Certify a provider to provide services, including 1449
community-based long-term care services, under a program the 1450
department administers if the provider satisfies the 1451
requirements for certification established by rules adopted 1452
under division (B) of this section and pays the fee, if any, 1453
established by rules adopted under division (G) of this section; 1454

(2) When required to do so by rules adopted under division 1455
(B) of this section, take one or more of the following 1456
disciplinary actions against a provider certified under division 1457
(A) (1) of this section: 1458

(a) Issue a written warning; 1459

(b) Require the submission of a plan of correction or	1460
evidence of compliance with requirements identified by the	1461
department;	1462
(c) Suspend referrals;	1463
(d) Remove clients;	1464
(e) Impose a fiscal sanction such as a civil monetary	1465
penalty or an order that unearned funds be repaid;	1466
(f) Suspend the certification;	1467
(g) Revoke the certification;	1468
(h) Impose another sanction.	1469
(3) Except as provided in division (E) of this section,	1470
hold hearings when there is a dispute between the department or	1471
its designee and a provider concerning actions the department or	1472
its designee takes regarding a decision not to certify the	1473
provider under division (A)(1) of this section or a disciplinary	1474
action under divisions (A)(2)(e) to (h) of this section.	1475
(B) The director of aging shall adopt rules in accordance	1476
with Chapter 119. of the Revised Code establishing certification	1477
requirements and standards for determining which type of	1478
disciplinary action to take under division (A)(2) of this	1479
section in individual situations. The rules shall establish	1480
procedures for all of the following:	1481
(1) Ensuring that providers comply with sections 173.38	1482
and 173.381 of the Revised Code;	1483
(2) Evaluating the services provided by the providers to	1484
ensure that the services are provided in a quality manner	1485
advantageous to the individual receiving the services;	1486

(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;	1487 1488 1489 1490
(4) Determining what constitutes another sanction for purposes of division (A) (2) (h) of this section.	1491 1492
(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:	1493 1494 1495 1496
(1) The provider's experience and financial responsibility;	1497 1498
(2) The provider's ability to comply with standards for the services, including community-based long-term care services, that the provider provides under a program the department administers;	1499 1500 1501 1502
(3) The provider's ability to meet the needs of the individuals served;	1503 1504
(4) Any other factor the director considers relevant.	1505
(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.	1506 1507 1508 1509 1510 1511 1512
(E) Subject to division (F) of this section, the department is not required to hold hearings under division (A)	1513 1514

(3) of this section if any of the following conditions apply: 1515

(1) Rules adopted by the director of aging pursuant to 1516
this chapter require the provider to be a party to a provider 1517
agreement; hold a license, certificate, or permit; or maintain a 1518
certification, any of which is required or issued by a state or 1519
federal government entity other than the department of aging, 1520
and either of the following is the case: 1521

(a) The provider agreement has not been entered into or 1522
the license, certificate, permit, or certification has not been 1523
obtained or maintained. 1524

(b) The provider agreement, license, certificate, permit, 1525
or certification has been denied, revoked, not renewed, or 1526
suspended or has been otherwise restricted. 1527

(2) The provider's certification under this section has 1528
been denied, suspended, or revoked for any of the following 1529
reasons: 1530

(a) A government entity of this state, other than the 1531
department of aging, has terminated or refused to renew any of 1532
the following held by, or has denied any of the following sought 1533
by, a provider: a provider agreement, license, certificate, 1534
permit, or certification. Division (E) (2) (a) of this section 1535
applies regardless of whether the provider has entered into a 1536
provider agreement in, or holds a license, certificate, permit, 1537
or certification issued by, another state. 1538

(b) The provider or a principal owner or manager of the 1539
provider who provides direct care has entered a guilty plea for, 1540
or has been convicted of, an offense materially related to the 1541
medicaid program. 1542

(c) A principal owner or manager of the provider who 1543

provides direct care has entered a guilty plea for, been 1544
convicted of, or been found eligible for intervention in lieu of 1545
conviction for an offense listed or described in divisions (A) 1546
(3) (a) to (e) of section 109.572 of the Revised Code, but only 1547
if the provider, principal owner, or manager does not meet 1548
standards specified by the director in rules adopted under 1549
section 173.38 of the Revised Code. 1550

(d) The department or its designee is required by section 1551
173.381 of the Revised Code to deny or revoke the provider's 1552
certification. 1553

(e) The United States department of health and human 1554
services has taken adverse action against the provider and that 1555
action impacts the provider's participation in the medicaid 1556
program. 1557

(f) The provider has failed to enter into or renew a 1558
provider agreement with the PASSPORT administrative agency, as 1559
that term is defined in section 173.42 of the Revised Code, that 1560
administers programs on behalf of the department of aging in the 1561
region of the state in which the provider is certified to 1562
provide services. 1563

(g) The provider has not billed or otherwise submitted a 1564
claim to the department for payment under the medicaid program 1565
in at least two years. 1566

(h) The provider denied or failed to provide the 1567
department or its designee access to the provider's facilities 1568
during the provider's normal business hours for purposes of 1569
conducting an audit or structural compliance review. 1570

(i) The provider has ceased doing business. 1571

(j) The provider has voluntarily relinquished its 1572

certification for any reason. 1573

(3) The provider's provider agreement with the department 1574
of medicaid has been suspended under section 5164.36 of the 1575
Revised Code. 1576

(4) The provider's provider agreement with the department 1577
of medicaid is denied or revoked because the provider or its 1578
owner, officer, authorized agent, associate, manager, or 1579
employee has been convicted of an offense that caused the 1580
provider agreement to be suspended under section 5164.36 of the 1581
Revised Code. 1582

(F) If the department does not hold hearings when any 1583
condition described in division (E) of this section applies, the 1584
department shall send a notice to the provider describing a 1585
decision not to certify the provider under division (A) (1) of 1586
this section or the disciplinary action the department is taking 1587
under divisions (A) (2) (e) to (h) of this section. The notice 1588
shall be sent to the provider's address that is on record with 1589
the department and may be sent by regular mail. 1590

(G) The director of aging may adopt rules in accordance 1591
with Chapter 119. of the Revised Code establishing a fee to be 1592
charged by the department of aging or its designee for 1593
certification issued under division (A) of this section. 1594

(H) Any amounts collected by the department or its 1595
designee under this section shall be deposited in the state 1596
treasury to the credit of the provider certification fund, which 1597
is hereby created. Money credited to the fund shall be used to 1598
pay for services, including community-based long-term care 1599
services, to pay for administrative costs associated with 1600
provider certification under this section, and to pay for 1601

administrative costs related to the publication of the Ohio 1602
long-term care consumer guide. 1603

(I) The director shall certify a provider in accordance 1604
with Chapter 4796. of the Revised Code if either of the 1605
following applies: 1606

(1) The provider is licensed or certified in another 1607
state. 1608

(2) The provider has satisfactory work experience, a 1609
government certification, or a private certification as 1610
described in that chapter as a provider of community-based long- 1611
term care services under a state program in a state that does 1612
not issue that license or certificate. 1613

Sec. 173.422. (A) The department of aging shall certify 1614
individuals who meet certification requirements established by 1615
rule to provide long-term care consultations for purposes of 1616
sections 173.42 and 173.421 of the Revised Code. The director of 1617
aging shall adopt rules in accordance with Chapter 119. of the 1618
Revised Code governing the certification process and 1619
requirements. The rules shall specify the education, experience, 1620
or training in long-term care a person must have to qualify for 1621
certification. 1622

(B) Notwithstanding the requirements for a certification 1623
under division (A) of this section, the department shall issue a 1624
certification to provide long-term care consultations in 1625
accordance with Chapter 4796. of the Revised Code to a person if 1626
either of the following applies: 1627

(1) The person holds a license or certification in another 1628
state. 1629

(2) The person has satisfactory work experience, a 1630

government certification, or a private certification as 1631
described in that chapter as a provider of long-term care 1632
consultations in a state that does not issue that license or 1633
certification. 1634

Sec. 503.41. (A) A board of township trustees, by 1635
resolution, may regulate and require the registration of massage 1636
establishments and their employees within the unincorporated 1637
territory of the township. In accordance with sections 503.40 to 1638
503.49 of the Revised Code, for that purpose, the board, by a 1639
majority vote of all members, may adopt, amend, administer, and 1640
enforce regulations within the unincorporated territory of the 1641
township. 1642

(B) A board may adopt regulations and amendments under 1643
this section only after public hearing at not fewer than two 1644
regular sessions of the board. The board shall cause to be 1645
published in a newspaper of general circulation in the township, 1646
or as provided in section 7.16 of the Revised Code, notice of 1647
the public hearings, including the time, date, and place, once a 1648
week for two weeks immediately preceding the hearings. The board 1649
shall make available proposed regulations or amendments to the 1650
public at the office of the board. 1651

(C) Regulations or amendments adopted by the board are 1652
effective thirty days after the date of adoption unless, within 1653
thirty days after the adoption of the regulations or amendments, 1654
the township fiscal officer receives a petition, signed by a 1655
number of qualified electors residing in the unincorporated area 1656
of the township equal to not less than ten per cent of the total 1657
vote cast for all candidates for governor in the area at the 1658
most recent general election at which a governor was elected, 1659
requesting the board to submit the regulations or amendments to 1660

the electors of the area for approval or rejection at the next 1661
primary or general election occurring at least ninety days after 1662
the board receives the petition. 1663

No regulation or amendment for which the referendum vote 1664
has been requested is effective unless a majority of the votes 1665
cast on the issue is in favor of the regulation or amendment. 1666
Upon certification by the board of elections that a majority of 1667
the votes cast on the issue was in favor of the regulation or 1668
amendment, the regulation or amendment takes immediate effect. 1669

(D) The board shall make available regulations it adopts 1670
or amends to the public at the office of the board and shall 1671
cause to be published once a notice of the availability of the 1672
regulations in a newspaper of general circulation in the 1673
township within ten days after their adoption or amendment. 1674

(E) Nothing in sections 503.40 to 503.49 of the Revised 1675
Code shall be construed to allow a board of township trustees to 1676
regulate the practice of any limited branch of medicine 1677
specified in section 4731.15 of the Revised Code or the practice 1678
of providing therapeutic massage by a licensed physician, a 1679
licensed chiropractor, a licensed podiatrist, a licensed nurse, 1680
or any other licensed health professional. As used in this 1681
division, "licensed" means licensed, certified, or registered to 1682
practice in this state. 1683

(F) If a township adopts regulations to require the 1684
registration of massage establishments and their employees, the 1685
township shall comply with Chapter 4796. of the Revised Code. 1686

Sec. 715.27. (A) Any municipal corporation may: 1687

(1) Regulate the erection of fences, billboards, signs, 1688
and other structures, within the municipal corporation, and 1689

provide for the removal and repair of insecure billboards, 1690
signs, and other structures; 1691

(2) Regulate the construction and repair of wires, poles, 1692
plants, and all equipment to be used for the generation and 1693
application of electricity; 1694

(3) Provide for the licensing of house movers; plumbers; 1695
sewer tappers; vault cleaners; and specialty contractors who are 1696
not required to hold a valid license issued pursuant to Chapter 1697
4740. of the Revised Code; 1698

(4) Require all specialty contractors other than those who 1699
hold a valid license issued pursuant to Chapter 4740. of the 1700
Revised Code, to successfully complete an examination, test, or 1701
demonstration of technical skills, and may impose a fee and 1702
additional requirements for a license or registration to engage 1703
in their respective occupations within the jurisdiction of the 1704
municipal corporation. 1705

(B) No municipal corporation shall require any specialty 1706
contractor who holds a valid license issued pursuant to Chapter 1707
4740. of the Revised Code to complete an examination, test, or 1708
demonstration of technical skills to engage in the type of 1709
contracting for which the license is held, within the municipal 1710
corporation. 1711

(C) A municipal corporation may require a specialty 1712
contractor who holds a valid license issued pursuant to Chapter 1713
4740. of the Revised Code to register with the municipal 1714
corporation and pay any fee the municipal corporation imposes 1715
before that specialty contractor may engage within the municipal 1716
corporation in the type of contracting for which the license is 1717
held. Any fee shall be the same for all specialty contractors 1718

who engage in the same type of contracting. A municipal 1719
corporation may require a bond and proof of all of the 1720
following: 1721

(1) Insurance pursuant to division (B) (4) of section 1722
4740.06 of the Revised Code; 1723

(2) Compliance with Chapters 4121. and 4123. of the 1724
Revised Code; 1725

(3) Registration with the tax department of the municipal 1726
corporation. 1727

If a municipal corporation requires registration, imposes 1728
such a fee, or requires a bond or proof of the items listed in 1729
divisions (C) (1), (2), and (3) of this section, the municipal 1730
corporation immediately shall permit a contractor who presents 1731
proof of holding a valid license issued pursuant to Chapter 1732
4740. of the Revised Code, who registers, pays the fee, obtains 1733
a bond, and submits the proof described under divisions (C) (1), 1734
(2), and (3) of this section, as required, to engage in the type 1735
of contracting for which the license is held, within the 1736
municipal corporation. 1737

(D) A municipal corporation may revoke the registration of 1738
a contractor registered with that municipal corporation for good 1739
cause shown. Good cause shown includes the failure of a 1740
contractor to maintain a bond or the items listed in divisions 1741
(C) (1), (2), and (3) of this section, if the municipal 1742
corporation requires those. 1743

(E) A municipal corporation that licenses specialty 1744
contractors pursuant to division (A) (3) of this section may 1745
accept, for purposes of satisfying its licensing requirements, a 1746
valid license issued pursuant to Chapter 4740. of the Revised 1747

Code that a specialty contractor holds, for the construction, 1748
replacement, maintenance, or repair of one-family, two-family, 1749
or three-family dwelling houses or accessory structures 1750
incidental to those dwelling houses. 1751

(F) A municipal corporation shall not register a specialty 1752
contractor who is required to hold a license under Chapter 4740. 1753
of the Revised Code but does not hold a valid license issued 1754
under that chapter. 1755

(G) If a municipal corporation regulates a profession, 1756
occupation, or occupational activity under this section, the 1757
municipal corporation shall comply with Chapter 4796. of the 1758
Revised Code. 1759

(H) As used in this section, "specialty contractor" means 1760
a heating, ventilating, and air conditioning contractor, 1761
refrigeration contractor, electrical contractor, plumbing 1762
contractor, or hydronics contractor, as those contractors are 1763
described in Chapter 4740. of the Revised Code. 1764

Sec. 903.07. (A) On and after the date that is established 1765
in rules by the director of agriculture, both of the following 1766
apply: 1767

(1) The management and handling of manure at a major 1768
concentrated animal feeding facility, including the land 1769
application of manure or the removal of manure from a manure 1770
storage or treatment facility, shall be conducted only by or 1771
under the supervision of a person holding a livestock manager 1772
certification issued under this section. A person managing or 1773
handling manure who is acting under the instructions and control 1774
of a person holding a livestock manager certification is 1775
considered to be under the supervision of the certificate holder 1776

if the certificate holder is responsible for the actions of the 1777
person and is available when needed even though the certificate 1778
holder is not physically present at the time of the manure 1779
management or handling. 1780

(2) No person shall transport and land apply annually or 1781
buy, sell, or land apply annually the volume of manure 1782
established in rules adopted by the director under division (D) 1783
(5) of section 903.10 of the Revised Code unless the person 1784
holds a livestock manager certification issued under this 1785
section. 1786

(B) The Except as provided in division (D) of this 1787
section, the director shall issue a livestock manager 1788
certification to a person who has submitted a complete 1789
application for certification on a form prescribed and provided 1790
by the director, together with the appropriate application fee, 1791
and who has completed successfully the required training and has 1792
passed the required examination. The director may suspend or 1793
revoke a livestock manager certification and may reinstate a 1794
suspended or revoked livestock manager certification in 1795
accordance with rules. 1796

(C) Information required to be included in an application 1797
for a livestock manager certification, the amount of the 1798
application fee, requirements regarding training and the 1799
examination, requirements governing the management and handling 1800
of manure, including the land application of manure, and 1801
requirements governing the keeping of records regarding the 1802
handling of manure, including the land application of manure, 1803
shall be established in rules. 1804

(D) The director shall issue a livestock manager 1805
certification in accordance with Chapter 4796. of the Revised 1806

Code to an individual if either of the following applies: 1807

(1) The individual holds a certification in another state. 1808

(2) The individual has satisfactory work experience, a 1809
government certification, or a private certification as 1810
described in that chapter as a livestock manager in a state that 1811
does not issue that license. 1812

Sec. 905.321. (A) Beginning September thirtieth of the 1813
third year after ~~the effective date of this section~~ August 21, 1814
2014, no person shall apply fertilizer for the purposes of 1815
agricultural production unless that person has been certified to 1816
do so by the director of agriculture under this section and 1817
rules or is acting under the instructions and control of a 1818
person who is so certified. 1819

(B) ~~A-Except as otherwise provided in this division, a~~ 1820
person shall be certified to apply fertilizer for purposes of 1821
agricultural production in accordance with rules. A person that 1822
has been so certified shall comply with requirements and 1823
procedures established in those rules. 1824

The director shall issue a certification to apply 1825
fertilizer for purposes of agricultural production in accordance 1826
with Chapter 4796. of the Revised Code to an individual if 1827
either of the following applies: 1828

(1) The individual holds a license or certification in 1829
another state. 1830

(2) The individual has satisfactory work experience, a 1831
government certification, or a private certification as 1832
described in that chapter as a fertilizer applicator in a state 1833
that does not issue that license or certification. 1834

(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 1862
applicant shall specify on the application the type of license 1863
and category requested and shall include any other information 1864
required by rules adopted under section 917.02 of the Revised 1865
Code. 1866

(E) Each applicant for a weigher, sampler, or tester 1867
license or registration, prior to issuance of the license or 1868
registration, shall pass an examination that is given in 1869
accordance with section 917.08 of the Revised Code and rules 1870
adopted under section 917.02 of the Revised Code. 1871

Each applicant for any other type of license issued under 1872
this section, prior to issuance of the license, shall pass an 1873
inspection that is made in accordance with rules adopted under 1874
section 917.02 of the Revised Code. 1875

(F) The director shall not issue a license to an applicant 1876
unless the director determines, through an inspection or 1877
otherwise, that the applicant is in compliance with the 1878
requirements set forth in this chapter and the rules adopted 1879
under it. 1880

(G) Examinations that must be passed prior to issuance of 1881
a weigher, sampler, or tester license, inspections that must be 1882
passed prior to issuance of any other type of license issued 1883
under this section, procedures for issuing and renewing 1884
licenses, and license terms and renewal periods shall comply 1885
with rules adopted under section 917.02 of the Revised Code. 1886

(H) Suspension and revocation of licenses shall comply 1887
with section 917.22 of the Revised Code and rules adopted under 1888
section 917.02 of the Revised Code. 1889

(I) Each licensed weigher, sampler, and tester annually 1890

shall meet the continuing education requirements established in 1891
rules adopted under division (B) of section 917.02 of the 1892
Revised Code. 1893

(J) A person whose religion prohibits the person from 1894
obtaining a license under this section, in place of a license, 1895
shall register with the director as a producer; processor; milk 1896
dealer; raw milk retailer; weigher, sampler, or tester; or milk 1897
hauler. 1898

The person claiming the exemption from licensure shall 1899
register on a form prescribed by the director and shall meet any 1900
other registration requirements contained in rules adopted under 1901
section 917.02 of the Revised Code. Upon receiving the person's 1902
registration form and determining that the person has satisfied 1903
all requirements for registration, the director shall notify the 1904
person that the person is registered to lawfully operate as a 1905
producer; processor; milk dealer; raw milk retailer; weigher, 1906
sampler, or tester; or milk hauler. 1907

A registrant is subject to all provisions governing 1908
licensees, such as provisions concerning testing, sampling, and 1909
inspection of dairy products. A registrant is subject to 1910
provisions governing issuance of a temporary weigher, sampler, 1911
or tester license under section 917.091 of the Revised Code. A 1912
registration shall be renewed, suspended, and revoked under the 1913
same terms as a license. 1914

(K) Notwithstanding the requirements for a license or 1915
registration under this section, the director shall issue a 1916
license or registration to operate as a producer; processor; 1917
milk dealer; raw milk retailer; weigher, sampler, or tester; or 1918
milk hauler, as applicable, in accordance with Chapter 4796. of 1919
the Revised Code to an individual if either of the following 1920

<u>applies:</u>	1921
<u>(1) The individual holds a license or registration in another state.</u>	1922 1923
<u>(2) The individual has satisfactory work experience, a government certification, or a private certification as described in that chapter 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.</u>	1924 1925 1926 1927 1928 1929
Sec. 917.091. The director of agriculture may issue a temporary weigher, sampler, or tester license to an applicant upon determining that the applicant has met all qualifications for licensure under section 917.09 of the Revised Code except successful completion of an examination. A temporary weigher, sampler, or tester license is effective for ninety days from the date of issuance. An applicant who has not taken an examination for licensure may receive no more than three temporary weigher, sampler, or tester licenses. An applicant who takes and fails an examination for licensure may receive no more than two temporary weigher, sampler, or tester licenses. <u>Chapter 4796. of the Revised Code does not apply to a temporary license issued under this section.</u>	1930 1931 1932 1933 1934 1935 1936 1937 1938 1939 1940 1941 1942
Sec. 921.06. (A) (1) No individual shall do any of the following without having a commercial applicator license issued by the director of agriculture:	1943 1944 1945
(a) Apply pesticides for a pesticide business without direct supervision;	1946 1947
(b) Apply pesticides as part of the individual's duties while acting as an employee of the United States government, a	1948 1949

state, county, township, or municipal corporation, or a park 1950
district, port authority, or sanitary district created under 1951
Chapter 1545., 4582., or 6115. of the Revised Code, 1952
respectively; 1953

(c) Apply restricted use pesticides. Division (A) (1) (c) of 1954
this section does not apply to a private applicator or an 1955
immediate family member or a subordinate employee of a private 1956
applicator who is acting under the direct supervision of that 1957
private applicator. 1958

(d) If the individual is the owner of a business other 1959
than a pesticide business or an employee of such an owner, apply 1960
pesticides at any of the following publicly accessible sites 1961
that are located on the property: 1962

(i) Food service operations that are licensed under 1963
Chapter 3717. of the Revised Code; 1964

(ii) Retail food establishments that are licensed under 1965
Chapter 3717. of the Revised Code; 1966

(iii) Golf courses; 1967

(iv) Rental properties of more than four apartment units 1968
at one location; 1969

(v) Hospitals or medical facilities as defined in section 1970
3701.01 of the Revised Code; 1971

(vi) Child day-care centers or school child day-care 1972
centers as defined in section 5104.01 of the Revised Code; 1973

(vii) Facilities owned or operated by a school district 1974
established under Chapter 3311. of the Revised Code, including 1975
an educational service center, a community school established 1976
under Chapter 3314. of the Revised Code, or a chartered or 1977

nonchartered nonpublic school that meets minimum standards 1978
established by the state board of education; 1979

(viii) State institutions of higher education as defined 1980
in section 3345.011 of the Revised Code, nonprofit institutions 1981
holding a certificate of authorization pursuant to Chapter 1713. 1982
of the Revised Code, institutions holding a certificate of 1983
registration from the state board of career colleges and schools 1984
and program authorization for an associate or bachelor's degree 1985
program issued under section 3332.05 of the Revised Code, and 1986
private institutions exempt from regulation under Chapter 3332. 1987
of the Revised Code as prescribed in section 3333.046 of the 1988
Revised Code; 1989

(ix) Food processing establishments as defined in section 1990
3715.021 of the Revised Code; 1991

(x) Any other site designated by rule. 1992

(e) Conduct authorized diagnostic inspections. 1993

(2) Divisions (A) (1) (a) to (d) of this section do not 1994
apply to an individual who is acting as a trained serviceperson 1995
under the direct supervision of a commercial applicator. 1996

(3) Licenses shall be issued for a period of time 1997
established by rule and shall be renewed in accordance with 1998
deadlines established by rule. The fee for each such license 1999
shall be established by rule. If a license is not issued or 2000
renewed, the application fee shall be retained by the state as 2001
payment for the reasonable expense of processing the 2002
application. The director shall by rule classify by pesticide- 2003
use category licenses to be issued under this section. A single 2004
license may include more than one pesticide-use category. No 2005
individual shall be required to pay an additional license fee if 2006

the individual is licensed for more than one category. 2007

The fee for each license or renewal does not apply to an 2008
applicant who is an employee of the department of agriculture 2009
whose job duties require licensure as a commercial applicator as 2010
a condition of employment. 2011

(B) Application for a commercial applicator license shall 2012
be made on a form prescribed by the director. Each application 2013
for a license shall state the pesticide-use category or 2014
categories of license for which the applicant is applying and 2015
other information that the director determines essential to the 2016
administration of this chapter. 2017

~~(C) If~~ (1) Except as provided in division (C) (2) of this 2018
section, if the director finds that the applicant is competent 2019
to apply pesticides and conduct diagnostic inspections and that 2020
the applicant has passed both the general examination and each 2021
applicable pesticide-use category examination as required under 2022
division (A) of section 921.12 of the Revised Code, the director 2023
shall issue a commercial applicator license limited to the 2024
pesticide-use category or categories for which the applicant is 2025
found to be competent. If the director rejects an application, 2026
the director may explain why the application was rejected, 2027
describe the additional requirements necessary for the applicant 2028
to obtain a license, and return the application. The applicant 2029
may resubmit the application without payment of any additional 2030
fee. 2031

(2) The director shall issue a commercial applicator 2032
license in accordance with Chapter 4796. of the Revised Code to 2033
an individual if either of the following applies: 2034

(a) The individual holds a commercial applicator license 2035

in another state. 2036

(b) The individual has satisfactory work experience, a 2037
government certification, or a private certification as 2038
described in that chapter as a commercial applicator in a state 2039
that does not issue that license. 2040

A license issued under this division shall be limited to 2041
the pesticide-use category or categories for which the applicant 2042
is licensed in another state or has satisfactory work 2043
experience, a government certification, or a private 2044
certification in that state. 2045

(D) (1) A person who is a commercial applicator shall be 2046
deemed to hold a private applicator's license for purposes of 2047
applying pesticides on agricultural commodities that are 2048
produced by the commercial applicator. 2049

(2) A commercial applicator shall apply pesticides only in 2050
the pesticide-use category or categories in which the applicator 2051
is licensed under this chapter. 2052

(E) All money collected under this section shall be 2053
credited to the pesticide, fertilizer, and lime program fund 2054
created in section 921.22 of the Revised Code. 2055

Sec. 921.11. (A) (1) No individual shall apply restricted 2056
use pesticides unless the individual is one of the following: 2057

(a) Licensed under section 921.06 of the Revised Code; 2058

(b) Licensed under division (B) of this section; 2059

(c) A trained serviceperson who is acting under the direct 2060
supervision of a commercial applicator; 2061

(d) An immediate family member or a subordinate employee 2062

of a private applicator who is acting under the direct 2063
supervision of that private applicator. 2064

(2) No individual shall directly supervise the application 2065
of a restricted use pesticide unless the individual is one of 2066
the following: 2067

(a) Licensed under section 921.06 of the Revised Code; 2068

(b) Licensed under division (B) of this section. 2069

~~(B) The (1) Subject to division (B) (2) of this section,~~ 2070
the director of agriculture shall adopt rules to establish 2071
standards and procedures for the licensure of private 2072
applicators. An individual shall apply for a private applicator 2073
license to the director, on forms prescribed by the director. 2074
The individual shall include in the application the pesticide- 2075
use category or categories of the license for which the 2076
individual is applying and any other information that the 2077
director determines is essential to the administration of this 2078
chapter. The fee for each license shall be established by rule. 2079
Licenses shall be issued for a period of time established by 2080
rule and shall be renewed in accordance with deadlines 2081
established by rule. If a license is not issued or renewed, the 2082
state shall retain any fee submitted as payment for reasonable 2083
expenses of processing the application. 2084

(2) The director shall issue a private applicator license 2085
in accordance with Chapter 4796. of the Revised Code to an 2086
individual if either of the following applies: 2087

(a) The individual holds a private applicator license in 2088
another state. 2089

(b) The individual has satisfactory work experience, a 2090
government certification, or a private certification as 2091

described in that chapter as a private applicator in a state 2092
that does not issue that license. 2093

A license issued under this division shall be limited to 2094
the pesticide-use category or categories for which the applicant 2095
is licensed in another state or has satisfactory work 2096
experience, a government certification, or a private 2097
certification in that state. 2098

(C) An individual who is licensed under this section shall 2099
use or directly supervise the use of a restricted use pesticide 2100
only for the purpose of producing agricultural commodities on 2101
property that is owned or rented by the individual or the 2102
individual's employer. 2103

(D) All money collected under this section shall be 2104
credited to the pesticide, fertilizer, and lime program fund 2105
created in section 921.22 of the Revised Code. 2106

Sec. 921.12. (A) The director of agriculture shall require 2107
each applicant for a license by examination under section 921.06 2108
or 921.11 of the Revised Code to be examined on the applicant's 2109
knowledge and competency in each of the following: 2110

(1) This chapter and rules adopted under it; 2111

(2) The proper use, handling, and application of 2112
pesticides and, if the applicant is applying for a license under 2113
section 921.06 of the Revised Code, in the conducting of 2114
diagnostic inspections in the pesticide-use categories for which 2115
the applicant has applied. 2116

(B) Each application for renewal of a license provided for 2117
in section 921.06 of the Revised Code shall be filed prior to 2118
the deadline established by rule. If filed after the deadline, a 2119
penalty of fifty per cent shall be assessed and added to the 2120

original fee and shall be paid by the applicant before the 2121
renewal license is issued. However, if a license issued under 2122
section 921.06 or 921.11 of the Revised Code is not renewed 2123
within one hundred eighty days after the date of expiration, the 2124
licensee shall be required to take another examination on this 2125
chapter and rules adopted under it and on the proper use, 2126
handling, and application of pesticides and, if applicable, the 2127
proper conducting of diagnostic inspections in the pesticide-use 2128
categories for which the licensee has been licensed. 2129

(C) A person who fails to pass an examination under 2130
division (A) or (B) of this section is not entitled to an 2131
adjudication under Chapter 119. of the Revised Code for that 2132
failure. 2133

(D) The holder of a commercial applicator license may 2134
renew the license within one hundred eighty days after the date 2135
of expiration without re-examination unless the director 2136
determines that a new examination is necessary to insure that 2137
the holder continues to meet the requirements of changing 2138
technology and to assure a continuing level of competence and 2139
ability to use pesticides safely and properly. 2140

(E) The holder of a private applicator license may renew 2141
the license within one hundred eighty days after the date of 2142
expiration without re-examination unless the director determines 2143
that a new examination is necessary to insure that the holder 2144
continues to meet the requirements of changing technology and to 2145
assure a continuing level of competence and ability to use 2146
pesticides safely and properly. 2147

(F) Instead of requiring a commercial applicator or 2148
private applicator to complete re-examination successfully under 2149
division (D) or (E) of this section, the director may require, 2150

in accordance with criteria established by rule, the commercial 2151
applicator or private applicator to participate in training 2152
programs that are designed to foster knowledge of new technology 2153
and to ensure a continuing level of competence and ability to 2154
use pesticides safely and properly. The director or the 2155
director's representative may provide the training or may 2156
authorize a third party to do so. In order for such 2157
authorization to occur, the third party and its training program 2158
shall comply with standards and requirements established by 2159
rule. 2160

Sec. 921.24. No person shall do any of the following: 2161

(A) Apply, use, directly supervise such application or 2162
use, or recommend a pesticide for use inconsistent with the 2163
pesticide's labeling, treatment standards, or other restrictions 2164
imposed by the director of agriculture; 2165

(B) Act as a commercial applicator without being licensed 2166
to do so; 2167

(C) Use any restricted use pesticide, unless the person is 2168
licensed to do so, is a trained serviceperson acting under the 2169
direct supervision of a commercial applicator, or is an 2170
immediate family member or a subordinate employee of a private 2171
applicator under the direct supervision of that private 2172
applicator; 2173

(D) Refuse or fail to keep or maintain records required by 2174
the director in rules adopted under this chapter, or to make 2175
reports when and as required by the director in rules adopted 2176
under this chapter; 2177

(E) Falsely or fraudulently represent the effect of 2178
pesticides or methods to be utilized; 2179

(F) Apply known ineffective or improper materials;	2180
(G) Operate in a negligent manner, which includes the operation of faulty or unsafe equipment;	2181 2182
(H) Impersonate any federal, state, county, or municipal official;	2183 2184
(I) Make false or fraudulent records, invoices, or reports;	2185 2186
(J) Fail to provide training to trained servicepersons in the application of pesticides;	2187 2188
(K) Fail to provide direct supervision as specified in rules adopted under division (C) of section 921.16 of the Revised Code;	2189 2190 2191
(L) Distribute a misbranded or adulterated pesticide;	2192
(M) Use fraud or misrepresentation in making application for a license or registration or renewal of a license or registration;	2193 2194 2195
(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;	2196 2197 2198
(O) Aid or abet a licensee or another person in violating this chapter or rules adopted thereunder;	2199 2200
(P) Make a false or misleading statement in an inspection concerning any infestation of pests or the use of pesticides;	2201 2202
(Q) Refuse or fail to comply with this chapter, the rules adopted thereunder, or any lawful order of the director;	2203 2204
(R) Distribute restricted use pesticides to the ultimate user without a pesticide dealer's license;	2205 2206

(S) Except as provided in division (F) of section 921.26	2207
of the Revised Code, distribute restricted use pesticides to an	2208
ultimate user who is not licensed under section 921.06, 921.08,	2209
or 921.11 of the Revised Code and rules adopted under this	2210
chapter;	2211
(T) Use any pesticide that is under an experimental use	2212
permit contrary to the provisions of the permit;	2213
(U) Engage in fraudulent business practices;	2214
(V) Dispose of any pesticide product or container in such	2215
a manner as to have unreasonable adverse effects on the	2216
environment;	2217
(W) Display any pesticide in any manner to produce	2218
unreasonable adverse effects on the environment, or to	2219
contaminate adjacent food, feed, or other products;	2220
(X) Apply any pesticide by aircraft without being licensed	2221
as a commercial applicator;	2222
(Y) Distribute a pesticide that is not registered with the	2223
director;	2224
(Z) Fail to properly supervise a trained serviceperson.	2225
Sec. 921.26. (A) The penalties provided for violations of	2226
this chapter do not apply to any of the following:	2227
(1) Any carrier while lawfully engaged in transporting a	2228
pesticide or device within this state, if that carrier, upon	2229
request, permits the director of agriculture to copy all records	2230
showing the transactions in the movement of the pesticides or	2231
devices;	2232
(2) Public officials of this state and the federal	2233

government, other than commercial applicators employed by the 2234
federal government, the state, or a political subdivision, while 2235
engaged in the performance of their official duties in 2236
administering state or federal pesticide laws or rules, or while 2237
engaged in pesticide research; 2238

(3) The manufacturer or shipper of a pesticide for 2239
experimental use only by or under supervision of an agency of 2240
this state or of the federal government authorized by law to 2241
conduct research in the field of pesticides, provided that the 2242
manufacturer or shipper is not required to obtain an 2243
experimental use permit from the United States environmental 2244
protection agency; 2245

(4) The manufacturer or shipper of a substance being 2246
tested in which its purpose only is to determine its value for 2247
pesticide purposes or to determine its toxicity or other 2248
properties, and from which the user does not expect to receive 2249
any benefit in pest control from its use; 2250

(5) Persons conducting laboratory research involving 2251
pesticides; 2252

(6) Persons who incidentally use pesticides. The 2253
incidental use shall involve only the application of general use 2254
pesticides. If a person incidentally uses a pesticide, the 2255
pesticide shall be applied in strict accordance with the 2256
manufacturer's label for general use purposes. If further 2257
applications are necessary following the incidental use 2258
application, a pesticide applicator shall apply the pesticide. 2259

(B) No pesticide or device shall be considered in 2260
violation of this chapter when intended solely for export to a 2261
foreign country, and when prepared or packed according to the 2262

specifications or directions of the purchaser. If the pesticide 2263
or device is not so exported, this chapter applies. 2264

(C) No person who is licensed, regulated, or registered 2265
under section 921.02, 921.03, 921.06, ~~921.08~~, 921.09, 921.11, or 2266
921.13 of the Revised Code shall be required to obtain a license 2267
or permit to operate or to be otherwise regulated in such 2268
capacity by any local ordinance, or to meet any other condition 2269
except as otherwise provided by statute or rule of the United 2270
States or of this state. 2271

(D) Section 921.09 of the Revised Code does not apply to 2272
an individual who uses only ground equipment for the individual 2273
or for the individual's neighbors, provided that the individual 2274
meets all of the following requirements: 2275

(1) Is licensed under section 921.11 of the Revised Code; 2276

(2) Operates farm property and operates and maintains 2277
pesticide application equipment primarily for the individual's 2278
own use; 2279

(3) Is not regularly engaged in the business of applying 2280
pesticides for hire or does not publicly hold oneself out as a 2281
pesticide applicator; 2282

(4) Meets any other requirement established by rule. 2283

(E) Section 921.06 of the Revised Code relating to 2284
licenses and requirements for their issuance does not apply to 2285
licensed physicians or veterinarians applying pesticides to 2286
human beings or other animals during the normal course of their 2287
practice, provided that they are not regularly engaged in the 2288
business of applying pesticides for hire amounting to a 2289
principal or regular occupation or do not publicly hold 2290
themselves out as commercial applicators. 2291

(F) Division (S) of section 921.24 of the Revised Code 2292
does not apply to a pesticide dealer who distributes restricted 2293
use pesticides to a nonresident who is licensed in another state 2294
having a state plan approved by the United States environmental 2295
protection agency. 2296

Sec. 926.30. (A) No licensed handler or employee of a 2297
licensed handler who receives an agricultural commodity from a 2298
producer, either for sale or for storage under a bailment 2299
agreement, shall perform a quality test on the commodity for the 2300
purpose of applying a premium, discount, or conditioning charge 2301
unless the person making the test has passed an examination on 2302
the subject that is approved by the director of agriculture. 2303
~~Upon~~ Except as provided in division (D) of this section, upon 2304
application by a person who has passed the examination, the 2305
director shall issue to the person an agricultural commodity 2306
tester certificate that shall be valid for a period of three 2307
years. Except as otherwise provided in this division, an 2308
agricultural commodity tester shall pass an examination on 2309
agricultural commodity testing approved by the director prior to 2310
each renewal of a certificate. The director may exempt from the 2311
examination requirement for certificate renewal an agricultural 2312
commodity tester who, during the year prior to expiration of the 2313
certificate, successfully completes training on agricultural 2314
commodity testing that has been approved by the director. The 2315
director shall establish by rule standards that such training 2316
must meet in order to be approved by the director. The rules 2317
shall require the training to include instructions in the use of 2318
the official grain standards of the United States as a basis for 2319
determining the quality of the commodities tested by an 2320
agricultural commodity tester. An agricultural commodity tester 2321
certificate issued prior to ~~the effective date of this amendment~~ 2322

July 29, 1998, shall be considered to be valid until the date on 2323
which, at the time of issuance, it was scheduled to expire. Upon 2324
expiration of the certificate, the examination requirement for 2325
renewal shall apply. 2326

(B) The director may determine that retraining or review 2327
is necessary for the tester as a result of changes in or 2328
amendments to the official grain standards of the United States, 2329
or if the director has reason to believe that retraining is 2330
necessary as a result of complaints relating to the tester's 2331
inability to accurately test commodities according to the 2332
official grain standards. A fee to cover the cost of issuing 2333
certificates and administering the educational program shall be 2334
established by rule of the director adopted under Chapter 119. 2335
of the Revised Code and shall be deposited into the commodity 2336
handler regulatory program fund created in section 926.19 of the 2337
Revised Code. 2338

(C) The director may suspend or revoke the certificate of 2339
an agricultural commodity tester in accordance with Chapter 119. 2340
of the Revised Code for failure or inability of the tester to 2341
apply the official grain standards of the United States in 2342
testing the quality of an agricultural commodity. 2343

(D) The director shall issue an agricultural commodity 2344
tester certificate in accordance with Chapter 4796. of the 2345
Revised Code to an individual if either of the following 2346
applies: 2347

(1) The individual holds a license or certificate in 2348
another state. 2349

(2) The individual has satisfactory work experience, a 2350
government certification, or a private certification as 2351

described in that chapter as a agricultural commodity tester in 2352
a state that does not issue that license. 2353

Sec. 928.02. (A) (1) The director of agriculture shall 2354
establish a program to monitor and regulate hemp cultivation and 2355
processing in this state. Under the program, the director shall 2356
issue hemp cultivation licenses and hemp processing licenses in 2357
accordance with rules adopted under section 928.03 of the 2358
Revised Code. 2359

(2) As authorized by the director, the department of 2360
agriculture or a university may cultivate or process hemp 2361
without a hemp cultivation license or hemp processing license 2362
for research purposes. 2363

(B) Except as authorized under division (A) (2) or (E) of 2364
this section, any person that wishes to cultivate hemp shall 2365
apply for and obtain a hemp cultivation license from the 2366
director in accordance with rules adopted under section 928.03 2367
of the Revised Code. Except as authorized under division (A) (2) 2368
or (E) of this section, any person that wishes to process hemp 2369
shall apply for and obtain a hemp processing license from the 2370
director in accordance with those rules. Such licenses are valid 2371
for three years unless earlier suspended or revoked by the 2372
director. 2373

(C) The department, a university, or any person may, 2374
without a hemp cultivation license or hemp processing license, 2375
possess, buy, or sell hemp or a hemp product. 2376

(D) Notwithstanding any other provision of the Revised 2377
Code to the contrary, the addition of hemp or a hemp product to 2378
any other product does not adulterate that other product. 2379

(E) The director shall issue a hemp cultivation license or 2380

hemp processing license in accordance with Chapter 4796. of the 2381
Revised Code to an individual if either of the following 2382
applies: 2383

(1) The individual holds the applicable license in another 2384
state. 2385

(2) The individual has satisfactory work experience, a 2386
government certification, or a private certification as 2387
described in that chapter as a hemp cultivator or hemp processor 2388
in a state that does not issue the applicable license. 2389

Sec. 943.09. Licenses—(A) Except as provided in division 2390
(B) of this section, licenses shall be issued by the department 2391
of agriculture to weighers under such rules and regulations as 2392
the department shall prescribe. Each weigher shall display ~~his~~ 2393
the weigher's license in a conspicuous place on or adjacent to 2394
the weighing facility operated by such weigher. A weigher's 2395
license may be revoked for a violation of section 943.11 of the 2396
Revised Code or of the rules and regulations of the department 2397
relating thereto. The license of any weigher convicted of a 2398
violation of such section shall be promptly revoked. A weigher's 2399
license, unless revoked, shall expire on the thirty-first day of 2400
March of each year and shall be renewed according to the 2401
standard renewal procedure of sections 4745.01 to 4745.03, 2402
inclusive, of the Revised Code. 2403

(B) The director of agriculture shall issue a weigher's 2404
license in accordance with Chapter 4796. of the Revised Code to 2405
an individual if either of the following applies: 2406

(1) The individual holds a license in another state. 2407

(2) The individual has satisfactory work experience, a 2408
government certification, or a private certification as 2409

described in that chapter as a weigher in a state that does not 2410
issue that license. 2411

Sec. 956.05. (A) (1) No person shall act as or perform the 2412
functions of a dog broker in this state without a dog broker 2413
license issued by the director of agriculture in accordance with 2414
this section and rules adopted under section 956.03 of the 2415
Revised Code. 2416

(2) The director shall not issue a license under this 2417
section unless the director determines that the applicant will 2418
act as or perform the functions of a dog broker in accordance 2419
with this chapter and rules adopted under it. 2420

(B) A person who is proposing to act as or perform the 2421
functions of a dog broker shall submit an application for a 2422
license to the director. During the month of December, but 2423
before the first day of January of the next year, a person who 2424
is proposing to continue to act as or perform the functions of a 2425
dog broker shall obtain a license from the director for the 2426
following year. 2427

(C) The director shall issue a dog broker license in 2428
accordance with Chapter 4796. of the Revised Code to a person if 2429
either of the following applies: 2430

(1) The person holds a license in another state. 2431

(2) The person has satisfactory work experience, a 2432
government certification, or a private certification as 2433
described in that chapter as a dog broker in a state that does 2434
not issue that license. 2435

Sec. 956.06. (A) (1) No person shall operate an animal 2436
rescue for dogs without first registering with the director of 2437
agriculture in accordance with division (C) of this section or 2438

rules adopted under section 956.03 of the Revised Code, as 2439
applicable. A registration is valid for one year. 2440

(2) A registration may be renewed. An application for 2441
renewal shall be submitted to the director at least ninety days 2442
prior to the expiration of the registration. 2443

(3) The director shall not charge a registration fee to an 2444
animal rescue for dogs. However, if a person fails to renew a 2445
registration prior to its expiration, the director shall charge 2446
the person a late renewal fee of two hundred dollars. 2447

(B) The director shall maintain a database of all persons 2448
that are registered to operate an animal rescue for dogs in this 2449
state. 2450

(C) The director shall issue an animal rescue license for 2451
dogs registration in accordance with Chapter 4796. of the 2452
Revised Code to a person if either of the following applies: 2453

(1) The person holds a license or registration in another 2454
state. 2455

(2) The person has satisfactory work experience, a 2456
government certification, or a private certification as 2457
described in that chapter as an animal rescue for dogs operator 2458
in a state that does not issue that license or registration. 2459

Sec. 1315.04. (A) (1) After accepting an application for a 2460
money transmitter license described in section 1315.03 of the 2461
Revised Code, the superintendent of financial institutions shall 2462
examine all the facts and circumstances relating to the 2463
application. 2464

(2) At the applicant's expense, the superintendent may 2465
conduct an on-site examination of the applicant's books, 2466

records, and operations. If the superintendent requests, the 2467
applicant shall advance to the superintendent the 2468
superintendent's estimate of the cost of the on-site 2469
examination, with any unconsumed portion to be returned to the 2470
applicant. 2471

(3) The applicant shall pay the cost of its examination 2472
described in division (A) of this section, or any balance of the 2473
cost of its examination in the case of an applicant that 2474
advanced the estimated cost of its examination, within fourteen 2475
days after receiving an invoice for payment. 2476

(B) In making a determination on an application described 2477
in division (A) (1) of this section, the superintendent shall 2478
consider all of the following: 2479

(1) The applicant's financial condition; 2480

(2) The applicant's business practices; 2481

(3) The applicant's and its directors', executive 2482
officers', and controlling persons' experience, competence, and 2483
history of compliance with applicable laws. 2484

(C) The superintendent shall not approve an application 2485
described in division (A) (1) of this section if the applicant 2486
does not meet both of the following requirements: 2487

(1) The applicant is a legally established business entity 2488
that is capitalized separately and distinctly from every other 2489
legal entity and is qualified to do business in this state. 2490

(2) The applicant has a minimum net worth of not less than 2491
five hundred thousand dollars, calculated according to generally 2492
accepted accounting principles, but excluding any assets that 2493
the superintendent disqualifies and including any off-balance 2494

sheet liabilities that the superintendent requires. 2495

(D) (1) In approving an application for a money transmitter 2496
license, the superintendent may impose any condition the 2497
superintendent determines to be appropriate. 2498

(2) ~~When~~ Except as provided under division (F) of this 2499
section, when an applicant has satisfied all prior conditions 2500
imposed by the superintendent in approving the applicant's 2501
application for a money transmitter license and has provided a 2502
security device as required by section 1315.07 of the Revised 2503
Code, the superintendent shall issue the applicant a money 2504
transmitter license. A money transmitter license issued pursuant 2505
~~to this section~~ remains in force and effect until surrendered by 2506
the licensee pursuant to section 1315.18 of the Revised Code or 2507
suspended or revoked by the superintendent pursuant to section 2508
1315.151 of the Revised Code. 2509

(E) On or before the first day of July of each year, each 2510
licensee shall pay to the superintendent an annual fee for 2511
carrying on the business as a money transmitter, which fee is 2512
established by the superintendent pursuant to division ~~(B)~~ (A) 2513
(2) of section 1315.13 of the Revised Code. 2514

(F) The superintendent shall issue a money transmitter 2515
license in accordance with Chapter 4796. of the Revised Code to 2516
an applicant if either of the following applies: 2517

(1) The applicant holds a license in another state. 2518

(2) The applicant has satisfactory work experience, a 2519
government certification, or a private certification as 2520
described in that chapter as a money transmitter in a state that 2521
does not issue that license. 2522

Sec. 1315.13. ~~Annually~~ (A) Subject to division (B) of this 2523

section, the superintendent annually shall establish both of the 2524
following: 2525

~~(A)~~ (1) The application fee for an application for a 2526
license to transmit money under section 1315.03 of the Revised 2527
Code; 2528

~~(B)~~ (2) An annual fee described in division (E) of section 2529
1315.04 of the Revised Code for each licensee to carry on the 2530
business of a money transmitter. When establishing the annual 2531
fee for each licensee, the superintendent may consider the 2532
number of offices and authorized delegates the licensee has and 2533
the volume of business the licensee does in this state. 2534

(B) When establishing the application fee for an 2535
application for a license to transmit money under section 2536
1315.03 of the Revised Code, the superintendent shall comply 2537
with Chapter 4796. of the Revised Code. 2538

Sec. 1315.23. (A) Upon the filing of an application for an 2539
original license to engage in the business of cashing checks, 2540
and the payment of the fees for investigation and licensure, the 2541
superintendent of financial institutions shall investigate the 2542
financial condition and responsibility and general fitness of 2543
the applicant. As part of that investigation, the superintendent 2544
shall request that the superintendent of the bureau of criminal 2545
identification and investigation investigate and determine, with 2546
respect to the applicant, whether the bureau has any information 2547
gathered under section 109.57 of the Revised Code that pertains 2548
to that applicant. 2549

~~(B)~~ The (1) Except as provided in division (B) (2) of this 2550
section, the superintendent shall issue a license, which shall 2551
apply to all check-cashing business locations of the applicant, 2552

if the superintendent determines that the applicant meets all 2553
the following requirements: 2554

~~(1)~~ (a) The applicant is financially sound and has a net 2555
worth of at least twenty-five thousand dollars. The applicant's 2556
net worth shall be computed according to generally accepted 2557
accounting principles. The applicant shall maintain a net worth 2558
of at least twenty-five thousand dollars throughout the 2559
licensure period. 2560

~~(2)~~ (b) The applicant has the ability and fitness in the 2561
capacity involved to engage in the business of cashing checks. 2562

~~(3)~~ (c) The applicant has not been convicted of, or has 2563
not pleaded guilty or no contest to, a disqualifying offense 2564
determined in accordance with section 9.79 of the Revised Code. 2565

~~(4)~~ (d) The applicant has never had a check-cashing 2566
license revoked. 2567

(2) The superintendent shall issue a license to engage in 2568
the business of cashing checks in accordance with Chapter 4796. 2569
of the Revised Code to an applicant if either of the following 2570
applies: 2571

(a) The applicant holds a license in another state. 2572

(b) The applicant has satisfactory work experience, a 2573
government certification, or a private certification as 2574
described in that chapter in the business of cashing checks in a 2575
state that does not issue that license. 2576

(C) (1) A license issued to a check-cashing business shall 2577
remain in full force and effect through the thirty-first day of 2578
December following its date of issuance, unless earlier 2579
surrendered, suspended, or revoked. 2580

(2) Each check-cashing business shall conspicuously post 2581
and at all times display in every business location its check- 2582
cashing license. No check-cashing license is transferable or 2583
assignable. 2584

(D) A check-cashing business voluntarily may surrender its 2585
license at any time by giving written notice to the 2586
superintendent and sending, by certified mail, to the 2587
superintendent all license documents issued to it pursuant to 2588
sections 1315.21 to 1315.28 of the Revised Code. 2589

(E) (1) A check-cashing business annually may apply to the 2590
superintendent for a renewal of its license on or after the 2591
first day of December of the year in which its existing license 2592
expires. 2593

(2) If a check-cashing business files an application for a 2594
renewal license with the superintendent before the first day of 2595
January of any year, the license sought to be renewed shall 2596
continue in full force and effect until the issuance by the 2597
superintendent of the renewal license applied for or until ten 2598
days after the superintendent has given the check-cashing 2599
business notice of the superintendent's refusal to issue a 2600
renewal license. 2601

(F) The superintendent may, except as otherwise provided 2602
in this division, suspend, revoke, or refuse an original or 2603
renewal license for failure to comply with this section or for 2604
any violation of section 1315.28 of the Revised Code. If a 2605
suspension, revocation, or refusal of an original or renewal 2606
license is based on a violation of section 1315.28 of the 2607
Revised Code that is committed, without the licensee's 2608
knowledge, at a check-cashing business location of the licensee, 2609
the suspension or revocation applies only to that check-cashing 2610

business location. In all other cases, a suspension, revocation, 2611
or refusal of an original or renewal license applies to all 2612
check-cashing business locations of the licensee. The 2613
superintendent shall not refuse an original license to an 2614
applicant because of a criminal conviction unless the refusal is 2615
in accordance with section 9.79 of the Revised Code. 2616

(G) No original or renewal license shall be suspended, 2617
revoked, or refused except after a hearing in accordance with 2618
Chapter 119. of the Revised Code. In suspending a license under 2619
this division, the superintendent shall establish the length of 2620
the suspension, provided that no suspension may be for a period 2621
exceeding one year. The superintendent's decision to revoke, 2622
suspend, or refuse an original or renewal license may be 2623
appealed pursuant to Chapter 119. of the Revised Code. 2624

(H) Upon revocation of a license, the licensee shall 2625
immediately send, by certified mail, all license documents 2626
issued pursuant to sections 1310.21 to 1310.28 of the Revised 2627
Code to the superintendent. 2628

(I) The superintendent may, in lieu of a suspension or 2629
revocation of a license, impose a fine of not more than one 2630
thousand dollars for each violation. 2631

Sec. 1321.04. ~~Upon (A)~~ Except as otherwise provided in 2632
division (B) of this section, upon the filing of an application 2633
under section 1321.03 of the Revised Code and payment of fees 2634
pursuant to section 1321.20 of the Revised Code, the division of 2635
financial institutions shall investigate the facts concerning 2636
the applicant and the requirements provided for in divisions (A) 2637
(1) and ~~(B)~~ (2) of this section. 2638

The division shall approve the application and issue and 2639

deliver a license to the applicant if the division finds both of 2640
the following: 2641

~~(A)~~ (1) That the financial responsibility, experience, and 2642
general fitness of the applicant and of the members thereof, if 2643
the applicant is a partnership or an association, and of the 2644
officers and directors thereof, if the applicant is a 2645
corporation, are such as to warrant the belief that the business 2646
will be operated lawfully, honestly, and fairly under sections 2647
1321.01 to 1321.19 of the Revised Code and within the purposes 2648
of those sections, that the applicant has fully complied with 2649
those sections, and that the applicant is qualified to act as a 2650
licensed lender; 2651

~~(B)~~ (2) That the applicant has available for the operation 2652
of such business cash or moneys deposited in a readily 2653
accessible fund or account of not less than twenty-five thousand 2654
dollars. 2655

If the division does not so find, it shall enter an order 2656
denying such application and forthwith notify the applicant of 2657
the denial, the grounds for the denial, and the applicant's 2658
reasonable opportunity to be heard on the action in accordance 2659
with Chapter 119. of the Revised Code. In the event of denial, 2660
the division shall return the license fee but shall retain the 2661
investigation fee. 2662

(B) The division shall issue and deliver a license in 2663
accordance with Chapter 4796. of the Revised Code to an 2664
applicant if either of the following applies: 2665

(1) The applicant holds a license in another state. 2666

(2) The applicant has satisfactory work experience, a 2667
government certification, or a private certification as 2668

described in that chapter in the business of lending money, 2669
credit, or choses in action in amounts of five thousand dollars 2670
or less in a state that does not issue that license. 2671

Sec. 1321.37. (A) Application for an original or renewal 2672
license to make short-term loans shall be in writing, under 2673
oath, and in the form prescribed by the superintendent of 2674
financial institutions, and shall contain the name and address 2675
of the applicant, the location where the business of making 2676
loans is to be conducted, and any further information as the 2677
superintendent requires. At the time of making an application 2678
for an original license, the applicant shall pay to the 2679
superintendent a nonrefundable investigation fee of two hundred 2680
dollars. No investigation fee or any portion thereof shall be 2681
refunded after an original license has been issued. The 2682
application for an original or renewal license shall be 2683
accompanied by an original or renewal license fee, for each 2684
business location of one thousand dollars, except that 2685
applications for original licenses issued on or after the first 2686
day of July for any year shall be accompanied by an original 2687
license fee of five hundred dollars, and except that an 2688
application for an original or renewal license, for a nonprofit 2689
corporation that is incorporated under Chapter 1702. of the 2690
Revised Code, shall be accompanied by an original or renewal 2691
license fee, for each business location, that is one-half of the 2692
fee otherwise required. All fees paid to the superintendent 2693
pursuant to this division shall be deposited into the state 2694
treasury to the credit of the consumer finance fund. 2695

(B) Upon the filing of an application for an original 2696
license and, with respect to an application filed for a renewal 2697
license, on a schedule determined by the superintendent by rule 2698
adopted pursuant to section 1321.43 of the Revised Code, and the 2699

payment of fees in accordance with division (A) of this section, 2700
the superintendent shall investigate the facts concerning the 2701
applicant and the requirements provided by this division. The 2702
superintendent shall request the superintendent of the bureau of 2703
criminal identification and investigation, or a vendor approved 2704
by the bureau, to conduct a criminal records check based on the 2705
applicant's fingerprints in accordance with section 109.572 of 2706
the Revised Code. Notwithstanding division (K) of section 121.08 2707
of the Revised Code, the superintendent of financial 2708
institutions shall request that criminal record information from 2709
the federal bureau of investigation be obtained as part of the 2710
criminal records check. The superintendent of financial 2711
institutions shall conduct a civil records check. The 2712
superintendent shall approve an application and issue an 2713
original or renewal license to the applicant if the 2714
superintendent finds all of the following: 2715

(1) The financial responsibility, experience, and general 2716
fitness of the applicant are such as to warrant the belief that 2717
the business of making loans will be operated lawfully, 2718
honestly, and fairly under sections 1321.35 to 1321.48 of the 2719
Revised Code and within the purposes of those sections; that the 2720
applicant has fully complied with those sections and any rule or 2721
order adopted or issued pursuant to section 1321.43 of the 2722
Revised Code; and that the applicant is qualified to engage in 2723
the business of making loans under sections 1321.35 to 1321.48 2724
of the Revised Code. 2725

(2) The applicant is financially sound and has a net worth 2726
of not less than one hundred thousand dollars, or in the case of 2727
a nonprofit corporation that is incorporated under Chapter 1702. 2728
of the Revised Code, a net worth of not less than fifty thousand 2729
dollars. The applicant's net worth shall be computed according 2730

to generally accepted accounting principles. 2731

(3) The applicant has never had revoked a license to make 2732
loans under sections 1321.35 to 1321.48 of the Revised Code, 2733
under former sections 1315.35 to 1315.44 of the Revised Code, or 2734
to do business under sections 1315.21 to 1315.30 of the Revised 2735
Code. 2736

(4) Neither the applicant nor any senior officer, or 2737
partner of the applicant, has pleaded guilty to or been 2738
convicted of a disqualifying offense as determined in accordance 2739
with section 9.79 of the Revised Code. 2740

(5) Neither the applicant nor any senior officer, or 2741
partner of the applicant, has been subject to any adverse 2742
judgment for conversion, embezzlement, misappropriation of 2743
funds, fraud, misfeasance or malfeasance, or breach of fiduciary 2744
duty, or if the applicant or any of those other persons has been 2745
subject to such a judgment, the applicant has proven to the 2746
superintendent, by a preponderance of the evidence, that the 2747
applicant's or other person's activities and employment record 2748
since the judgment show that the applicant or other person is 2749
honest and truthful and there is no basis in fact for believing 2750
that the applicant or other person will be subject to such a 2751
judgment again. 2752

(C) If the superintendent finds that the applicant does 2753
not meet the requirements of division (B) of this section, or 2754
the superintendent finds that the applicant knowingly or 2755
repeatedly contracts with or employs persons to directly engage 2756
in lending activities who have been convicted of a felony crime 2757
listed in division (B)(5) of this section, the superintendent 2758
shall issue an order denying the application for an original or 2759
renewal license and giving the applicant an opportunity for a 2760

hearing on the denial in accordance with Chapter 119. of the 2761
Revised Code. The superintendent shall notify the applicant of 2762
the denial, the grounds for the denial, and the applicant's 2763
opportunity for a hearing. If the application is denied, the 2764
superintendent shall return the annual license fee but shall 2765
retain the investigation fee. 2766

(D) No person licensed under sections 1321.35 to 1321.48 2767
of the Revised Code shall conduct business in this state unless 2768
the licensee has obtained and maintains in effect at all times a 2769
corporate surety bond issued by a bonding company or insurance 2770
company authorized to do business in this state. The bond shall 2771
be in favor of the superintendent and in the penal sum of at 2772
least one hundred thousand dollars, or in the case of a 2773
nonprofit corporation that is incorporated under Chapter 1702. 2774
of the Revised Code, in the amount of fifty thousand dollars. 2775
The term of the bond shall coincide with the term of the 2776
license. The licensee shall file a copy of the bond with the 2777
superintendent. The bond shall be for the exclusive benefit of 2778
any borrower injured by a violation by a licensee or any 2779
employee of a licensee, of any provision of sections 1321.35 to 2780
1321.48 of the Revised Code. 2781

(E) Notwithstanding any provision of this section to the 2782
contrary, the superintendent shall issue an original license in 2783
accordance with Chapter 4796. of the Revised Code to an 2784
applicant if either of the following applies: 2785

(1) The applicant holds a license in another state. 2786

(2) The applicant has satisfactory work experience, a 2787
government certification, or a private certification as 2788
described in that chapter as a short-term lender in a state that 2789
does not issue that license. 2790

Sec. 1321.53. (A) (1) An application for a certificate of 2791
registration under sections 1321.51 to 1321.60 of the Revised 2792
Code shall contain an undertaking by the applicant to abide by 2793
those sections. The application shall be in writing, under oath, 2794
and in the form prescribed by the division of financial 2795
institutions, and shall contain any information that the 2796
division may require. Applicants that are foreign corporations 2797
shall obtain and maintain a license pursuant to Chapter 1703. of 2798
the Revised Code before a certificate is issued or renewed. 2799

(2) Upon the filing of the application and the payment by 2800
the applicant of a nonrefundable two-hundred-dollar 2801
investigation fee and a nonrefundable three-hundred-dollar 2802
annual registration fee, the division shall investigate the 2803
relevant facts. If the application involves investigation 2804
outside this state, the applicant may be required by the 2805
division to advance sufficient funds to pay any of the actual 2806
expenses of such investigation, when it appears that these 2807
expenses will exceed two hundred dollars. An itemized statement 2808
of any of these expenses which the applicant is required to pay 2809
shall be furnished to the applicant by the division. No 2810
certificate shall be issued unless all the required fees have 2811
been submitted to the division. 2812

(3) The investigation undertaken upon application shall 2813
include both a civil and criminal records check of the applicant 2814
including any individual whose identity is required to be 2815
disclosed in the application. Where the applicant is a business 2816
entity the superintendent shall have the authority to require a 2817
civil and criminal background check of those persons that in the 2818
determination of the superintendent have the authority to direct 2819
and control the operations of the applicant. 2820

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

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

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

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

shall not use a credit score as the sole basis for a 2851
registration denial. 2852

(a) (i) Certificates of registration issued on or after 2853
July 1, 2010, shall annually expire on the thirty-first day of 2854
December, unless renewed by the filing of a renewal application 2855
and payment of a three-hundred-dollar nonrefundable annual 2856
registration fee and any assessment as determined by the 2857
superintendent pursuant to division (A) (6) (a) (ii) of this 2858
section on or before the last day of December of each year. No 2859
other fee or assessment shall be required of a registrant by the 2860
state or any political subdivision of this state. 2861

(ii) If the renewal fees billed by the superintendent 2862
pursuant to division (A) (6) (a) (i) of this section are less than 2863
the estimated expenditures of the consumer finance section of 2864
the division of financial institutions, as determined by the 2865
superintendent, for the following fiscal year, the 2866
superintendent may assess each registrant at a rate sufficient 2867
to equal in the aggregate the difference between the renewal 2868
fees billed and the estimated expenditures. Each registrant 2869
shall pay the assessed amount to the superintendent prior to the 2870
last day of June. In no case shall the assessment exceed ten 2871
cents per each one hundred dollars of interest (excluding 2872
charge-off recoveries), points, loan origination charges, and 2873
credit line charges collected by that registrant during the 2874
previous calendar year. If such an assessment is imposed, it 2875
shall not be less than two hundred fifty dollars per registrant 2876
and shall not exceed thirty thousand dollars less the total 2877
renewal fees paid pursuant to division (A) (6) (a) (i) of this 2878
section by each registrant. 2879

(b) Registrants shall timely file renewal applications on 2880

forms prescribed by the division and provide any further 2881
information that the division may require. If a renewal 2882
application does not contain all of the information required 2883
under this section, and if that information is not submitted to 2884
the division within ninety days after the superintendent 2885
requests the information in writing, including by electronic 2886
transmission or facsimile, the superintendent may consider the 2887
application withdrawn. 2888

(c) Renewal shall not be granted if the applicant's 2889
certificate of registration is subject to an order of 2890
suspension, revocation, or an unpaid and past due fine imposed 2891
by the superintendent. 2892

(d) If the division finds the applicant does not meet the 2893
conditions set forth in this section, it shall issue a notice of 2894
intent to deny the application, and forthwith notify the 2895
applicant of the denial, the grounds for the denial, and the 2896
applicant's reasonable opportunity to be heard on the action in 2897
accordance with Chapter 119. of the Revised Code. 2898

(7) If there is a change of five per cent or more in the 2899
ownership of a registrant, the division may make any 2900
investigation necessary to determine whether any fact or 2901
condition exists that, if it had existed at the time of the 2902
original application for a certificate of registration, the fact 2903
or condition would have warranted the division to deny the 2904
application under division (A) (6) of this section. If such a 2905
fact or condition is found, the division may, in accordance with 2906
Chapter 119. of the Revised Code, revoke the registrant's 2907
certificate. 2908

(B) Notwithstanding division (A) of this section, the 2909
division shall issue a certificate of registration in accordance 2910

with Chapter 4796. of the Revised Code to an applicant if either 2911
of the following applies: 2912

(1) The applicant holds a license or certificate in 2913
another state. 2914

(2) The applicant has satisfactory work experience, a 2915
government certification, or a private certification as 2916
described in that chapter as a general loan lender in a state 2917
that does not issue that license. 2918

(C) Each registrant that engages in lending under sections 2919
1321.51 to 1321.60 of the Revised Code shall maintain both of 2920
the following: 2921

(1) A net worth of at least fifty thousand dollars; 2922

(2) For each certificate of registration, assets of at 2923
least fifty thousand dollars either in use or readily available 2924
for use in the conduct of the business. 2925

~~(C)~~ (D) Not more than one place of business shall be 2926
maintained under the same certificate, but the division may 2927
issue additional certificates to the same registrant upon 2928
compliance with sections 1321.51 to 1321.60 of the Revised Code, 2929
governing the issuance of a single certificate. No change in the 2930
place of business of a registrant to a location outside the 2931
original municipal corporation shall be permitted under the same 2932
certificate without the approval of a new application, the 2933
payment of the registration fee and, if required by the 2934
superintendent, the payment of an investigation fee of two 2935
hundred dollars. When a registrant wishes to change its place of 2936
business within the same municipal corporation, it shall give 2937
written notice of the change in advance to the division, which 2938
shall provide a certificate for the new address without cost. If 2939

a registrant changes its name, prior to making loans under the 2940
new name it shall give written notice of the change to the 2941
division, which shall provide a certificate in the new name 2942
without cost. Sections 1321.51 to 1321.60 of the Revised Code do 2943
not limit the loans of any registrant to residents of the 2944
community in which the registrant's place of business is 2945
situated. Each certificate shall be kept conspicuously posted in 2946
the place of business of the registrant and is not transferable 2947
or assignable. 2948

~~(D)~~ (E) Sections 1321.51 to 1321.60 of the Revised Code do 2949
not apply to any of the following: 2950

(1) Entities chartered and lawfully doing business under 2951
the authority of any law of this state, another state, or the 2952
United States as a bank, savings bank, trust company, savings 2953
and loan association, or credit union, or a subsidiary of any 2954
such entity, which subsidiary is regulated by a federal banking 2955
agency and is owned and controlled by such a depository 2956
institution; 2957

(2) Life, property, or casualty insurance companies 2958
licensed to do business in this state; 2959

(3) Any person that is a lender making a loan pursuant to 2960
sections 1321.01 to 1321.19 or sections 1321.62 to 1321.701 of 2961
the Revised Code or a business loan as described in division (B) 2962
(6) of section 1343.01 of the Revised Code; 2963

(4) Any political subdivision, or any governmental or 2964
other public entity, corporation, instrumentality, or agency, in 2965
or of the United States or any state of the United States, or 2966
any entity described in division (B) (3) of section 1343.01 of 2967
the Revised Code; 2968

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

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

Sec. 1321.64. (A) An application for a license 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 superintendent of financial institutions, and shall contain any information that the superintendent may require. Applicants that are foreign corporations shall obtain and maintain a license pursuant to Chapter 1703. of the Revised Code before a license is issued or renewed.

(B) Upon the filing of the application and the payment by the applicant of a nonrefundable investigation fee of two hundred dollars, a nonrefundable annual registration fee of three hundred dollars, and any additional fee required by the NMLSR, the division of financial institutions 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 the 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. A license shall not be issued unless all the required fees have been submitted to the division.

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

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

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

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

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

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

(E) If the superintendent of financial institutions finds

that the financial responsibility, experience, and general 3028
fitness of the applicant command the confidence of the public 3029
and warrant the belief that the business will be operated 3030
honestly and fairly in compliance with the purposes of sections 3031
1321.62 to 1321.702 of the Revised Code and the rules adopted 3032
thereunder, and that the applicant has the requisite net worth 3033
and assets required under section 1321.65 of the Revised Code, 3034
the superintendent shall issue a license to the applicant. The 3035
license shall be valid until the thirty-first day of December of 3036
the year in which it is issued. A person may be licensed under 3037
both sections 1321.51 to 1321.60 and sections 1321.62 to 3038
1321.702 of the Revised Code. 3039

(F) If the superintendent finds that the applicant does 3040
not meet the conditions set forth in this section, the 3041
superintendent shall issue a notice of intent to deny the 3042
application, and promptly notify the applicant of the denial, 3043
the grounds for the denial, and the applicant's reasonable 3044
opportunity to be heard on the action in accordance with Chapter 3045
119. of the Revised Code. 3046

(G) Notwithstanding any provision of this section to the 3047
contrary, the superintendent shall issue a license in accordance 3048
with Chapter 4796. of the Revised Code to an applicant if either 3049
of the following applies: 3050

(1) The applicant holds a license in another state. 3051

(2) The applicant has satisfactory work experience, a 3052
government certification, or a private certification as 3053
described in that chapter as a consumer installment loan lender 3054
in a state that does not issue that license. 3055

Sec. 1321.74. (A) Application for a license as a premium 3056

finance company shall be in writing, under oath, in the form 3057
prescribed by the division of financial institutions. An 3058
applicant also shall provide the form of premium finance 3059
agreement it intends to use in doing business under sections 3060
1321.71 to 1321.83 of the Revised Code. Upon the filing of an 3061
application and the payment of the license fee, and upon deposit 3062
of an investigation fee not to exceed three hundred dollars if 3063
the investigation can be conducted in this state or the 3064
estimated costs of the investigation if it must be conducted 3065
outside this state, the division shall make an investigation of 3066
each applicant and shall issue a license if the applicant is 3067
qualified in accordance with sections 1321.71 to 1321.83 of the 3068
Revised Code. An itemized statement of any investigation 3069
expenses incurred which the applicant is required to pay shall 3070
be furnished the applicant by the division, and only the actual 3071
cost of such investigation shall be paid by the applicant, but 3072
at no time shall the investigation fee be less than two hundred 3073
dollars. If the division does not so find, it shall, within a 3074
reasonable period of time after it has received the application, 3075
at the request of the applicant, give the applicant opportunity 3076
for a hearing conducted in accordance with Chapter 119. of the 3077
Revised Code. 3078

(B) (1) The division shall, except as provided in division 3079
(B) (2) of this section, issue or renew a license when it is 3080
satisfied that the applicant: 3081

(a) Is competent and trustworthy and intends to act in 3082
good faith in the capacity involved by the license applied for; 3083

(b) Has a good business reputation and has had experience, 3084
training, or education so as to be qualified in the business for 3085
which the license is applied for; 3086

(c) If a corporation, is a corporation incorporated under 3087
the laws of this state or is a foreign corporation authorized to 3088
transact business in this state; 3089

(d) Has a net worth of at least fifty thousand dollars, as 3090
determined in accordance with generally accepted accounting 3091
principles; 3092

(e) With respect to the issuance of a license, has filed 3093
with the division a form of premium finance agreement that 3094
complies with sections 1321.71 to 1321.83 of the Revised Code. 3095

(2) The division shall not refuse to issue a license to an 3096
applicant because of a criminal conviction unless the refusal is 3097
in accordance with section 9.79 of the Revised Code. 3098

(C) Not more than one place of business shall be 3099
maintained under the same license, but the division may issue 3100
additional licenses to the same licensee upon compliance with 3101
sections 1321.71 to 1321.83 of the Revised Code. 3102

No change in the place of business of a licensee to a 3103
location outside the original municipal corporation shall be 3104
permitted under the same license without the approval of a new 3105
application, the payment of the license fee as determined by the 3106
superintendent of financial institutions pursuant to section 3107
1321.20 of the Revised Code, and, if required by the 3108
superintendent, the payment of an investigation fee of two 3109
hundred dollars. If a licensee wishes to change its place of 3110
business within the same municipal corporation, it shall give 3111
written notice of the change in advance to the division, which 3112
shall provide a license for the new address without cost. If a 3113
licensee changes its name, it shall give, prior to entering into 3114
or otherwise acquiring premium finance agreements under the new 3115

name, written notice of the change to the division, which shall 3116
provide a license in the new name, without cost. 3117

Each license shall be kept conspicuously posted in the 3118
place of business of the licensee and is not transferable or 3119
assignable. 3120

Notwithstanding any other provision of this section to the 3121
contrary, the division shall issue a license to act as a premium 3122
finance company in accordance with Chapter 4796. of the Revised 3123
Code to an applicant if either of the following applies: 3124

(1) The applicant is licensed in another state. 3125

(2) The applicant has satisfactory work experience, a 3126
government certification, or a private certification as 3127
described in that chapter as an operator of a premium finance 3128
company in a state that does not issue that license. 3129

Sec. 1322.10. (A) Upon the conclusion of the investigation 3130
required under division (B) of section 1322.09 of the Revised 3131
Code, the superintendent of financial institutions shall issue a 3132
certificate of registration to the applicant if the 3133
superintendent finds that the following conditions are met: 3134

(1) The application is accompanied by the application fee 3135
and any fee required by the nationwide mortgage licensing system 3136
and registry. 3137

(a) If a check or other draft instrument is returned to 3138
the superintendent for insufficient funds, the superintendent 3139
shall notify the applicant by certified mail, return receipt 3140
requested, that the application will be withdrawn unless the 3141
applicant, within thirty days after receipt of the notice, 3142
submits the application fee and a one-hundred-dollar penalty to 3143
the superintendent. If the applicant does not submit the 3144

application fee and penalty within that time period, or if any 3145
check or other draft instrument used to pay the fee or penalty 3146
is returned to the superintendent for insufficient funds, the 3147
application shall be withdrawn. 3148

(b) If a check or other draft instrument is returned to 3149
the superintendent for insufficient funds after the certificate 3150
of registration has been issued, the superintendent shall notify 3151
the registrant by certified mail, return receipt requested, that 3152
the certificate of registration issued in reliance on the check 3153
or other draft instrument will be canceled unless the 3154
registrant, within thirty days after receipt of the notice, 3155
submits the application fee and a one-hundred-dollar penalty to 3156
the superintendent. If the registrant does not submit the 3157
application fee and penalty within that time period, or if any 3158
check or other draft instrument used to pay the fee or penalty 3159
is returned to the superintendent for insufficient funds, the 3160
certificate of registration shall be canceled immediately 3161
without a hearing, and the registrant shall cease activity as a 3162
mortgage broker, mortgage lender, or mortgage servicer. 3163

(2) If the application is for a location that is a 3164
residence, evidence that the use of the residence to transact 3165
business as a mortgage lender, mortgage broker, or mortgage 3166
servicer is not prohibited. 3167

(3) The applicant maintains all necessary filings and 3168
approvals required by the secretary of state. 3169

(4) The applicant complies with the surety bond 3170
requirements of section 1322.32 of the Revised Code. 3171

(5) The applicant has not made a material misstatement of 3172
fact or material omission of fact in the application. 3173

(6) Neither the applicant nor any person whose identity is 3174
required to be disclosed on an application for a certificate of 3175
registration has had such a certificate of registration or 3176
mortgage loan originator license, or any comparable authority, 3177
revoked in any governmental jurisdiction or has pleaded guilty 3178
or nolo contendere to or been convicted of a disqualifying 3179
offense as determined in accordance with section 9.79 of the 3180
Revised Code. 3181

(7) The applicant's operations manager successfully 3182
completed the examination required by section 1322.27 of the 3183
Revised Code. 3184

(8) The applicant's financial responsibility, experience, 3185
and general fitness command the confidence of the public and 3186
warrant the belief that the business will be operated honestly, 3187
fairly, and efficiently in compliance with the purposes of this 3188
chapter and the rules adopted thereunder. The superintendent 3189
shall not use a credit score or a bankruptcy as the sole basis 3190
for registration denial. 3191

(B) For purposes of determining whether an applicant that 3192
is a partnership, corporation, or other business entity or 3193
association has met the conditions set forth in divisions (A) (6) 3194
and (8) of this section, the superintendent shall determine 3195
which partners, shareholders, or persons named in the 3196
application must meet those conditions. This determination shall 3197
be based on the extent and nature of the partner's, 3198
shareholder's, or person's ownership interest in the 3199
partnership, corporation, or other business entity or 3200
association that is the applicant and on whether the person is 3201
in a position to direct, control, or adversely influence the 3202
operations of the applicant. 3203

(C) The certificate of registration issued pursuant to 3204
division (A) of this section may be renewed annually on or 3205
before the thirty-first day of December if the superintendent 3206
finds that all of the following conditions are met: 3207

(1) The renewal application is accompanied by a 3208
nonrefundable renewal fee of seven hundred dollars for each 3209
location of an office to be maintained by the applicant in 3210
accordance with division (A) of section 1322.07 of the Revised 3211
Code and any fee required by the nationwide mortgage licensing 3212
system and registry. If a check or other draft instrument is 3213
returned to the superintendent for insufficient funds, the 3214
superintendent shall notify the registrant by certified mail, 3215
return receipt requested, that the certificate of registration 3216
renewed in reliance on the check or other draft instrument will 3217
be canceled unless the registrant, within thirty days after 3218
receipt of the notice, submits the renewal fee and a one- 3219
hundred-dollar penalty to the superintendent. If the registrant 3220
does not submit the renewal fee and penalty within that time 3221
period, or if any check or other draft instrument used to pay 3222
the fee or penalty is returned to the superintendent for 3223
insufficient funds, the certificate of registration shall be 3224
canceled immediately without a hearing and the registrant shall 3225
cease activity as a mortgage broker, mortgage lender, or 3226
mortgage servicer. 3227

(2) The applicant meets the conditions set forth in 3228
divisions (A) (2), (3), (4), (5), (7), and (8) of this section. 3229

(3) Neither the applicant nor any person whose identity is 3230
required to be disclosed on the renewal application has had a 3231
certificate of registration or mortgage loan originator license, 3232
or any comparable authority, revoked in any governmental 3233

jurisdiction or has pleaded guilty or nolo contendere to or been 3234
convicted of any of the following in a domestic, foreign, or 3235
military court: 3236

(a) During the seven-year period immediately preceding the 3237
date of the renewal application but excluding any time before 3238
the certificate of registration was issued, a misdemeanor 3239
involving theft or any felony; 3240

(b) At any time between the date of the original 3241
certificate of registration and the date of the renewal 3242
application, a felony involving an act of fraud, dishonesty, a 3243
breach of trust, theft, or money laundering. 3244

(4) The applicant's certificate of registration is not 3245
subject to an order of suspension or an unpaid and past due fine 3246
imposed by the superintendent. 3247

(D) (1) Subject to division (D) (2) of this section, if a 3248
renewal fee or additional fee required by the nationwide 3249
mortgage licensing system and registry is received by the 3250
superintendent after the thirty-first day of December, the 3251
certificate of registration shall not be considered renewed, and 3252
the applicant shall cease activity as a mortgage lender, 3253
mortgage broker, or mortgage servicer. 3254

(2) Division (D) (1) of this section shall not apply if the 3255
applicant, not later than forty-five days after the renewal 3256
deadline, submits the renewal fee or additional fee and a one- 3257
hundred-fifty-dollar penalty to the superintendent. 3258

(E) Certificates of registration issued under this chapter 3259
annually expire on the thirty-first day of December. 3260

(F) The pardon or expungement of a conviction shall not be 3261
considered a conviction for purposes of this section. 3262

(G) Notwithstanding any provision of this chapter to the 3263
contrary, the superintendent shall issue a certificate of 3264
registration in accordance with Chapter 4796. of the Revised 3265
Code to an applicant if either of the following applies: 3266

(1) The applicant holds a license or certificate of 3267
registration in another state. 3268

(2) The applicant has satisfactory work experience, a 3269
government certification, or a private certification as 3270
described in that chapter as a mortgage broker or mortgage 3271
lender in a state that does not issue that license or 3272
certificate of registration. 3273

Sec. 1322.21. (A) Upon the conclusion of the investigation 3274
required under division (C) of section 1322.20 of the Revised 3275
Code, the superintendent of financial institutions shall issue a 3276
mortgage loan originator license to the applicant if the 3277
superintendent finds that the following conditions are met: 3278

(1) The application is accompanied by the application fee 3279
and any fee required by the nationwide mortgage licensing system 3280
and registry. 3281

(a) If a check or other draft instrument is returned to 3282
the superintendent for insufficient funds, the superintendent 3283
shall notify the applicant by certified mail, return receipt 3284
requested, that the application will be withdrawn unless the 3285
applicant, within thirty days after receipt of the notice, 3286
submits the application fee and a one-hundred-dollar penalty to 3287
the superintendent. If the applicant does not submit the 3288
application fee and penalty within that time period, or if any 3289
check or other draft instrument used to pay the fee or penalty 3290
is returned to the superintendent for insufficient funds, the 3291

application shall be withdrawn. 3292

(b) If a check or other draft instrument is returned to 3293
the superintendent for insufficient funds after the license has 3294
been issued, the superintendent shall notify the licensee by 3295
certified mail, return receipt requested, that the license 3296
issued in reliance on the check or other draft instrument will 3297
be canceled unless the licensee, within thirty days after 3298
receipt of the notice, submits the application fee and a one- 3299
hundred-dollar penalty to the superintendent. If the licensee 3300
does not submit the application fee and penalty within that time 3301
period, or if any check or other draft instrument used to pay 3302
the fee or penalty is returned to the superintendent for 3303
insufficient funds, the license shall be canceled immediately 3304
without a hearing, and the licensee shall cease activity as a 3305
loan originator. 3306

(2) The applicant has not made a material misstatement of 3307
fact or material omission of fact in the application. 3308

(3) The applicant has not been convicted of or pleaded 3309
guilty or nolo contendere to a disqualifying offense as 3310
determined in accordance with section 9.79 of the Revised Code. 3311

(4) The applicant completed the prelicensing instruction 3312
set forth in division (B) of section 1322.20 of the Revised 3313
Code. 3314

(5) The applicant's financial responsibility and general 3315
fitness command the confidence of the public and warrant the 3316
belief that the business will be operated honestly and fairly in 3317
compliance with the purposes of this chapter. The superintendent 3318
shall not use a credit score or bankruptcy as the sole basis for 3319
a license denial. 3320

(6) The applicant is in compliance with the surety bond requirements of section 1322.32 of the Revised Code. 3321
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(7) The applicant has not had a mortgage loan originator license, or comparable authority, revoked in any governmental jurisdiction. 3323
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(B) The license issued under division (A) of this section may be renewed annually on or before the thirty-first day of December if the superintendent finds that all of the following conditions are met: 3326
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(1) The renewal application is accompanied by a nonrefundable renewal fee of two hundred dollars and any fee required by the nationwide mortgage licensing system and registry. If a check or other draft instrument is returned to the superintendent for insufficient funds, the superintendent shall notify the licensee by certified mail, return receipt requested, that the license renewed in reliance on the check or other draft instrument will be canceled unless the licensee, within thirty days after receipt of the notice, submits the renewal fee and a one-hundred-dollar penalty to the superintendent. If the licensee does not submit the renewal fee and penalty within that time period, or if any check or other draft instrument used to pay the fee or penalty is returned to the superintendent for insufficient funds, the license shall be canceled immediately without a hearing, and the licensee shall cease activity as a loan originator. 3330
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(2) The applicant has completed at least eight hours of continuing education as required under section 1322.28 of the Revised Code. 3346
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(3) The applicant meets the conditions set forth in 3349

divisions (A) (2), (4), (5), (6), and (7) of this section. 3350

(4) The applicant has not been convicted of or pleaded 3351
guilty or nolo contendere to any of the following in a domestic, 3352
foreign, or military court: 3353

(a) During the seven-year period immediately preceding the 3354
date of the renewal application but excluding any time before 3355
the license was issued, a misdemeanor involving theft or any 3356
felony; 3357

(b) At any time between the date of the original license 3358
and the date of the renewal application, a felony involving an 3359
act of fraud, dishonesty, a breach of trust, theft, or money 3360
laundering. 3361

(5) The applicant's license is not subject to an order of 3362
suspension or an unpaid and past due fine imposed by the 3363
superintendent. 3364

(C) (1) Subject to division (C) (2) of this section, if a 3365
license renewal application fee, including any fee required by 3366
the nationwide mortgage licensing system and registry, is 3367
received by the superintendent after the thirty-first day of 3368
December, the license shall not be considered renewed, and the 3369
applicant shall cease activity as a mortgage loan originator. 3370

(2) Division (C) (1) of this section shall not apply if the 3371
applicant, not later than forty-five days after the renewal 3372
deadline, submits the renewal application and any other required 3373
fees and a one-hundred-fifty-dollar penalty to the 3374
superintendent. 3375

(D) Mortgage originator licenses annually expire on the 3376
thirty-first day of December. 3377

(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 Chapter 4796. 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 chapter as a mortgage loan originator in a state that does not issue that license.

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

(2) All permits issued pursuant to this chapter shall be issued for a term not to exceed five years, except that, if the applicant demonstrates that a specified longer term is reasonably needed to allow the applicant to obtain necessary financing for equipment and the opening of the operation and if the application is full and complete for the specified longer term, the chief may grant a permit for the longer term. A successor in interest to a permittee who applies for a new permit within thirty days after succeeding to the interest and who is able to obtain the performance security of the original permittee may continue coal mining and reclamation operations according to the approved mining and reclamation plan of the

original permittee until the successor's application is granted 3407
or denied. 3408

(3) A permit shall terminate if the permittee has not 3409
commenced the coal mining operations covered by the permit 3410
within three years after the issuance of the permit, except that 3411
the chief may grant reasonable extensions of the time upon a 3412
showing that the extensions are necessary by reason of 3413
litigation precluding the commencement or threatening 3414
substantial economic loss to the permittee or by reason of 3415
conditions beyond the control and without the fault or 3416
negligence of the permittee, and except that with respect to 3417
coal to be mined for use in a synthetic fuel facility or 3418
specified major electric generating facility, the permittee 3419
shall be deemed to have commenced coal mining operations at the 3420
time construction of the synthetic fuel or generating facility 3421
is initiated. 3422

(4) (a) Any permit issued pursuant to this chapter shall 3423
carry with it the right of successive renewal upon expiration 3424
with respect to areas within the boundaries of the permit. The 3425
holders of the permit may apply for renewal and the renewal 3426
shall be issued unless the chief determines by written findings, 3427
subsequent to fulfillment of the public notice requirements of 3428
this section and section 1513.071 of the Revised Code through 3429
demonstrations by opponents of renewal or otherwise, that one or 3430
more of the following circumstances exists: 3431

(i) The terms and conditions of the existing permit are 3432
not being satisfactorily met. 3433

(ii) The present coal mining and reclamation operation is 3434
not in compliance with the environmental protection standards of 3435
this chapter. 3436

- (iii) The renewal requested substantially jeopardizes the operator's continuing responsibilities on existing permit areas. 3437
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- (iv) The applicant has not provided evidence that the performance security in effect for the operation will continue in effect for any renewal requested in the application. 3439
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- (v) Any additional, revised, or updated information required by the chief has not been provided. Prior to the approval of any renewal of a permit, the chief shall provide notice to the appropriate public authorities as prescribed by rule of the chief. 3442
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- (b) If an application for renewal of a valid permit includes a proposal to extend the mining operation beyond the boundaries authorized in the existing permit, the portion of the application for renewal of a valid permit that addresses any new land areas shall be subject to the full standards applicable to new applications under this chapter. 3447
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- (c) A permit renewal shall be for a term not to exceed the period of the original permit established by this chapter. Application for permit renewal shall be made at least one hundred twenty days prior to the expiration of the valid permit. 3453
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- (5) A permit issued pursuant to this chapter does not eliminate the requirements for obtaining a permit to install or modify a disposal system or any part thereof or to discharge sewage, industrial waste, or other wastes into the waters of the state in accordance with Chapter 6111. of the Revised Code. 3457
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- (B) (1) The permit application shall be submitted in a manner satisfactory to the chief and shall contain, among other things, all of the following: 3462
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- (a) The names and addresses of all of the following: 3465

(i) The permit applicant;	3466
(ii) Every legal owner of record of the property, surface and mineral, to be mined;	3467 3468
(iii) The holders of record of any leasehold interest in the property;	3469 3470
(iv) Any purchaser of record of the property under a real estate contract;	3471 3472
(v) The operator if different from the applicant;	3473
(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.	3474 3475 3476
(b) The names and addresses of the owners of record of all surface and subsurface areas adjacent to any part of the permit area;	3477 3478 3479
(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;	3480 3481 3482
(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	3483 3484 3485 3486 3487 3488 3489 3490 3491 3492 3493

ensuring that the applicant complies with the requirements of 3494
this chapter and rules adopted pursuant thereto while mining and 3495
reclaiming under the permit; 3496

(e) A statement of whether the applicant, any subsidiary, 3497
affiliate, or persons controlled by or under common control with 3498
the applicant, any partner if the applicant is a partnership, 3499
any officer, principal shareholder, or director if the applicant 3500
is a corporation, or any other person who has a right to control 3501
or in fact controls the management of the applicant or the 3502
selection of officers, directors, or managers of the applicant: 3503

(i) Has ever held a federal or state coal mining permit 3504
that in the five-year period prior to the date of submission of 3505
the application has been suspended or revoked or has had a coal 3506
mining bond, performance security, or similar security deposited 3507
in lieu of bond forfeited and, if so, a brief explanation of the 3508
facts involved; 3509

(ii) Has been an officer, partner, director, principal 3510
shareholder, or person having the right to control or has in 3511
fact controlled the management of or the selection of officers, 3512
directors, or managers of a business entity that has had a coal 3513
mining or surface mining permit that in the five-year period 3514
prior to the date of submission of the application has been 3515
suspended or revoked or has had a coal mining or surface mining 3516
bond, performance security, or similar security deposited in 3517
lieu of bond forfeited and, if so, a brief explanation of the 3518
facts involved. 3519

(f) A copy of the applicant's advertisement to be 3520
published in a newspaper of general circulation in the locality 3521
of the proposed site at least once a week for four successive 3522
weeks, which shall include the ownership of the proposed mine, a 3523

description of the exact location and boundaries of the proposed 3524
site sufficient to make the proposed operation readily 3525
identifiable by local residents, and the location where the 3526
application is available for public inspection; 3527

(g) A description of the type and method of coal mining 3528
operation that exists or is proposed, the engineering techniques 3529
proposed or used, and the equipment used or proposed to be used; 3530

(h) The anticipated or actual starting and termination 3531
dates of each phase of the mining operation and number of acres 3532
of land to be affected; 3533

(i) An accurate map or plan, to an appropriate scale, 3534
clearly showing the land to be affected, the land upon which the 3535
applicant has the legal right to enter and commence coal mining 3536
operations, and the land for which the applicant will acquire 3537
the legal right to enter and commence coal mining operations 3538
during the term of the permit, copies of those documents upon 3539
which is based the applicant's legal right to enter and commence 3540
coal mining operations or a notarized statement describing the 3541
applicant's legal right to enter and commence coal mining 3542
operations, and a statement whether that right is the subject of 3543
pending litigation. This chapter does not authorize the chief to 3544
adjudicate property title disputes. 3545

(j) The name of the watershed and location of the surface 3546
stream or tributary into which drainage from the operation will 3547
be discharged; 3548

(k) A determination of the probable hydrologic 3549
consequences of the mining and reclamation operations, both on 3550
and off the mine site, with respect to the hydrologic regime, 3551
providing information on the quantity and quality of water in 3552

surface and ground water systems including the dissolved and 3553
suspended solids under seasonal flow conditions and the 3554
collection of sufficient data for the mine site and surrounding 3555
areas so that an assessment can be made by the chief of the 3556
probable cumulative impacts of all anticipated mining in the 3557
area upon the hydrology of the area and particularly upon water 3558
availability, but this determination shall not be required until 3559
hydrologic information of the general area prior to mining is 3560
made available from an appropriate federal or state agency; 3561
however, the permit shall not be approved until the information 3562
is available and is incorporated into the application; 3563

(l) When requested by the chief, the climatological 3564
factors that are peculiar to the locality of the land to be 3565
affected, including the average seasonal precipitation, the 3566
average direction and velocity of prevailing winds, and the 3567
seasonal temperature ranges; 3568

(m) Accurate maps prepared by or under the direction of 3569
and certified by a qualified registered professional engineer, 3570
registered surveyor, or licensed landscape architect to an 3571
appropriate scale clearly showing all types of information set 3572
forth on topographical maps of the United States geological 3573
survey of a scale of not more than four hundred feet to the 3574
inch, including all artificial features and significant known 3575
archeological sites. The map, among other things specified by 3576
the chief, shall show all boundaries of the land to be affected, 3577
the boundary lines and names of present owners of record of all 3578
surface areas abutting the permit area, and the location of all 3579
buildings within one thousand feet of the permit area. 3580

(n) (i) Cross-section maps or plans of the land to be 3581
affected including the actual area to be mined, prepared by or 3582

under the direction of and certified by a qualified registered 3583
professional engineer or certified professional geologist with 3584
assistance from experts in related fields such as hydrology, 3585
hydrogeology, geology, and landscape architecture, showing 3586
pertinent elevations and locations of test borings or core 3587
samplings and depicting the following information: the nature 3588
and depth of the various strata of overburden; the nature and 3589
thickness of any coal or rider seam above the coal seam to be 3590
mined; the nature of the stratum immediately beneath the coal 3591
seam to be mined; all mineral crop lines and the strike and dip 3592
of the coal to be mined within the area to be affected; existing 3593
or previous coal mining limits; the location and extent of known 3594
workings of any underground mines, including mine openings to 3595
the surface; the location of spoil, waste, or refuse areas and 3596
topsoil preservation areas; the location of all impoundments for 3597
waste or erosion control; any settling or water treatment 3598
facility; constructed or natural drainways and the location of 3599
any discharges to any surface body of water on the land to be 3600
affected or adjacent thereto; profiles at appropriate cross 3601
sections of the anticipated final surface configuration that 3602
will be achieved pursuant to the operator's proposed reclamation 3603
plan; the location of subsurface water, if encountered; the 3604
location and quality of aquifers; and the estimated elevation of 3605
the water table. Registered surveyors shall be allowed to 3606
perform all plans, maps, and certifications under this chapter 3607
as they are authorized under Chapter 4733. of the Revised Code. 3608

(ii) A statement of the quality and locations of 3609
subsurface water. The chief shall provide by rule the number of 3610
locations to be sampled, frequency of collection, and parameters 3611
to be analyzed to obtain the statement required. 3612

(o) A statement of the results of test borings or core 3613

samplings from the permit area, including logs of the drill 3614
holes, the thickness of the coal seam found, an analysis of the 3615
chemical properties of the coal, the sulfur content of any coal 3616
seam, chemical analysis of potentially acid or toxic forming 3617
sections of the overburden, and chemical analysis of the stratum 3618
lying immediately underneath the coal to be mined, except that 3619
this division may be waived by the chief with respect to the 3620
specific application by a written determination that its 3621
requirements are unnecessary. If the test borings or core 3622
samplings from the permit area indicate the existence of 3623
potentially acid forming or toxic forming quantities of sulfur 3624
in the coal or overburden to be disturbed by mining, the 3625
application also shall include a statement of the acid 3626
generating potential and the acid neutralizing potential of the 3627
rock strata to be disturbed as calculated in accordance with the 3628
calculation method established under section 1513.075 of the 3629
Revised Code or with another calculation method. 3630

(p) For those lands in the permit application that a 3631
reconnaissance inspection suggests may be prime farmlands, a 3632
soil survey shall be made or obtained according to standards 3633
established by the secretary of the United States department of 3634
agriculture in order to confirm the exact location of the prime 3635
farmlands, if any; 3636

(q) A certificate issued by an insurance company 3637
authorized to do business in this state certifying that the 3638
applicant has a public liability insurance policy in force for 3639
the coal mining and reclamation operations for which the permit 3640
is sought or evidence that the applicant has satisfied other 3641
state self-insurance requirements. The policy shall provide for 3642
personal injury and property damage protection in an amount 3643
adequate to compensate any persons damaged as a result of coal 3644

mining and reclamation operations, including the use of 3645
explosives, and entitled to compensation under the applicable 3646
provisions of state law. The policy shall be maintained in 3647
effect during the term of the permit or any renewal, including 3648
the length of all reclamation operations. The insurance company 3649
shall give prompt notice to the permittee and the chief if the 3650
public liability insurance policy lapses for any reason 3651
including the nonpayment of insurance premiums. Upon the lapse 3652
of the policy, the chief may suspend the permit and all other 3653
outstanding permits until proper insurance coverage is obtained. 3654

(r) The business telephone number of the applicant; 3655

(s) If the applicant seeks an authorization under division 3656
(E) (7) of this section to conduct coal mining and reclamation 3657
operations on areas to be covered by the permit that were 3658
affected by coal mining operations before August 3, 1977, that 3659
have resulted in continuing water pollution from or on the 3660
previously mined areas, such additional information pertaining 3661
to those previously mined areas as may be required by the chief, 3662
including, without limitation, maps, plans, cross sections, data 3663
necessary to determine existing water quality from or on those 3664
areas with respect to pH, iron, and manganese, and a pollution 3665
abatement plan that may improve water quality from or on those 3666
areas with respect to pH, iron, and manganese. 3667

(2) Information pertaining to coal seams, test borings, 3668
core samplings, or soil samples as required by this section 3669
shall be made available by the chief to any person with an 3670
interest that is or may be adversely affected, except that 3671
information that pertains only to the analysis of the chemical 3672
and physical properties of the coal, excluding information 3673
regarding mineral or elemental content that is potentially toxic 3674

in the environment, shall be kept confidential and not made a
matter of public record.

(3) (a) If the chief finds that the probable total annual
production at all locations of any operator will not exceed
three hundred thousand tons, the following activities, upon the
written request of the operator in connection with a permit
application, shall be performed by a qualified public or private
laboratory or another public or private qualified entity
designated by the chief, and the cost of the activities shall be
assumed by the chief, provided that sufficient moneys for such
assistance are available:

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

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

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

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

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

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

(b) A coal operator that has received assistance under 3703
division (B) (3) (a) of this section shall reimburse the chief for 3704
the cost of the services rendered if the chief finds that the 3705
operator's actual and attributed annual production of coal for 3706
all locations exceeds three hundred thousand tons during the 3707
twelve months immediately following the date on which the 3708
operator was issued a coal mining and reclamation permit. 3709

(4) Each applicant for a permit shall submit to the chief 3710
as part of the permit application a reclamation plan that meets 3711
the requirements of this chapter. 3712

(5) Each applicant for a coal mining and reclamation 3713
permit shall file a copy of the application for a permit, 3714
excluding that information pertaining to the coal seam itself, 3715
for public inspection with the county recorder or an appropriate 3716
public office approved by the chief in the county where the 3717
mining is proposed to occur. 3718

(6) Each applicant for a coal mining and reclamation 3719
permit shall submit to the chief as part of the permit 3720
application a blasting plan that describes the procedures and 3721
standards by which the operator will comply with section 3722
1513.161 of the Revised Code. 3723

(C) Each reclamation plan submitted as part of a permit 3724
application shall include, in the detail necessary to 3725
demonstrate that reclamation required by this chapter can be 3726
accomplished and in the detail necessary for the chief to 3727
determine the estimated cost of reclamation if the reclamation 3728
has to be performed by the division of mineral resources 3729
management in the event of forfeiture of the performance 3730
security by the applicant, a statement of: 3731

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

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

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

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

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

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

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

- (5) The engineering techniques proposed to be used in 3761
mining and reclamation and a description of the major equipment; 3762
a plan for the control of surface water drainage and of water 3763
accumulation; a plan, where appropriate, for backfilling, soil 3764
stabilization, and compacting, grading, and appropriate 3765
revegetation; a plan for soil reconstruction, replacement, and 3766
stabilization, pursuant to the performance standards in section 3767
1513.16 of the Revised Code, for those food, forage, and forest 3768
lands identified in that section; and a statement as to how the 3769
permittee plans to comply with each of the requirements set out 3770
in section 1513.16 of the Revised Code; 3771
- (6) A description of the means by which the utilization 3772
and conservation of the solid fuel resource being recovered will 3773
be maximized so that re-affecting the land in the future can be 3774
minimized; 3775
- (7) A detailed estimated timetable for the accomplishment 3776
of each major step in the reclamation plan; 3777
- (8) A description of the degree to which the coal mining 3778
and reclamation operations are consistent with surface owner 3779
plans and applicable state and local land use plans and 3780
programs; 3781
- (9) The steps to be taken to comply with applicable air 3782
and water quality laws and regulations and any applicable health 3783
and safety standards; 3784
- (10) A description of the degree to which the reclamation 3785
plan is consistent with local physical, environmental, and 3786
climatological conditions; 3787
- (11) A description of all lands, interests in lands, or 3788
options on such interests held by the applicant or pending bids 3789

on interests in lands by the applicant, which lands are 3790
contiguous to the area to be covered by the permit; 3791

(12) The results of test borings that the applicant has 3792
made at the area to be covered by the permit, or other 3793
equivalent information and data in a form satisfactory to the 3794
chief, including the location of subsurface water, and an 3795
analysis of the chemical properties, including acid forming 3796
properties of the mineral and overburden; except that 3797
information that pertains only to the analysis of the chemical 3798
and physical properties of the coal, excluding information 3799
regarding mineral or elemental contents that are potentially 3800
toxic in the environment, shall be kept confidential and not 3801
made a matter of public record; 3802

(13) A detailed description of the measures to be taken 3803
during the mining and reclamation process to ensure the 3804
protection of all of the following: 3805

(a) The quality of surface and ground water systems, both 3806
on- and off-site, from adverse effects of the mining and 3807
reclamation process; 3808

(b) The rights of present users to such water; 3809

(c) The quantity of surface and ground water systems, both 3810
on- and off-site, from adverse effects of the mining and 3811
reclamation process or, where such protection of quantity cannot 3812
be assured, provision of alternative sources of water. 3813

(14) Any other requirements the chief prescribes by rule. 3814

(D) (1) Any information required by division (C) of this 3815
section that is not on public file pursuant to this chapter 3816
shall be held in confidence by the chief. 3817

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

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

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

The applicant for a permit or revision of a permit has the burden of establishing that the application is in compliance with all the requirements of this chapter. Within ten days after

the granting of a permit, the chief shall notify the boards of 3848
township trustees and county commissioners, the mayor, and the 3849
legislative authority in the township, county, and municipal 3850
corporation in which the area of land to be affected is located 3851
that a permit has been issued and shall describe the location of 3852
the land. However, failure of the chief to notify the local 3853
officials shall not affect the status of the permit. 3854

(2) No permit application or application for revision of 3855
an existing permit shall be approved unless the application 3856
affirmatively demonstrates and the chief finds in writing on the 3857
basis of the information set forth in the application or from 3858
information otherwise available, which shall be documented in 3859
the approval and made available to the applicant, all of the 3860
following: 3861

(a) The application is accurate and complete and all the 3862
requirements of this chapter have been complied with. 3863

(b) The applicant has demonstrated that the reclamation 3864
required by this chapter can be accomplished under the 3865
reclamation plan contained in the application. 3866

(c) (i) Assessment of the probable cumulative impact of all 3867
anticipated mining in the general and adjacent area on the 3868
hydrologic balance specified in division (B) (1) (k) of this 3869
section has been made by the chief, and the proposed operation 3870
has been designed to prevent material damage to hydrologic 3871
balance outside the permit area. 3872

(ii) There shall be an ongoing process conducted by the 3873
chief in cooperation with other state and federal agencies to 3874
review all assessments of probable cumulative impact of coal 3875
mining in light of post-mining data and any other hydrologic 3876

information as it becomes available to determine if the 3877
assessments were realistic. The chief shall take appropriate 3878
action as indicated in the review process. 3879

(d) The area proposed to be mined is not included within 3880
an area designated unsuitable for coal mining pursuant to 3881
section 1513.073 of the Revised Code or is not within an area 3882
under study for such designation in an administrative proceeding 3883
commenced pursuant to division (A) (3) (c) or (B) of section 3884
1513.073 of the Revised Code unless in an area as to which an 3885
administrative proceeding has commenced pursuant to division (A) 3886
(3) (c) or (B) of section 1513.073 of the Revised Code, the 3887
operator making the permit application demonstrates that, prior 3888
to January 1, 1977, the operator made substantial legal and 3889
financial commitments in relation to the operation for which a 3890
permit is sought. 3891

(e) In cases where the private mineral estate has been 3892
severed from the private surface estate and surface disturbance 3893
will result from the applicant's proposed use of a strip mining 3894
method, the applicant has submitted to the chief one of the 3895
following: 3896

(i) The written consent of the surface owner to the 3897
surface disturbance that will result from the extraction of coal 3898
by the applicant's proposed strip mining method; 3899

(ii) A conveyance that expressly grants or reserves the 3900
right to extract the coal by strip mining methods that cause 3901
surface disturbance; 3902

(iii) If the conveyance does not expressly grant the right 3903
to extract coal by strip mining methods that cause surface 3904
disturbance, the surface-subsurface legal relationship 3905

concerning surface disturbance shall be determined under the law 3906
of this state. This chapter does not authorize the chief to 3907
adjudicate property rights disputes. 3908

(3) (a) The applicant shall file with the permit 3909
application a schedule listing all notices of violations of any 3910
law, rule, or regulation of the United States or of any 3911
department or agency thereof or of any state pertaining to air 3912
or water environmental protection incurred by the applicant in 3913
connection with any coal mining operation during the three-year 3914
period prior to the date of application. The schedule also shall 3915
indicate the final resolution of such a notice of violation. 3916
Upon receipt of an application, the chief shall provide a 3917
schedule listing all notices of violations of this chapter 3918
pertaining to air or water environmental protection incurred by 3919
the applicant during the three-year period prior to receipt of 3920
the application and the final resolution of all such notices of 3921
violation. The chief shall provide this schedule to the 3922
applicant for filing by the applicant with the application filed 3923
for public review, as required by division (B) (5) of this 3924
section. When the schedule or other information available to the 3925
chief indicates that any coal mining operation owned or 3926
controlled by the applicant is currently in violation of such 3927
laws, the permit shall not be issued until the applicant submits 3928
proof that the violation has been corrected or is in the process 3929
of being corrected to the satisfaction of the regulatory 3930
authority, department, or agency that has jurisdiction over the 3931
violation and that any civil penalties owed to the state for a 3932
violation and not the subject of an appeal have been paid. No 3933
permit shall be issued to an applicant after a finding by the 3934
chief that the applicant or the operator specified in the 3935
application controls or has controlled mining operations with a 3936

demonstrated pattern of willful violations of this chapter of a 3937
nature and duration to result in irreparable damage to the 3938
environment as to indicate an intent not to comply with or a 3939
disregard of this chapter. 3940

(b) For the purposes of division (E)(3)(a) of this 3941
section, any violation resulting from an unanticipated event or 3942
condition at a surface coal mining operation on lands eligible 3943
for remining under a permit held by the person submitting an 3944
application for a coal mining permit under this section shall 3945
not prevent issuance of that permit. As used in this division, 3946
"unanticipated event or condition" means an event or condition 3947
encountered in a remining operation that was not contemplated by 3948
the applicable surface coal mining and reclamation permit. 3949

(4)(a) In addition to finding the application in 3950
compliance with division (E)(2) of this section, if the area 3951
proposed to be mined contains prime farmland as determined 3952
pursuant to division (B)(1)(p) of this section, the chief, after 3953
consultation with the secretary of the United States department 3954
of agriculture and pursuant to regulations issued by the 3955
secretary of the interior with the concurrence of the secretary 3956
of agriculture, may grant a permit to mine on prime farmland if 3957
the chief finds in writing that the operator has the 3958
technological capability to restore the mined area, within a 3959
reasonable time, to equivalent or higher levels of yield as 3960
nonmined prime farmland in the surrounding area under equivalent 3961
levels of management and can meet the soil reconstruction 3962
standards in section 1513.16 of the Revised Code. 3963

(b) Division (E)(4)(a) of this section does not apply to a 3964
permit issued prior to August 3, 1977, or revisions or renewals 3965
thereof. 3966

(5) The chief shall issue an order denying a permit after 3967
finding that the applicant has misrepresented or omitted any 3968
material fact in the application for the permit. 3969

(6) The chief may issue an order denying a permit after 3970
finding that the applicant, any partner, if the applicant is a 3971
partnership, any officer, principal shareholder, or director, if 3972
the applicant is a corporation, or any other person who has a 3973
right to control or in fact controls the management of the 3974
applicant or the selection of officers, directors, or managers 3975
of the applicant has been a sole proprietor or partner, officer, 3976
director, principal shareholder, or person having the right to 3977
control or has in fact controlled the management of or the 3978
selection of officers, directors, or managers of a business 3979
entity that ever has had a coal mining license or permit issued 3980
by this or any other state or the United States suspended or 3981
revoked, ever has forfeited a coal or surface mining bond, 3982
performance security, or similar security deposited in lieu of 3983
bond in this or any other state or with the United States, or 3984
ever has substantially or materially failed to comply with this 3985
chapter. 3986

(7) When issuing a permit under this section, the chief 3987
may authorize an applicant to conduct coal mining and 3988
reclamation operations on areas to be covered by the permit that 3989
were affected by coal mining operations before August 3, 1977, 3990
that have resulted in continuing water pollution from or on the 3991
previously mined areas for the purpose of potentially reducing 3992
the pollution loadings of pH, iron, and manganese from 3993
discharges from or on the previously mined areas. Following the 3994
chief's authorization to conduct such operations on those areas, 3995
the areas shall be designated as pollution abatement areas for 3996
the purposes of this chapter. 3997

The chief shall not grant an authorization under division 3998
(E) (7) of this section to conduct coal mining and reclamation 3999
operations on any such previously mined areas unless the 4000
applicant demonstrates to the chief's satisfaction that all of 4001
the following conditions are met: 4002

(a) The applicant's pollution abatement plan for mining 4003
and reclaiming the previously mined areas represents the best 4004
available technology economically achievable. 4005

(b) Implementation of the plan will potentially reduce 4006
pollutant loadings of pH, iron, and manganese resulting from 4007
discharges of surface waters or ground water from or on the 4008
previously mined areas within the permit area. 4009

(c) Implementation of the plan will not cause any 4010
additional degradation of surface water quality off the permit 4011
area with respect to pH, iron, and manganese. 4012

(d) Implementation of the plan will not cause any 4013
additional degradation of ground water. 4014

(e) The plan meets the requirements governing mining and 4015
reclamation of such previously mined pollution abatement areas 4016
established by the chief in rules adopted under section 1513.02 4017
of the Revised Code. 4018

(f) Neither the applicant; any partner, if the applicant 4019
is a partnership; any officer, principal shareholder, or 4020
director, if the applicant is a corporation; any other person 4021
who has a right to control or in fact controls the management of 4022
the applicant or the selection of officers, directors, or 4023
managers of the applicant; nor any contractor or subcontractor 4024
of the applicant, has any of the following: 4025

(i) Responsibility or liability under this chapter or 4026

rules adopted under it as an operator for treating the 4027
discharges of water pollutants from or on the previously mined 4028
areas for which the authorization is sought; 4029

(ii) Any responsibility or liability under this chapter or 4030
rules adopted under it for reclaiming the previously mined areas 4031
for which the authorization is sought; 4032

(iii) During the eighteen months prior to submitting the 4033
permit application requesting an authorization under division 4034
(E) (7) of this section, had a coal mining and reclamation permit 4035
suspended or revoked under division (D) (3) of section 1513.02 of 4036
the Revised Code for violating this chapter or Chapter 6111. of 4037
the Revised Code or rules adopted under them with respect to 4038
water quality, effluent limitations, or surface or ground water 4039
monitoring; 4040

(iv) Ever forfeited a coal or surface mining bond, 4041
performance security, or similar security deposited in lieu of a 4042
bond in this or any other state or with the United States. 4043

(8) In the case of the issuance of a permit that involves 4044
a conflict of results between various methods of calculating 4045
potential acidity and neutralization potential for purposes of 4046
assessing the potential for acid mine drainage to occur at a 4047
mine site, the permit shall include provisions for monitoring 4048
and record keeping to identify the creation of unanticipated 4049
acid water at the mine site. If the monitoring detects the 4050
creation of acid water at the site, the permit shall impose on 4051
the permittee additional requirements regarding mining practices 4052
and site reclamation to prevent the discharge of acid mine 4053
drainage from the mine site. As used in division (E) (8) of this 4054
section, "potential acidity" and "neutralization potential" have 4055
the same meanings as in section 1513.075 of the Revised Code. 4056

(F) (1) During the term of the permit, the permittee may 4057
submit an application for a revision of the permit, together 4058
with a revised reclamation plan, to the chief. 4059

(2) An application for a revision of a permit shall not be 4060
approved unless the chief finds that reclamation required by 4061
this chapter can be accomplished under the revised reclamation 4062
plan. The revision shall be approved or disapproved within 4063
ninety days after receipt of a complete revision application. 4064
The chief shall establish, by rule, criteria for determining the 4065
extent to which all permit application information requirements 4066
and procedures, including notice and hearings, shall apply to 4067
the revision request, except that any revisions that propose 4068
significant alterations in the reclamation plan, at a minimum, 4069
shall be subject to notice and hearing requirements. 4070

(3) Any extensions to the area covered by the permit 4071
except incidental boundary revisions shall be made by 4072
application for a permit. 4073

(4) Documents or a notarized statement that form the basis 4074
of the applicant's legal right to enter and commence coal mining 4075
operations on land that is located within an area covered by the 4076
permit and that was legally acquired subsequent to the issuance 4077
of the permit for the area shall be submitted with an 4078
application for a revision of the permit. 4079

(G) No transfer, assignment, or sale of the rights granted 4080
under a permit issued pursuant to this chapter shall be made 4081
without the written approval of the chief. 4082

(H) The chief, within a time limit prescribed in the 4083
chief's rules, shall review outstanding permits and may require 4084
reasonable revision or modification of a permit. A revision or 4085

modification shall be based upon a written finding and subject 4086
to notice and hearing requirements established by rule of the 4087
chief. 4088

(I) (1) If an informal conference has been held pursuant to 4089
section 1513.071 of the Revised Code, the chief shall issue and 4090
furnish the applicant for a permit, persons who participated in 4091
the informal conference, and persons who filed written 4092
objections pursuant to division (B) of section 1513.071 of the 4093
Revised Code, with the written finding of the chief granting or 4094
denying the permit in whole or in part and stating the reasons 4095
therefor within sixty days of the conference, provided that the 4096
chief shall comply with the time frames established in division 4097
(I) (3) of this section. 4098

(2) If there has been no informal conference held pursuant 4099
to section 1513.071 of the Revised Code, the chief shall submit 4100
to the applicant for a permit the written finding of the chief 4101
granting or denying the permit in whole or in part and stating 4102
the reasons therefor within the time frames established in 4103
division (I) (3) of this section. 4104

(3) The chief shall grant or deny a permit not later than 4105
two hundred forty days after the submission of a complete 4106
application for the permit. Any time during which the applicant 4107
is making revisions to an application or providing additional 4108
information requested by the chief regarding an application 4109
shall not be included in the two hundred forty days. If the 4110
chief determines that a permit cannot be granted or denied 4111
within the two-hundred-forty-day time frame, the chief, not 4112
later than two hundred ten days after the submission of a 4113
complete application for the permit, shall provide the applicant 4114
with written notice of the expected delay. 4115

(4) If the application is approved, the permit shall be 4116
issued. However, the permit shall prohibit the commencement of 4117
coal mining operations on any land that is located within an 4118
area covered by the permit if the permittee has not provided to 4119
the chief documents that form the basis of the permittee's legal 4120
right to enter and conduct coal mining operations on that land. 4121
If the application is disapproved, specific reasons therefor 4122
shall be set forth in the notification. Within thirty days after 4123
the applicant is notified of the final decision of the chief on 4124
the permit application, the applicant or any person with an 4125
interest that is or may be adversely affected may appeal the 4126
decision to the reclamation commission pursuant to section 4127
1513.13 of the Revised Code. 4128

(5) Any applicant or any person with an interest that is 4129
or may be adversely affected who has participated in the 4130
administrative proceedings as an objector and is aggrieved by 4131
the decision of the reclamation commission, or if the commission 4132
fails to act within the time limits specified in this chapter, 4133
may appeal in accordance with section 1513.14 of the Revised 4134
Code. 4135

Sec. 1513.161. (A) An operator shall use explosives only 4136
in accordance with Chapter 1567. of the Revised Code and rules 4137
adopted pursuant thereto by the chief of the division of mineral 4138
resources management, and in accordance with this section and 4139
rules adopted pursuant thereto by the chief, and in accordance 4140
with all applicable federal laws and regulations. If, in any 4141
situation involving a coal mining operation, except when 4142
underground coal mining is part or all of the coal mining 4143
operation, a rule adopted pursuant to Chapter 1567. of the 4144
Revised Code is in conflict with a rule adopted pursuant to this 4145
section, the rule adopted pursuant to this section prevails. 4146

When underground coal mining is part or all of the coal mining 4147
operation, the rule adopted pursuant to Chapter 1567. of the 4148
Revised Code prevails. 4149

Before an explosive is set off, sufficient warning shall 4150
be given to allow any person in or approaching the area ample 4151
time to retreat a safe distance. 4152

No blasting shall be done between the hours of sunset and 4153
sunrise. 4154

(B) The chief shall adopt rules to: 4155

~~(A)~~ (1) Provide adequate advance written notice to local 4156
governments and residents who might be affected by the use of 4157
explosives by publication of the planned blasting schedule in a 4158
newspaper of general circulation in the locality of the coal 4159
mining operation, by mailing a copy of the proposed blasting 4160
schedule to every resident living within one-half mile of the 4161
proposed blasting site, and by providing daily notice to 4162
residents or occupants in such areas prior to any blasting; 4163

~~(B)~~ (2) Maintain for a period of at least three years and 4164
make available for public inspection upon request a log 4165
detailing the location of the blasts, the pattern and depth of 4166
the drill holes, the amount of explosives used per hole, and the 4167
order and length of delay in the blasts; 4168

~~(C)~~ (3) Limit the type of explosives and detonating 4169
equipment, the size, and the timing and frequency of blasts 4170
based upon the physical conditions of the site so as to prevent: 4171

~~(1)~~ (a) Injury to persons; 4172

~~(2)~~ (b) Damage to public and private property outside the 4173
permit area; 4174

~~(3)~~ (c) Adverse impacts on any underground mine; 4175

~~(4)~~ (d) Change in the course, channel, or availability of 4176
ground or surface water outside the permit area. 4177

~~(D)~~ (4) Require that all blasting operations be conducted 4178
by trained and competent persons as certified by the chief; 4179

~~(E)~~ (5) Provide that upon the request of a resident or 4180
owner of an artificial dwelling or structure or water supply 4181
within one-half mile of any portion of the permit area, the 4182
applicant or permittee shall conduct a preblasting survey of the 4183
structures or water supply and submit the survey to the chief 4184
and a copy to the resident or owner making the request. The area 4185
of the survey shall be decided by the chief and shall include 4186
such provisions as the chief prescribes. 4187

~~(F)~~ Require (6) Except as provided in division (C) of this 4188
section, require the training, examination, and certification of 4189
persons engaging in or directly responsible for blasting or use 4190
of explosives in coal mining operations. 4191

(C) The chief shall issue a certificate for blasting or 4192
use of explosives in coal mining operations in accordance with 4193
Chapter 4796. of the Revised Code to an applicant if either of 4194
the following applies: 4195

(1) The applicant holds a license or certificate in 4196
another state. 4197

(2) The applicant has satisfactory work experience, a 4198
government certification, or a private certification as 4199
described in that chapter as a blaster or user of explosives in 4200
coal mining operations in a state that does not issue that 4201
license or certificate. 4202

(D) The chief, by rule or order, may prohibit blasting in 4203
specific areas where the safety of the public would be 4204
endangered. 4205

(E) No person shall use explosives in violation of this 4206
section, a rule adopted thereunder, or an order of the chief. 4207

Sec. 1514.12. (A) Explosives shall be used in a manner 4208
that prevents injury to persons and damage to public or private 4209
property that is located outside the area for which a permit was 4210
issued under section 1514.02 or 1514.021 of the Revised Code. 4211

(B) The ground vibration resulting from the use of 4212
explosives when measured at any dwelling, public or commercial 4213
building, school, church, or community or institutional building 4214
that is located outside the area for which a permit was issued 4215
under section 1514.02 or 1514.021 of the Revised Code and that 4216
is not owned by the operator shall not exceed the frequency- 4217
dependent particle velocity limits listed in the "report of 4218
investigations 8507, appendix B -- alternative blasting level 4219
criteria, (1980)," published by the former United States bureau 4220
of mines, or other limits established by rule. 4221

(C) The airblast resulting from the use of explosives when 4222
measured with a two hertz high-pass system at any location 4223
listed in division (B) of this section shall not exceed a level 4224
of one hundred thirty-three decibels. 4225

(D) On and after July 1, 2003, all blasting in surface 4226
mining shall be conducted by persons who are trained and 4227
competent in blasting as certified by the chief of the division 4228
of mineral resources management or a certifying authority 4229
approved by the chief. 4230

(E) ~~The~~ Except as provided in division (G) of this 4231

section, the chief shall adopt, and may amend and rescind, rules 4232
in accordance with Chapter 119. of the Revised Code establishing 4233
requirements and standards governing all of the following: 4234

(1) Seismographic monitoring and alternate methods to 4235
prove compliance with the ground vibration limits established 4236
under division (B) of this section and the airblast limits 4237
established under division (C) of this section; 4238

(2) Protection of any building or structure not listed in 4239
division (B) of this section; 4240

(3) Training, examination, and certification of persons 4241
conducting blasting in surface mining and suspension or 4242
revocation of certifications; 4243

(4) Standard blast warning and all-clear signals; 4244

(5) Blasting records and flyrock reporting requirements; 4245

(6) Safety measures for blasting in surface mining. 4246

(F) The chief may adopt rules under this section that 4247
establish limits on the amount of ground vibration resulting 4248
from the use of explosives that is permissible when measured at 4249
the locations described in division (B) of this section. 4250

(G) The chief shall issue a certificate to conduct 4251
blasting in surface mining in accordance with Chapter 4796. of 4252
the Revised Code to any person if either of the following 4253
applies: 4254

(1) The person holds a license or certificate in another 4255
state. 4256

(2) The person has satisfactory work experience, a 4257
government certification, or a private certification as 4258

described in that chapter as a surface mining blaster in a state 4259
that does not issue that license or certificate. 4260

Sec. 1514.47. (A) (1) The operator of a surface mining 4261
operation shall employ a certified mine foreperson to be in 4262
charge of the conditions and practices at the mine and to be 4263
responsible for conducting examinations of the surface mining 4264
operation under 30 C.F.R. part 56, as amended. 4265

(2) Examinations of surface mining operations for the 4266
purposes of 30 C.F.R. part 56, as amended, shall be conducted by 4267
one of the following: 4268

~~(i)~~(a) A certified mine foreperson; 4269

~~(ii)~~(b) A person who is qualified to conduct such 4270
examinations as provided in division (D) of this section; 4271

~~(iii)~~(c) A person designated by the certified mine 4272
foreperson as a competent person. 4273

(3) For purposes of this section, a competent person is a 4274
person who has been trained in accordance with 30 C.F.R. part 46 4275
and been determined by a certified mine foreperson to have 4276
demonstrated the ability, training, knowledge, or experience 4277
necessary to perform the duty to which the person is assigned. A 4278
person is not a competent person if the chief of the division of 4279
mineral resources management demonstrates, with good cause, that 4280
the person does not have the ability, training, knowledge, or 4281
experience necessary to perform that duty. 4282

(4) The operator of a surface mining operation shall 4283
maintain records demonstrating that a competent person 4284
designated by a certified mine foreperson has the ability, 4285
training, knowledge, or experience to perform the duty to which 4286
the person is assigned as well as records of the competent 4287

person's training in accordance with 30 C.F.R. part 46. The 4288
operator shall make the records available to the chief upon 4289
request. 4290

(B) ~~The~~ Except as provided in division (E) of this 4291
section, the chief shall conduct examinations for the position 4292
of certified mine foreperson in accordance with rules. In order 4293
to be eligible for examination as a certified mine foreperson, 4294
an applicant shall file with the chief an affidavit establishing 4295
the applicant's qualifications to take the examination. The 4296
chief shall grade examinations and issue certificates. 4297

(C) (1) A certificate issued under this section shall not 4298
expire unless the certificate holder has not been employed in a 4299
surface mining operation for five consecutive years. If the 4300
certificate holder has not been employed in a surface mining 4301
operation for five consecutive years, the certificate holder may 4302
retake the mine foreperson examination or may petition the chief 4303
to accept past employment history in lieu of fulfilling the 4304
employment requirement established in this division. The chief 4305
shall grant or deny the petition by issuance of an order. If the 4306
chief grants the petition, the chief shall reissue the 4307
certificate. 4308

(2) If a certificate issued under this section is 4309
suspended, the certificate shall not be renewed until the 4310
suspension period expires and the person whose certificate is 4311
suspended successfully completes all actions required by the 4312
chief. ~~If an applicant's license, certificate, or similar~~ 4313
~~authority that is issued by another state to perform specified~~ 4314
~~mining duties is suspended or revoked by that state, the~~ 4315
~~applicant shall be ineligible for examination for or renewal of~~ 4316
~~a certificate in this state during that period of suspension or~~ 4317

~~revocation.~~ A certificate that has been revoked shall not be 4318
renewed. 4319

(3) If a person who has been certified by the chief under 4320
this section purposely violates this chapter, the chief may 4321
suspend or revoke the certificate after an investigation and 4322
hearing conducted in accordance with Chapter 119. of the Revised 4323
Code are completed. 4324

(4) If a person holds a certificate issued under this 4325
section that has not expired prior to ~~the effective date of this~~ 4326
~~amendment September 29, 2015~~, the chief, upon request, shall 4327
reissue to that person a certificate that does not expire as 4328
provided in division (C) (1) of this section. 4329

(5) If a person holds a certificate issued under this 4330
section that expired on or after April 7, 2012, and has not been 4331
issued a new certificate prior to ~~the effective date of this~~ 4332
~~amendment September 29, 2015~~, the chief, upon request, shall 4333
issue to that person a certificate that does not expire as 4334
provided in division (C) (1) of this section, provided that the 4335
person is in compliance with all other applicable requirements 4336
established in this chapter and rules adopted under it. 4337

(D) In lieu of employing a certified mine foreperson, the 4338
operator of a surface mining operation may submit to the chief a 4339
detailed training plan under which persons who qualify under the 4340
plan may conduct and document examinations at the surface mining 4341
operation for purposes of 30 C.F.R. part 56, as amended. The 4342
chief shall review the plan and determine if the plan complies 4343
with the requirements established in rules. The chief shall 4344
approve or deny the plan and notify in writing the operator who 4345
submitted the plan of the chief's decision. 4346

(E) The chief shall issue a mine foreperson certificate in accordance with Chapter 4796. of the Revised Code to any person if either of the following applies: 4347
4348
4349

(1) The person holds a license or certificate in another state. 4350
4351

(2) The person has satisfactory work experience, a government certification, or a private certification as described in that chapter as a mine foreperson in a state that does not issue that license or certificate. 4352
4353
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Sec. 1531.40. (A) As used in this section: 4356

(1) "Nuisance wild animal" means a wild animal that 4357
interferes with the use or enjoyment of property, is causing a 4358
threat to public safety, or may cause damage or harm to a 4359
structure, property, or person. 4360

(2) "Commercial nuisance wild animal control operator" 4361
means an individual or business that provides nuisance wild 4362
animal removal or control services for hire to the owner, the 4363
operator, or the owner's or operator's authorized agent of 4364
property or a structure. 4365

(B) (1) No person shall provide nuisance wild animal 4366
removal or control services for hire without obtaining a license 4367
under this section from the chief of the division of wildlife. 4368

(2) An applicant shall pay a license fee of forty dollars 4369
for the license. The license shall be renewed annually prior to 4370
the first day of March and shall expire on the last day of 4371
February. All money collected under this division shall be 4372
deposited in the state treasury to the credit of the wildlife 4373
fund created in section 1531.17 of the Revised Code. 4374

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

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

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

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

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

(E) If an individual who is licensed under this section 4404
uses a pesticide in the removal or control of a nuisance wild 4405
animal, the individual shall obtain the appropriate license 4406
under Chapter 921. of the Revised Code. 4407

(F) ~~The~~ Except as provided in division (H) of this 4408
section, the chief shall adopt rules under section 1531.10 of 4409
the Revised Code establishing all of the following: 4410

(1) Appropriate methods for trapping, capturing, removing, 4411
relocating, and controlling nuisance wild animals by operators 4412
licensed under this section; 4413

(2) Procedures for issuing, denying, suspending, and 4414
revoking a license under this section; 4415

(3) Requirements governing the certification course 4416
required by division (C)(1) of this section. The rules shall 4417
specify the minimum contents of such a course, including public 4418
safety and health, animal life history, the use of nuisance wild 4419
animal removal and control devices, and the laws and rules 4420
governing those activities. The rules also shall specify who may 4421
conduct such a course. The rules shall require that, in order 4422
for an operator to receive a certification of completion, the 4423
operator shall pass an examination. 4424

(4) Any other requirements and procedures necessary to 4425
administer and enforce this section. 4426

Rules shall be adopted under division (F) of this section 4427
only with the approval of the director of natural resources. 4428

(G) In accordance with Chapter 119. of the Revised Code 4429
and with rules adopted under this section, the chief may suspend 4430
or revoke a license issued under this section if the chief finds 4431
that the holder of the license is violating or has violated this 4432

chapter, Chapter 1533. of the Revised Code, or rules adopted 4433
under those chapters. 4434

(H) The chief shall issue a license to provide nuisance 4435
wild animal removal or control services in accordance with 4436
Chapter 4796. of the Revised Code to an applicant if either of 4437
the following applies: 4438

(1) The applicant holds a license in another state. 4439

(2) The applicant has satisfactory work experience, a 4440
government certification, or a private certification as 4441
described in that chapter as an individual who provides nuisance 4442
wild animal removal or control services in a state that does not 4443
issue that license. 4444

Sec. 1533.051. (A) The chief of the division of wildlife 4445
may authorize commercial and noncommercial propagation of 4446
raptors by rules adopted pursuant to section 1531.08 of the 4447
Revised Code. The rules shall be consistent with federal 4448
regulations governing raptor propagation. 4449

(B) No person shall propagate raptors without a permit to 4450
do so issued by the chief. The duration of the permit shall be 4451
consistent with applicable federal requirements. 4452

The fees for permits shall be set by the chief in amounts 4453
sufficient to cover the expenses of the division in exercising 4454
its authority under this section and may vary according to the 4455
type of permit. Moneys received from the sale of permits shall 4456
be paid into the state treasury to the credit of the fund 4457
established in section 1533.15 of the Revised Code. 4458

(C) The chief shall issue a commercial raptor propagation 4459
permit in accordance with Chapter 4796. of the Revised Code to 4460
an applicant if either of the following applies: 4461

(1) The applicant holds a license or permit in another 4462
state. 4463

(2) The applicant has satisfactory work experience, a 4464
government certification, or a private certification as 4465
described in that chapter as a person who propogates raptors in 4466
a state that does not issue that license or permit. 4467

(D) A permittee may use a raptor possessed for propagation 4468
in the sport of falconry only if the permittee is in compliance 4469
with section 1533.05 of the Revised Code and the raptor is 4470
reported under permits issued under both that section and this 4471
section. 4472

~~(D)~~(E) This section does not apply to propagation of 4473
raptors by the state, any agency of the state, the United 4474
States, any agency or instrumentality thereof, or any zoological 4475
park. 4476

Sec. 1533.51. (A) No person shall be or serve as a fishing 4477
guide in the Lake Erie fishing district without a license from 4478
the chief of the division of wildlife. The application for a 4479
license, and the license, shall be in such form as the chief 4480
prescribes. 4481

(B) The chief, with the approval of the wildlife council, 4482
may establish the qualifications for such a license and the 4483
terms, conditions, and restrictions thereof. Such qualifications 4484
when applicable shall include that the applicant possesses a 4485
power boat operator's license from a department, agency, 4486
commission, or instrumentality of the United States. 4487

(C) The chief shall issue a fishing guide license in 4488
accordance with Chapter 4796. of the Revised Code to an 4489
applicant if either of the following applies: 4490

(1) The applicant holds a license in another state. 4491

(2) The applicant has satisfactory work experience, a 4492
government certification, or a private certification as 4493
described in that chapter as a fishing guide in a state that 4494
does not issue that license. 4495

(D) Fishing guide licenses shall expire each year on the 4496
fifteenth day of April. Such a license shall be carried ~~by~~ on 4497
the person or the person in command of the boat or person in 4498
charge, ~~upon his person,~~ when such service is being performed, 4499
and shall be exhibited upon demand to any wildlife officer or 4500
other law enforcement officer who has authority to enforce the 4501
wildlife, hunting, and fishing laws. 4502

(E) The license fee for a fishing guide license is fifty 4503
dollars per person. 4504

(F) The license fee for other services or devices, as 4505
approved by the chief, not mentioned in this section shall be an 4506
amount set by the chief with the approval of the wildlife 4507
council, not to exceed twenty-five dollars. 4508

(G) All license fees collected from fishing guides shall 4509
be deposited in the state treasury pursuant to section 1533.33 4510
of the Revised Code. 4511

(H) No person shall fail to comply with any provision of 4512
this section or division rule adopted pursuant to it. 4513

Sec. 1561.14. ~~A~~ (A) Except as provided in division (B) of 4514
this section, a person who applies for a certificate as a mine 4515
electrician shall be able to read and write the English 4516
language, and prior to the date of the application for 4517
examination either shall have had at least one year's experience 4518
in performing electrical work underground in a coal mine, in the 4519

surface work area of an underground coal mine, in a surface coal 4520
mine, or in a noncoal mine, or shall have had such experience as 4521
the chief of the division of mineral resources management 4522
determines to be equivalent. Each applicant for examination 4523
shall pay a fee of ten dollars to the chief on the first day of 4524
the examination. Any money collected under this section shall be 4525
paid into the state treasury to the credit of the mining 4526
regulation and safety fund created in section 1513.30 of the 4527
Revised Code. 4528

(B) The chief shall issue a mine electrician certificate 4529
in accordance with Chapter 4796. of the Revised Code to an 4530
applicant if either of the following applies: 4531

(1) The applicant holds a license or certificate in 4532
another state. 4533

(2) The applicant has satisfactory work experience, a 4534
government certification, or a private certification as 4535
described in that chapter as a mine electrician in a state that 4536
does not issue that license or certificate. 4537

Sec. 1561.15. ~~An~~ (A) Except as provided in division (B) of 4538
this section, an applicant for a certificate as mine foreperson, 4539
foreperson, mine electrician, shot firer, surface mine blaster, 4540
or fire boss shall apply to the chief of the division of mineral 4541
resources management for examination and shall be examined by 4542
the chief. This shall be a practical examination, a substantial 4543
part of which shall be oral, to determine the competency of the 4544
applicant, based on experience and practical knowledge of the 4545
dangers incident to coal mining, and not upon technical 4546
education, but consideration shall be given such technical 4547
education as the applicant possesses. This examination shall be 4548
held as soon after application is made as practicable in the 4549

district from which the applicant makes application. 4550

(B) The chief may require an applicant for a certificate 4551
as mine foreperson, foreperson, mine electrician, shot firer, 4552
surface mine blaster, or fire boss to pass an examination in 4553
accordance with Chapter 4796. of the Revised Code. 4554

Sec. 1561.16. (A) As used in this section and sections 4555
1561.17 to 1561.21 of the Revised Code, "actual practical 4556
experience" means previous employment that involved a person's 4557
regular presence in the type of mining operation in which the 4558
experience is required to exist; participation in functions 4559
relating to the hazards involved in and the utilization of 4560
equipment, tools, and work crews and individuals for that type 4561
of mining; and regular exposure to the methods, procedures, and 4562
safety laws applicable to that type of mining. Credit of up to 4563
one year for a portion of the required experience time may be 4564
given upon documentation to the chief of the division of mineral 4565
resources management of an educational degree in a field related 4566
to mining. Credit of up to two years of the required experience 4567
time may be given upon presentation to the chief of proof of 4568
graduation from an accredited school of mines or mining after a 4569
four-year course of study with employment in the mining industry 4570
during interim breaks during the school years. 4571

(B) ~~A~~ Except as provided in division (G) of this section, 4572
a person who applies for a certificate as a mine foreperson of 4573
gaseous mines shall be able to read and write the English 4574
language; shall have had at least five years' actual practical 4575
experience in the underground workings of a gaseous mine or the 4576
equivalent thereof in the judgment of the chief; and shall have 4577
had practical experience obtained by actual contact with gas in 4578
mines and have knowledge of the dangers and nature of noxious 4579

and explosive gases and ventilation of gaseous mines. An 4580
applicant for a certificate as a foreperson of gaseous mines 4581
shall meet the same requirements, except that the applicant 4582
shall have had at least three years' actual practical experience 4583
in the underground workings of a gaseous mine or the equivalent 4584
thereof in the judgment of the chief. Each applicant for 4585
examination shall pay a fee established in rules adopted under 4586
this section to the chief on the first day of such examination. 4587

(C) A person who has been issued a certificate as a mine 4588
foreperson or a foreperson of a gaseous mine and who has not 4589
worked in an underground coal mine for a period of more than two 4590
calendar years shall apply for and obtain recertification from 4591
the chief in accordance with rules adopted under this section 4592
before performing the duties of a mine foreperson or a 4593
foreperson of a gaseous mine. An applicant for recertification 4594
shall pay a fee established in rules adopted under this section 4595
at the time of application for recertification. 4596

(D) A person who has been issued a certificate as a mine 4597
foreperson or a foreperson of a gaseous mine and who has not 4598
worked in an underground coal mine for a period of one or more 4599
calendar years shall successfully complete a retraining course 4600
in accordance with rules adopted under this section before 4601
performing the duties of a mine foreperson or a foreperson of a 4602
gaseous mine. 4603

(E) The chief, in consultation with a statewide 4604
association representing the coal mining industry and a 4605
statewide association representing employees of coal mines, 4606
shall adopt rules in accordance with Chapter 119. of the Revised 4607
Code that do all of the following: 4608

(1) Prescribe requirements, criteria, and procedures for 4609

the recertification of a mine foreperson or a foreperson of a
gaseous mine who has not worked in an underground coal mine for
a period of more than two calendar years;

(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 Chapter 4796. 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 chapter as a foreperson of gaseous mines in a
state that does not issue that license or certificate.

Sec. 1561.17. (A) ~~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 4638
three years' actual practical experience in mines, or the 4639
equivalent thereof in the judgment of the chief of the division 4640
of mineral resources management; and shall have knowledge of the 4641
dangers and nature of noxious gases. Each applicant for 4642
examination shall pay a fee established in rules adopted under 4643
this section to the chief on the first day of the examination. 4644

(B) A person who has been issued a certificate as a mine 4645
foreperson or a foreperson of a nongaseous coal mine and who has 4646
not worked in an underground coal mine for a period of more than 4647
two calendar years shall apply for and obtain recertification 4648
from the chief in accordance with rules adopted under this 4649
section before performing the duties of a mine foreperson or a 4650
foreperson of a nongaseous coal mine. An applicant for 4651
recertification shall pay a fee established in rules adopted 4652
under this section at the time of application for 4653
recertification. 4654

(C) A person who has been issued a certificate as a mine 4655
foreperson or a foreperson of a nongaseous coal mine and who has 4656
not worked in an underground coal mine for a period of one or 4657
more calendar years shall successfully complete a retraining 4658
course in accordance with rules adopted under this section 4659
before performing the duties of a mine foreperson or a 4660
foreperson of a nongaseous coal mine. 4661

(D) The chief, in consultation with a statewide 4662
association representing the coal mining industry and a 4663
statewide association representing employees of coal mines, 4664
shall adopt rules in accordance with Chapter 119. of the Revised 4665
Code that do all of the following: 4666

(1) Prescribe requirements, criteria, and procedures for 4667

the recertification 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 more than two calendar years;

(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 Chapter 4796. 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 chapter 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 4696
language and shall have had at least three years' actual 4697
practical experience in or around the surface maintenance 4698
facilities of underground or surface mines or the equivalent 4699
thereof in the judgment of the chief of the division of mineral 4700
resources management. Each applicant for examination shall pay a 4701
fee of ten dollars to the chief on the first day of the 4702
examination. 4703

(B) The chief shall issue a certificate as a foreperson of 4704
surface maintenance facilities at underground or surface mines 4705
in accordance with Chapter 4796. of the Revised Code to an 4706
applicant if either of the following applies: 4707

(1) The applicant holds a license or certificate in 4708
another state. 4709

(2) The applicant has satisfactory work experience, a 4710
government certification, or a private certification as 4711
described in that chapter as a foreperson of surface maintenance 4712
facilities at underground or surface mines in a state that does 4713
not issue that license or certificate. 4714

(C) Any money collected under this section shall be paid 4715
into the state treasury to the credit of the mining regulation 4716
and safety fund created in section 1513.30 of the Revised Code. 4717

Sec. 1561.19. A—(A) Except as provided in division (B) of 4718
this section, a person who applies for a certificate as a mine 4719
foreperson of surface mines shall be able to read and write the 4720
English language and shall have had at least five years' actual 4721
practical experience in surface mines. An applicant for a 4722
certificate as a foreperson of surface mines shall meet the same 4723
requirements, except that the applicant shall have had at least 4724

three years' actual practical experience in surface mines or the 4725
equivalent thereof in the judgment of the chief of the division 4726
of mineral resources management. Each applicant for examination 4727
shall pay a fee of ten dollars to the chief on the first day of 4728
the examination. 4729

(B) The chief shall issue a certificate as a foreperson of 4730
surface mines in accordance with Chapter 4796. of the Revised 4731
Code to an applicant if either of the following applies: 4732

(1) The applicant holds a license or certificate in 4733
another state. 4734

(2) The applicant has satisfactory work experience, a 4735
government certification, or a private certification as 4736
described in that chapter as a foreperson of surface mines in a 4737
state that does not issue that license or certificate. 4738

(C) Any money collected under this section shall be paid 4739
into the state treasury to the credit of the mining regulation 4740
and safety fund created in section 1513.30 of the Revised Code. 4741

Sec. 1561.20. A—(A) Except as provided in division (B) of 4742
this section, a person who applies for a certificate as a 4743
surface mine blaster shall be able to read and write the English 4744
language; shall have had at least one year's actual practical 4745
experience in surface mines or the equivalent thereof in the 4746
judgment of the chief of the division of mineral resources 4747
management; shall have knowledge of the dangers and nature of 4748
the use of explosives, related equipment, and blasting 4749
techniques; and shall have knowledge of safety laws and rules, 4750
including those related to the storage, use, and transportation 4751
of explosives. Each applicant for examination shall pay a fee of 4752
ten dollars to the chief on the first day of the examination. 4753

(B) The chief shall issue a surface mine blaster certificate in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 4754
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4756

(1) The applicant holds a license or certificate in another state. 4757
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(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a surface mine blaster in a state that does not issue that license or certificate. 4759
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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. 4763
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Sec. 1561.21. A—(A) Except as provided in division (B) of this section, a person who applies for a certificate as a shot firer shall be able to read and write the English language; shall have had at least one year's actual practical experience in the underground workings of 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 noxious and explosive gases; 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 underground 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. 4766
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(B) The chief shall issue a shot firer certificate in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 4780
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(1) The applicant holds a license or certificate in 4783
another state. 4784

(2) The applicant has satisfactory work experience, a 4785
government certification, or a private certification as 4786
described in that chapter as a shot firer in a state that does 4787
not issue that license or certificate. 4788

(C) Any money collected under this section shall be paid 4789
into the state treasury to the credit of the mining regulation 4790
and safety fund created in section 1513.30 of the Revised Code. 4791

(D) Any person who possesses a mine foreperson or 4792
foreperson certificate issued by the chief shall be considered 4793
certified as a shot firer. 4794

Sec. 1561.22. ~~A~~ (A) Except as provided in division (B) of 4795
this section, a person who applies for a certificate as fire 4796
boss shall be able to read and write the English language; shall 4797
have had at least three years' actual practical experience in 4798
the underground workings of a gaseous mine or the equivalent 4799
thereof in the judgment of the chief of the division of mineral 4800
resources management; and shall have knowledge of the dangers 4801
and nature of noxious and explosive gases gained by actual 4802
contact with gas in mines and ventilation of gaseous mines. Each 4803
applicant for examination shall pay a fee of ten dollars to the 4804
chief on the first day of the examination. 4805

(B) The chief shall issue a fire boss certificate in 4806
accordance with Chapter 4796. of the Revised Code to an 4807
applicant if either of the following applies: 4808

(1) The applicant holds a license or certificate in 4809
another state. 4810

(2) The applicant has satisfactory work experience, a 4811

government certification, or a private certification as 4812
described in that chapter as a fire boss in a state that does 4813
not issue that license or certificate. 4814

(C) Any money collected under this section shall be paid 4815
into the state treasury to the credit of the mining regulation 4816
and safety fund created in section 1513.30 of the Revised Code. 4817

Sec. 1565.06. (A) In emergencies arising at a mine because 4818
of accident, death, illness, or any other cause, an operator may 4819
appoint noncertificate persons as forepersons and fire bosses to 4820
act until certified forepersons and fire bosses satisfactory to 4821
the operator can be secured. Such appointee may not serve in 4822
such capacity for a period longer than six months or until such 4823
time thereafter as an examination is held for such certified 4824
persons under section 1561.13 of the Revised Code. The employer 4825
of such noncertificate person shall, upon appointment of such 4826
noncertificate person in this capacity, forward the name of such 4827
noncertificate person to the chief of the division of mineral 4828
resources management. 4829

(B) An operator may appoint as a temporary foreperson or 4830
fire boss a noncertificate person who is within six months of 4831
possessing the necessary actual practical experience to qualify 4832
to take the examination for certification for the position to 4833
which the person is temporarily appointed. Upon appointment of a 4834
noncertificate person, the operator shall forward the name, 4835
social security number, and brief summary of the person's actual 4836
practical experience to the chief, and the chief shall issue the 4837
person a temporary certificate for the position to which the 4838
person has been temporarily appointed. A temporary certificate 4839
issued under this division is valid for six months or until such 4840
time thereafter as an examination is held under section 1561.13 4841

of the Revised Code for the position to which the person has 4842
been temporarily appointed. 4843

(C) A nonresident person who possesses a valid certificate 4844
issued by another state for a position for which the chief 4845
issues a certificate shall be eligible for a temporary 4846
certificate from the chief upon presentation to the chief of a 4847
copy of the certificate from that other state. Chapter 4796. of 4848
the Revised Code does not apply to a certificate issued under 4849
this section. A temporary certificate issued under this division 4850
shall be valid for six months. 4851

No operator of a mine shall violate or fail to comply with 4852
this section. 4853

Sec. 1565.15. (A) As used in this section: 4854

(1) "EMT-basic," "EMT-I," "paramedic," and "emergency 4855
medical service organization" have the same meanings as in 4856
section 4765.01 of the Revised Code. 4857

(2) "First aid provider" includes a mine medical 4858
responder, an EMT-basic, an EMT-I, a paramedic, or an employee 4859
at a surface coal mine who has satisfied the training 4860
requirements established in division (D)(1) of this section. 4861

(3) "Mine medical responder" means a person who has 4862
satisfied the requirements established in rules adopted under 4863
division (E) (1) of this section or has been issued a certificate 4864
under division (E)(2) of this section. 4865

(B) The operator of an underground coal mine where twenty 4866
or more persons are employed on a shift, including all persons 4867
working at different locations at the mine within a ten-mile 4868
radius, shall provide at least one mine medical responder, EMT- 4869
basic, or EMT-I on duty at the underground coal mine whenever 4870

employees at the mine are actively engaged in the extraction, 4871
production, or preparation of coal. The operator shall provide 4872
mine medical responders, EMTs-basic, or EMTs-I on duty at the 4873
underground coal mine at times and in numbers sufficient to 4874
ensure that no miner works in a mine location that cannot be 4875
reached within a reasonable time by a mine medical responder, an 4876
EMT-basic, or an EMT-I. Mine medical responders, EMTs-basic, and 4877
EMTs-I shall be employed on their regular coal mining duties at 4878
locations convenient for quick response to emergencies in order 4879
to provide emergency medical services inside the underground 4880
coal mine and transportation of injured or sick employees to the 4881
entrance of the mine. The operator shall provide for the 4882
services of at least one emergency medical service organization 4883
to be available on call to reach the entrance of the underground 4884
coal mine within thirty minutes at any time that employees are 4885
engaged in the extraction, production, or preparation of coal in 4886
order to provide emergency medical services and transportation 4887
to a hospital. 4888

The operator shall make available to mine medical 4889
responders, EMTs-basic, and EMTs-I all of the equipment for 4890
first aid and emergency medical services that is necessary for 4891
those personnel to function and to comply with the regulations 4892
pertaining to first aid and emergency medical services that are 4893
adopted under the "Federal Mine Safety and Health Act of 1977," 4894
91 Stat. 1290, 30 U.S.C.A. 801, and amendments to it. The 4895
operator of the underground coal mine shall install telephone 4896
service or equivalent facilities that enable two-way voice 4897
communication between the mine medical responders, EMTs-basic, 4898
or EMTs-I in the mine and the emergency medical service 4899
organization outside the mine that provides emergency medical 4900
services on a regular basis. 4901

(C) The operator of a surface coal mine shall provide at 4902
least one first aid provider on duty at the mine whenever 4903
employees at the mine are actively engaged in the extraction, 4904
production, or preparation of coal. The operator shall provide 4905
first aid providers on duty at the surface coal mine at times 4906
and in numbers sufficient to ensure that no miner works in a 4907
mine location that cannot be reached within a reasonable time by 4908
a first aid provider. First aid providers shall be employed on 4909
their regular coal mining duties at locations convenient for 4910
quick response to emergencies in order to provide emergency 4911
medical services and transportation of injured or sick employees 4912
to the entrance of the surface coal mine. The operator shall 4913
provide for the services of at least one emergency medical 4914
service organization to be available on call to reach the 4915
entrance of the surface coal mine within thirty minutes at any 4916
time that employees are engaged in the extraction, production, 4917
or preparation of coal in order to provide emergency medical 4918
services and transportation to a hospital. 4919

The operator shall provide at the mine site all of the 4920
equipment for first aid and emergency medical services that is 4921
necessary for those personnel to function and to comply with the 4922
regulations pertaining to first aid and emergency medical 4923
services that are adopted under the "Federal Mine Safety and 4924
Health Act of 1977," 91 Stat. 1290, 30 U.S.C.A. 801, and 4925
amendments to it. 4926

(D) (1) An employee at a surface coal mine shall be 4927
considered to be a first aid provider for the purposes of this 4928
section if the employee has received from an instructor approved 4929
by the chief of the division of mineral resources management ten 4930
hours of initial first aid training as a selected supervisory 4931
employee under 30 C.F.R. 77.1703 and receives five hours of 4932

refresher first aid training as a selected supervisory employee 4933
under 30 C.F.R. 77.1705 in each subsequent calendar year. 4934

(2) Each miner employed at a surface coal mine who is not 4935
a first aid provider shall receive from an instructor approved 4936
by the chief three hours of initial first aid training and two 4937
hours of refresher first aid training in each subsequent 4938
calendar year. 4939

(3) The training received in accordance with division (D) 4940
of this section shall consist of a course of instruction 4941
established in the manual issued by the mine safety and health 4942
administration in the United States department of labor entitled 4943
"first aid, a bureau of mines instruction manual" or its 4944
successor or any other curriculum approved by the chief. The 4945
training shall be included in the hours of instruction provided 4946
to miners in accordance with training requirements established 4947
under 30 C.F.R. part 48, subpart (B), as amended, and 30 C.F.R. 4948
part 77, as amended. 4949

~~(E)~~ (1) Except as provided in division (E) (2) of this 4950
section, the chief, in consultation with persons certified under 4951
Chapter 4765. of the Revised Code to teach in an emergency 4952
medical services training program, shall adopt rules in 4953
accordance with Chapter 119. of the Revised Code that do all of 4954
the following: 4955

~~(1)~~ (a) Prescribe training requirements for a mine medical 4956
responder that specifically focus on treating injuries and 4957
illnesses associated with underground coal mining; 4958

~~(2)~~ (b) Prescribe an examination for a mine medical 4959
responder; 4960

~~(3)~~ (c) Prescribe continuing training requirements for a 4961

mine medical responder; 4962

~~(4) (d) Establish the fee for examination for a mine 4963
medical responder; 4964~~

~~(5) (e) Prescribe any other requirements, criteria, and 4965
procedures that the chief determines are necessary regarding the 4966
training, examination, and continuing training of mine medical 4967
responders. 4968~~

~~If a person qualifies as a mine medical responder or 4969
similar classification in another state, the person may provide 4970
emergency medical services as a mine medical responder in this 4971
state without completing the training or passing the examination 4972
that is required in rules adopted under this division, provided 4973
that the chief determines that the person's qualifications from 4974
the other state satisfy all of the applicable requirements that 4975
are established in rules adopted under this division. 4976~~

(2) The chief shall issue a mine medical responder 4977
certificate in accordance with Chapter 4796. of the Revised Code 4978
to an applicant if either of the following applies: 4979

(a) The applicant holds a certificate in another state. 4980

(b) The applicant has satisfactory work experience, a 4981
government certification, or a private certification as 4982
described in that chapter as a mine medical responder in a state 4983
that does not issue that certificate. 4984

(F) Each operator of a surface coal mine shall establish, 4985
keep current, and make available for inspection an emergency 4986
medical plan that includes the telephone numbers of the division 4987
of mineral resources management and of an emergency medical 4988
services organization the services of which are required to be 4989
retained under division (C) of this section. The chief shall 4990

adopt rules in accordance with Chapter 119. of the Revised Code 4991
that establish any additional information required to be 4992
included in an emergency medical plan. 4993

(G) Each operator of an underground coal mine or surface 4994
coal mine shall provide or contract to obtain emergency medical 4995
services training or first aid training, as applicable, at the 4996
operator's expense, that is sufficient to train and maintain the 4997
certification of the number of employees necessary to comply 4998
with division (B) of this section and that is sufficient to 4999
train employees as required under division (D) of this section 5000
and to comply with division (C) of this section. 5001

(H) The division may provide emergency medical services 5002
training for coal mine employees by operating an emergency 5003
medical services training program accredited under section 5004
4765.17 of the Revised Code or by contracting with the operator 5005
of an emergency medical services training program accredited 5006
under that section to provide that training. The division may 5007
charge coal mine operators a uniform part of the unit cost per 5008
trainee. 5009

(I) No coal mine operator shall violate or fail to comply 5010
with this section. 5011

Sec. 1707.15. (A) Application for a dealer's license shall 5012
be made in accordance with this section and by filing with the 5013
division of securities the information, materials, and forms 5014
specified in rules adopted by the division, along with all of 5015
the following information: 5016

(1) The name and address of the applicant; 5017

(2) The location and addresses of the principal office and 5018
all other offices of the applicant; 5019

(3) A general description of the business of the applicant 5020
done prior to the application, including a list of states in 5021
which the applicant is a licensed dealer. 5022

(B) (1) The division may investigate any applicant for a 5023
license, and may require such additional information as it deems 5024
necessary to determine the applicant's business repute and 5025
qualifications to act as a dealer in securities. 5026

(2) If the application for any license involves 5027
investigation outside of this state, the applicant may be 5028
required by the division to advance sufficient funds to pay any 5029
of the actual expenses of such examination. An itemized 5030
statement of any such expenses which the applicant is required 5031
to pay shall be furnished the applicant by the division. 5032

(C) The division shall by rule require one natural person 5033
who is a principal, officer, director, general partner, manager, 5034
or employee of a dealer to pass an examination designated by the 5035
division. Each dealer that is not a natural person shall notify 5036
the division of the name and relationship to the dealer of the 5037
natural person who has passed the examination on behalf of the 5038
dealer and who will serve as the designated principal on behalf 5039
of the dealer. 5040

(D) Dealers shall employ as salespersons only those 5041
salespersons who are licensed under this chapter. If at any time 5042
a salesperson resigns or is discharged or a new salesperson is 5043
added, the dealer shall promptly notify the division. 5044

~~(E) If (1) Except as provided in division (E) (2) of this~~ 5045
~~section, if~~ the division finds that the applicant is of good 5046
business repute, appears qualified to act as a dealer in 5047
securities, and has fully complied with this chapter and rules 5048

adopted under this chapter by the division, the division, upon 5049
payment of the fees prescribed by division (B) of section 5050
1707.17 of the Revised Code, shall issue to the applicant a 5051
license authorizing the applicant to act as a dealer. 5052

(2) The division shall issue a license to act as a dealer 5053
in accordance with Chapter 4796. of the Revised Code to an 5054
applicant if either of the following applies: 5055

(a) The applicant holds a license in another state; 5056

(b) The applicant has satisfactory work experience, a 5057
government certification, or a private certification as 5058
described in that chapter as a dealer in a state that does not 5059
issue that license. 5060

Sec. 1707.151. (A) Application for an investment adviser's 5061
license shall be made in accordance with this section and by 5062
filing with the division of securities the information, 5063
materials, and forms specified in rules adopted by the division. 5064

(B) (1) The division may investigate any applicant for a 5065
license and may require any additional information as it 5066
considers necessary to determine the applicant's business repute 5067
and qualifications to act as an investment adviser. 5068

(2) If the application for any license involves 5069
investigation outside of this state, the applicant may be 5070
required by the division to advance sufficient funds to pay any 5071
of the actual expenses of the examination. The division shall 5072
furnish the applicant with an itemized statement of such 5073
expenses that the applicant is required to pay. 5074

(C) The division shall by rule require a natural person 5075
who is an applicant for an investment adviser's license to pass 5076
an examination designated by the division or achieve a specified 5077

professional designation. 5078

(D) An investment adviser licensed under section 1707.141 5079
of the Revised Code shall employ only investment adviser 5080
representatives licensed, or exempted from licensure, under 5081
section 1707.161 of the Revised Code. 5082

(E) ~~If~~ (1) Except as provided in division (E) (2) of this 5083
section, if the division finds that the applicant is of good 5084
business repute, appears to be qualified to act as an investment 5085
adviser, and has complied with this chapter and rules adopted 5086
under this chapter by the division, the division, upon payment 5087
of the fees prescribed by division (B) of section 1707.17 of the 5088
Revised Code, shall issue to the applicant a license authorizing 5089
the applicant to act as an investment adviser. 5090

(2) The division shall issue a license to act as an 5091
investment adviser in accordance with Chapter 4796. of the 5092
Revised Code to an applicant if either of the following applies: 5093

(a) The applicant holds a license in another state. 5094

(b) The applicant has satisfactory work experience, a 5095
government certification, or a private certification as 5096
described in that chapter as an investment adviser in a state 5097
that does not issue that license. 5098

Sec. 1707.16. (A) Every salesperson of securities must be 5099
licensed by the division of securities and shall be employed, 5100
authorized, or appointed only by the licensed dealer specified 5101
in the salesperson's license. If the relationship between the 5102
salesperson and the dealer is severed, the salesperson's license 5103
shall be void. 5104

(B) Application for a salesperson's license shall be made 5105
in accordance with this section and by filing with the division 5106

the information, materials, and forms specified in rules adopted 5107
by the division, along with all of the following information: 5108

(1) The name and complete residence and business addresses 5109
of the applicant; 5110

(2) The name of the dealer who is employing the applicant 5111
or who intends to employ the applicant; 5112

(3) The applicant's age and education, and the applicant's 5113
experience in the sale of securities; whether the applicant has 5114
ever been licensed by the division, and if so, when; whether the 5115
applicant has ever been refused a license by the division; and 5116
whether the applicant has ever been licensed or refused a 5117
license or any similar permit by any division or commissioner of 5118
securities, whatsoever name known or designated, anywhere. 5119

(C) The division shall by rule require an applicant to 5120
pass an examination designated by the division. 5121

~~(D) If~~ (1) Except as provided in division (D) (2) of this 5122
section, if the division finds that the applicant is of good 5123
business repute, appears to be qualified to act as a salesperson 5124
of securities, and has fully complied with this chapter, and 5125
that the dealer named in the application is a licensed dealer, 5126
the division shall, upon payment of the fees prescribed by 5127
section 1707.17 of the Revised Code, issue a license to the 5128
applicant authorizing the applicant to act as salesperson for 5129
the dealer named in the application. 5130

(2) The division shall issue a license to act as a 5131
salesperson of securities in accordance with Chapter 4796. of 5132
the Revised Code to an applicant if either of the following 5133
applies: 5134

(a) The applicant holds a license in another state. 5135

(b) The applicant has satisfactory work experience, a 5136
government certification, or a private certification as 5137
described in that chapter as a salesperson of securities in a 5138
state that does not issue that license. 5139

Sec. 1707.161. (A) No person shall act as an investment 5140
adviser representative, unless one of the following applies: 5141

(1) The person is licensed as an investment adviser 5142
representative by the division of securities. 5143

(2) The person is a natural person who is licensed as an 5144
investment adviser by the division, and does not act as an 5145
investment adviser representative for another investment 5146
adviser; however, a natural person who is licensed as an 5147
investment adviser by the division may act as an investment 5148
adviser representative for another investment adviser if the 5149
natural person also is licensed by the division, or is properly 5150
excepted from licensure, as an investment adviser representative 5151
of the other investment adviser. 5152

(3) The person is employed by or associated with an 5153
investment adviser registered under section 203 of the 5154
"Investment Advisers Act of 1940," 15 U.S.C. 80b-3, and does not 5155
have a place of business in this state. 5156

(4) The person is employed by or associated with an 5157
investment adviser that is excepted from licensure pursuant to 5158
division (A) (3), (4), (5), or (6) of section 1707.141 of the 5159
Revised Code or excepted from notice filing pursuant to division 5160
(B) (3) of section 1707.141 of the Revised Code. 5161

(B) (1) No investment adviser representative required to be 5162
licensed under this section shall act as an investment adviser 5163
representative for more than two investment advisers. An 5164

investment adviser representative that acts as an investment 5165
adviser representative for two investment advisers shall do so 5166
only after the occurrence of both of the following: 5167

(a) Being properly licensed, or properly excepted from 5168
licensure under this section, as an investment adviser 5169
representative for both investment advisers; 5170

(b) Complying with the requirements set forth in rules 5171
adopted by the division regarding consent of both investment 5172
advisers and notice. 5173

(2) Nothing in this section shall be construed to prohibit 5174
a natural person from being licensed by the division as both an 5175
investment adviser and an investment adviser representative. 5176

(3) Nothing in this section shall be construed to prohibit 5177
a natural person from being licensed by the division as both a 5178
salesperson and an investment adviser representative. 5179

(4) Nothing in this section shall be construed to prohibit 5180
a natural person from being licensed by the division as both a 5181
dealer and an investment adviser representative. 5182

(C) An investment adviser representative's license issued 5183
under this section shall not be effective during any period when 5184
the investment adviser representative is not employed by or 5185
associated with an investment adviser that is licensed by the 5186
division or that is in compliance with the notice filing 5187
requirements of division (B) of section 1707.141 of the Revised 5188
Code. Notice of the commencement and termination of the 5189
employment or association of an investment adviser 5190
representative licensed under this section shall be given to the 5191
division within thirty days after the commencement or 5192
termination by either of the following: 5193

(1) The investment adviser, in the case of an investment 5194
adviser representative licensed under this section and employed 5195
by or associated with, or formerly employed by or associated 5196
with, an investment adviser licensed under section 1707.141 of 5197
the Revised Code; 5198

(2) The investment adviser representative, in the case of 5199
an investment adviser representative licensed under this section 5200
and employed by or associated with, or formerly employed by or 5201
associated with, an investment adviser that is subject to the 5202
notice filings requirements of division (B) of section 1707.141 5203
of the Revised Code. 5204

(D) (1) Application for an investment adviser 5205
representative license shall be made in accordance with this 5206
section and by filing with the division the information, 5207
materials, and forms specified in rules adopted by the division. 5208

(2) The division shall by rule require an applicant to 5209
pass an examination designated by the division or achieve a 5210
specified professional designation. 5211

(3) Prior to issuing the investment adviser representative 5212
license, the division may require the applicant to reimburse the 5213
division for the actual expenses incurred in investigating the 5214
applicant. An itemized statement of any such expenses that the 5215
applicant is required to pay shall be furnished to the applicant 5216
by the division. 5217

(E) ~~If~~ (1) Except as provided in division (E) (2) of this 5218
section, if the division finds that the applicant is of good 5219
business repute, appears to be qualified to act as an investment 5220
adviser representative, and has complied with sections 1707.01 5221
to 1707.50 of the Revised Code and the rules adopted under those 5222

sections by the division, the division, upon payment of the fees 5223
prescribed by division (B) of section 1707.17 of the Revised 5224
Code, shall issue to the applicant a license authorizing the 5225
applicant to act as an investment adviser representative for the 5226
investment adviser, or investment advisers that are under common 5227
ownership or control, named in the application. 5228

(2) The division shall issue a license to act as an 5229
investment adviser representative in accordance with Chapter 5230
4796. of the Revised Code to an applicant if either of the 5231
following applies: 5232

(a) The applicant holds a license in another state. 5233

(b) The applicant has satisfactory work experience, a 5234
government certification, or a private certification as 5235
described in that chapter as an investment adviser 5236
representative in a state that does not issue that license. 5237

Sec. 1707.163. (A) Application for a state retirement 5238
system investment officer's license shall be made in accordance 5239
with this section by filing with the division of securities the 5240
information, materials, and forms specified in rules adopted by 5241
the division. 5242

(B) (1) The division may investigate any applicant for a 5243
license and may require any additional information as it 5244
considers necessary to determine the applicant's business repute 5245
and qualifications to act as an investment officer. 5246

(2) If the application for a state retirement system 5247
investment officer's license involves investigation outside of 5248
this state, the applicant may be required by the division to 5249
advance sufficient funds to pay any of the actual expenses of 5250
the investigation. The division shall furnish the applicant with 5251

an itemized statement of the expenses the applicant is required 5252
to pay. 5253

(C) The division shall by rule require an applicant for a 5254
state retirement system investment officer's license to pass an 5255
examination designated by the division or achieve a specified 5256
professional designation unless the applicant meets both of the 5257
following requirements: 5258

(1) Acts as a state retirement system investment officer 5259
~~on the effective date of this section~~ September 15, 2004; 5260

(2) Has experience or equivalent education acceptable to 5261
the division. 5262

~~(D) If (1) Except as provided in division (D) (2) of this~~ 5263
~~section, if~~ the division finds that the applicant is of good 5264
business repute, appears to be qualified to act as a state 5265
retirement system investment officer, and has complied with this 5266
chapter and rules adopted under this chapter by the division, 5267
the division, on payment of the fees prescribed by division (B) 5268
of section 1707.17 of the Revised Code, shall issue to the 5269
applicant a license authorizing the applicant to act as a state 5270
retirement system investment officer. 5271

(2) The division shall issue a license authorizing an 5272
applicant to act as a state retirement system investment officer 5273
in accordance with Chapter 4796. of the Revised Code to an 5274
applicant if either of the following applies: 5275

(a) The applicant holds a license in another state. 5276

(b) The applicant has satisfactory work experience, a 5277
government certification, or a private certification as 5278
described in that chapter as a state retirement system 5279
investment officer in a state that does not issue that license. 5280

Sec. 1707.165. (A) Application for a bureau of workers' 5281
compensation chief investment officer's license shall be made in 5282
accordance with this section by filing with the division of 5283
securities the information, materials, and forms specified in 5284
rules adopted by the division. 5285

(B) The division may investigate any applicant for a 5286
license and may require any additional information as it 5287
considers necessary to determine the applicant's business repute 5288
and qualifications to act as a chief investment officer. If the 5289
application for a bureau of workers' compensation chief 5290
investment officer's license involves investigation outside of 5291
this state, the applicant may be required by the division to 5292
advance sufficient funds to pay any of the actual expenses of 5293
the investigation. The division shall furnish the applicant with 5294
an itemized statement of the expenses the applicant is required 5295
to pay. 5296

(C) The division shall by rule require an applicant for a 5297
bureau of workers' compensation chief investment officer's 5298
license to pass an examination designated by the division or 5299
achieve a specified professional designation unless the 5300
applicant meets both of the following requirements: 5301

(1) Acts as a bureau of workers' compensation chief 5302
investment officer ~~on the effective date of this section~~ 5303
September 29, 2005; 5304

(2) Has experience or education acceptable to the 5305
division. 5306

~~(D) If (1) Except as provided in division (D) (2) of this~~ 5307
section, if the division finds that the applicant is of good 5308
business repute, appears to be qualified to act as a bureau of 5309

workers' compensation chief investment officer, and has complied 5310
with this chapter and rules adopted by the division under this 5311
chapter, the division, upon receipt of the fees prescribed by 5312
division (B) of section 1707.17 of the Revised Code, shall issue 5313
to the applicant a license authorizing the applicant to act as a 5314
bureau of workers' compensation chief investment officer. 5315

(2) The division shall issue a license to act as a bureau 5316
of workers' compensation chief investment officer in accordance 5317
with Chapter 4796. of the Revised Code to an applicant if either 5318
of the following applies: 5319

(a) The applicant holds a license in another state. 5320

(b) The applicant has satisfactory work experience, a 5321
government certification, or a private certification as 5322
described in that chapter as a bureau of workers' compensation 5323
chief investment officer in a state that does not issue that 5324
license. 5325

Sec. 1717.06. (A) A county humane society organized under 5326
section 1717.05 of the Revised Code may appoint humane society 5327
agents for the purpose of prosecuting any person guilty of an 5328
act of cruelty to animals. Such agents may arrest any person 5329
found violating this chapter or any other law for protecting 5330
animals or preventing acts of cruelty thereto. Upon making an 5331
arrest, the humane society agent shall convey the person 5332
arrested before a court or magistrate having jurisdiction of the 5333
offense, and there make complaint against the person on oath or 5334
affirmation of the offense. 5335

(B) A humane society agent that was appointed prior to ~~the~~ 5336
~~effective date of this amendment~~ March 31, 2021, by a branch of 5337
the Ohio humane society is considered to be a humane society 5338

agent appointed under this section for purposes of this chapter 5339
and any other laws regarding humane society agents. 5340

(C) (1) The appointment of an agent under this section is 5341
subject to the requirements of section 1717.061 of the Revised 5342
Code, and is not final until the appointment has been approved 5343
under division (C) (2) of this section. 5344

(2) The appointment of an agent under this section does 5345
not take effect unless it has been approved by the mayor of the 5346
municipal corporation for which it is made. If the society 5347
operates outside a municipal corporation, the appointment does 5348
not take effect until it has been approved by the probate judge 5349
of the county for which it is made. The mayor or probate judge 5350
shall keep a record of the appointments and shall maintain as a 5351
public record a copy of the proof of successful completion of 5352
training for each humane society agent acting within the 5353
approving authority's jurisdiction. 5354

(D) The approving authority shall notify the appropriate 5355
county sheriff and the board of county commissioners when the 5356
appointment of a humane society agent has been approved and, not 5357
later than two business days after the appointment has been 5358
approved, shall file a copy of the proof of successful 5359
completion of training with the sheriff. The county sheriff 5360
shall maintain as a public record a copy of the proof for each 5361
humane society agent that is operating in the county. 5362

(E) A humane society shall notify the county sheriff and 5363
the approving authority when all approved humane society agents 5364
have ceased to perform the duties of the appointment and there 5365
are no humane society agents operating in the county. 5366

(F) A humane society agent only has the specific authority 5367

granted to the agent under the Revised Code. 5368

(G) The Ohio peace officer training commission shall issue 5369
a certificate of completion of the training program required for 5370
appointment as a humane society agent under this section in 5371
accordance with Chapter 4796. of the Revised Code to an 5372
individual if either of the following applies: 5373

(1) The individual holds a certificate of completion of 5374
such a program in another state. 5375

(2) The individual has satisfactory work experience, a 5376
government certification, or a private certification as 5377
described in that chapter as a humane society agent in a state 5378
that does not require a certificate of completion of such a 5379
program. 5380

Sec. 3101.10. A minister upon producing to the secretary 5381
of state, credentials of the minister's being a regularly 5382
ordained or licensed minister of any religious society or 5383
congregation, shall be entitled to receive from the secretary of 5384
state a license authorizing the minister to solemnize marriages 5385
in this state so long as the minister continues as a regular 5386
minister in that society or congregation. A minister shall 5387
produce for inspection the minister's license to solemnize 5388
marriages upon demand of any party to a marriage at which the 5389
minister officiates or proposes to officiate or upon demand of 5390
any probate judge. The secretary of state shall issue a license 5391
to solemnize marriages in this state in accordance with Chapter 5392
4796. of the Revised Code to a minister if either of the 5393
following applies: 5394

(A) The minister holds a license in another state. 5395

(B) The minister has satisfactory work experience, a 5396

government certification, or a private certification as 5397
described in that chapter as a minister who solemnizes marriages 5398
in a state that does not issue a license to solemnize marriages. 5399

Sec. 3301.071. (A) (1) In-Except as provided in division 5400
(E) of this section, in the case of nontax-supported schools, 5401
standards for teacher certification prescribed under section 5402
3301.07 of the Revised Code shall provide for certification, 5403
without further educational requirements, of any administrator, 5404
supervisor, or teacher who has attended and received a 5405
bachelor's degree from a college or university accredited by a 5406
national or regional association in the United States except 5407
that, at the discretion of the state board of education, this 5408
requirement may be met by having an equivalent degree from a 5409
foreign college or university of comparable standing. 5410

(2) In-Except as provided in division (E) of this section, 5411
in the case of nonchartered, nontax-supported schools, the 5412
standards for teacher certification prescribed under section 5413
3301.07 of the Revised Code shall provide for certification, 5414
without further educational requirements, of any administrator, 5415
supervisor, or teacher who has attended and received a diploma 5416
from a "bible college" or "bible institute" described in 5417
division (E) of section 1713.02 of the Revised Code. 5418

(3) A certificate issued under division (A) (3) of this 5419
section shall be valid only for teaching foreign language, 5420
music, religion, computer technology, or fine arts. 5421

Notwithstanding division (A) (1) of this section and except 5422
as provided in division (E) of this section, the standards for 5423
teacher certification prescribed under section 3301.07 of the 5424
Revised Code shall provide for certification of a person as a 5425
teacher upon receipt by the state board of an affidavit signed 5426

by the chief administrative officer of a chartered nonpublic 5427
school seeking to employ the person, stating that the person 5428
meets one of the following conditions: 5429

(a) The person has specialized knowledge, skills, or 5430
expertise that qualifies the person to provide instruction. 5431

(b) The person has provided to the chief administrative 5432
officer evidence of at least three years of teaching experience 5433
in a public or nonpublic school. 5434

(c) The person has provided to the chief administrative 5435
officer evidence of completion of a teacher training program 5436
named in the affidavit. 5437

(B) Each person applying for a certificate under this 5438
section for purposes of serving in a nonpublic school chartered 5439
by the state board under section 3301.16 of the Revised Code 5440
shall pay a fee in the amount established under division (A) of 5441
section 3319.51 of the Revised Code. Any fees received under 5442
this division shall be paid into the state treasury to the 5443
credit of the state board of education certification fund 5444
established under division (B) of section 3319.51 of the Revised 5445
Code. 5446

(C) A person applying for or holding any certificate 5447
pursuant to this section for purposes of serving in a nonpublic 5448
school chartered by the state board is subject to sections 5449
3123.41 to 3123.50 of the Revised Code and any applicable rules 5450
adopted under section 3123.63 of the Revised Code and sections 5451
3319.31 and 3319.311 of the Revised Code. 5452

(D) Divisions (B) and (C) of this section and sections 5453
3319.291, 3319.31, and 3319.311 of the Revised Code do not apply 5454
to any administrators, supervisors, or teachers in nonchartered, 5455

nontax-supported schools. 5456

(E) The state board shall issue a certificate to serve in 5457
a nonpublic school as an administrator, supervisor, or teacher 5458
in accordance with Chapter 4796. of the Revised Code to an 5459
applicant if either of the following applies: 5460

(1) The applicant holds a certificate in another state. 5461

(2) The applicant has satisfactory work experience, a 5462
government certification, or a private certification as 5463
described in that chapter as a nonpublic school administrator, 5464
supervisor, or teacher in a state that does not issue one or 5465
more of those certificates. 5466

Sec. 3301.074. (A) The Except as provided in division (E) 5467
of this section, the state board of education shall, by rule 5468
adopted in accordance with Chapter 119. of the Revised Code, 5469
establish standards for licensing school district treasurers and 5470
business managers, for the renewal of such licenses, and for the 5471
issuance of duplicate copies of licenses. Licenses of the 5472
following types shall be issued or renewed by the board to 5473
applicants who meet the standards for the license or the renewal 5474
of the license for which application is made: 5475

(1) Treasurer, valid for serving as treasurer of a school 5476
district in accordance with section 3313.22 of the Revised Code; 5477

(2) Business manager, valid for serving as business 5478
manager of a school district in accordance with section 3319.03 5479
of the Revised Code. 5480

(B) Each application for a license or renewal or duplicate 5481
copy of a license shall be accompanied by the payment of a fee 5482
in the amount established under division (A) of section 3319.51 5483
of the Revised Code. Any fees received under this section shall 5484

be paid into the state treasury to the credit of the state board 5485
of education licensure fund established under division (B) of 5486
section 3319.51 of the Revised Code. 5487

(C) Any person employed under section 3313.22 of the 5488
Revised Code as a treasurer on July 1, 1983, shall be considered 5489
to meet the standards for licensure as a treasurer and for 5490
renewal of such license. Any person employed under section 5491
3319.03 of the Revised Code as a business manager on July 1, 5492
1983, shall be considered to meet the standards for licensure as 5493
a business manager and for renewal of such license. 5494

(D) Any person applying for or holding any license 5495
pursuant to this section is subject to sections 3123.41 to 5496
3123.50 of the Revised Code and any applicable rules adopted 5497
under section 3123.63 of the Revised Code and sections 3319.31 5498
and 3319.311 of the Revised Code. 5499

(E) The state board shall issue a license to act as a 5500
school district treasurer or business manager in accordance with 5501
Chapter 4796. of the Revised Code to an applicant if either of 5502
the following applies: 5503

(1) The applicant holds a license in another state. 5504

(2) The applicant has satisfactory work experience, a 5505
government certification, or a private certification as 5506
described in that chapter as a school district treasurer or 5507
business manager in a state that does not issue one of those 5508
licenses or both. 5509

Sec. 3319.088. As used in this section, "educational 5510
assistant" means any nonteaching employee in a school district 5511
who directly assists a teacher as defined in section 3319.09 of 5512
the Revised Code, by performing duties for which a license 5513

issued pursuant to sections 3319.22 to 3319.30 of the Revised Code is not required. 5514
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(A) ~~The~~ Except as provided in division (G) of this section, the state board of education shall issue educational aide permits and educational paraprofessional licenses for educational assistants and shall adopt rules for the issuance and renewal of such permits and licenses which shall be consistent with the provisions of this section. Educational aide permits and educational paraprofessional licenses may be of several types and the rules shall prescribe the minimum qualifications of education and health for the service to be authorized under each type. The prescribed minimum qualifications may require special training or educational courses designed to qualify a person to perform effectively the duties authorized under an educational aide permit or educational paraprofessional license. 5516
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(B) (1) ~~Any~~ Except as provided in division (G) of this section, any application for a permit or license, or a renewal or duplicate of a permit or license, under this section shall be accompanied by the payment of a fee in the amount established under division (A) of section 3319.51 of the Revised Code. Any fees received under this division shall be paid into the state treasury to the credit of the state board of education licensure fund established under division (B) of section 3319.51 of the Revised Code. 5530
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(2) Any person applying for or holding a permit or license pursuant to this section is subject to sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code and sections 3319.31 and 3319.311 of the Revised Code. 5539
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(C) Educational assistants shall at all times while in the 5544
performance of their duties be under the supervision and 5545
direction of a teacher as defined in section 3319.09 of the 5546
Revised Code. Educational assistants may assist a teacher to 5547
whom assigned in the supervision of pupils, in assisting with 5548
instructional tasks, and in the performance of duties which, in 5549
the judgment of the teacher to whom the assistant is assigned, 5550
may be performed by a person not licensed pursuant to sections 5551
3319.22 to 3319.30 of the Revised Code and for which a teaching 5552
license, issued pursuant to sections 3319.22 to 3319.30 of the 5553
Revised Code is not required. The duties of an educational 5554
assistant shall not include the assignment of grades to pupils. 5555
The duties of an educational assistant need not be performed in 5556
the physical presence of the teacher to whom assigned, but the 5557
activity of an educational assistant shall at all times be under 5558
the direction of the teacher to whom assigned. The assignment of 5559
an educational assistant need not be limited to assisting a 5560
single teacher. In the event an educational assistant is 5561
assigned to assist more than one teacher the assignments shall 5562
be clearly delineated and so arranged that the educational 5563
assistant shall never be subject to simultaneous supervision or 5564
direction by more than one teacher. 5565

Educational assistants assigned to supervise children 5566
shall, when the teacher to whom assigned is not physically 5567
present, maintain the degree of control and discipline that 5568
would be maintained by the teacher. 5569

Educational assistants may not be used in place of 5570
classroom teachers or other employees and any payment of 5571
compensation by boards of education to educational assistants 5572
for such services is prohibited. The ratio between the number of 5573
licensed teachers and the pupils in a school district may not be 5574

decreased by utilization of educational assistants and no 5575
grouping, or other organization of pupils, for utilization of 5576
educational assistants shall be established which is 5577
inconsistent with sound educational practices and procedures. A 5578
school district may employ up to one full time equivalent 5579
educational assistant for each six full time equivalent licensed 5580
employees of the district. Educational assistants shall not be 5581
counted as licensed employees for purposes of state support in 5582
the school foundation program and no grouping or regrouping of 5583
pupils with educational assistants may be counted as a class or 5584
unit for school foundation program purposes. Neither special 5585
courses required by the regulations of the state board of 5586
education, prescribing minimum qualifications of education for 5587
an educational assistant, nor years of service as an educational 5588
assistant shall be counted in any way toward qualifying for a 5589
teacher license, for a teacher contract of any type, or for 5590
determining placement on a salary schedule in a school district 5591
as a teacher. 5592

(D) Educational assistants employed by a board of 5593
education shall have all rights, benefits, and legal protection 5594
available to other nonteaching employees in the school district, 5595
except that provisions of Chapter 124. of the Revised Code shall 5596
not apply to any person employed as an educational assistant, 5597
and shall be members of the school employees retirement system. 5598
Educational assistants shall be compensated according to a 5599
salary plan adopted annually by the board. 5600

Except as provided in this section nonteaching employees 5601
shall not serve as educational assistants without first 5602
obtaining an appropriate educational aide permit or educational 5603
paraprofessional license from the state board of education. A 5604
nonteaching employee who is the holder of a valid educational 5605

aide permit or educational paraprofessional license shall 5606
neither render nor be required to render services inconsistent 5607
with the type of services authorized by the permit or license 5608
held. No person shall receive compensation from a board of 5609
education for services rendered as an educational assistant in 5610
violation of this provision. 5611

Nonteaching employees whose functions are solely 5612
secretarial-clerical and who do not perform any other duties as 5613
educational assistants, even though they assist a teacher and 5614
work under the direction of a teacher shall not be required to 5615
hold a permit or license issued pursuant to this section. 5616
Students preparing to become licensed teachers or educational 5617
assistants shall not be required to hold an educational aide 5618
permit or paraprofessional license for such periods of time as 5619
such students are assigned, as part of their training program, 5620
to work with a teacher in a school district. Such students shall 5621
not be compensated for such services. 5622

Following the determination of the assignment and general 5623
job description of an educational assistant and subject to 5624
supervision by the teacher's immediate administrative officer, a 5625
teacher to whom an educational assistant is assigned shall make 5626
all final determinations of the duties to be assigned to such 5627
assistant. Teachers shall not be required to hold a license 5628
designated for being a supervisor or administrator in order to 5629
perform the necessary supervision of educational assistants. 5630

(E) No person who is, or who has been employed as an 5631
educational assistant shall divulge, except to the teacher to 5632
whom assigned, or the administrator of the school in the absence 5633
of the teacher to whom assigned, or when required to testify in 5634
a court or proceedings, any personal information concerning any 5635

pupil in the school district which was obtained or obtainable by 5636
the educational assistant while so employed. Violation of this 5637
provision is grounds for disciplinary action or dismissal, or 5638
both. 5639

(F) Notwithstanding anything to the contrary in this 5640
section, the superintendent of a school district may allow an 5641
employee who does not hold a permit or license issued under this 5642
section to work as a substitute for an educational assistant who 5643
is absent on account of illness or on a leave of absence, or to 5644
fill a temporary position created by an emergency, provided that 5645
the superintendent believes the employee's application materials 5646
indicate that the employee is qualified to obtain a permit or 5647
license under this section. 5648

An employee shall begin work as a substitute under this 5649
division not earlier than on the date on which the employee 5650
files an application with the state board for a permit or 5651
license under this section. An employee shall cease working as a 5652
substitute under this division on the earliest of the following: 5653

(1) The date on which the employee files a valid permit or 5654
license issued under this section with the superintendent; 5655

(2) The date on which the employee is denied a permit or 5656
license under this section; 5657

(3) Sixty days following the date on which the employee 5658
began work as a substitute under this division. 5659

The superintendent shall ensure that an employee assigned 5660
to work as a substitute under division (F) of this section has 5661
undergone a criminal records check in accordance with section 5662
3319.391 of the Revised Code. 5663

(G) The state board shall issue an educational aide permit 5664

or educational paraprofessional license in accordance with 5665
Chapter 4796. of the Revised Code to an applicant if either of 5666
the following applies: 5667

(1) The applicant holds a permit or license in another 5668
state. 5669

(2) The applicant has satisfactory work experience, a 5670
government certification, or a private certification as 5671
described in that chapter as an educational aide or educational 5672
paraprofessional in a state that does not issue that permit or 5673
license or both. 5674

Sec. 3319.22. (A) (1) The state board of education shall 5675
issue the following educator licenses: 5676

(a) A resident educator license, which shall be valid for 5677
four years and shall be renewable for reasons specified by rules 5678
adopted by the state board pursuant to division (A) (3) of this 5679
section. The state board, on a case-by-case basis, may extend 5680
the license's duration as necessary to enable the license holder 5681
to complete the Ohio teacher residency program established under 5682
section 3319.223 of the Revised Code; 5683

(b) A professional educator license, which shall be valid 5684
for five years and shall be renewable; 5685

(c) A senior professional educator license, which shall be 5686
valid for five years and shall be renewable; 5687

(d) A lead professional educator license, which shall be 5688
valid for five years and shall be renewable. 5689

Licenses issued under division (A) (1) of this section on 5690
and after ~~the effective date of this amendment~~ November 2, 2018, 5691
shall specify whether the educator is licensed to teach grades 5692

pre-kindergarten through five, grades four through nine, or 5693
grades seven through twelve. The changes to the grade band 5694
specifications under this amendment shall not apply to a person 5695
who holds a license under division (A) (1) of this section prior 5696
to ~~the effective date of this amendment~~ November 2, 2018. 5697

Further, the changes to the grade band specifications under this 5698
amendment shall not apply to any license issued to teach in the 5699
area of computer information science, bilingual education, 5700
dance, drama or theater, world language, health, library or 5701
media, music, physical education, teaching English to speakers 5702
of other languages, career-technical education, or visual arts 5703
or to any license issued to an intervention specialist, 5704
including a gifted intervention specialist, or to any other 5705
license that does not align to the grade band specifications. 5706

(2) The state board may issue any additional educator 5707
licenses of categories, types, and levels the board elects to 5708
provide. 5709

(3) ~~The~~ Except as provided in division (I) of this 5710
section, the state board shall adopt rules establishing the 5711
standards and requirements for obtaining each educator license 5712
issued under this section. The rules shall also include the 5713
reasons for which a resident educator license may be renewed 5714
under division (A) (1) (a) of this section. 5715

(B) ~~The~~ Except as provided in division (I) of this 5716
section, the rules adopted under this section shall require at 5717
least the following standards and qualifications for the 5718
educator licenses described in division (A) (1) of this section: 5719

(1) An applicant for a resident educator license shall 5720
hold at least a bachelor's degree from an accredited teacher 5721
preparation program or be a participant in the teach for America 5722

program and meet the qualifications required under section	5723
3319.227 of the Revised Code.	5724
(2) An applicant for a professional educator license	5725
shall:	5726
(a) Hold at least a bachelor's degree from an institution	5727
of higher education accredited by a regional accrediting	5728
organization;	5729
(b) Have successfully completed the Ohio teacher residency	5730
program established under section 3319.223 of the Revised Code,	5731
if the applicant's current or most recently issued license is a	5732
resident educator license issued under this section or an	5733
alternative resident educator license issued under section	5734
3319.26 of the Revised Code.	5735
(3) An applicant for a senior professional educator	5736
license shall:	5737
(a) Hold at least a master's degree from an institution of	5738
higher education accredited by a regional accrediting	5739
organization;	5740
(b) Have previously held a professional educator license	5741
issued under this section or section 3319.222 or under former	5742
section 3319.22 of the Revised Code;	5743
(c) Meet the criteria for the accomplished or	5744
distinguished level of performance, as described in the	5745
standards for teachers adopted by the state board under section	5746
3319.61 of the Revised Code.	5747
(4) An applicant for a lead professional educator license	5748
shall:	5749
(a) Hold at least a master's degree from an institution of	5750

higher education accredited by a regional accrediting organization; 5751
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(b) Have previously held a professional educator license or a senior professional educator license issued under this section or a professional educator license issued under section 3319.222 or former section 3319.22 of the Revised Code; 5753
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(c) Meet the criteria for the distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code; 5757
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(d) Either hold a valid certificate issued by the national board for professional teaching standards or meet the criteria for a master teacher or other criteria for a lead teacher adopted by the educator standards board under division (F) (4) or (5) of section 3319.61 of the Revised Code. 5760
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(C) The state board shall align the standards and qualifications for obtaining a principal license with the standards for principals adopted by the state board under section 3319.61 of the Revised Code. 5765
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(D) If the state board requires any examinations for educator licensure, the department of education shall provide the results of such examinations received by the department to the chancellor of higher education, in the manner and to the extent permitted by state and federal law. 5769
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(E) Any rules the state board of education adopts, amends, or rescinds for educator licenses under this section, division (D) of section 3301.07 of the Revised Code, or any other law shall be adopted, amended, or rescinded under Chapter 119. of the Revised Code except as follows: 5774
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(1) Notwithstanding division (E) of section 119.03 and 5779

division (A) (1) of section 119.04 of the Revised Code, in the 5780
case of the adoption of any rule or the amendment or rescission 5781
of any rule that necessitates institutions' offering preparation 5782
programs for educators and other school personnel that are 5783
approved by the chancellor of higher education under section 5784
3333.048 of the Revised Code to revise the curriculum of those 5785
programs, the effective date shall not be as prescribed in 5786
division (E) of section 119.03 and division (A) (1) of section 5787
119.04 of the Revised Code. Instead, the effective date of such 5788
rules, or the amendment or rescission of such rules, shall be 5789
the date prescribed by section 3333.048 of the Revised Code. 5790

(2) Notwithstanding the authority to adopt, amend, or 5791
rescind emergency rules in division (G) of section 119.03 of the 5792
Revised Code, this authority shall not apply to the state board 5793
of education with regard to rules for educator licenses. 5794

(F) (1) The rules adopted under this section establishing 5795
standards requiring additional coursework for the renewal of any 5796
educator license shall require a school district and a chartered 5797
nonpublic school to establish local professional development 5798
committees. In a nonpublic school, the chief administrative 5799
officer shall establish the committees in any manner acceptable 5800
to such officer. The committees established under this division 5801
shall determine whether coursework that a district or chartered 5802
nonpublic school teacher proposes to complete meets the 5803
requirement of the rules. The department of education shall 5804
provide technical assistance and support to committees as the 5805
committees incorporate the professional development standards 5806
adopted by the state board of education pursuant to section 5807
3319.61 of the Revised Code into their review of coursework that 5808
is appropriate for license renewal. The rules shall establish a 5809
procedure by which a teacher may appeal the decision of a local 5810

professional development committee. 5811

(2) In any school district in which there is no exclusive 5812
representative established under Chapter 4117. of the Revised 5813
Code, the professional development committees shall be 5814
established as described in division (F) (2) of this section. 5815

Not later than the effective date of the rules adopted 5816
under this section, the board of education of each school 5817
district shall establish the structure for one or more local 5818
professional development committees to be operated by such 5819
school district. The committee structure so established by a 5820
district board shall remain in effect unless within thirty days 5821
prior to an anniversary of the date upon which the current 5822
committee structure was established, the board provides notice 5823
to all affected district employees that the committee structure 5824
is to be modified. Professional development committees may have 5825
a district-level or building-level scope of operations, and may 5826
be established with regard to particular grade or age levels for 5827
which an educator license is designated. 5828

Each professional development committee shall consist of 5829
at least three classroom teachers employed by the district, one 5830
principal employed by the district, and one other employee of 5831
the district appointed by the district superintendent. For 5832
committees with a building-level scope, the teacher and 5833
principal members shall be assigned to that building, and the 5834
teacher members shall be elected by majority vote of the 5835
classroom teachers assigned to that building. For committees 5836
with a district-level scope, the teacher members shall be 5837
elected by majority vote of the classroom teachers of the 5838
district, and the principal member shall be elected by a 5839
majority vote of the principals of the district, unless there 5840

are two or fewer principals employed by the district, in which 5841
case the one or two principals employed shall serve on the 5842
committee. If a committee has a particular grade or age level 5843
scope, the teacher members shall be licensed to teach such grade 5844
or age levels, and shall be elected by majority vote of the 5845
classroom teachers holding such a license and the principal 5846
shall be elected by all principals serving in buildings where 5847
any such teachers serve. The district superintendent shall 5848
appoint a replacement to fill any vacancy that occurs on a 5849
professional development committee, except in the case of 5850
vacancies among the elected classroom teacher members, which 5851
shall be filled by vote of the remaining members of the 5852
committee so selected. 5853

Terms of office on professional development committees 5854
shall be prescribed by the district board establishing the 5855
committees. The conduct of elections for members of professional 5856
development committees shall be prescribed by the district board 5857
establishing the committees. A professional development 5858
committee may include additional members, except that the 5859
majority of members on each such committee shall be classroom 5860
teachers employed by the district. Any member appointed to fill 5861
a vacancy occurring prior to the expiration date of the term for 5862
which a predecessor was appointed shall hold office as a member 5863
for the remainder of that term. 5864

The initial meeting of any professional development 5865
committee, upon election and appointment of all committee 5866
members, shall be called by a member designated by the district 5867
superintendent. At this initial meeting, the committee shall 5868
select a chairperson and such other officers the committee deems 5869
necessary, and shall adopt rules for the conduct of its 5870
meetings. Thereafter, the committee shall meet at the call of 5871

the chairperson or upon the filing of a petition with the 5872
district superintendent signed by a majority of the committee 5873
members calling for the committee to meet. 5874

(3) In the case of a school district in which an exclusive 5875
representative has been established pursuant to Chapter 4117. of 5876
the Revised Code, professional development committees shall be 5877
established in accordance with any collective bargaining 5878
agreement in effect in the district that includes provisions for 5879
such committees. 5880

If the collective bargaining agreement does not specify a 5881
different method for the selection of teacher members of the 5882
committees, the exclusive representative of the district's 5883
teachers shall select the teacher members. 5884

If the collective bargaining agreement does not specify a 5885
different structure for the committees, the board of education 5886
of the school district shall establish the structure, including 5887
the number of committees and the number of teacher and 5888
administrative members on each committee; the specific 5889
administrative members to be part of each committee; whether the 5890
scope of the committees will be district levels, building 5891
levels, or by type of grade or age levels for which educator 5892
licenses are designated; the lengths of terms for members; the 5893
manner of filling vacancies on the committees; and the frequency 5894
and time and place of meetings. However, in all cases, except as 5895
provided in division (F) (4) of this section, there shall be a 5896
majority of teacher members of any professional development 5897
committee, there shall be at least five total members of any 5898
professional development committee, and the exclusive 5899
representative shall designate replacement members in the case 5900
of vacancies among teacher members, unless the collective 5901

bargaining agreement specifies a different method of selecting 5902
such replacements. 5903

(4) Whenever an administrator's coursework plan is being 5904
discussed or voted upon, the local professional development 5905
committee shall, at the request of one of its administrative 5906
members, cause a majority of the committee to consist of 5907
administrative members by reducing the number of teacher members 5908
voting on the plan. 5909

(G) (1) The department of education, educational service 5910
centers, county boards of developmental disabilities, college 5911
and university departments of education, head start programs, 5912
and the Ohio education computer network may establish local 5913
professional development committees to determine whether the 5914
coursework proposed by their employees who are licensed or 5915
certificated under this section or section 3319.222 of the 5916
Revised Code, or under the former version of either section as 5917
it existed prior to October 16, 2009, meet the requirements of 5918
the rules adopted under this section. They may establish local 5919
professional development committees on their own or in 5920
collaboration with a school district or other agency having 5921
authority to establish them. 5922

Local professional development committees established by 5923
county boards of developmental disabilities shall be structured 5924
in a manner comparable to the structures prescribed for school 5925
districts in divisions (F) (2) and (3) of this section, as shall 5926
the committees established by any other entity specified in 5927
division (G) (1) of this section that provides educational 5928
services by employing or contracting for services of classroom 5929
teachers licensed or certificated under this section or section 5930
3319.222 of the Revised Code, or under the former version of 5931

either section as it existed prior to October 16, 2009. All 5932
other entities specified in division (G)(1) of this section 5933
shall structure their committees in accordance with guidelines 5934
which shall be issued by the state board. 5935

(2) Educational service centers may establish local 5936
professional development committees to serve educators who are 5937
not employed in schools in this state, including pupil services 5938
personnel who are licensed under this section. Local 5939
professional development committees shall be structured in a 5940
manner comparable to the structures prescribed for school 5941
districts in divisions (F)(2) and (3) of this section. 5942

These committees may agree to review the coursework, 5943
continuing education units, or other equivalent activities 5944
related to classroom teaching or the area of licensure that is 5945
proposed by an individual who satisfies both of the following 5946
conditions: 5947

(a) The individual is licensed or certificated under this 5948
section or under the former version of this section as it 5949
existed prior to October 16, 2009. 5950

(b) The individual is not currently employed as an 5951
educator or is not currently employed by an entity that operates 5952
a local professional development committee under this section. 5953

Any committee that agrees to work with such an individual 5954
shall work to determine whether the proposed coursework, 5955
continuing education units, or other equivalent activities meet 5956
the requirements of the rules adopted by the state board under 5957
this section. 5958

(3) Any public agency that is not specified in ~~divisions~~ 5959
division (G)(1) or (2) of this section but provides educational 5960

services and employs or contracts for services of classroom 5961
teachers licensed or certificated under this section or section 5962
3319.222 of the Revised Code, or under the former version of 5963
either section as it existed prior to October 16, 2009, may 5964
establish a local professional development committee, subject to 5965
the approval of the department of education. The committee shall 5966
be structured in accordance with guidelines issued by the state 5967
board. 5968

(H) Not later than July 1, 2016, the state board, in 5969
accordance with Chapter 119. of the Revised Code, shall adopt 5970
rules pursuant to division (A) (3) of this section that do both 5971
of the following: 5972

(1) Exempt consistently high-performing teachers from the 5973
requirement to complete any additional coursework for the 5974
renewal of an educator license issued under this section or 5975
section 3319.26 of the Revised Code. The rules also shall 5976
specify that such teachers are exempt from any requirements 5977
prescribed by professional development committees established 5978
under divisions (F) and (G) of this section. 5979

(2) For purposes of division (H) (1) of this section, the 5980
state board shall define the term "consistently high-performing 5981
teacher." 5982

(I) The state board shall issue a resident educator 5983
license, professional educator license, senior professional 5984
educator license, lead professional educator license, or any 5985
other educator license in accordance with Chapter 4796. of the 5986
Revised Code to an applicant if either of the following applies: 5987

(1) The applicant holds a license in another state. 5988

(2) The applicant has satisfactory work experience, a 5989

government certification, or a private certification as 5990
described in that chapter as a resident educator, professional 5991
educator, senior professional educator, lead professional 5992
educator, or any other type of educator in a state that does not 5993
issue one or more of those licenses. 5994

Sec. 3319.226. (A) Beginning July 1, 2019, the state board 5995
of education shall issue educator licenses for substitute 5996
teaching only under this section. 5997

(B) ~~The~~ Except as provided in division (E) of this 5998
section, the state board shall adopt rules establishing 5999
standards and requirements for obtaining a license under this 6000
section and for renewal of the license. Except as provided in 6001
division (F) of section 3319.229 of the Revised Code, the rules 6002
shall require an applicant to hold a post-secondary degree, but 6003
not in any specified subject area. The rules also shall allow 6004
the holder of a license issued under this section to work: 6005

(1) For an unlimited number of school days if the license 6006
holder has a post-secondary degree in either education or a 6007
subject area directly related to the subject of the class the 6008
license holder will teach; 6009

(2) For one full semester, subject to the approval of the 6010
employing school district board of education, if the license 6011
holder has a post-secondary degree in a subject area that is not 6012
directly related to the subject of the class that the license 6013
holder will teach. 6014

The district superintendent may request that the board 6015
approve one or more additional subsequent semester-long periods 6016
of teaching for the license holder. 6017

(C) The rules adopted under division (B) of this section 6018

shall permit a substitute career-technical teaching license 6019
holder to teach outside the license holder's certified career 6020
field for up to one semester, subject to approval of the 6021
employing school district superintendent. 6022

(D) Any license issued or renewed under former section 6023
3319.226 of the Revised Code that was still in force on November 6024
2, 2018, shall remain in force for the remainder of the term for 6025
which it was issued or renewed. Upon the expiration of that 6026
term, the holder of that license shall be subject to licensure 6027
under the rules adopted under this section. 6028

(E) The state board shall issue an educator license for 6029
substitute teaching in accordance with Chapter 4796. of the 6030
Revised Code to an applicant if either of the following applies: 6031

(1) The applicant holds a license in another state. 6032

(2) The applicant has satisfactory work experience, a 6033
government certification, or a private certification as 6034
described in that chapter as a substitute teacher in a state 6035
that does not issue that license. 6036

Sec. 3319.229. (A) (1) Notwithstanding the repeal of former 6037
section 3319.229 of the Revised Code by S.B. 216 of the 132nd 6038
general assembly, the state board of education shall accept 6039
applications for new, and for renewal of, professional career- 6040
technical teaching licenses through June 30, 2019, and issue 6041
them on the basis of the applications received by that date in 6042
accordance with the rules described in that former section. 6043
Except as otherwise provided in divisions (A) (2) and (3) of this 6044
section, beginning July 1, 2019, the state board shall issue 6045
career-technical workforce development educator licenses only 6046
under this section. 6047

(2) An individual who, on July 1, 2019, holds a professional career-technical teaching license issued under the rules described in former section 3319.229 of the Revised Code, may continue to renew that license in accordance with those rules for the remainder of the individual's teaching career. However, nothing in this division shall be construed to prohibit the individual from applying to the state board for a career-technical workforce development educator license under this section.

(3) An individual who, on July 1, 2019, holds an alternative resident educator license for teaching career-technical education issued under section 3319.26 of the Revised Code may, upon the expiration of the license, apply for a professional career-technical teaching license issued under the rules described in former section 3319.229 of the Revised Code. Such an individual may continue to renew the professional license in accordance with those rules for the remainder of the individual's teaching career. However, nothing in this division shall be construed to prohibit the individual from applying to the state board for a career-technical workforce development educator license under this section.

(B) The-Except as provided in division (G) of this section, the state board, in collaboration with the chancellor of higher education, shall adopt rules establishing standards and requirements for obtaining a two-year initial career-technical workforce development educator license and a five-year advanced career-technical workforce development educator license. Each license shall be valid for teaching career-technical education or workforce development programs in grades four through twelve. The rules shall require applicants for either license to have a high school diploma or a certificate of

high school equivalence as awarded under section 3301.80 of the Revised Code or as recognized as the equivalent of such certificate under division (C) of that section.

(C) (1) ~~The~~ Except as provided in division (G) of this section, the state board shall issue an initial career-technical workforce development educator license to an applicant upon request from the superintendent of a school district that has agreed to employ the applicant. In making the request, the superintendent shall provide documentation, in accordance with procedures prescribed by the department of education, showing that the applicant has at least five years of work experience, or the equivalent, in the subject area in which the applicant will teach. The license shall be valid for teaching only in the requesting district. The superintendent also shall provide documentation, in accordance with procedures prescribed by the department, that the applicant is enrolled in a career-technical workforce development educator preparation program offered by an institution of higher education that has an existing teacher preparatory program in place that meets all of the following criteria:

(a) Is approved by the chancellor of higher education to provide instruction in teaching methods and principles;

(b) Provides classroom support to the license holder;

(c) Includes at least three semester hours of coursework in the teaching of reading in the subject area;

(d) Is aligned with career-technical education and workforce development competencies developed by the department;

(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 6108
license holder's knowledge and skills; 6109

(f) Consists of not less than twenty-four semester hours 6110
of coursework, or the equivalent. 6111

(2) As a condition of continuing to hold the initial 6112
career-technical workforce development license, the holder of 6113
the license shall be participating in a career-technical 6114
workforce development educator preparation program described in 6115
division (C) (1) of this section. 6116

(3) The state board shall renew an initial career- 6117
technical workforce development educator license if the 6118
supervisor of the program described in division (C) (1) of this 6119
section and the superintendent of the employing school district 6120
indicate that the applicant is making sufficient progress in 6121
both the program and the teaching position. 6122

(D) ~~The~~ Except as provided in division (G) of this 6123
section, the state board shall issue an advanced career- 6124
technical workforce development educator license to an applicant 6125
who has successfully completed the program described in division 6126
(C) (1) of this section, as indicated by the supervisor of the 6127
program, and who demonstrates mastery of the applicable career- 6128
technical education and workforce development competencies 6129
described in division (C) (1) (d) of this section in the teaching 6130
position, as indicated by the superintendent of the employing 6131
school district. 6132

(E) The holder of an advanced career-technical workforce 6133
development educator license shall work with a local 6134
professional development committee established under section 6135
3319.22 of the Revised Code in meeting requirements for renewal 6136

of the license. 6137

(F) Notwithstanding the provisions of section 3319.226 of 6138
the Revised Code, the state board shall not require any 6139
applicant for an educator license for substitute teaching who 6140
holds a license issued under this section to hold a post- 6141
secondary degree in order to be issued a license under section 6142
3319.226 of the Revised Code to work as a substitute teacher for 6143
career-technical education classes. 6144

(G) The state board shall issue a license to practice as 6145
an initial career-technical workforce development educator or 6146
advanced career-technical workforce development educator in 6147
accordance with Chapter 4796. of the Revised Code to an 6148
applicant if either of the following applies: 6149

(1) The applicant holds a license in another state. 6150

(2) The applicant has satisfactory work experience, a 6151
government certification, or a private certification as 6152
described in that chapter as a career-technical workforce 6153
development educator in a state that does not issue one or both 6154
of those licenses. 6155

Sec. 3319.26. (A) The ~~Except as provided in division (H)~~ 6156
of this section, the state board of education shall adopt rules 6157
establishing the standards and requirements for obtaining an 6158
alternative resident educator license for teaching in grades 6159
kindergarten to twelve, or the equivalent, in a designated 6160
subject area or in the area of intervention specialist, as 6161
defined by rule of the state board. The rules shall also include 6162
the reasons for which an alternative resident educator license 6163
may be renewed under division (D) of this section. 6164

(B) The superintendent of public instruction and the 6165

chancellor of higher education jointly shall develop an 6166
intensive pedagogical training institute to provide instruction 6167
in the principles and practices of teaching for individuals 6168
seeking an alternative resident educator license. The 6169
instruction shall cover such topics as student development and 6170
learning, pupil assessment procedures, curriculum development, 6171
classroom management, and teaching methodology. 6172

(C) ~~The~~ Except as provided in division (H) of this 6173
section, the rules adopted under this section shall require 6174
applicants for the alternative resident educator license to 6175
satisfy the following conditions prior to issuance of the 6176
license, but they shall not require applicants to have completed 6177
a major or coursework in the subject area for which application 6178
is being made: 6179

(1) Hold a minimum of a baccalaureate degree; 6180

(2) Successfully complete the pedagogical training 6181
institute described in division (B) of this section or the 6182
preservice training provided to participants of a teacher 6183
preparation program that has been approved by the chancellor. 6184
The chancellor may approve any such program that requires 6185
participants to hold a bachelor's degree; have either a 6186
cumulative undergraduate grade point average of at least 2.5 out 6187
of 4.0, or its equivalent or a cumulative graduate school grade 6188
point average of at least 3.0 out of 4.0; and successfully 6189
complete the program's preservice training. 6190

(3) Pass an examination in the subject area for which 6191
application is being made. 6192

(D) An alternative resident educator license shall be 6193
valid for four years and shall be renewable for reasons 6194

specified by rules adopted by the state board pursuant to 6195
division (A) of this section. The state board, on a case-by-case 6196
basis, may extend the license's duration as necessary to enable 6197
the license holder to complete the Ohio teacher residency 6198
program established under section 3319.223 of the Revised Code. 6199

(E) The rules shall require the holder of an alternative 6200
resident educator license, as a condition of continuing to hold 6201
the license, to do all of the following: 6202

(1) Participate in the Ohio teacher residency program; 6203

(2) Show satisfactory progress in taking and successfully 6204
completing one of the following: 6205

(a) At least twelve additional semester hours, or the 6206
equivalent, of college coursework in the principles and 6207
practices of teaching in such topics as student development and 6208
learning, pupil assessment procedures, curriculum development, 6209
classroom management, and teaching methodology; 6210

(b) Professional development provided by a teacher 6211
preparation program that has been approved by the chancellor 6212
under division (C) (2) of this section. 6213

(3) Take an assessment of professional knowledge in the 6214
second year of teaching under the license. 6215

(F) The rules shall provide for the granting of a 6216
professional educator license to a holder of an alternative 6217
resident educator license upon successfully completing all of 6218
the following: 6219

(1) Four years of teaching under the alternative license; 6220

(2) The additional college coursework or professional 6221
development described in division (E) (2) of this section; 6222

(3) The assessment of professional knowledge described in 6223
division (E) (3) of this section. The standards for successfully 6224
completing this assessment and the manner of conducting the 6225
assessment shall be the same as for any other individual who is 6226
required to take the assessment pursuant to rules adopted by the 6227
state board under section 3319.22 of the Revised Code. 6228

(4) The Ohio teacher residency program; 6229

(5) All other requirements for a professional educator 6230
license adopted by the state board under section 3319.22 of the 6231
Revised Code. 6232

(G) A person who is assigned to teach in this state as a 6233
participant in the teach for America program or who has 6234
completed two years of teaching in another state as a 6235
participant in that program shall be eligible for a license only 6236
under section 3319.227 of the Revised Code and shall not be 6237
eligible for a license under this section. 6238

(H) The board shall issue an alternative resident educator 6239
license in accordance with Chapter 4796. of the Revised Code to 6240
an applicant if either of the following applies: 6241

(1) The applicant holds a license in another state. 6242

(2) The applicant has satisfactory work experience, a 6243
government certification, or a private certification as 6244
described in that chapter as an educator for grades kindergarten 6245
through twelve in a state that does not issue that license. 6246

Sec. 3319.261. (A) Notwithstanding any other provision of 6247
the Revised Code or any rule adopted by the state board of 6248
education to the contrary and except as provided in division (C) 6249
of this section, the state board shall issue an alternative 6250
resident educator license under division (C) of section 3319.26 6251

of the Revised Code to each applicant who meets the following 6252
conditions: 6253

(1) Holds a bachelor's degree from an accredited 6254
institution of higher education; 6255

(2) Has successfully completed a teacher education program 6256
offered by one of the following entities: 6257

(a) The American Montessori society; 6258

(b) The association Montessori internationale; 6259

(c) An institution accredited by the Montessori 6260
accreditation council for teacher education. 6261

(3) Is employed in a school that operates a program that 6262
uses the Montessori method endorsed by the American Montessori 6263
society, the Montessori accreditation council for teacher 6264
education, or the association Montessori internationale as its 6265
primary method of instruction. 6266

(B) The holder of an alternative resident educator license 6267
issued under this section shall be subject to divisions (A), 6268
(B), (D), and (E) of section 3319.26 of the Revised Code and 6269
shall be granted a professional educator license upon successful 6270
completion of the requirements described in division (F) of 6271
section 3319.26 of the Revised Code. 6272

(C) The state board shall issue an alternative resident 6273
educator license under this section in accordance with Chapter 6274
4796. of the Revised Code to an applicant if either of the 6275
following applies: 6276

(1) The applicant holds a license in another state. 6277

(2) The applicant has satisfactory work experience, a 6278

government certification, or a private certification as 6279
described in that chapter as an educator providing instruction 6280
in a Montessori-method school in a state that does not issue 6281
that license. 6282

Sec. 3319.262. (A) Notwithstanding any other provision of 6283
the Revised Code or any rule adopted by the state board of 6284
education to the contrary and except as provided in division (C) 6285
of this section, the state board shall adopt rules establishing 6286
standards and requirements for obtaining a nonrenewable four- 6287
year initial early college high school educator license for 6288
teaching grades seven through twelve at an early college high 6289
school described in section 3313.6013 of the Revised Code to any 6290
applicant who meets the following conditions: 6291

(1) Has a graduate or terminal degree from an accredited 6292
institution of higher education in a field related to the 6293
subject area to be taught, as determined by the department of 6294
education; 6295

(2) Has obtained a passing score on an examination in the 6296
subject area to be taught, as prescribed by the state board; 6297

(3) Has experience teaching students at any grade level, 6298
including post-secondary students; 6299

(4) Has proof that an early college high school intends to 6300
employ the applicant pending a valid license under this section. 6301

An individual licensed under this section shall be subject 6302
to sections 3319.291 and 3319.39 of the Revised Code. An initial 6303
educator license issued under division (A) of this section shall 6304
be valid for teaching only at the employing school described in 6305
division (A) (4) of this section. 6306

(B) After four years of teaching under an initial early 6307

college high school educator license issued under this section, 6308
an individual may apply for a renewable five-year professional 6309
educator license in the same subject area named in the initial 6310
license. The state board shall issue the applicant a 6311
professional educator license if the applicant attains a passing 6312
score on an assessment of professional knowledge prescribed by 6313
the state board. Nothing in division (B) of this section shall 6314
be construed to prohibit an individual from applying for a 6315
professional-~~education~~ educator license under section 3319.22 of 6316
the Revised Code. 6317

(C) The state board shall issue an initial early college 6318
high school educator license in accordance with Chapter 4796. of 6319
the Revised Code to an applicant if either of the following 6320
applies: 6321

(1) The applicant holds a license in another state. 6322

(2) The applicant has satisfactory work experience, a 6323
government certification, or a private certification as 6324
described in that chapter as an early college high school 6325
educator in a state that does not issue that license. 6326

Sec. 3319.27. (A) The ~~Except as provided in division (C)~~ 6327
of this section, the state board of education shall adopt rules 6328
that establish an alternative principal license. The rules 6329
establishing an alternative principal license shall include a 6330
requirement that an applicant have obtained classroom teaching 6331
experience. Beginning on the effective date of the rules, the 6332
state board shall cease to issue temporary educator licenses 6333
pursuant to section 3319.225 of the Revised Code for employment 6334
as a principal. Any person who on the effective date of the 6335
rules holds a valid temporary educator license issued under that 6336
section and is employed as a principal shall be allowed to 6337

continue employment as a principal until the expiration of the 6338
license. Employment of any such person as a principal by a 6339
school district after the expiration of the temporary educator 6340
license shall be contingent upon the state board issuing the 6341
person an alternative principal license in accordance with the 6342
rules adopted under this division. 6343

(B) The Except as provided in division (C) of this 6344
section, the state board shall adopt rules that establish an 6345
alternative administrator license, which shall be valid for 6346
employment as a superintendent or in any other administrative 6347
position except principal. Beginning on the effective date of 6348
the rules, the state board shall cease to issue temporary 6349
educator licenses pursuant to section 3319.225 of the Revised 6350
Code for employment as a superintendent or in any other 6351
administrative position except principal. Any person who on the 6352
effective date of the rules holds a valid temporary educator 6353
license issued under that section and is employed as a 6354
superintendent or in any other administrative position except 6355
principal shall be allowed to continue employment in that 6356
position until the expiration of the license. Employment of any 6357
such person as a superintendent or in any other administrative 6358
position except principal by a school district after the 6359
expiration of the temporary educator license shall be contingent 6360
upon the state board issuing the person an alternative 6361
administrator license in accordance with the rules adopted under 6362
this division. 6363

(C) The state board shall issue an alternative principal 6364
or alternative administrator license in accordance with Chapter 6365
4796. of the Revised Code to an applicant if either of the 6366
following applies: 6367

(1) The applicant holds a license in another state. 6368

(2) The applicant has satisfactory work experience, a 6369
government certification, or a private certification as 6370
described in that chapter as a school principal or school 6371
administrator in a state that does not issue one or both of 6372
those licenses. 6373

Sec. 3319.28. (A) As used in this section, "STEM school" 6374
means a science, technology, engineering, and mathematics school 6375
established under Chapter 3326. of the Revised Code. 6376

(B) Notwithstanding any other provision of the Revised 6377
Code or any rule adopted by the state board of education to the 6378
contrary and except as provided in division (F) of this section, 6379
the state board shall issue a two-year provisional educator 6380
license for teaching science, technology, engineering, or 6381
mathematics in grades six through twelve in a STEM school to any 6382
applicant who meets the following conditions: 6383

(1) Holds a bachelor's degree from an accredited 6384
institution of higher education in a field related to the 6385
subject area to be taught; 6386

(2) Has passed an examination prescribed by the state 6387
board in the subject area to be taught. 6388

(C) The holder of a provisional educator license issued 6389
under this section shall complete a structured apprenticeship 6390
program provided by an educational service center or a teacher 6391
preparation program approved under section 3333.048 of the 6392
Revised Code, in partnership with the STEM school that employs 6393
the license holder. The apprenticeship program shall include the 6394
following: 6395

(1) Mentoring by a teacher or administrator who regularly 6396

observes the license holder's classroom instruction, provides 6397
feedback on the license holder's teaching strategies and 6398
classroom management, and engages the license holder in 6399
discussions about methods for fostering and measuring student 6400
learning; 6401

(2) Regularly scheduled seminars or meetings that address 6402
the following topics: 6403

(a) The statewide academic standards adopted by the state 6404
board under section 3301.079 of the Revised Code and the 6405
importance of aligning curriculum with those standards; 6406

(b) The achievement assessments prescribed by section 6407
3301.0710 of the Revised Code; 6408

(c) The school district and building accountability system 6409
established under Chapter 3302. of the Revised Code; 6410

(d) Instructional methods and strategies; 6411

(e) Student development; 6412

(f) Assessing student progress and providing remediation 6413
and intervention, as necessary, to meet students' special needs; 6414

(g) Classroom management and record keeping. 6415

(D) After two years of teaching under a provisional 6416
educator license issued under this section, a person may apply 6417
for a five-year professional educator license in the same 6418
subject area named in the provisional license. The state board 6419
shall issue the applicant a professional educator license if the 6420
applicant meets the following conditions: 6421

(1) The applicant completed the apprenticeship program 6422
described in division (C) of this section. 6423

(2) The applicant receives a positive recommendation 6424
indicating that the applicant is an effective teacher from both 6425
of the following: 6426

(a) The chief administrative officer of the STEM school 6427
that most recently employed the applicant as a classroom 6428
teacher; 6429

(b) The educational service center or teacher preparation 6430
program administrator in charge of the apprenticeship program 6431
completed by the applicant. 6432

(3) The applicant meets all other requirements for a 6433
professional educator license adopted by the state board under 6434
section 3319.22 of the Revised Code. 6435

(E) The department of education shall evaluate the 6436
experiences of STEM schools with classroom teachers holding 6437
provisional educator licenses issued under this section. The 6438
evaluation shall cover the first two school years for which 6439
licenses are issued and shall consider at least the schools' 6440
satisfaction with the teachers and the operation of the 6441
apprenticeship programs. 6442

(F) The state board shall issue a provisional educator 6443
license for teaching in a STEM school in accordance with Chapter 6444
4796. of the Revised Code to an applicant if either of the 6445
following applies: 6446

(1) The applicant holds a license in another state. 6447

(2) The applicant has satisfactory work experience, a 6448
government certification, or a private certification as 6449
described in that chapter as a STEM educator in a state that 6450
does not issue that license. 6451

Sec. 3319.301. (A) As used in this section: 6452

(1) "Dropout recovery community school" means a community 6453
school established under Chapter 3314. of the Revised Code in 6454
which a majority of the students are enrolled in a dropout 6455
prevention and recovery program that is operated by the school. 6456

(2) "Industry-recognized credential program" means a 6457
career-technical course in which a student may earn an industry- 6458
recognized credential approved under section 3313.6113 of the 6459
Revised Code. 6460

(3) "STEM school" means a science, technology, 6461
engineering, and mathematics school established under Chapter 6462
3326. of the Revised Code. 6463

(B) The state board of education shall issue permits to 6464
individuals who are not licensed as required by sections 3319.22 6465
to 3319.30 of the Revised Code, but who are otherwise qualified, 6466
to teach classes for not more than a total of twelve hours a 6467
week, except that an individual teaching in a STEM school or an 6468
individual teaching an industry-recognized credential program 6469
offered at a dropout recovery community school may teach classes 6470
for not more than a total of forty hours a week. The state 6471
board, by rule, shall set forth the qualifications, other than 6472
licensure under sections 3319.22 to 3319.30 of the Revised Code, 6473
to be met by individuals in order to be issued a permit as 6474
provided in this section. Such qualifications shall include the 6475
possession of a baccalaureate, master's, or doctoral degree in, 6476
or significant experience related to, the subject the individual 6477
is to teach. For an individual assigned to teach a career- 6478
technical class, significant experience related to a subject 6479
shall include career-technical experience. Applications for 6480
permits pursuant to this section shall be made in accordance 6481

with section 3319.29 of the Revised Code. A permit issued under 6482
this section shall be renewable. 6483

The state board, by rule, shall authorize the board of 6484
education of each school district and each STEM school to engage 6485
individuals holding permits issued under this section to teach 6486
classes for not more than the total number of hours a week 6487
specified in the permit. The rules shall include provisions with 6488
regard to each of the following: 6489

(1) That a board of education or STEM school shall engage 6490
a nonlicensed individual to teach pursuant to this section on a 6491
volunteer basis, or by entering into a contract with the 6492
individual or the individual's employer on such terms and 6493
conditions as are agreed to between the board or school and the 6494
individual or the individual's employer; 6495

(2) That an employee of the board of education or STEM 6496
school who is licensed under sections 3319.22 to 3319.30 of the 6497
Revised Code shall directly supervise a nonlicensed individual 6498
who is engaged to teach pursuant to this section until the 6499
superintendent of the school district or the chief 6500
administrative officer of the STEM school is satisfied that the 6501
nonlicensed individual has sufficient understanding of, and 6502
experience in, effective teaching methods to teach without 6503
supervision. 6504

(C) A nonlicensed individual engaged to teach pursuant to 6505
this section is a teacher for the purposes of Title XXXIII of 6506
the Revised Code except for the purposes of Chapters 3307. and 6507
3317. and sections 3319.07 to 3319.31 of the Revised Code. Such 6508
an individual is not an employee of the board of education or 6509
STEM school for the purpose of Titles I or XLI or Chapter 3309. 6510
of the Revised Code. 6511

(D) Students enrolled in a class taught by a nonlicensed individual pursuant to this section and rules adopted thereunder shall receive the same credit as if the class had been taught by an employee licensed pursuant to sections 3319.22 to 3319.30 of the Revised Code.

(E) No board of education of any school district shall engage any one or more nonlicensed individuals if such employment displaces from employment an existing licensed employee of the district.

(F) Chapter 4796. of the Revised Code does not apply to permits issued under this section.

Sec. 3319.303. (A) ~~The~~ Except as provided in division (D) of this section, the state board of education shall adopt rules establishing standards and requirements for obtaining a pupil-activity program permit for any individual who does not hold a valid educator license, certificate, or permit issued by the state board under section 3319.22, 3319.26, or 3319.27 of the Revised Code. The permit issued under this section shall be valid for coaching, supervising, or directing a pupil-activity program under section 3313.53 of the Revised Code. Subject to the provisions of section 3319.31 of the Revised Code, a permit issued under this division shall be valid for three years and shall be renewable.

(B) The state board shall adopt rules applicable to individuals who hold valid educator licenses, certificates, or permits issued by the state board under section 3319.22, 3319.26, or 3319.27 of the Revised Code setting forth standards to assure any such individual's competence to direct, supervise, or coach a pupil-activity program described in section 3313.53 of the Revised Code. The rules adopted under this division shall

not be more stringent than the standards set forth in rules 6542
applicable to individuals who do not hold such licenses, 6543
certificates, or permits adopted under division (A) of this 6544
section. Subject to the provisions of section 3319.31 of the 6545
Revised Code, a permit issued to an individual under this 6546
division shall be valid for the same number of years as the 6547
individual's educator license, certificate, or permit issued 6548
under section 3319.22, 3319.26, or 3319.27 of the Revised Code 6549
and shall be renewable. 6550

~~(C) As a condition to issuing or renewing a pupil-activity-~~ 6551
~~program permit to coach interscholastic athletics:~~ 6552

~~(1) The Except as provided in division (D) of this~~ 6553
~~section, as a condition to issuing a pupil-activity program~~ 6554
~~permit to coach interscholastic athletics, the state board shall~~ 6555
require each individual applying for a first permit on or after 6556
April 26, 2013, to successfully complete a training program that 6557
is specifically focused on brain trauma and brain injury 6558
management. 6559

(2) The state board shall require, as a condition to 6560
renewing a pupil-activity program permit to coach 6561
interscholastic athletics, each individual applying for a permit 6562
renewal on or after that date to present evidence that the 6563
individual has successfully completed, within the previous three 6564
years, a training program in recognizing the symptoms of 6565
concussions and head injuries to which the department of health 6566
has provided a link on its internet web site under section 6567
3707.52 of the Revised Code or a training program authorized and 6568
required by an organization that regulates interscholastic 6569
athletic competition and conducts interscholastic athletic 6570
events. 6571

(D) The state board shall issue a permit for coaching, 6572
supervising, or directing a pupil-activity program in accordance 6573
with Chapter 4796. of the Revised Code to an applicant if either 6574
of the following applies: 6575

(1) The applicant holds a license or permit in another 6576
state. 6577

(2) The applicant has satisfactory work experience, a 6578
government certification, or a private certification as 6579
described in that chapter as a coach, supervisor, or pupil- 6580
activity program director in a state that does not issue that 6581
permit. 6582

Sec. 3319.361. (A) The Except as provided in division (F) 6583
of this section, the state board of education shall establish 6584
rules for the issuance of a supplemental teaching license. This 6585
license shall be issued at the request of the superintendent of 6586
a city, local, exempted village, or joint vocational school 6587
district, educational service center, or the governing authority 6588
of a STEM school, chartered nonpublic school, or community 6589
school to an individual who meets all of the following criteria: 6590

(1) Holds a current professional or permanent Ohio 6591
teaching certificate or resident educator license, professional 6592
educator license, senior professional educator license, or lead 6593
professional educator license, as issued under section 3319.22 6594
or 3319.26 of the Revised Code; 6595

(2) Is of good moral character; 6596

(3) Is employed in a supplemental licensure area or 6597
teaching field, as defined by the state board; 6598

(4) Completes an examination prescribed by the state board 6599
in the licensure area; 6600

(5) Completes, while employed under the supplemental 6601
teaching license and subsequent renewals thereof, additional 6602
coursework, if applicable, and testing requirements for full 6603
licensure in the supplemental area as a condition of holding and 6604
teaching under a supplemental teaching license. 6605

(B) The employing school district, service center, or 6606
school shall assign a mentor to the individual holding a 6607
supplemental teaching license. The assigned mentor shall be an 6608
experienced teacher who currently holds a license in the same, 6609
or a related, content area as the supplemental license. 6610

(C) Before the department of education will issue an 6611
individual a supplemental teaching license in another area, the 6612
supplemental licensee must complete the supplemental licensure 6613
program, or its equivalent, and be issued a standard teaching 6614
license in the area of the currently held supplemental license. 6615

(D) An individual may advance from a supplemental teaching 6616
license to a standard teaching license upon: 6617

(1) Verification from the employing superintendent or 6618
governing authority that the individual holding the supplemental 6619
teaching license has taught successfully in the licensure area 6620
for a minimum of two years; and 6621

(2) Completing requirements as applicable to the licensure 6622
area or teaching field as established by the state board. 6623

(E) A licensee who has filed an application under this 6624
section may work in the supplemental licensure area for up to 6625
sixty school days while completing the requirements in division 6626
(A) (4) of this section. If the requirements are not completed 6627
within sixty days, the application shall be declined. 6628

(F) The state board shall issue a supplemental teaching 6629

license in accordance with Chapter 4796. of the Revised Code to 6630
an applicant if either of the following applies: 6631

(1) The applicant holds a license in another state. 6632

(2) The applicant has satisfactory work experience, a 6633
government certification, or a private certification as 6634
described in that chapter as an educator providing supplemental 6635
instruction in a state that does not issue that license. 6636

Sec. 3327.10. (A) ~~No~~ Except as provided in division (L) of 6637
this section, no person shall be employed as driver of a school 6638
bus or motor van, owned and operated by any school district or 6639
educational service center or privately owned and operated under 6640
contract with any school district or service center in this 6641
state, who has not received a certificate from either the 6642
educational service center governing board that has entered into 6643
an agreement with the school district under section 3313.843 or 6644
3313.845 of the Revised Code or the superintendent of the school 6645
district, certifying that such person is at least eighteen years 6646
of age and is qualified physically and otherwise for such 6647
position. The service center governing board or the 6648
superintendent, as the case may be, shall provide for an annual 6649
physical examination that conforms with rules adopted by the 6650
state board of education of each driver to ascertain the 6651
driver's physical fitness for such employment. The examination 6652
shall be performed by one of the following: 6653

(1) A person licensed under Chapter 4731. or 4734. of the 6654
Revised Code or by another state to practice medicine and 6655
surgery, osteopathic medicine and surgery, or chiropractic; 6656

(2) A physician assistant; 6657

(3) A certified nurse practitioner; 6658

- (4) A clinical nurse specialist; 6659
- (5) A certified nurse-midwife; 6660
- (6) A medical examiner who is listed on the national 6661
registry of certified medical examiners established by the 6662
federal motor carrier safety administration in accordance with 6663
49 C.F.R. part 390. 6664
- Any certificate may be revoked by the authority granting 6665
the same on proof that the holder has been guilty of failing to 6666
comply with division (D) (1) of this section, or upon a 6667
conviction or a guilty plea for a violation, or any other 6668
action, that results in a loss or suspension of driving rights. 6669
Failure to comply with such division may be cause for 6670
disciplinary action or termination of employment under division 6671
(C) of section 3319.081, or section 124.34 of the Revised Code. 6672
- (B) ~~No~~ Except as provided in division (L) of this section, 6673
no person shall be employed as driver of a school bus or motor 6674
van not subject to the rules of the department of education 6675
pursuant to division (A) of this section who has not received a 6676
certificate from the school administrator or contractor 6677
certifying that such person is at least eighteen years of age 6678
and is qualified physically and otherwise for such position. 6679
Each driver shall have an annual physical examination which 6680
conforms to the state highway patrol rules, ascertaining the 6681
driver's physical fitness for such employment. The examination 6682
shall be performed by one of the following: 6683
- (1) A person licensed under Chapter 4731. or 4734. of the 6684
Revised Code or by another state to practice medicine and 6685
surgery, osteopathic medicine and surgery, or chiropractic; 6686
- (2) A physician assistant; 6687

(3) A certified nurse practitioner;	6688
(4) A clinical nurse specialist;	6689
(5) A certified nurse-midwife;	6690
(6) A medical examiner who is listed on the national registry of certified medical examiners established by the federal motor carrier safety administration in accordance with 49 C.F.R. part 390.	6691 6692 6693 6694
Any written documentation of the physical examination shall be completed by the individual who performed the examination.	6695 6696 6697
Any certificate may be revoked by the authority granting the same on proof that the holder has been guilty of failing to comply with division (D)(2) of this section.	6698 6699 6700
(C) Any person who drives a school bus or motor van must give satisfactory and sufficient bond except a driver who is an employee of a school district and who drives a bus or motor van owned by the school district.	6701 6702 6703 6704
(D) No person employed as driver of a school bus or motor van under this section who is convicted of a traffic violation or who has had the person's commercial driver's license suspended shall drive a school bus or motor van until the person has filed a written notice of the conviction or suspension, as follows:	6705 6706 6707 6708 6709 6710
(1) If the person is employed under division (A) of this section, the person shall file the notice with the superintendent, or a person designated by the superintendent, of the school district for which the person drives a school bus or motor van as an employee or drives a privately owned and	6711 6712 6713 6714 6715

operated school bus or motor van under contract. 6716

(2) If employed under division (B) of this section, the 6717
person shall file the notice with the employing school 6718
administrator or contractor, or a person designated by the 6719
administrator or contractor. 6720

(E) In addition to resulting in possible revocation of a 6721
certificate as authorized by divisions (A) and (B) of this 6722
section, violation of division (D) of this section is a minor 6723
misdemeanor. 6724

(F) (1) Not later than thirty days after June 30, 2007, 6725
each owner of a school bus or motor van shall obtain the 6726
complete driving record for each person who is currently 6727
employed or otherwise authorized to drive the school bus or 6728
motor van. An owner of a school bus or motor van shall not 6729
permit a person to operate the school bus or motor van for the 6730
first time before the owner has obtained the person's complete 6731
driving record. Thereafter, the owner of a school bus or motor 6732
van shall obtain the person's driving record not less frequently 6733
than semiannually if the person remains employed or otherwise 6734
authorized to drive the school bus or motor van. An owner of a 6735
school bus or motor van shall not permit a person to resume 6736
operating a school bus or motor van, after an interruption of 6737
one year or longer, before the owner has obtained the person's 6738
complete driving record. 6739

(2) The owner of a school bus or motor van shall not 6740
permit a person to operate the school bus or motor van for ten 6741
years after the date on which the person pleads guilty to or is 6742
convicted of a violation of section 4511.19 of the Revised Code 6743
or a substantially equivalent municipal ordinance. 6744

(3) An owner of a school bus or motor van shall not permit 6745
any person to operate such a vehicle unless the person meets all 6746
other requirements contained in rules adopted by the state board 6747
of education prescribing qualifications of drivers of school 6748
buses and other student transportation. 6749

(G) No superintendent of a school district, educational 6750
service center, community school, or public or private employer 6751
shall permit the operation of a vehicle used for pupil 6752
transportation within this state by an individual unless both of 6753
the following apply: 6754

(1) Information pertaining to that driver has been 6755
submitted to the department of education, pursuant to procedures 6756
adopted by that department. Information to be reported shall 6757
include the name of the employer or school district, name of the 6758
driver, driver license number, date of birth, date of hire, 6759
status of physical evaluation, and status of training. 6760

(2) The most recent criminal records check required by 6761
division (J) of this section has been completed and received by 6762
the superintendent or public or private employer. 6763

(H) A person, school district, educational service center, 6764
community school, nonpublic school, or other public or nonpublic 6765
entity that owns a school bus or motor van, or that contracts 6766
with another entity to operate a school bus or motor van, may 6767
impose more stringent restrictions on drivers than those 6768
prescribed in this section, in any other section of the Revised 6769
Code, and in rules adopted by the state board. 6770

(I) For qualified drivers who, on July 1, 2007, are 6771
employed by the owner of a school bus or motor van to drive the 6772
school bus or motor van, any instance in which the driver was 6773

convicted of or pleaded guilty to a violation of section 4511.19 6774
of the Revised Code or a substantially equivalent municipal 6775
ordinance prior to two years prior to July 1, 2007, shall not be 6776
considered a disqualifying event with respect to division (F) of 6777
this section. 6778

(J) (1) This division applies to persons hired by a school 6779
district, educational service center, community school, 6780
chartered nonpublic school, or science, technology, engineering, 6781
and mathematics school established under Chapter 3326. of the 6782
Revised Code to operate a vehicle used for pupil transportation. 6783

For each person to whom this division applies who is hired 6784
on or after November 14, 2007, the employer shall request a 6785
criminal records check in accordance with section 3319.39 of the 6786
Revised Code and every six years thereafter. For each person to 6787
whom this division applies who is hired prior to that date, the 6788
employer shall request a criminal records check by a date 6789
prescribed by the department of education and every six years 6790
thereafter. 6791

(2) This division applies to persons hired by a public or 6792
private employer not described in division (J) (1) of this 6793
section to operate a vehicle used for pupil transportation. 6794

For each person to whom this division applies who is hired 6795
on or after November 14, 2007, the employer shall request a 6796
criminal records check prior to the person's hiring and every 6797
six years thereafter. For each person to whom this division 6798
applies who is hired prior to that date, the employer shall 6799
request a criminal records check by a date prescribed by the 6800
department and every six years thereafter. 6801

(3) Each request for a criminal records check under 6802

division (J) of this section shall be made to the superintendent 6803
of the bureau of criminal identification and investigation in 6804
the manner prescribed in section 3319.39 of the Revised Code, 6805
except that if both of the following conditions apply to the 6806
person subject to the records check, the employer shall request 6807
the superintendent only to obtain any criminal records that the 6808
federal bureau of investigation has on the person: 6809

(a) The employer previously requested the superintendent 6810
to determine whether the bureau of criminal identification and 6811
investigation has any information, gathered pursuant to division 6812
(A) of section 109.57 of the Revised Code, on the person in 6813
conjunction with a criminal records check requested under 6814
section 3319.39 of the Revised Code or under division (J) of 6815
this section. 6816

(b) The person presents proof that the person has been a 6817
resident of this state for the five-year period immediately 6818
prior to the date upon which the person becomes subject to a 6819
criminal records check under this section. 6820

Upon receipt of a request, the superintendent shall 6821
conduct the criminal records check in accordance with section 6822
109.572 of the Revised Code as if the request had been made 6823
under section 3319.39 of the Revised Code. However, as specified 6824
in division (B) (2) of section 109.572 of the Revised Code, if 6825
the employer requests the superintendent only to obtain any 6826
criminal records that the federal bureau of investigation has on 6827
the person for whom the request is made, the superintendent 6828
shall not conduct the review prescribed by division (B) (1) of 6829
that section. 6830

(K) (1) Until the effective date of the amendments to rule 6831
3301-83-23 of the Ohio Administrative Code required by the 6832

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 described in 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 Chapter 4796. 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 chapter 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. 6863

Sec. 3703.21. (A) Within ninety days after September 16, 6864
2004, the superintendent of industrial compliance shall appoint 6865
a backflow advisory board consisting of not more than ten 6866
members, who shall serve at the pleasure of the superintendent. 6867
The superintendent shall appoint a representative from the 6868
plumbing section of the division of industrial compliance, three 6869
representatives recommended by the plumbing administrator of the 6870
division of industrial compliance, a representative of the 6871
drinking water program of the Ohio environmental protection 6872
agency, three representatives recommended by the director of 6873
environmental protection, and not more than two members who are 6874
not employed by the plumbing or water industry. 6875

The board shall advise the superintendent on matters 6876
pertaining to the training and certification of backflow 6877
technicians. 6878

(B) The superintendent shall adopt rules in accordance 6879
with Chapter 119. of the Revised Code to provide for the 6880
certification of backflow technicians. The rules shall establish 6881
all of the following requirements, specifications, and 6882
procedures: 6883

(1) Requirements and procedures for the initial 6884
certification of backflow technicians, including eligibility 6885
criteria and application requirements and fees; 6886

(2) Specifications concerning and procedures for taking 6887
examinations required for certification as a backflow 6888
technician, including eligibility criteria to take the 6889
examination and application requirements and fees for taking the 6890
examination; 6891

(3) Specifications concerning and procedures for renewing a certification as a backflow technician, including eligibility criteria, application requirements, and fees for renewal;	6892 6893 6894
(4) Specifications concerning and procedures for both of the following:	6895 6896
(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;	6897 6898 6899 6900
(b) Renewal of the approval described in division (B) (4) (a) of this section.	6901 6902
(5) Education requirements that candidates for initial certification as backflow technicians must satisfy and continuing education requirements that certified backflow technicians must satisfy;	6903 6904 6905 6906
(6) Grounds and procedures for denying, suspending, or revoking certification, or denying the renewal of certification, as a backflow technician;	6907 6908 6909
(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) <u>(E)</u> of this section;	6910 6911 6912 6913 6914
(8) Any provision the superintendent determines is necessary to administer or enforce this section.	6915 6916
(C) <u>The superintendent shall certify a backflow technician in accordance with Chapter 4796. of the Revised Code if either of the following applies:</u>	6917 6918 6919

(1) The individual holds a license or certification in another state. 6920
6921

(2) The individual has satisfactory work experience, a government certification, or a private certification as described in that chapter as a backflow technician in a state that does not issue that certification. 6922
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(D) No individual shall engage in the installation, testing, or repair of any isolation backflow prevention device unless that individual possesses a valid certification as a backflow technician. This division does not apply with respect to the installation, testing, or repair of any containment backflow prevention device. 6926
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~~(D)~~ (E) Whoever violates division ~~(C)~~ (D) of this section or any rule adopted pursuant to division (B) of this section shall pay a civil penalty of not more than five thousand dollars for each day that the violation continues. The superintendent may, by order, assess a civil penalty under this division, or may request the attorney general to bring a civil action to impose the civil penalty in the court of common pleas of the county in which the violation occurred or where the violator resides. 6932
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~~(E)~~ (F) Any action taken under a rule adopted pursuant to division (B) (6) of this section is subject to the appeal process of Chapter 119. of the Revised Code. An administrative order issued pursuant to rules adopted under division (B) (7) of this section and an appeal to that type of administrative order shall be executed in accordance with Chapter 119. of the Revised Code. 6941
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~~(F)~~ (G) As used in this section: 6947

(1) "Isolation backflow prevention device" means a device 6948

for the prevention of the backflow of liquids, solids, or gases 6949
that is regulated by the building code adopted pursuant to 6950
section 3781.10 of the Revised Code and rules adopted pursuant 6951
to this section. 6952

(2) "Containment backflow prevention device" means a 6953
device for the prevention of the backflow of liquids, solids, or 6954
gases that is installed by the supplier of, or as a requirement 6955
of, any public water system as defined in division (A) of 6956
section 6109.01 of the Revised Code. 6957

Sec. 3704.14. (A) (1) If the director of environmental 6958
protection determines that implementation of a motor vehicle 6959
inspection and maintenance program is necessary for the state to 6960
effectively comply with the federal Clean Air Act after June 30, 6961
2019, the director may provide for the implementation of the 6962
program in those counties in this state in which such a program 6963
is federally mandated. Upon making such a determination, the 6964
director of environmental protection may request the director of 6965
administrative services to extend the terms of the contract that 6966
was entered into under the authority of Am. Sub. H.B. 64 of the 6967
131st general assembly. Upon receiving the request, the director 6968
of administrative services shall extend the contract, beginning 6969
on July 1, 2019, in accordance with this section. The contract 6970
shall be extended for a period of up to twenty-four months with 6971
the contractor who conducted the motor vehicle inspection and 6972
maintenance program under that contract. 6973

(2) Prior to the expiration of the contract extension that 6974
is authorized by division (A) (1) of this section, the director 6975
of environmental protection shall request the director of 6976
administrative services to enter into a contract with a vendor 6977
to operate a decentralized motor vehicle inspection and 6978

maintenance program in each county in this state in which such a 6979
program is federally mandated through June 30, 2023, with an 6980
option for the state to renew the contract for a period of up to 6981
twenty-four months through June 30, 2025. The contract shall 6982
ensure that the decentralized motor vehicle inspection and 6983
maintenance program achieves at least the same emission 6984
reductions as achieved by the program operated under the 6985
authority of the contract that was extended under division (A) 6986
(1) of this section. The director of administrative services 6987
shall select a vendor through a competitive selection process in 6988
compliance with Chapter 125. of the Revised Code. 6989

(3) Notwithstanding any law to the contrary, the director 6990
of administrative services shall ensure that a competitive 6991
selection process regarding a contract to operate a 6992
decentralized motor vehicle inspection and maintenance program 6993
in this state incorporates the following, which shall be 6994
included in the contract: 6995

(a) For purposes of expanding the number of testing 6996
locations for consumer convenience, a requirement that the 6997
vendor utilize established local businesses, auto repair 6998
facilities, or leased properties to operate state-approved 6999
inspection and maintenance testing facilities; 7000

(b) A requirement that the vendor selected to operate the 7001
program provide notification of the program's requirements to 7002
each owner of a motor vehicle that is required to be inspected 7003
under the program. The contract shall require the notification 7004
to be provided not later than sixty days prior to the date by 7005
which the owner of the motor vehicle is required to have the 7006
motor vehicle inspected. The director of environmental 7007
protection and the vendor shall jointly agree on the content of 7008

the notice. However, the notice shall include at a minimum the 7009
locations of all inspection facilities within a specified 7010
distance of the address that is listed on the owner's motor 7011
vehicle registration; 7012

(c) A requirement that the vendor comply with testing 7013
methodology and supply the required equipment approved by the 7014
director of environmental protection as specified in the 7015
competitive selection process in compliance with Chapter 125. of 7016
the Revised Code. 7017

(4) A decentralized motor vehicle inspection and 7018
maintenance program operated under this section shall comply 7019
with division (B) of this section. The director of environmental 7020
protection shall administer the decentralized motor vehicle 7021
inspection and maintenance program operated under this section. 7022

(B) The decentralized motor vehicle inspection and 7023
maintenance program authorized by this section, at a minimum, 7024
shall do all of the following: 7025

(1) Comply with the federal Clean Air Act; 7026

(2) Provide for the issuance of inspection certificates; 7027

(3) Provide for a new car exemption for motor vehicles 7028
four years old or newer and provide that a new motor vehicle is 7029
exempt for four years regardless of whether legal title to the 7030
motor vehicle is transferred during that period; 7031

(4) Provide for an exemption for battery electric motor 7032
vehicles. 7033

~~(C)~~ (1) The director of environmental protection shall 7034
adopt rules in accordance with Chapter 119. of the Revised Code 7035
that the director determines are necessary to implement this 7036

section. The director may continue to implement and enforce 7037
rules pertaining to the motor vehicle inspection and maintenance 7038
program previously implemented under former section 3704.14 of 7039
the Revised Code as that section existed prior to its repeal and 7040
reenactment by Am. Sub. H.B. 66 of the 126th general assembly, 7041
provided that the rules do not conflict with this section. 7042

(2) The director of environmental protection shall issue 7043
an inspection certificate provided for under division (B) (2) of 7044
this section in accordance with Chapter 4796. of the Revised 7045
Code to an applicant if either of the following applies: 7046

(a) The individual holds a certificate or license in 7047
another state. 7048

(b) The individual has satisfactory work experience, a 7049
government certification, or a private certification as 7050
described in that chapter as a vehicle inspector in a state that 7051
does not issue that certificate. 7052

(D) There is hereby created in the state treasury the auto 7053
emissions test fund, which shall consist of money received by 7054
the director from any cash transfers, state and local grants, 7055
and other contributions that are received for the purpose of 7056
funding the program established under this section. The director 7057
of environmental protection shall use money in the fund solely 7058
for the implementation, supervision, administration, operation, 7059
and enforcement of the motor vehicle inspection and maintenance 7060
program established under this section. Money in the fund shall 7061
not be used for either of the following: 7062

(1) To pay for the inspection costs incurred by a motor 7063
vehicle dealer so that the dealer may provide inspection 7064
certificates to an individual purchasing a motor vehicle from 7065

the dealer when that individual resides in a county that is 7066
subject to the motor vehicle inspection and maintenance program; 7067

(2) To provide payment for more than one free passing 7068
emissions inspection or a total of three emissions inspections 7069
for a motor vehicle in any three-hundred-sixty-five-day period. 7070
The owner or lessee of a motor vehicle is responsible for 7071
inspection fees that are related to emissions inspections beyond 7072
one free passing emissions inspection or three total emissions 7073
inspections in any three-hundred-sixty-five-day period. 7074
Inspection fees that are charged by a contractor conducting 7075
emissions inspections under a motor vehicle inspection and 7076
maintenance program shall be approved by the director of 7077
environmental protection. 7078

(E) The motor vehicle inspection and maintenance program 7079
established under this section expires upon the termination of 7080
all contracts entered into under this section and shall not be 7081
implemented beyond the final date on which termination occurs. 7082

(F) As used in this section "battery electric motor 7083
vehicle" has the same meaning as in section 4501.01 of the 7084
Revised Code. 7085

Sec. 3713.05. (A) Applications to register to import, 7086
manufacture, renovate, wholesale, make, or reupholster stuffed 7087
toys or bedding in this state shall be made in writing on forms 7088
provided by the superintendent of industrial compliance. The 7089
application shall be accompanied by a registration fee of fifty 7090
dollars per person unless the applicant engages only in 7091
renovation, in which case the registration fee shall be thirty- 7092
five dollars. 7093

~~(B)~~. Upon receipt of the application and the appropriate 7094

fee, the superintendent shall register the applicant and assign 7095
a registration number to the registrant. 7096

(B) The superintendent shall register an applicant in 7097
accordance with Chapter 4796. of the Revised Code if either of 7098
the following applies: 7099

(1) The applicant is licensed or registered to import, 7100
manufacture, renovate, wholesale, make, or reupholster stuffed 7101
toys or bedding in another state. 7102

(2) The applicant has satisfactory work experience, a 7103
government certification, or a private certification as 7104
described in that chapter with or for importing, manufacturing, 7105
renovating, wholesaling, making, or reupholstering stuffed toys 7106
or bedding in a state that does not issue that registration. 7107

(C) Notwithstanding section 3713.02 of the Revised Code 7108
and division (A) of this section, the following are exempt from 7109
registration: 7110

(1) An organization described in section 501(c)(3) of the 7111
"Internal Revenue Code of 1986," and exempt from income tax 7112
under section 501(a) of that code and that is operated 7113
exclusively to provide recreation or social services; 7114

(2) A person who is not regularly engaged in the business 7115
of manufacturing, making, wholesaling, or importing stuffed toys 7116
but who manufactures or makes stuffed toys as a leisure pursuit 7117
and who sells one hundred or fewer stuffed toys within one 7118
calendar year; 7119

(3) A person who is not regularly engaged in the business 7120
of manufacturing, making, wholesaling, or importing quilts, 7121
comforters, pillows, or cushions, but who manufactures or makes 7122
these items as a leisure pursuit and who sells five or fewer 7123

quilts, ten or fewer comforters, or twenty or fewer pillows or
cushions within one calendar year. 7124
7125

(D) Notwithstanding division (C) (2) or (3) of this 7126
section, a person exempt under that division must attach a label 7127
to each stuffed toy that contains all of the following 7128
information: 7129

(1) The person's name and address; 7130

(2) A statement that the person is not registered by the 7131
state of Ohio; 7132

(3) A statement that the contents of the product have not 7133
been inspected. 7134

Sec. 3717.09. (A) In accordance with rules adopted under 7135
section 3717.51 of the Revised Code, the director of health 7136
shall approve courses of study for certification in food 7137
protection as it pertains to retail food establishments and as 7138
it pertains to food service operations. ~~The~~ Except as provided
in division (B) of this section, the director shall certify 7139
individuals in food protection who successfully complete a 7140
course of study approved under this section and meet all other 7141
certification requirements specified in rules adopted under 7142
section 3717.51 of the Revised Code. 7143
7144

(B) The director shall issue a certification in food 7145
protection in accordance with Chapter 4796. of the Revised Code
to an applicant if either of the following applies: 7146
7147

(1) The applicant holds a license or certification in 7148
another state. 7149

(2) The applicant has satisfactory work experience, a 7150
government certification, or a private certification as 7151

described in that chapter working in food protection in a state 7152
that does not issue that certification. 7153

Sec. 3723.03. Pursuant to division (B) of section 3723.02 7154
of the Revised Code, an individual, business entity, or 7155
government entity that holds a valid license issued by another 7156
state authorizing practice as a radon tester, mitigation 7157
specialist, or mitigation contractor under the laws of that 7158
state may practice in this state without a license issued under 7159
this chapter for not more than ninety days in any calendar year 7160
as a radon tester, mitigation specialist, or mitigation 7161
contractor, if the director of health finds that the 7162
requirements for licensure in that state are comparable to the 7163
requirements for licensure under this chapter and the rules 7164
adopted under it and the individual, business entity, or 7165
government entity provides notice to the director of health, in 7166
accordance with rules adopted under section 3723.09 of the 7167
Revised Code, prior to commencing practice in this state. 7168
Chapter 4796. of the Revised Code does not apply to a 7169
nonresident individual authorized to practice under this 7170
section. 7171

Sec. 3723.06. (A) The director of health shall license 7172
radon testers, mitigation specialists, and mitigation 7173
contractors. Each applicant for a license shall submit a 7174
completed application to the director on a form the director 7175
shall prescribe and furnish. 7176

(B) ~~In~~ Except as provided in division (F) of this section 7177
and in accordance with rules adopted under section 3723.09 of 7178
the Revised Code, the director shall issue the appropriate 7179
license to each applicant that pays the license fee prescribed 7180
by the director, meets the licensing criteria established by the 7181

director, and complies with any other licensing and training 7182
requirements established by the director. An individual, 7183
business entity, or government entity may hold more than one 7184
license issued under this section, but a separate application is 7185
required for each license. 7186

(C) Notwithstanding division (B) of this section and 7187
except as provided in division (F) of this section, the director 7188
shall issue a radon mitigation contractor license on request to 7189
the holder of a radon mitigation specialist license if the 7190
license holder is the owner or chief stockholder of a business 7191
entity for which the license holder is the only individual who 7192
will work as a radon mitigation specialist. The licensing 7193
criteria and any other licensing and training requirements the 7194
individual was required to meet to qualify for the radon 7195
mitigation specialist license are hereby deemed to satisfy any 7196
and all criteria and requirements for a radon mitigation 7197
contractor license. A license issued under this division shall 7198
expire at the same time as the individual's radon mitigation 7199
specialist license. No license fee shall be imposed for a 7200
license issued under this division. 7201

(D) A license issued under this section expires biennially 7202
and may be renewed by the director in accordance with criteria 7203
and procedures established in rules adopted under section 7204
3723.09 of the Revised Code and on payment of the license 7205
renewal fee prescribed in those rules. 7206

(E) In accordance with Chapter 119. of the Revised Code, 7207
the director may do either of the following: 7208

(1) Refuse to issue a license to an individual, business 7209
entity, or government entity that does not meet the requirements 7210
of this chapter or the rules adopted under it or has been in 7211

violation of those requirements; 7212

(2) Suspend, revoke, or refuse to renew the license of an 7213
individual, business entity, or government entity that is or has 7214
been in violation of the requirements of this chapter or the 7215
rules adopted under it. 7216

(F) The director shall issue a radon tester, mitigation 7217
specialist, or mitigation contractor license in accordance with 7218
Chapter 4796. of the Revised Code to an applicant if either of 7219
the following applies: 7220

(1) The applicant holds a license in another state. 7221

(2) The applicant has satisfactory work experience, a 7222
government certification, or a private certification as 7223
described in that chapter as a radon tester, mitigation 7224
specialist, or mitigation contractor in a state that does not 7225
issue one or more of those licenses. 7226

Sec. 3737.83. The state fire marshal shall, as part of the 7227
state fire code, adopt rules to: 7228

(A) Establish minimum standards of performance for fire 7229
protection equipment and fire fighting equipment; 7230

(B) Establish minimum standards of training, fix minimum 7231
qualifications, and require certificates for all persons who 7232
engage in the business for profit of installing, testing, 7233
repairing, or maintaining fire protection equipment; 7234

(C) Provide for the issuance of certificates required 7235
under division (B) of this section and establish the fees to be 7236
charged for such certificates. A certificate shall be granted, 7237
renewed, or revoked according to rules the state fire marshal 7238
shall adopt, except that the state fire marshal shall grant a 7239

certificate in accordance with Chapter 4796. of the Revised Code 7240
to an applicant if either of the following applies: 7241

(1) The applicant holds a license or certificate in 7242
another state. 7243

(2) The applicant has satisfactory work experience, a 7244
government certification, or a private certification as 7245
described in that chapter as a person engaged in the business of 7246
installing, testing, repairing, or maintaining fire protection 7247
equipment in a state that does not issue that certificate. 7248

(D) Establish minimum standards of flammability for 7249
consumer goods in any case where the federal government or any 7250
department or agency thereof has established, or may from time 7251
to time establish standards of flammability for consumer goods. 7252
The standards established by the state fire marshal shall be 7253
identical to the minimum federal standards. 7254

In any case where the federal government or any department 7255
or agency thereof, establishes standards of flammability for 7256
consumer goods subsequent to the adoption of a flammability 7257
standard by the state fire marshal, standards previously adopted 7258
by the state fire marshal shall not continue in effect to the 7259
extent such standards are not identical to the minimum federal 7260
standards. 7261

With respect to the adoption of minimum standards of 7262
flammability, this division shall supersede any authority 7263
granted a political subdivision by any other section of the 7264
Revised Code. 7265

(E) Establish minimum standards pursuant to section 7266
5104.05 of the Revised Code for fire prevention and fire safety 7267
in child day-care centers and in type A family day-care homes, 7268

as defined in section 5104.01 of the Revised Code. 7269

(F) Establish minimum standards for fire prevention and 7270
safety in a residential facility licensed under section 5119.34 7271
of the Revised Code that provides accommodations, supervision, 7272
and personal care services for three to sixteen unrelated 7273
adults. The state fire marshal shall adopt the rules under this 7274
division in consultation with the director of mental health and 7275
addiction services and interested parties designated by the 7276
director of mental health and addiction services. 7277

Sec. 3737.881. (A) The state fire marshal shall certify 7278
underground storage tank systems installers who meet the 7279
standards for certification established in rules adopted under 7280
division (D)(1) of this section, pass the certification 7281
examination required by this division, and pay the certificate 7282
fee established in rules adopted under division (D)(5) of this 7283
section. Any individual who wishes to obtain certification as an 7284
installer shall apply to the state fire marshal on a form 7285
prescribed by the state fire marshal. The application shall be 7286
accompanied by the application and examination fees established 7287
in rules adopted under division (D)(5) of this section. 7288

The state fire marshal shall prescribe an examination 7289
designed to test the knowledge of applicants for certification 7290
as underground storage tank system installers in the 7291
installation, repair, abandonment, and removal of those systems. 7292
The examination shall also test the applicants' knowledge and 7293
understanding of the requirements and standards established in 7294
rules adopted under sections 3737.88 and 3737.882 of the Revised 7295
Code pertaining to the installation, repair, abandonment, and 7296
removal of those systems. 7297

Installer certifications issued under this division shall 7298

be renewed annually, upon submission of a certification renewal 7299
form prescribed by the state fire marshal, provision of proof of 7300
successful completion of continuing education requirements, and 7301
payment of the certification renewal fee established in rules 7302
adopted under division (D) (5) of this section. In addition, the 7303
fire marshal may from time to time prescribe an examination for 7304
certification renewal and may require applicants to pass the 7305
examination and pay the fee established for it in rules adopted 7306
under division (D) (5) of this section. 7307

The state fire marshal may, in accordance with Chapter 7308
119. of the Revised Code, deny, suspend, revoke, or refuse to 7309
renew an installer's certification or renewal thereof after 7310
finding that any of the following applies: 7311

(1) The applicant for certification or certificate holder 7312
fails to meet the standards for certification or renewal thereof 7313
under this section and rules adopted under it; 7314

(2) The certification was obtained through fraud or 7315
misrepresentation; 7316

(3) The certificate holder recklessly caused or permitted 7317
a person under the certificate holder's supervision to install, 7318
perform major repairs on site to, abandon, or remove an 7319
underground storage tank system in violation of the performance 7320
standards set forth in rules adopted under section 3737.88 or 7321
3737.882 of the Revised Code. 7322

As used in division (A) (3) of this section, "recklessly" 7323
has the same meaning as in section 2901.22 of the Revised Code. 7324

(B) The state fire marshal shall certify persons who 7325
sponsor training programs for underground storage tank system 7326
installers who meet the criteria for certification established 7327

in rules adopted by the state fire marshal under division (D) (4) 7328
of this section and pay the certificate fee established in rules 7329
adopted under division (D) (5) of this section. Any person who 7330
wishes to obtain certification to sponsor such a training 7331
program shall apply to the state fire marshal on a form 7332
prescribed by the state fire marshal. Training program 7333
certificates issued under this division shall expire annually. 7334
Upon submission of a certification renewal application form 7335
prescribed by the state fire marshal and payment of the 7336
application and certification renewal fees established in rules 7337
adopted under division (D) (5) of this section, the state fire 7338
marshal shall issue a training program renewal certificate to 7339
the applicant. 7340

The state fire marshal may, in accordance with Chapter 7341
119. of the Revised Code, deny an application for, suspend, or 7342
revoke a training program certificate or renewal or renewal of a 7343
training program certificate after finding that the training 7344
program does not or will not meet the standards for 7345
certification established in rules adopted under division (D) (4) 7346
of this section. 7347

(C) The state fire marshal may conduct or cause to be 7348
conducted training programs for underground storage tank systems 7349
installers as the fire marshal considers to be necessary or 7350
appropriate. The state fire marshal is not subject to division 7351
(B) of this section with respect to training programs conducted 7352
by employees of the office of the state fire marshal. 7353

(D) The state fire marshal shall adopt, and may amend and 7354
rescind, rules doing all of the following: 7355

(1) Defining the activities that constitute supervision 7356
over the installation, performance of major repairs on site to, 7357

abandonment of, and removal of underground storage tank systems; 7358

(2) Establishing standards and procedures for 7359
certification of underground storage tank systems installers; 7360

(3) Establishing standards and procedures for continuing 7361
education for certification renewal, subject to the provisions 7362
of section 5903.12 of the Revised Code relating to active duty 7363
military service; 7364

(4) Establishing standards and procedures for 7365
certification of training programs for installers; 7366

(5) Establishing fees for applications for certifications 7367
under this section, the examinations prescribed under division 7368
(A) of this section, the issuance and renewal of certificates 7369
under divisions (A) and (B) of this section, and attendance at 7370
training programs conducted by the fire marshal under division 7371
(C) of this section. Fees received under this section shall be 7372
credited to the underground storage tank administration fund 7373
created in section 3737.02 of the Revised Code and shall be used 7374
to defray the costs of implementing, administering, and 7375
enforcing this section and the rules adopted thereunder, 7376
conducting training sessions, and facilitating prevention of 7377
releases. 7378

(6) That are necessary or appropriate for the 7379
implementation, administration, and enforcement of this section. 7380

(E) Nothing in this section or the rules adopted under it 7381
prohibits an owner or operator of an underground storage tank 7382
system from installing, making major repairs on site to, 7383
abandoning, or removing an underground storage tank system under 7384
the supervision of an installer certified under division (A) of 7385
this section who is a full-time or part-time employee of the 7386

owner or operator. 7387

(F) On and after January 7, 1990, no person shall do any 7388
of the following: 7389

(1) Install, make major repairs on site to, abandon, or 7390
remove an underground storage tank system unless the activity is 7391
performed under the supervision of a qualified individual who 7392
holds a valid installer certificate issued under division (A) of 7393
this section; 7394

(2) Act in the capacity of providing supervision for the 7395
installation of, performance of major repairs on site to, 7396
abandonment of, or removal of an underground storage tank system 7397
unless the person holds a valid installer certificate issued 7398
under division (A) of this section; 7399

(3) Except as provided in division (C) of this section, 7400
sponsor a training program for underground storage tank systems 7401
installers unless the person holds a valid training program 7402
certificate issued under division (B) of this section. 7403

(G) Notwithstanding any provision of this section to the 7404
contrary, the state fire marshal shall issue an installer's 7405
certification or a training program certificate in accordance 7406
with Chapter 4796. of the Revised Code to an applicant if either 7407
of the following applies: 7408

(1) The applicant holds an installer's license or 7409
certification or a training program license or certificate in 7410
another state. 7411

(2) The applicant has satisfactory work experience, a 7412
government certification, or a private certification as 7413
described in that chapter as an installer of underground storage 7414
tank systems in a state that does not issue one or both of those 7415

certifications. 7416

Sec. 3742.05. (A) (1) The director of health shall issue 7417
lead inspector, lead abatement contractor, lead risk assessor, 7418
lead abatement project designer, lead abatement worker, and 7419
clearance technician licenses. ~~The~~ Except as provided in 7420
division (C) of this section, the director shall issue a license 7421
to an applicant who meets all of the following requirements: 7422

(a) Submits an application to the director on a form 7423
prescribed by the director; 7424

(b) Meets the licensing and training requirements 7425
established in rules adopted under section 3742.03 of the 7426
Revised Code; 7427

(c) Successfully completes the licensing examination for 7428
the applicant's area of expertise administered under section 7429
3742.08 of the Revised Code and any training required by the 7430
director under that section; 7431

(d) Pays the license fee established in rules adopted 7432
under section 3742.03 of the Revised Code; 7433

(e) Provides the applicant's social security number and 7434
any information the director may require to demonstrate the 7435
applicant's compliance with this chapter and the rules adopted 7436
under it. 7437

(2) An individual may hold more than one license issued 7438
under this section, but a separate application is required for 7439
each license. 7440

(B) A license issued under this section expires two years 7441
after the date of issuance. The director shall renew a license 7442
in accordance with the standard renewal procedure set forth in 7443

Chapter 4745. of the Revised Code, if the licensee does all of 7444
the following: 7445

(1) Continues to meet the requirements of division (A) of 7446
this section; 7447

(2) Demonstrates compliance with procedures to prevent 7448
public exposure to lead hazards and for worker protection during 7449
lead abatement projects established in rules adopted under 7450
section 3742.03 of the Revised Code; 7451

(3) Meets the record-keeping and reporting requirements 7452
for lead abatement projects or clearance examinations 7453
established in rules adopted under section 3742.03 of the 7454
Revised Code; 7455

(4) Pays the license renewal fee established in rules 7456
adopted under section 3742.03 of the Revised Code. 7457

~~(C) An individual licensed, certified, or otherwise~~ 7458
~~approved under the law of another state to perform functions~~ 7459
~~substantially similar to those of~~ The director shall issue a 7460
lead inspector, lead abatement contractor, lead risk assessor, 7461
lead abatement project designer, lead abatement worker, or 7462
clearance technician ~~may apply to the director of health for~~ 7463
~~licensure in accordance with the procedures set forth in~~ 7464
~~division (A) of this section. The director shall license an~~ 7465
~~individual under this division on a determination that the~~ 7466
~~standards for licensure, certification, or approval in that~~ 7467
~~state are at least substantially equivalent to those established~~ 7468
~~by this chapter and the rules adopted under it. The director may~~ 7469
~~require an examination for licensure under this division~~ 7470
license in accordance with Chapter 4796. of the Revised Code to 7471
an applicant if either of the following applies: 7472

(1) The applicant holds a license in another state. 7473

(2) The applicant has satisfactory work experience, a 7474
government certification, or a private certification as 7475
described in that chapter as a lead inspector, lead abatement 7476
contractor, lead risk assessor, lead abatement project designer, 7477
lead abatement worker, or clearance technician in a state that 7478
does not issue one or more of those licenses. 7479

Sec. 3743.03. (A) If a person submits an application for 7480
licensure as a manufacturer of fireworks, together with the 7481
license fee, fingerprints, and proof of the insurance coverage, 7482
as required by section 3743.02 of the Revised Code, the state 7483
fire marshal shall review the application and accompanying 7484
matter, request the criminal records check described in division 7485
(E) of this section, inspect the premises of the fireworks plant 7486
described in the application, and determine whether the 7487
applicant will be issued the license. In determining whether to 7488
issue the license, the state fire marshal shall consider the 7489
results of the criminal records check and the inspection, and 7490
the information set forth in the application, and shall decide 7491
whether the applicant and the fireworks plant described in the 7492
application conform to sections 3743.02 to 3743.08 of the 7493
Revised Code and the rules adopted by the state fire marshal 7494
pursuant to section 3743.05 of the Revised Code, and are in full 7495
compliance with Chapters 3781. and 3791. of the Revised Code, 7496
and any applicable building or zoning regulations. 7497

(B) ~~Subject~~ Except as provided in division (F) of this 7498
section and subject to section 3743.70 of the Revised Code, the 7499
state fire marshal shall issue a license in accordance with 7500
Chapter 119. of the Revised Code to an applicant for licensure 7501
as a manufacturer of fireworks only if the applicant and the 7502

fireworks plant described in the application conform to sections 7503
3743.02 to 3743.08 of the Revised Code and the rules adopted by 7504
the state fire marshal pursuant to section 3743.05 of the 7505
Revised Code, only if the fireworks plant described in the 7506
application complies with the Ohio building code adopted under 7507
Chapter 3781. of the Revised Code, if that fireworks plant was 7508
constructed after May 30, 1986, and only if the state fire 7509
marshal is satisfied that the application and accompanying 7510
matter are complete and in conformity with section 3743.02 of 7511
the Revised Code. The requirements of this chapter and of the 7512
rules adopted under this chapter as applicable to the structure 7513
of a building do not apply to a building in a fireworks plant if 7514
the building was inspected and approved by the department of 7515
industrial relations or by any building department certified 7516
pursuant to division (E) of section 3781.10 of the Revised Code 7517
prior to May 30, 1986. 7518

(C) Each license issued pursuant to this section shall 7519
contain a distinct number assigned to the licensed manufacturer 7520
and, if the licensed manufacturer will engage in the processing 7521
of fireworks as any part of its manufacturing of fireworks at 7522
the fireworks plants, a notation indicating that fact. The state 7523
fire marshal shall maintain a list of all licensed manufacturers 7524
of fireworks. In the list next to each manufacturer's name, the 7525
state fire marshal shall insert the period of licensure, the 7526
license number of the manufacturer, and, if applicable, a 7527
notation that the manufacturer will engage in the processing of 7528
fireworks as part of its manufacturing of fireworks. 7529

(D) The holder of a license issued pursuant to this 7530
section may request the state fire marshal to cancel that 7531
license and issue in its place a license to sell fireworks at 7532
wholesale under section 3743.16 of the Revised Code. Upon 7533

receipt of such a request, the state fire marshal shall cancel 7534
the license issued under this section and issue a license under 7535
section 3743.16 of the Revised Code if the applicant meets the 7536
requirements of that section. 7537

(E) Upon receipt of an application and the required 7538
accompanying matter under section 3743.02 of the Revised Code, 7539
the state fire marshal shall forward to the superintendent of 7540
the bureau of criminal identification and investigation a 7541
request that the bureau conduct an investigation of the 7542
applicant and, if applicable, additional individuals who hold, 7543
own, or control a five per cent or greater beneficial or equity 7544
interest in the applicant, to determine whether the applicant or 7545
the additional associated individuals have been convicted of or 7546
pled guilty to a disqualifying offense as determined under 7547
section 9.79 of the Revised Code, under the laws of this state, 7548
another state, or the United States. 7549

If the applicant for initial licensure has resided in this 7550
state for less than five continuous years immediately prior to 7551
the date the applicant submits an initial application, the 7552
superintendent also shall request that the federal bureau of 7553
investigation conduct an investigation of the applicant and, if 7554
applicable, additional individuals who hold, own, or control a 7555
five per cent or greater beneficial or equity interest in the 7556
applicant, to determine whether the applicant or the additional 7557
associated individuals have been convicted of or pled guilty to 7558
a disqualifying offense as determined under section 9.79 of the 7559
Revised Code, under the laws of this state, another state, or 7560
the United States. 7561

The superintendent shall forward the results of an 7562
investigation conducted pursuant to this division to the state 7563

fire marshal and may charge a reasonable fee for providing the 7564
results. The state fire marshal shall assess any fee charged by 7565
the superintendent for the results to the applicant. 7566

(F) The state fire marshal shall issue a license to act as 7567
a manufacturer of fireworks in accordance with Chapter 4796. of 7568
the Revised Code to an applicant if either of the following 7569
applies: 7570

(1) The applicant is licensed in another state. 7571

(2) The applicant has satisfactory work experience, a 7572
government certification, or a private certification as 7573
described in that chapter as a manufacturer of fireworks in a 7574
state that does not issue that license. 7575

Sec. 3743.16. (A) If a person submits an application for 7576
licensure as a wholesaler of fireworks, together with the 7577
license fee, fingerprints, and proof of the insurance coverage, 7578
as required by section 3743.15 of the Revised Code, the state 7579
fire marshal shall review the application and accompanying 7580
matter, request the criminal records check described in division 7581
(D) of this section, inspect the premises on which the fireworks 7582
would be sold, and determine whether the applicant will be 7583
issued the license. In determining whether to issue the license, 7584
the state fire marshal shall consider the results of the 7585
criminal records check and the inspection, and the information 7586
set forth in the application, and shall decide whether the 7587
applicant and the premises on which the fireworks will be sold 7588
conform to sections 3743.15 to 3743.21 of the Revised Code and 7589
the rules adopted by the state fire marshal pursuant to section 7590
3743.18 of the Revised Code, and are in full compliance with 7591
Chapters 3781. and 3791. of the Revised Code, and any applicable 7592
building or zoning regulations. 7593

(B) ~~Subject~~ Except as provided in division (E) of this 7594
section and subject to section 3743.70 of the Revised Code, the 7595
state fire marshal shall issue a license in accordance with 7596
Chapter 119. of the Revised Code to the applicant for licensure 7597
as a wholesaler of fireworks only if the applicant and the 7598
premises on which the fireworks will be sold conform to sections 7599
3743.15 to 3743.21 of the Revised Code and the rules adopted by 7600
the state fire marshal pursuant to section 3743.18 of the 7601
Revised Code, only if the premises on which the fireworks will 7602
be sold complies with the Ohio building code adopted under 7603
Chapter 3781. of the Revised Code, if that premises was 7604
constructed after May 30, 1986, and only if the state fire 7605
marshal is satisfied that the application and accompanying 7606
matter are complete and in conformity with section 3743.15 of 7607
the Revised Code. The requirements of this chapter and of the 7608
rules adopted under this chapter as applicable to the structure 7609
of a building do not apply to a building used by a wholesaler if 7610
the building was inspected and approved by the department of 7611
industrial relations or by any building department certified 7612
pursuant to division (E) of section 3781.10 of the Revised Code 7613
prior to May 30, 1986. 7614

(C) Each license issued pursuant to this section shall 7615
contain a distinct number assigned to the particular wholesaler. 7616
The state fire marshal shall maintain a list of all licensed 7617
wholesalers of fireworks. In this list next to each wholesaler's 7618
name, the state fire marshal shall insert the period of 7619
licensure and the license number of the particular wholesaler. 7620

(D) Upon receipt of an application and the required 7621
accompanying matter under section 3743.15 of the Revised Code, 7622
the state fire marshal shall forward to the superintendent of 7623
the bureau of criminal identification and investigation a 7624

request that the bureau conduct an investigation of the 7625
applicant and, if applicable, additional individuals who hold, 7626
own, or control a five per cent or greater beneficial or equity 7627
interest in the applicant, to determine whether the applicant or 7628
the additional associated individuals have been convicted of or 7629
pled guilty to a disqualifying offense in accordance with 7630
section 9.79 of the Revised Code, under the laws of this state, 7631
another state, or the United States. 7632

If the applicant for initial licensure has resided in this 7633
state for less than five continuous years immediately prior to 7634
the date the applicant submits an initial application, the 7635
superintendent also shall request that the federal bureau of 7636
investigation conduct an investigation of the applicant and, if 7637
applicable, additional individuals who hold, own, or control a 7638
five per cent or greater beneficial or equity interest in the 7639
applicant, to determine whether the applicant or the additional 7640
associated individuals have been convicted of or pled guilty to 7641
a disqualifying offense in accordance with section 9.79 of the 7642
Revised Code, under the laws of this state, another state, or 7643
the United States. 7644

The superintendent shall forward the results of an 7645
investigation conducted pursuant to this division to the state 7646
fire marshal and may charge a reasonable fee for providing the 7647
results. The state fire marshal shall assess any fee charged by 7648
the superintendent for the results to the applicant. 7649

(E) The state fire marshal shall issue a license to act as 7650
a wholesaler of fireworks in accordance with Chapter 4796. of 7651
the Revised Code to an applicant if either of the following 7652
applies: 7653

(1) The applicant is licensed in another state. 7654

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a wholesaler of fireworks in a state that does not issue that license.

Sec. 3743.40. (A) Any person who resides in another state and who intends to ship fireworks into this state shall submit to the state fire marshal an application for a shipping permit. As used in this section, "fireworks" includes only 1.3G and 1.4G fireworks. The application shall be submitted prior to shipping fireworks into this state, shall be on a form prescribed by the state fire marshal, shall contain the information required by division (B) of this section and all information requested by the state fire marshal, and shall be accompanied by the fee and the documentation described in division (C) of this section.

The state fire marshal shall prescribe a form for applications for shipping permits and make a copy of the form available, upon request, to persons who seek such a permit.

(B) In an application for a shipping permit, the applicant shall specify the types of fireworks to be shipped into this state.

(C) An application for a shipping permit shall be accompanied by a fee of two thousand seven hundred fifty dollars.

An application for a shipping permit shall be accompanied by a certified copy or other copy acceptable to the state fire marshal of the applicant's license or permit issued in the applicant's state of residence and authorizing the applicant to engage in the manufacture, wholesale sale, or transportation of fireworks in that state, if that state issues such a license or

permit, and by a statement by the applicant that the applicant 7684
understands and will abide by rules adopted by the state fire 7685
marshal pursuant to section 3743.58 of the Revised Code for 7686
transporting fireworks. 7687

(D) Except as otherwise provided in this division, and 7688
subject to section 3743.70 of the Revised Code, the state fire 7689
marshal shall issue a shipping permit to an applicant only if 7690
the state fire marshal determines that the applicant is a 7691
resident of another state and is the holder of a license or 7692
permit issued by that state authorizing it to engage in the 7693
manufacture, wholesale sale, or transportation of fireworks in 7694
that state, and the state fire marshal is satisfied that the 7695
application and documentation are complete and in conformity 7696
with this section and that the applicant will transport 7697
fireworks into this state in accordance with rules adopted by 7698
the state fire marshal pursuant to section 3743.58 of the 7699
Revised Code. The state fire marshal shall issue a shipping 7700
permit to an applicant if the applicant meets all of the 7701
requirements of this section for the issuance of a shipping 7702
permit except that the applicant does not hold a license or 7703
permit issued by the state of residence authorizing the 7704
applicant to engage in the manufacture, wholesale sale, or 7705
transportation of fireworks in that state because that state 7706
does not issue such a license or permit. 7707

(E) Each permit issued pursuant to this section shall 7708
contain a distinct number assigned to the particular permit 7709
holder, and contain the information described in division (B) of 7710
this section. 7711

The state fire marshal shall maintain a list of all 7712
persons issued shipping permits. In this list next to each 7713

person's name, the state fire marshal shall insert the date upon 7714
which the permit was issued and the information described in 7715
division (B) of this section. 7716

(F) A shipping permit is valid for one year from the date 7717
of issuance by the state fire marshal and only if the permit 7718
holder ships the fireworks directly into this state to the 7719
holder of a license issued under section 3743.03 or 3743.16 of 7720
the Revised Code or a license holder under section 3743.51 of 7721
the Revised Code who possesses a valid exhibition permit issued 7722
in accordance with section 3743.54 of the Revised Code and the 7723
fireworks shipped are to be used at the specifically permitted 7724
exhibition. The permit authorizes the permit holder to ship 7725
fireworks, as described in rules adopted by the state fire 7726
marshal under Chapter 119. of the Revised Code, directly to the 7727
holder of a license issued under section 3743.03 or 3743.16 of 7728
the Revised Code, and to possess the fireworks in this state 7729
while the permit holder is in the course of shipping them 7730
directly into this state. 7731

The holder of a shipping permit shall have the permit in 7732
the holder's possession in this state at all times while in the 7733
course of shipping the fireworks directly into this state. A 7734
shipping permit is not transferable or assignable. 7735

(G) The state fire marshal shall not require a person 7736
holding a shipping permit issued under this section to obtain a 7737
shipping permit pursuant to Chapter 4796. of the Revised Code. 7738

Sec. 3743.51. (A) If a person submits an application for 7739
licensure as an exhibitor of fireworks, together with the fee, 7740
as required by section 3743.50 of the Revised Code, the state 7741
fire marshal shall review the application and determine whether 7742
the applicant satisfies sections 3743.50 to 3743.55 of the 7743

Revised Code and the rules adopted by the state fire marshal 7744
pursuant to division (A) of section 3743.53 of the Revised Code. 7745

(B) ~~Subject~~ Except as provided in division (D) of this 7746
section and subject to section 3743.70 of the Revised Code, the 7747
state fire marshal shall issue a license in accordance with 7748
Chapter 119. of the Revised Code to the applicant for licensure 7749
as an exhibitor of fireworks only if the applicant satisfies 7750
sections 3743.50 to 3743.55 of the Revised Code and the rules 7751
adopted by the state fire marshal pursuant to division (A) of 7752
section 3743.53 of the Revised Code, and only if the state fire 7753
marshal is satisfied that the application is complete and in 7754
conformity with section 3743.50 of the Revised Code. 7755

(C) Each license issued pursuant to this section shall 7756
contain a distinct number assigned to the particular exhibitor. 7757
The state fire marshal shall maintain a list of all licensed 7758
exhibitors of fireworks. In this list next to each exhibitor's 7759
name, the state fire marshal shall insert the period of 7760
licensure and the license number of the particular exhibitor. 7761

(D) The state fire marshal shall issue a license to act as 7762
an exhibitor of fireworks in accordance with Chapter 4796. of 7763
the Revised Code to an applicant if either of the following 7764
applies: 7765

(1) The applicant is licensed in another state. 7766

(2) The applicant has satisfactory work experience, a 7767
government certification, or a private certification as 7768
described in that chapter as an exhibitor of fireworks in a 7769
state that does not issue that license. 7770

Sec. 3746.041. The director of environmental protection 7771
shall issue an environmental professional certification provided 7772

for under division (B) (5) of section 3746.04 of the Revised Code 7773
in accordance with Chapter 4796. of the Revised Code if an 7774
applicant either holds a certification or license in another 7775
state, or the applicant has satisfactory work experience, a 7776
government certification, or a private certification as 7777
described in that chapter as an environmental professional in a 7778
state that does not issue that certification. 7779

Sec. 3748.07. (A) ~~Every~~ Except as provided in division (G) 7780
of this section, every facility that proposes to handle 7781
radioactive material or radiation-generating equipment for which 7782
licensure or registration, respectively, by its handler is 7783
required shall apply in writing to the director of health on 7784
forms prescribed and provided by the director for licensure or 7785
registration. Terms and conditions of licenses and certificates 7786
of registration may be amended in accordance with rules adopted 7787
under section 3748.04 of the Revised Code or orders issued by 7788
the director pursuant to section 3748.05 of the Revised Code. 7789

(B) (1) ~~An~~ Except as provided in division (G) of this 7790
section, an applicant proposing to handle radioactive material 7791
shall pay for a license or renewal of a license the appropriate 7792
fee specified in rules adopted under section 3748.04 of the 7793
Revised Code and listed on an invoice provided by the director. 7794
The applicant shall pay the fee on receipt of the invoice. 7795

(2) (a) Except as provided in division (B) (2) (b) of this 7796
section, until fees are established in rules adopted under 7797
division (A) (8) (b) of section 3748.04 of the Revised Code, an 7798
applicant proposing to handle radiation-generating equipment 7799
shall pay for a certificate of registration or renewal of a 7800
certificate a biennial registration fee of two hundred sixty-two 7801
dollars. 7802

Except as provided in division (B) (2) (b) of this section, 7803
on and after the effective date of the rules in which fees are 7804
established under division (A) (8) (b) of section 3748.04 of the 7805
Revised Code, an applicant proposing to handle radiation- 7806
generating equipment shall pay for a certificate of registration 7807
or renewal of a certificate the appropriate fee established in 7808
those rules. 7809

The applicant shall pay the fees described in division (B) 7810
(2) (a) of this section at the time of applying for a certificate 7811
of registration or renewal of a certificate. 7812

(b) An applicant that is, or is operated by, a medical 7813
practitioner or medical-practitioner group and proposes to 7814
handle radiation-generating equipment shall pay for a 7815
certificate of registration or renewal of a certificate a 7816
biennial registration fee of two hundred sixty-two dollars. The 7817
applicant shall pay the fee at the time of applying for a 7818
certificate of registration or renewal of the certificate. 7819

(C) All fees collected under this section shall be 7820
deposited in the state treasury to the credit of the general 7821
operations fund created in section 3701.83 of the Revised Code. 7822
The fees shall be used solely to administer and enforce this 7823
chapter and rules adopted under it. 7824

(D) Any fee required under this section that remains 7825
unpaid on the ninety-first day after the original invoice date 7826
shall be assessed an additional amount equal to ten per cent of 7827
the original fee. 7828

(E) The director shall grant a license or registration to 7829
any applicant who has paid the required fee and is in compliance 7830
with this chapter and rules adopted under it. 7831

(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 Chapter 4796. 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 chapter 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 3748.04 of the Revised Code. The director shall issue a certificate to each person certified under this section. An individual certified by the director is qualified to develop, provide periodic review of, and conduct audits of the quality assurance program for sources of radiation for which such a program is required under division (A) of section 3748.13 of the Revised Code.

(B) The director shall establish an application fee for 7861
applying for certification and a biennial certification renewal 7862
fee in rules adopted under division (C) of section 3748.04 of 7863
the Revised Code. A certificate issued under this section shall 7864
expire two years after the date of its issuance. To maintain 7865
certification, a radiation expert shall apply to the director 7866
for renewal of certification in accordance with the standard 7867
renewal procedures established in Chapter 4745. of the Revised 7868
Code. The certification renewal fee is not required for initial 7869
certification, but shall be paid for every renewal of 7870
certification. Fees collected under this section shall be 7871
deposited into the state treasury to the credit of the general 7872
operations fund created in section 3701.83 of the Revised Code. 7873
The fees shall be used solely to administer and enforce this 7874
chapter and rules adopted under it. Any fee required under this 7875
section that remains unpaid on the ninety-first day after the 7876
original invoice date shall be assessed an additional amount 7877
equal to ten per cent of the original fee. 7878

(C) The director shall issue a certificate in accordance 7879
with Chapter 4796. of the Revised Code to an applicant if either 7880
of the following applies: 7881

(1) The applicant holds a license or certificate in 7882
another state. 7883

(2) The applicant has satisfactory work experience, a 7884
government certification, or a private certification as 7885
described in that chapter as a radiation expert in a state that 7886
does not issue that certificate. 7887

Sec. 3769.03. The state racing commission shall prescribe 7888
the rules and conditions under which horse racing may be 7889
conducted and may issue, deny, suspend, diminish, or revoke 7890

permits to conduct horse racing as authorized by sections 7891
3769.01 to 3769.14 of the Revised Code. The commission may 7892
impose, in addition to any other penalty imposed by the 7893
commission, fines in an amount not to exceed ten thousand 7894
dollars on any permit holder or any other person who violates 7895
the rules or orders of the commission. The commission may 7896
prescribe the forms of wagering that are permissible, the number 7897
of races, the procedures on wagering, and the wagering 7898
information to be provided to the public. 7899

The commission may require totalizator equipment to 7900
display the amount of wagering in each wagering pool. The 7901
commission shall initiate safeguards as necessary to account for 7902
the amount of money wagered at each track in each wagering pool. 7903
It may require permit holders to install equipment that will 7904
provide a complete check and analysis of the functioning of any 7905
computers and require safeguards on their performance. The 7906
commission shall require all permit holders, except those 7907
holding state fair, county fair, or other fair permits, to 7908
provide a photographic recording, approved by the commission, of 7909
the entire running of all races conducted by the permit holder. 7910

The state racing commission may issue, deny, suspend, or 7911
revoke licenses to those persons engaged in racing and to those 7912
employees of permit holders as is in the public interest for the 7913
purpose of maintaining a proper control over horse-racing 7914
meetings. The commission, as is in the public interest for the 7915
purpose of maintaining proper control over horse-racing 7916
meetings, also may rule any person off a permit holder's 7917
premises. License fees shall include registration fees and shall 7918
be set by the commission. Each license issued by the commission, 7919
unless revoked for cause, shall be for the period of one year 7920
from the first day of January of the year in which it is issued, 7921

except as otherwise provided in section 3769.07 of the Revised Code. Applicants for licenses issued by the commission shall submit their fingerprints to the commission, and the commission may forward the fingerprints to the federal bureau of investigation or to any other agency, or to both, for examination. The commission shall issue a license to a person engaged in racing or an employee of a permit holder in accordance with Chapter 4796. of the Revised Code if that person or employee holds a license in another state, or that person or employee has satisfactory work experience, a government certification, or a private certification as described in that chapter in horse racing in a state that does not issue that license.

There is hereby created in the state treasury the state racing commission operating fund. All license fees established and collected by the commission pursuant to this section, and the amounts specified in divisions (B) and (C) of section 3769.08 and division (A) (5) of section 3769.087 of the Revised Code, shall be paid into the state treasury to the credit of the fund. Moneys in the fund shall be expended by the commission to defray its operating costs, salaries and expenses, and the cost of administering and enforcing this chapter.

The commission may deny a permit to any permit holder that has defaulted in payments to the public, employees, or the horsemen and may deny a permit to any successor purchaser of a track for as long as any of those defaults have not been satisfied by either the seller or purchaser.

The commission shall deny a permit to any permit holder that has defaulted in payments to the state or has defaulted in payments required under section 3769.089 or 3769.0810 of the

Revised Code and shall deny a permit to any successor purchaser 7952
of a track for as long as those defaults have not been satisfied 7953
by either the seller or purchaser. 7954

Any violation of this chapter, of any rule of racing 7955
adopted by the commission, or of any law or rule with respect to 7956
racing in any jurisdiction shall be sufficient reason for a 7957
refusal to issue a license, or a suspension or revocation of any 7958
license issued, pursuant to this section. 7959

With respect to the issuance, denial, suspension, or 7960
revocation of a license to a participant in horse racing, the 7961
action of the commission shall be subject to Chapter 119. of the 7962
Revised Code. 7963

The commission may sue and be sued in its own name. Any 7964
action against the commission shall be brought in the court of 7965
common pleas of Franklin county. Any appeal from a determination 7966
or decision of the commission rendered in the exercise of its 7967
powers and duties under this chapter shall be brought in the 7968
court of common pleas of Franklin county. 7969

The commission, biennially, shall make a full report to 7970
the governor of its proceedings for the two-year period ending 7971
with the thirty-first day of December preceding the convening of 7972
the general assembly and shall include its recommendations in 7973
the report. The commission, semiannually, on the thirtieth day 7974
of June and on the thirty-first day of December of each year, 7975
shall make a report and accounting to the governor. 7976

Sec. 3770.05. (A) As used in this section, "person" means 7977
any individual, association, corporation, limited liability 7978
company, partnership, club, trust, estate, society, receiver, 7979
trustee, person acting in a fiduciary or representative 7980

capacity, instrumentality of the state or any of its political 7981
subdivisions, or any other business entity or combination of 7982
individuals meeting the requirements set forth in this section 7983
or established by rule or order of the state lottery commission. 7984

(B) The director of the state lottery commission may 7985
license any person as a lottery sales agent. 7986

~~Before~~ (1) Except as provided in division (B) (2) of this 7987
section, before issuing any license to a lottery sales agent, 7988
the director shall consider all of the following: 7989

~~(1)~~ (a) The financial responsibility and security of the 7990
applicant and the applicant's business or activity; 7991

~~(2)~~ (b) The accessibility of the applicant's place of 7992
business or activity to the public; 7993

~~(3)~~ (c) The sufficiency of existing licensed agents to 7994
serve the public interest; 7995

~~(4)~~ (d) The volume of expected sales by the applicant; 7996

~~(5)~~ (e) Any other factors pertaining to the public 7997
interest, convenience, or trust. 7998

(2) The director of the state lottery commission shall 7999
issue a lottery sales agent license in accordance with Chapter 8000
4796. of the Revised Code to a video lottery terminal sales 8001
agent employee if either of the following applies: 8002

(a) The employee holds a license in another state. 8003

(b) The employee has satisfactory work experience, a 8004
government certification, or a private certification as 8005
described in that chapter as a lottery sales agent in a state 8006
that does not issue that license. 8007

(C) Except as otherwise provided in divisions (F) and (G) 8008
of this section, the director of the state lottery commission 8009
may refuse to grant, or may suspend or revoke, a license if the 8010
applicant or licensee: 8011

(1) Has been convicted of a felony or has been convicted 8012
of a crime involving moral turpitude; 8013

(2) Has been convicted of an offense that involves illegal 8014
gambling; 8015

(3) Has been found guilty of fraud or misrepresentation in 8016
any connection; 8017

(4) Has been found to have violated any rule or order of 8018
the commission; or 8019

(5) Has been convicted of illegal trafficking in 8020
supplemental nutrition assistance program benefits. 8021

(D) Except as otherwise provided in division (G) of this 8022
section, the director of the state lottery commission may refuse 8023
to grant, or may suspend or revoke, a license if the applicant 8024
or licensee is a corporation or other business entity, and any 8025
of the following applies: 8026

(1) Any of the directors, officers, managers, or 8027
controlling shareholders has been found guilty of any of the 8028
activities specified in divisions (C)(1) to (5) of this section; 8029

(2) It appears to the director of the state lottery 8030
commission that, due to the experience or general fitness of any 8031
director, officer, manager, or controlling shareholder, the 8032
granting of a license as a lottery sales agent would be 8033
inconsistent with the public interest, convenience, or trust; 8034

(3) The corporation or other business entity is not the 8035

owner or lessee of the business at which it would conduct a 8036
lottery sales agency pursuant to the license applied for; 8037

(4) Any person, firm, association, or corporation other 8038
than the applicant or licensee shares or will share in the 8039
profits of the applicant or licensee, other than receiving 8040
dividends or distributions as a shareholder, or participates or 8041
will participate in the management of the affairs of the 8042
applicant or licensee. 8043

(E) (1) The director of the state lottery commission shall 8044
revoke a lottery sales agent license if the applicant or 8045
licensee is or has been convicted of a violation of division (A) 8046
or (C) (1) of section 2913.46 of the Revised Code. 8047

(2) The director shall revoke the lottery sales agent 8048
license of a corporation if the corporation is or has been 8049
convicted of a violation of division (A) or (C) (1) of section 8050
2913.46 of the Revised Code. 8051

(F) The director of the state lottery commission shall not 8052
refuse to issue a license to an applicant because of a 8053
conviction of an offense unless the refusal is in accordance 8054
with section 9.79 of the Revised Code. 8055

(G) The director of the state lottery commission shall 8056
request the bureau of criminal identification and investigation, 8057
the department of public safety, or any other state, local, or 8058
federal agency to supply the director with the criminal records 8059
of any applicant for a lottery sales agent license, and may 8060
periodically request the criminal records of any person to whom 8061
a lottery sales agent license has been issued. At or prior to 8062
the time of making such a request, the director shall require an 8063
applicant or licensee to obtain fingerprint impressions on 8064

fingerprint cards prescribed by the superintendent of the bureau 8065
of criminal identification and investigation at a qualified law 8066
enforcement agency, and the director shall cause those 8067
fingerprint cards to be forwarded to the bureau of criminal 8068
identification and investigation, to the federal bureau of 8069
investigation, or to both bureaus. The commission shall assume 8070
the cost of obtaining the fingerprint cards. 8071

The director shall pay to each agency supplying criminal 8072
records for each investigation a reasonable fee, as determined 8073
by the agency. 8074

The commission may adopt uniform rules specifying time 8075
periods after which the persons described in divisions (C) (1) to 8076
(5) and (D) (1) to (4) of this section may be issued a license 8077
and establishing requirements for those persons to seek a court 8078
order to have records sealed in accordance with law. 8079

(H) (1) Each applicant for a lottery sales agent license 8080
shall do both of the following: 8081

(a) Pay fees to the state lottery commission, if required 8082
by rule adopted by the director under Chapter 119. of the 8083
Revised Code and the controlling board approves the fees; 8084

(b) Prior to approval of the application, obtain a surety 8085
bond in an amount the director determines by rule adopted under 8086
Chapter 119. of the Revised Code or, alternatively, with the 8087
director's approval, deposit the same amount into a dedicated 8088
account for the benefit of the state lottery. The director also 8089
may approve the obtaining of a surety bond to cover part of the 8090
amount required, together with a dedicated account deposit to 8091
cover the remainder of the amount required. The director also 8092
may establish an alternative program or policy, with the 8093

approval of the commission by rule adopted under Chapter 119. of 8094
the Revised Code, that otherwise ensures the lottery's financial 8095
interests are adequately protected. If such an alternative 8096
program or policy is established, an applicant or lottery sales 8097
agent, subject to the director's approval, may be permitted to 8098
participate in the program or proceed under that policy in lieu 8099
of providing a surety bond or dedicated amount. 8100

A surety bond may be with any company that complies with 8101
the bonding and surety laws of this state and the requirements 8102
established by rules of the commission pursuant to this chapter. 8103
A dedicated account deposit shall be conducted in accordance 8104
with policies and procedures the director establishes. 8105

A surety bond, dedicated account, other established 8106
program or policy, or any combination of these resources, as 8107
applicable, may be used to pay for the lottery sales agent's 8108
failure to make prompt and accurate payments for lottery ticket 8109
sales, for missing or stolen lottery tickets, for damage to 8110
equipment or materials issued to the lottery sales agent, or to 8111
pay for expenses the commission incurs in connection with the 8112
lottery sales agent's license. 8113

(2) A lottery sales agent license is effective for at 8114
least one year, but not more than three years. 8115

A licensed lottery sales agent, on or before the date 8116
established by the director, shall renew the agent's license and 8117
provide at that time evidence to the director that the surety 8118
bond, dedicated account deposit, or both, required under 8119
division (H) (1) (b) of this section has been renewed or is 8120
active, whichever applies. 8121

Before the commission renews a lottery sales agent 8122

license, the lottery sales agent shall submit a renewal fee to 8123
the commission, if one is required by rule adopted by the 8124
director under Chapter 119. of the Revised Code and the 8125
controlling board approves the renewal fee. The renewal fee 8126
shall not exceed the actual cost of administering the license 8127
renewal and processing changes reflected in the renewal 8128
application. The renewal of the license is effective for at 8129
least one year, but not more than three years. 8130

(3) A lottery sales agent license shall be complete, 8131
accurate, and current at all times during the term of the 8132
license. Any changes to an original license application or a 8133
renewal application may subject the applicant or lottery sales 8134
agent, as applicable, to paying an administrative fee that shall 8135
be in an amount that the director determines by rule adopted 8136
under Chapter 119. of the Revised Code, and that the controlling 8137
board approves, and that shall not exceed the actual cost of 8138
administering and processing the changes to an application. 8139

(4) The relationship between the commission and a lottery 8140
sales agent is one of trust. A lottery sales agent collects 8141
funds on behalf of the commission through the sale of lottery 8142
tickets for which the agent receives a compensation. 8143

(I) Pending a final resolution of any question arising 8144
under this section, the director of the state lottery commission 8145
may issue a temporary lottery sales agent license, subject to 8146
the terms and conditions the director considers appropriate. 8147

(J) If a lottery sales agent's rental payments for the 8148
lottery sales agent's premises are determined, in whole or in 8149
part, by the amount of retail sales the lottery sales agent 8150
makes, and if the rental agreement does not expressly provide 8151
that the amount of those retail sales includes the amounts the 8152

lottery sales agent receives from lottery ticket sales, only the 8153
amounts the lottery sales agent receives as compensation from 8154
the state lottery commission for selling lottery tickets shall 8155
be considered to be amounts the lottery sales agent receives 8156
from the retail sales the lottery sales agent makes, for the 8157
purpose of computing the lottery sales agent's rental payments. 8158

Sec. 3772.13. (A) No person may be employed as a key 8159
employee of a casino operator, management company, or holding 8160
company unless the person is the holder of a valid key employee 8161
license issued by the commission. 8162

(B) No person may be employed as a key employee of a 8163
gaming-related vendor unless that person is either the holder of 8164
a valid key employee license issued by the commission, or the 8165
person, at least five business days prior to the first day of 8166
employment as a key employee, has filed a notification of 8167
employment with the commission and subsequently files a 8168
completed application for a key employee license within the 8169
first thirty days of employment as a key employee. 8170

(C) Each applicant shall, before the issuance of any key 8171
employee license, produce information, documentation, and 8172
assurances as are required by this chapter and rules adopted 8173
thereunder. In addition, each applicant shall, in writing, 8174
authorize the examination of all bank accounts and records as 8175
may be deemed necessary by the commission. 8176

(D) To be eligible for a key employee license, the 8177
applicant shall be at least twenty-one years of age and shall 8178
meet the criteria set forth by rule by the commission. 8179

(E) Each application for a key employee license shall be 8180
on a form prescribed by the commission and shall contain all 8181

information required by the commission. The applicant shall set 8182
forth in the application if the applicant has been issued prior 8183
gambling-related licenses; if the applicant has been licensed in 8184
any other state under any other name, and, if so, the name under 8185
which the license was issued and the applicant's age at the time 8186
the license was issued; any criminal conviction the applicant 8187
has had; and if a permit or license issued to the applicant in 8188
any other state has been suspended, restricted, or revoked, and, 8189
if so, the cause and the duration of each action. The applicant 8190
also shall complete a cover sheet for the application on which 8191
the applicant shall disclose the applicant's name, the business 8192
address of the casino operator, management company, holding 8193
company, or gaming-related vendor employing the applicant, the 8194
business address and telephone number of such employer, and the 8195
county, state, and country in which the applicant's residence is 8196
located. 8197

(F) Each applicant shall submit with each application, on 8198
a form provided by the commission, two sets of fingerprints and 8199
a photograph. The commission shall charge each applicant an 8200
application fee set by the commission to cover all actual costs 8201
generated by each licensee and all background checks under this 8202
section and section 3772.07 of the Revised Code. 8203

(G) (1) The casino operator, management company, or holding 8204
company by whom a person is employed as a key employee shall 8205
terminate the person's employment in any capacity requiring a 8206
license under this chapter and shall not in any manner permit 8207
the person to exercise a significant influence over the 8208
operation of a casino facility if: 8209

(a) The person does not apply for and receive a key 8210
employee license within three months of being issued a 8211

provisional license, as established under commission rule. 8212

(b) The person's application for a key employee license is 8213
denied by the commission. 8214

(c) The person's key employee license is revoked by the 8215
commission. 8216

The commission shall notify the casino operator, 8217
management company, or holding company who employs such a person 8218
by certified mail of any such finding, denial, or revocation. 8219

(2) A casino operator, management company, or holding 8220
company shall not pay to a person whose employment is terminated 8221
under division (G) (1) of this section, any remuneration for any 8222
services performed in any capacity in which the person is 8223
required to be licensed, except for amounts due for services 8224
rendered before notice was received under that division. A 8225
contract or other agreement for personal services or for the 8226
conduct of any casino gaming at a casino facility between a 8227
casino operator, management company, or holding company and a 8228
person whose employment is terminated under division (G) (1) of 8229
this section may be terminated by the casino operator, 8230
management company, or holding company without further liability 8231
on the part of the casino operator, management company, or 8232
holding company. Any such contract or other agreement is deemed 8233
to include a term authorizing its termination without further 8234
liability on the part of the casino operator, management 8235
company, or holding company upon receiving notice under division 8236
(G) (1) of this section. That a contract or other agreement does 8237
not expressly include such a term is not a defense in any action 8238
brought to terminate the contract or other agreement, and is not 8239
grounds for relief in any action brought questioning termination 8240
of the contract or other agreement. 8241

(3) A casino operator, management company, or holding company, without having obtained the prior approval of the commission, shall not enter into any contract or other agreement with a person who has been found unsuitable, who has been denied a license, or whose license has been revoked under division (G) (1) of this section, or with any business enterprise under the control of such a person, after the date on which the casino operator, management company, or holding company receives notice under that division.

(H) Notwithstanding the requirements for a license under this section, the commission shall issue a key employee license in accordance with Chapter 4796. 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 chapter as a key employee of a casino operator, management company, or holding company in a state that does not issue that license.

Sec. 3772.131. (A) All casino gaming employees are required to have a casino gaming employee license. "Casino gaming employee" means the following and their supervisors:

(1) Individuals involved in operating a casino gaming pit, including dealers, shills, clerks, hosts, and junket representatives;

(2) Individuals involved in handling money, including cashiers, change persons, count teams, and coin wrappers;

(3) Individuals involved in operating casino games;

(4) Individuals involved in operating and maintaining slot machines, including mechanics, floor persons, and change and payoff persons;

(5) Individuals involved in security, including guards and game observers;

(6) Individuals with duties similar to those described in divisions (A) (1) to (5) of this section or other persons as the commission determines. "Casino gaming employee" does not include an individual whose duties are related solely to nongaming activities such as entertainment, hotel operation, maintenance, or preparing or serving food and beverages.

(B) The commission may issue a casino gaming employee license to an applicant after it has determined that the applicant is eligible for a license under rules adopted by the commission and paid any applicable fee. All applications shall be made under oath.

(C) To be eligible for a casino gaming employee license, an applicant shall be at least twenty-one years of age.

(D) Each application for a casino gaming employee license shall be on a form prescribed by the commission and shall contain all information required by the commission. The applicant shall set forth in the application if the applicant has been issued prior gambling-related licenses; if the applicant has been licensed in any other state under any other name, and, if so, the name under which the license was issued and the applicant's age at the time the license was issued; any criminal conviction the applicant has had; and if a permit or license issued to the applicant in any other state has been suspended, restricted, or revoked, and, if so, the cause and the

duration of each action. 8299

(E) Each applicant shall submit with each application, on 8300
a form provided by the commission, two sets of the applicant's 8301
fingerprints and a photograph. The commission shall charge each 8302
applicant an application fee to cover all actual costs generated 8303
by each licensee and all background checks. 8304

(F) Notwithstanding the requirements for a license under 8305
this section, the commission shall issue a casino gaming 8306
employee license in accordance with Chapter 4796. of the Revised 8307
Code to an applicant if either of the following applies: 8308

(1) The applicant holds a license in another state. 8309

(2) The applicant has satisfactory work experience, a 8310
government certification, or a private certification as 8311
described in that chapter as a casino gaming employee in a state 8312
that does not issue that license. 8313

Sec. 3773.36. (A) Upon the proper filing of an application 8314
to conduct any public or private competition that involves 8315
boxing, mixed martial arts, kick boxing, tough man contests, 8316
tough guy contests, or any other form of boxing or martial arts, 8317
accompanied by the surety bond and the application fee, or upon 8318
the proper filing of an application to conduct any public or 8319
private competition that involves wrestling accompanied by the 8320
application fee, the Ohio athletic commission shall issue a 8321
promoter's license to the applicant if it finds that the 8322
applicant is not in default on any payment, obligation, or debt 8323
payable to the state under sections 3773.31 to 3773.57 of the 8324
Revised Code, is financially responsible, and is knowledgeable 8325
in the proper conduct of such matches or exhibitions. 8326

(B) Notwithstanding the requirements for a license under 8327

division (A) of this section, the commission shall issue a 8328
promoter's license in accordance with Chapter 4796. of the 8329
Revised Code to an applicant if either of the following applies: 8330

(1) The applicant holds a license in another state. 8331

(2) The applicant has satisfactory work experience, a 8332
government certification, or a private certification as 8333
described in that chapter as a promoter in a state that does not 8334
issue that license. 8335

(C) Each license issued pursuant to this section shall 8336
bear the name of the licensee, the post office address of the 8337
licensee, the date of expiration, an identification number 8338
designated by the commission, and the seal of the commission. 8339

(D) A promoter's license shall expire twelve months after 8340
its date of issuance and shall become invalid on that date 8341
unless renewed. A promoter's license may be renewed upon 8342
application to the commission and upon payment of the renewal 8343
fee prescribed in section 3773.43 of the Revised Code. The 8344
commission shall renew the license unless it denies the 8345
application for renewal for one or more reasons stated in 8346
section 3123.47 or 3773.53 of the Revised Code. 8347

Sec. 3773.421. ~~A member of the~~ The Ohio athletic 8348
~~commission may grant~~ shall issue a referee's, judge's, 8349
matchmaker's, timekeeper's, manager's, trainer's, contestant's, 8350
or second's license at any time prior to the beginning of a 8351
~~public boxing match or exhibition~~ in accordance with Chapter 8352
4796. of the Revised Code to an applicant ~~from~~ if either of the 8353
following applies: 8354

(A) The applicant holds a license in another state ~~who~~ 8355
~~wishes to participate as specified in section 3773.41 of the~~ 8356

~~Revised Code and who furnishes satisfactory proof to the member— 8357
that the applicant holds a license that is not under suspension,— 8358
revocation, or other disciplinary action, if the license was— 8359
issued by an agency that is similar to the commission, is a— 8360
member of the association of boxing commissions, and has— 8361
licensing requirements that are at least as stringent as those— 8362
established by the commission. 8363~~

(B) The applicant has satisfactory work experience, a 8364
government certification, or a private certification as 8365
described in that chapter as a referee, judge, matchmaker, 8366
timekeeper, manager, trainer, contestant, or second in a state 8367
that does not issue that license. 8368

Sec. 3781.10. (A) (1) The board of building standards shall 8369
formulate and adopt rules governing the erection, construction, 8370
repair, alteration, and maintenance of all buildings or classes 8371
of buildings specified in section 3781.06 of the Revised Code, 8372
including land area incidental to those buildings, the 8373
construction of industrialized units, the installation of 8374
equipment, and the standards or requirements for materials used 8375
in connection with those buildings. The board shall incorporate 8376
those rules into separate residential and nonresidential 8377
building codes. The standards shall relate to the conservation 8378
of energy and the safety and sanitation of those buildings. 8379

(2) The rules governing nonresidential buildings are the 8380
lawful minimum requirements specified for those buildings and 8381
industrialized units, except that no rule other than as provided 8382
in division (C) of section 3781.108 of the Revised Code that 8383
specifies a higher requirement than is imposed by any section of 8384
the Revised Code is enforceable. The rules governing residential 8385
buildings are uniform requirements for residential buildings in 8386

any area with a building department certified to enforce the 8387
state residential building code. In no case shall any local code 8388
or regulation differ from the state residential building code 8389
unless that code or regulation addresses subject matter not 8390
addressed by the state residential building code or is adopted 8391
pursuant to section 3781.01 of the Revised Code. 8392

(3) The rules adopted pursuant to this section are 8393
complete, lawful alternatives to any requirements specified for 8394
buildings or industrialized units in any section of the Revised 8395
Code. Except as otherwise provided in division (I) of this 8396
section, the board shall, on its own motion or on application 8397
made under sections 3781.12 and 3781.13 of the Revised Code, 8398
formulate, propose, adopt, modify, amend, or repeal the rules to 8399
the extent necessary or desirable to effectuate the purposes of 8400
sections 3781.06 to 3781.18 of the Revised Code. 8401

(B) The board shall report to the general assembly 8402
proposals for amendments to existing statutes relating to the 8403
purposes declared in section 3781.06 of the Revised Code that 8404
public health and safety and the development of the arts require 8405
and shall recommend any additional legislation to assist in 8406
carrying out fully, in statutory form, the purposes declared in 8407
that section. The board shall prepare and submit to the general 8408
assembly a summary report of the number, nature, and disposition 8409
of the petitions filed under sections 3781.13 and 3781.14 of the 8410
Revised Code. 8411

(C) On its own motion or on application made under 8412
sections 3781.12 and 3781.13 of the Revised Code, and after 8413
thorough testing and evaluation, the board shall determine by 8414
rule that any particular fixture, device, material, process of 8415
manufacture, manufactured unit or component, method of 8416

manufacture, system, or method of construction complies with 8417
performance standards adopted pursuant to section 3781.11 of the 8418
Revised Code. The board shall make its determination with regard 8419
to adaptability for safe and sanitary erection, use, or 8420
construction, to that described in any section of the Revised 8421
Code, wherever the use of a fixture, device, material, method of 8422
manufacture, system, or method of construction described in that 8423
section of the Revised Code is permitted by law. The board shall 8424
amend or annul any rule or issue an authorization for the use of 8425
a new material or manufactured unit on any like application. No 8426
department, officer, board, or commission of the state other 8427
than the board of building standards or the board of building 8428
appeals shall permit the use of any fixture, device, material, 8429
method of manufacture, newly designed product, system, or method 8430
of construction at variance with what is described in any rule 8431
the board of building standards adopts or issues or that is 8432
authorized by any section of the Revised Code. Nothing in this 8433
section shall be construed as requiring approval, by rule, of 8434
plans for an industrialized unit that conforms with the rules 8435
the board of building standards adopts pursuant to section 8436
3781.11 of the Revised Code. 8437

(D) The board shall recommend rules, codes, and standards 8438
to help carry out the purposes of section 3781.06 of the Revised 8439
Code and to help secure uniformity of state administrative 8440
rulings and local legislation and administrative action to the 8441
bureau of workers' compensation, the director of commerce, any 8442
other department, officer, board, or commission of the state, 8443
and to legislative authorities and building departments of 8444
counties, townships, and municipal corporations, and shall 8445
recommend that they audit those recommended rules, codes, and 8446
standards by any appropriate action that they are allowed 8447

pursuant to law or the constitution. 8448

(E) (1) The board shall certify municipal, township, and 8449
county building departments, the personnel of those building 8450
departments, persons described in division (E) (7) of this 8451
section, and employees of individuals, firms, the state, or 8452
corporations described in division (E) (7) of this section to 8453
exercise enforcement authority, to accept and approve plans and 8454
specifications, and to make inspections, pursuant to sections 8455
3781.03, 3791.04, and 4104.43 of the Revised Code. 8456

(2) The board shall certify departments, personnel, and 8457
persons to enforce the state residential building code, to 8458
enforce the nonresidential building code, or to enforce both the 8459
residential and the nonresidential building codes. Any 8460
department, personnel, or person may enforce only the type of 8461
building code for which certified. 8462

(3) The board shall not require a building department, its 8463
personnel, or any persons that it employs to be certified for 8464
residential building code enforcement if that building 8465
department does not enforce the state residential building code. 8466
The board shall specify, in rules adopted pursuant to Chapter 8467
119. of the Revised Code, the requirements for certification for 8468
residential and nonresidential building code enforcement, which 8469
shall be consistent with this division. The requirements for 8470
residential and nonresidential certification may differ. Except 8471
as otherwise provided in this division, the requirements shall 8472
include, but are not limited to, the satisfactory completion of 8473
an initial examination and, to remain certified, the completion 8474
of a specified number of hours of continuing building code 8475
education within each three-year period following the date of 8476
certification which shall be not less than thirty hours. The 8477

rules shall provide that continuing education credits and 8478
certification issued by the council of American building 8479
officials, national model code organizations, and agencies or 8480
entities the board recognizes are acceptable for purposes of 8481
this division. The rules shall specify requirements that are 8482
consistent with the provisions of section 5903.12 of the Revised 8483
Code relating to active duty military service and are 8484
compatible, to the extent possible, with requirements the 8485
council of American building officials and national model code 8486
organizations establish. 8487

(4) The board shall establish and collect a certification 8488
and renewal fee for building department personnel, and persons 8489
and employees of persons, firms, or corporations as described in 8490
this section, who are certified pursuant to this division. 8491

(5) Any individual certified pursuant to this division 8492
shall complete the number of hours of continuing building code 8493
education that the board requires or, for failure to do so, 8494
forfeit certification. 8495

(6) This division does not require or authorize the board 8496
to certify personnel of municipal, township, and county building 8497
departments, and persons and employees of persons, firms, or 8498
corporations as described in this section, whose 8499
responsibilities do not include the exercise of enforcement 8500
authority, the approval of plans and specifications, or making 8501
inspections under the state residential and nonresidential 8502
building codes. 8503

(7) Enforcement authority for approval of plans and 8504
specifications and enforcement authority for inspections may be 8505
exercised, and plans and specifications may be approved and 8506
inspections may be made on behalf of a municipal corporation, 8507

township, or county, by any of the following who the board of 8508
building standards certifies: 8509

(a) Officers or employees of the municipal corporation, 8510
township, or county; 8511

(b) Persons, or employees of persons, firms, or 8512
corporations, pursuant to a contract to furnish architectural, 8513
engineering, or other services to the municipal corporation, 8514
township, or county; 8515

(c) Officers or employees of, and persons under contract 8516
with, a municipal corporation, township, county, health 8517
district, or other political subdivision, pursuant to a contract 8518
to furnish architectural, engineering, or other services; 8519

(d) Officers or employees of the division of industrial 8520
compliance in the department of commerce pursuant to a contract 8521
authorized by division (B) of section 121.083 of the Revised 8522
Code. 8523

(8) Municipal, township, and county building departments 8524
have jurisdiction within the meaning of sections 3781.03, 8525
3791.04, and 4104.43 of the Revised Code, only with respect to 8526
the types of buildings and subject matters for which they are 8527
certified under this section. 8528

(9) A certified municipal, township, or county building 8529
department may exercise enforcement authority, accept and 8530
approve plans and specifications, and make inspections pursuant 8531
to sections 3781.03, 3791.04, and 4104.43 of the Revised Code 8532
for a park district created pursuant to Chapter 1545. of the 8533
Revised Code upon the approval, by resolution, of the board of 8534
park commissioners of the park district requesting the 8535
department to exercise that authority and conduct those 8536

activities, as applicable. 8537

(10) Certification shall be granted upon application by 8538
the municipal corporation, the board of township trustees, or 8539
the board of county commissioners and approval of that 8540
application by the board of building standards. The application 8541
shall set forth: 8542

(a) Whether the certification is requested for residential 8543
or nonresidential buildings, or both; 8544

(b) The number and qualifications of the staff composing 8545
the building department; 8546

(c) The names, addresses, and qualifications of persons, 8547
firms, or corporations contracting to furnish work or services 8548
pursuant to division (E) (7) (b) of this section; 8549

(d) The names of any other municipal corporation, 8550
township, county, health district, or political subdivision 8551
under contract to furnish work or services pursuant to division 8552
(E) (7) of this section; 8553

(e) The proposed budget for the operation of the building 8554
department. 8555

(11) The board of building standards shall adopt rules 8556
governing all of the following: 8557

(a) The certification of building department personnel and 8558
persons and employees of persons, firms, or corporations 8559
exercising authority pursuant to division (E) (7) of this 8560
section. The rules shall disqualify any employee of the 8561
department or person who contracts for services with the 8562
department from performing services for the department when that 8563
employee or person would have to pass upon, inspect, or 8564

otherwise exercise authority over any labor, material, or 8565
equipment the employee or person furnishes for the construction, 8566
alteration, or maintenance of a building or the preparation of 8567
working drawings or specifications for work within the 8568
jurisdictional area of the department. The department shall 8569
provide other similarly qualified personnel to enforce the 8570
residential and nonresidential building codes as they pertain to 8571
that work. 8572

(b) The minimum services to be provided by a certified 8573
building department. 8574

(12) The board of building standards may revoke or suspend 8575
certification to enforce the residential and nonresidential 8576
building codes, on petition to the board by any person affected 8577
by that enforcement or approval of plans, or by the board on its 8578
own motion. Hearings shall be held and appeals permitted on any 8579
proceedings for certification or revocation or suspension of 8580
certification in the same manner as provided in section 3781.101 8581
of the Revised Code for other proceedings of the board of 8582
building standards. 8583

(13) Upon certification, and until that authority is 8584
revoked, any county or township building department shall 8585
enforce the residential and nonresidential building codes for 8586
which it is certified without regard to limitation upon the 8587
authority of boards of county commissioners under Chapter 307. 8588
of the Revised Code or boards of township trustees under Chapter 8589
505. of the Revised Code. 8590

(14) The board shall certify a person to exercise 8591
enforcement authority, to accept and approve plans and 8592
specifications, or to make inspections in this state in 8593
accordance with Chapter 4796. of the Revised Code if either of 8594

the following applies: 8595

(a) The person holds a license or certificate in another state. 8596
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(b) The person has satisfactory work experience, a government certification, or a private certification as described in that chapter in the same profession, occupation, or occupational activity as the profession, occupation, or occupational activity for which the certificate is required in this state in a state that does not issue that license or certificate. 8598
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(F) In addition to hearings sections 3781.06 to 3781.18 and 3791.04 of the Revised Code require, the board of building standards shall make investigations and tests, and require from other state departments, officers, boards, and commissions information the board considers necessary or desirable to assist it in the discharge of any duty or the exercise of any power mentioned in this section or in sections 3781.06 to 3781.18, 3791.04, and 4104.43 of the Revised Code. 8605
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(G) The board shall adopt rules and establish reasonable fees for the review of all applications submitted where the applicant applies for authority to use a new material, assembly, or product of a manufacturing process. The fee shall bear some reasonable relationship to the cost of the review or testing of the materials, assembly, or products and for the notification of approval or disapproval as provided in section 3781.12 of the Revised Code. 8613
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(H) The residential construction advisory committee shall provide the board with a proposal for a state residential building code that the committee recommends pursuant to division 8621
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(D) (1) of section 4740.14 of the Revised Code. Upon receiving a
recommendation from the committee that is acceptable to the
board, the board shall adopt rules establishing that code as the
state residential building code.

(I) (1) The committee may provide the board with proposed
rules to update or amend the state residential building code
that the committee recommends pursuant to division (E) of
section 4740.14 of the Revised Code.

(2) If the board receives a proposed rule to update or
amend the state residential building code as provided in
division (I) (1) of this section, the board either may accept or
reject the proposed rule for incorporation into the residential
building code. If the board does not act to either accept or
reject the proposed rule within ninety days after receiving the
proposed rule from the committee as described in division (I) (1)
of this section, the proposed rule shall become part of the
residential building code.

(J) The board shall cooperate with the director of job and
family services when the director promulgates rules pursuant to
section 5104.05 of the Revised Code regarding safety and
sanitation in type A family day-care homes.

(K) The board shall adopt rules to implement the
requirements of section 3781.108 of the Revised Code.

Sec. 3781.102. (A) Any county or municipal building
department certified pursuant to division (E) of section 3781.10
of the Revised Code as of September 14, 1970, and that, as of
that date, was inspecting single-family, two-family, and three-
family residences, and any township building department
certified pursuant to division (E) of section 3781.10 of the

Revised Code, is hereby declared to be certified to inspect 8653
single-family, two-family, and three-family residences 8654
containing industrialized units, and shall inspect the buildings 8655
or classes of buildings subject to division (E) of section 8656
3781.10 of the Revised Code. 8657

(B) Each board of county commissioners may adopt, by 8658
resolution, rules establishing standards and providing for the 8659
licensing of electrical and heating, ventilating, and air 8660
conditioning contractors who are not required to hold a valid 8661
and unexpired license pursuant to Chapter 4740. of the Revised 8662
Code. 8663

Rules adopted by a board of county commissioners pursuant 8664
to this division may be enforced within the unincorporated areas 8665
of the county and within any municipal corporation where the 8666
legislative authority of the municipal corporation has 8667
contracted with the board for the enforcement of the county 8668
rules within the municipal corporation pursuant to section 8669
307.15 of the Revised Code. The rules shall not conflict with 8670
rules adopted by the board of building standards pursuant to 8671
section 3781.10 of the Revised Code or by the department of 8672
commerce pursuant to Chapter 3703. of the Revised Code. This 8673
division does not impair or restrict the power of municipal 8674
corporations under Section 3 of Article XVIII, Ohio 8675
Constitution, to adopt rules concerning the erection, 8676
construction, repair, alteration, and maintenance of buildings 8677
and structures or of establishing standards and providing for 8678
the licensing of specialty contractors pursuant to section 8679
715.27 of the Revised Code. 8680

A board of county commissioners, pursuant to this 8681
division, may require all electrical contractors and heating, 8682

ventilating, and air conditioning contractors, other than those 8683
who hold a valid and unexpired license issued pursuant to 8684
Chapter 4740. of the Revised Code, to successfully complete an 8685
examination, test, or demonstration of technical skills, and may 8686
impose a fee and additional requirements for a license to engage 8687
in their respective occupations within the jurisdiction of the 8688
board's rules under this division. 8689

(C) No board of county commissioners shall require any 8690
specialty contractor who holds a valid and unexpired license 8691
issued pursuant to Chapter 4740. of the Revised Code to 8692
successfully complete an examination, test, or demonstration of 8693
technical skills in order to engage in the type of contracting 8694
for which the license is held, within the unincorporated areas 8695
of the county and within any municipal corporation whose 8696
legislative authority has contracted with the board for the 8697
enforcement of county regulations within the municipal 8698
corporation, pursuant to section 307.15 of the Revised Code. 8699

(D) A board may impose a fee for registration of a 8700
specialty contractor who holds a valid and unexpired license 8701
issued pursuant to Chapter 4740. of the Revised Code before that 8702
specialty contractor may engage in the type of contracting for 8703
which the license is held within the unincorporated areas of the 8704
county and within any municipal corporation whose legislative 8705
authority has contracted with the board for the enforcement of 8706
county regulations within the municipal corporation, pursuant to 8707
section 307.15 of the Revised Code, provided that the fee is the 8708
same for all specialty contractors who wish to engage in that 8709
type of contracting. If a board imposes such a fee, the board 8710
immediately shall permit a specialty contractor who presents 8711
proof of holding a valid and unexpired license and pays the 8712
required fee to engage in the type of contracting for which the 8713

license is held within the unincorporated areas of the county 8714
and within any municipal corporation whose legislative authority 8715
has contracted with the board for the enforcement of county 8716
regulations within the municipal corporation, pursuant to 8717
section 307.15 of the Revised Code. 8718

(E) The political subdivision associated with each 8719
municipal, township, and county building department the board of 8720
building standards certifies pursuant to division (E) of section 8721
3781.10 of the Revised Code may prescribe fees to be paid by 8722
persons, political subdivisions, or any department, agency, 8723
board, commission, or institution of the state, for the 8724
acceptance and approval of plans and specifications, and for the 8725
making of inspections, pursuant to sections 3781.03 and 3791.04 8726
of the Revised Code. 8727

(F) Each political subdivision that prescribes fees 8728
pursuant to division (E) of this section shall collect, on 8729
behalf of the board of building standards, fees equal to the 8730
following: 8731

(1) Three per cent of the fees the political subdivision 8732
collects in connection with nonresidential buildings; 8733

(2) One per cent of the fees the political subdivision 8734
collects in connection with residential buildings. 8735

(G) (1) The board shall adopt rules, in accordance with 8736
Chapter 119. of the Revised Code, specifying the manner in which 8737
the fee assessed pursuant to division (F) of this section shall 8738
be collected and remitted monthly to the board. The board shall 8739
pay the fees into the state treasury to the credit of the 8740
industrial compliance operating fund created in section 121.084 8741
of the Revised Code. 8742

(2) All money credited to the industrial compliance 8743
operating fund under this division shall be used exclusively for 8744
the following: 8745

(a) Operating costs of the board; 8746

(b) Providing services, including educational programs, 8747
for the building departments that are certified by the board 8748
pursuant to division (E) of section 3781.10 of the Revised Code; 8749

(c) Paying the expenses of the residential construction 8750
advisory committee, including the expenses of committee members 8751
as provided in section 4740.14 of the Revised Code. 8752

(H) A board of county commissioners that adopts rules 8753
providing for the licensing of electrical and heating, 8754
ventilating, and air conditioning contractors, pursuant to 8755
division (B) of this section, may accept, for purposes of 8756
satisfying the requirements of rules adopted under that 8757
division, a valid and unexpired license issued pursuant to 8758
Chapter 4740. of the Revised Code that is held by an electrical 8759
or heating, ventilating, and air conditioning contractor, for 8760
the construction, replacement, maintenance, or repair of one- 8761
family, two-family, or three-family dwelling houses or accessory 8762
structures incidental to those dwelling houses. 8763

(I) A board of county commissioners shall not register a 8764
specialty contractor who is required to hold a license under 8765
Chapter 4740. of the Revised Code but does not hold a valid 8766
license issued under that chapter. 8767

(J) If a board of county commissioners regulates a 8768
profession, occupation, or occupational activity under this 8769
section, the board shall comply with Chapter 4796. of the 8770
Revised Code. 8771

(K) As used in this section, "specialty contractor" means 8772
a heating, ventilating, and air conditioning contractor, 8773
refrigeration contractor, electrical contractor, plumbing 8774
contractor, or hydronics contractor, as those contractors are 8775
described in Chapter 4740. of the Revised Code. 8776

Sec. 3781.105. (A) The board of building standards shall 8777
certify individuals who design fire protection systems for 8778
buildings and who meet the requirements specified in this 8779
section. The board may establish separate certification 8780
categories for specific types of fire protection systems. 8781

(B) Any individual who wishes to obtain certification 8782
shall make application to the board on a form prescribed by the 8783
board. The application shall be accompanied by an application 8784
fee and an initial certification fee. The initial certification 8785
fee shall be refunded if the applicant fails to obtain 8786
certification. Certification may be renewed annually upon 8787
payment of a renewal fee. 8788

Fees required to be paid under this division shall be 8789
established by rule adopted by the board. The application fee 8790
shall bear a reasonable relationship to processing the 8791
individual's application, the certification fee shall bear a 8792
reasonable relationship to certifying the individual, and the 8793
certification renewal fee shall bear a reasonable relationship 8794
to renewing the individual's certification. 8795

(C) Each applicant shall submit evidence satisfactory to 8796
the board that the applicant has directly engaged in designing 8797
and preparing drawings for the category of the type of fire 8798
protection system for which the applicant seeks certification. 8799

(D) The board shall certify any qualified applicant who 8800

passes an examination prescribed either by the board or by the national institute for certification in engineering technologies. The examination shall demonstrate the applicant's knowledge and understanding of the category of the type of fire protection system for which the applicant seeks certification.

(E) The board, after a hearing in accordance with Chapter 119. of the Revised Code, may suspend or revoke any category of certification of any individual who proves at any time to be incompetent to submit and certify plans and specifications for that category to the appropriate building department under section 3791.04 of the Revised Code, and may suspend or revoke all categories of certification of any individual who engages in any illegal or fraudulent acts in connection with the design of fire protection systems.

~~(H)~~(F) The board may adopt rules in accordance with Chapter 119. of the Revised Code for the administration and enforcement of this section.

(G) Notwithstanding any other provision of this section to the contrary, the board shall certify an applicant in accordance with Chapter 4796. of the Revised Code if either of the following applies:

(1) The applicant is licensed or certified in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a designer of fire protection systems in a state that does not issue that license or certificate.

Sec. 3905.041. ~~(A) (1) An~~ The superintendent of insurance

shall issue an insurance agent license to an individual who 8830
applies for a ~~resident~~ an insurance agent license in this state 8831
within ninety days after establishing a principal place of 8832
residence or ~~principal place of business~~ in this state ~~shall not~~ 8833
be required under in accordance with section 3905.04 Chapter 8834
4796. of the Revised Code ~~to complete a program of insurance~~ 8835
~~education or to pass a written examination if the individual has~~ 8836
~~paid all applicable fees required under this chapter and if~~ 8837
either of the following applies: 8838

~~(a)(A) The individual is currently licensed in another~~ 8839
~~state and is in good standing for the line or lines of authority~~ 8840
~~requested.~~ 8841

~~(b) The individual was previously licensed in another~~ 8842
~~state, the individual's application for a resident insurance~~ 8843
~~agent license in this state is received within ninety days after~~ 8844
~~the cancellation of the individual's previous license, and, at~~ 8845
~~the time of license cancellation, the individual was in good~~ 8846
~~standing for the line or lines of authority requested.~~ 8847

~~(2) To determine an applicant's licensure status and~~ 8848
~~standing in another state, the superintendent of insurance may~~ 8849
~~utilize the producer database maintained by the NAIC or its~~ 8850
~~affiliates or subsidiaries. If that information is not available~~ 8851
~~on the producer database, the superintendent may require~~ 8852
~~documentation from the prior home state.~~ 8853

~~(B) An individual who applies for a temporary insurance~~ 8854
~~agent license in this state shall not be required under section~~ 8855
~~3905.04 of the Revised Code to complete any prelicensing~~ 8856
~~education or to pass a written examination.~~ 8857

~~(C) The superintendent may exempt any limited lines~~ 8858

~~insurance from the examination requirement of section 3905.04 of~~ 8859
~~the Revised Code~~ 8860

(B) The individual has satisfactory work experience, a 8861
government certification, or a private certification as 8862
described in that chapter as an insurance agent in a state that 8863
does not issue that license. 8864

Sec. 3905.062. (A) As used in this section: 8865

(1) "Customer" means a person who purchases portable 8866
electronics or services. 8867

(2) "Enrolled customer" means a customer who elects 8868
coverage under a portable electronics insurance policy issued to 8869
a vendor of portable electronics by an insurer. 8870

(3) "Endorsee" means an employee or authorized 8871
representative of a vendor authorized to sell or offer portable 8872
electronics insurance. 8873

(4) "Location" means any physical location in this state 8874
or any web site, call center site, or similar location directed 8875
to residents of this state. 8876

(5) "Portable electronics" means a personal, self- 8877
contained, battery-operated electronic communication, viewing, 8878
listening, recording, gaming, computing, or global positioning 8879
device that is easily carried by an individual, including a 8880
cellular or satellite telephone; pager; personal global 8881
positioning satellite unit; portable computer; portable audio 8882
listening, video viewing or recording device; digital camera; 8883
video camcorder; portable gaming system; docking station; 8884
automatic answering device; and any other similar device, and 8885
any accessory related to the use of the device. 8886

(6) "Portable electronics insurance" means insurance 8887
providing coverage for the repair or replacement of portable 8888
electronics, which may be offered on a month-to-month or other 8889
periodic basis as a group or master commercial inland marine 8890
policy issued to a vendor by an insurer, and may cover portable 8891
electronics against loss, theft, inoperability due to mechanical 8892
failure, malfunction, damage, or other applicable perils. 8893
"Portable electronics insurance" does not mean any of the 8894
following: 8895

(a) A consumer goods service contract governed by section 8896
3905.423 of the Revised Code; 8897

(b) A policy of insurance covering a seller's or a 8898
manufacturer's obligations under a warranty; 8899

(c) A homeowner's, renter's, private passenger automobile, 8900
commercial multi-peril, or similar insurance policy. 8901

(7) "Portable electronics transaction" means the sale or 8902
lease of portable electronics by a vendor to a customer or the 8903
sale of a service related to the use of portable electronics by 8904
a vendor to a customer. 8905

(8) "Supervising entity" means an insurer or a business 8906
entity licensed as an insurance agent under section 3905.06 of 8907
the Revised Code that is appointed by an insurer to supervise 8908
the administration of a portable electronics insurance program. 8909

(9) "Vendor" means a person in the business of engaging in 8910
portable electronics transactions directly or indirectly. 8911

(B) (1) Except as provided in division (B) (2) of this 8912
section, no vendor or vendor's employee shall offer, sell, 8913
solicit, or place portable electronics insurance unless the 8914
vendor is licensed under section 3905.041, 3905.06, or ~~3905.07~~ 8915

3905.08 of the Revised Code with a portable electronics insurance line of authority.

(2) Any vendor offering or selling portable electronics insurance on or before March 22, 2012, that wishes to continue offering or selling that insurance shall apply for a license within ninety days after the superintendent of insurance makes the application available.

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

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

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

(c) If the vendor derives less than fifty per cent of the vendor's revenue from the sale of portable electronics insurance, the application for a portable electronics insurance license may require the vendor to provide the name, residence address, and other information required by the superintendent for one employee or officer of the vendor who is designated by the vendor as the person responsible for the vendor's compliance with the requirements of this chapter.

(d) If the vendor derives fifty per cent or more of the

vendor's revenue from the sale of portable electronics 8945
insurance, the application may require the information listed 8946
under division (C) (1) (c) of this section for all owners with at 8947
least ten per cent interest or voting interest, partners, 8948
officers, and directors of the vendor, or members or managers of 8949
a vendor that is a limited liability company. 8950

(2) The superintendent shall issue a nonresident business 8951
entity license to a vendor if the vendor satisfies the 8952
requirements of section 3905.07 of the Revised Code. However, if 8953
the nonresident vendor's home state does not issue a limited 8954
lines license for portable electronics insurance, the 8955
nonresident vendor may apply for a resident license under 8956
section 3905.06 of the Revised Code in the same manner and with 8957
the same rights and privileges as if the vendor were a resident 8958
of this state. 8959

(D) The holder of a limited lines license may not sell, 8960
solicit, or negotiate insurance on behalf of any insurer unless 8961
appointed to represent that insurer under section 3905.20 of the 8962
Revised Code. 8963

(E) Division (B) (34) of section 3905.14 of the Revised 8964
Code shall not apply to portable electronics vendors or the 8965
vendors' endorsees. 8966

(F) (1) A vendor may authorize any endorsee of the vendor 8967
to sell or offer portable electronics insurance to a customer at 8968
any location at which the vendor engages in portable electronics 8969
transactions. 8970

(2) An endorsee is not required to be licensed as an 8971
insurance agent under this chapter if the vendor is licensed 8972
under this section and the insurer issuing the portable 8973

electronics insurance either directly supervises or appoints a 8974
supervising entity to supervise the administration of the 8975
portable electronics insurance program including development of 8976
a training program for endorsees in accordance with division (G) 8977
of this section. 8978

(3) No endorsee shall do any of the following: 8979

(a) Advertise, represent, or otherwise represent the 8980
endorsee's self as an insurance agent licensed under section 8981
3905.06 of the Revised Code; 8982

(b) Offer, sell, or solicit the purchase of portable 8983
electronics insurance except in conjunction with and incidental 8984
to the sale or lease of portable electronics; 8985

(c) Make any statement or engage in any conduct, express 8986
or implied, that would lead a customer to believe any of the 8987
following: 8988

(i) That the insurance policies offered by the endorsee 8989
provide coverage not already provided by a customer's 8990
homeowner's insurance policy, renter's insurance policy, or by 8991
another source of coverage; 8992

(ii) That the purchase by the customer of portable 8993
electronics insurance is required in order to purchase or lease 8994
portable electronics or services from the portable electronics 8995
vendor; 8996

(iii) That the portable electronics vendor or its 8997
endorsees are qualified to evaluate the adequacy of the 8998
customer's existing insurance coverage. 8999

(G) Each vendor, or the supervising entity to that vendor, 9000
shall provide a training and education program for all endorsees 9001

who sell or offer portable electronics insurance. The program 9002
may be provided as a web-based training module or in any other 9003
electronic or recorded video form. The training and education 9004
program shall meet all of the following minimum standards: 9005

(1) The training shall be delivered to each endorsee of 9006
each vendor who sells or offers portable electronics insurance 9007
and the endorsee shall complete the training; 9008

(2) If the training is conducted in an electronic form, 9009
the supervising entity shall implement a supplemental education 9010
program regarding portable electronics insurance that is 9011
conducted and overseen by employees of the supervising entity 9012
who are licensed as insurance agents under section 3905.06 of 9013
the Revised Code; 9014

(3) The training and education program shall include basic 9015
information about portable electronics insurance and information 9016
concerning all of the following prohibited actions of endorsees: 9017

(a) No endorsee shall advertise, represent, or otherwise 9018
represent the endorsee's self as a licensed insurance agent. 9019

(b) No endorsee shall offer, sell, or solicit the purchase 9020
of portable electronics insurance except in conjunction with and 9021
incidental to the sale or lease of portable electronics. 9022

(c) No endorsee shall make any statement or engage in any 9023
conduct, express or implied, that would lead a customer to 9024
believe any of the following: 9025

(i) That the insurance policies offered by the endorsee 9026
provide coverage not already provided by a customer's 9027
homeowner's insurance policy, renter's insurance policy, or by 9028
another source of coverage; 9029

(ii) That the purchase by the customer of portable electronics insurance is required in order to purchase or lease portable electronics or services from the portable electronics vendor;

(iii) That the portable electronics vendor or its endorsees are qualified to evaluate the adequacy of the customer's existing insurance coverage.

(H) A supervising entity appointed to supervise the administration of a portable electronics insurance program under division (F) (2) of this section shall maintain a registry of locations supervised by that entity that are authorized to sell or solicit portable electronics insurance in this state. The supervising entity shall make the registry available to the superintendent upon request by the superintendent if the superintendent provides ten days' notice to the vendor or supervising entity.

(I) At every location where a vendor offers portable electronics insurance to customers, the vendor shall provide brochures or other written materials to prospective customers that include all of the following:

(1) A summary of the material terms of the insurance coverage, including all of the following:

(a) The identity of the insurer;

(b) The identity of the supervising entity;

(c) The amount of any applicable deductible and how it is to be paid;

(d) Benefits of the coverage;

(e) Key terms and conditions of coverage such as whether

portable electronics may be replaced with a similar make and 9058
model, replaced with a reconditioned device, or repaired with 9059
nonoriginal manufacturer parts or equipment. 9060

(2) A summary of the process for filing a claim, including 9061
a description of how to return portable electronics equipment 9062
and the maximum fee applicable if a customer fails to comply 9063
with any equipment return requirements; 9064

(3) A disclosure that portable electronics insurance may 9065
provide a duplication of coverage already provided by a 9066
customer's homeowner's insurance policy, renter's insurance 9067
policy, or other source of coverage; 9068

(4) A disclosure that the enrollment by the customer in a 9069
portable electronics insurance program is not required to 9070
purchase or lease portable electronics or services; 9071

(5) A disclosure that neither the endorsee nor the vendor 9072
is qualified to evaluate the adequacy of the customer's existing 9073
insurance coverage; 9074

(6) A disclosure that the customer may cancel enrollment 9075
for coverage under a portable electronics insurance policy at 9076
any time and receive a refund of any applicable premium. 9077

(J) (1) The charges for portable electronics insurance may 9078
be billed and collected by the vendor of portable electronics, 9079
and the vendor may receive compensation for performing billing 9080
and collection services, if either of the following conditions 9081
are met: 9082

(a) If the charge to the customer for coverage is not 9083
included in the cost associated with the purchase or lease of 9084
portable electronics or related services, the charge for 9085
coverage is separately itemized on the customer's bill. 9086

(b) If the charge to the customer for coverage is included 9087
in the cost associated with the purchase or lease of portable 9088
electronics or related services, the vendor clearly and 9089
conspicuously discloses to the customer that the charge for 9090
portable electronics insurance coverage is included with the 9091
charge for portable electronics or related services. 9092

(2) All funds received by a vendor from a customer for the 9093
sale of portable electronics insurance shall be considered funds 9094
held in trust by the vendor in a fiduciary capacity for the 9095
benefit of the insurer. Vendors that bill and collect such 9096
charges are not required to maintain those funds in a segregated 9097
account if the vendor is authorized by the insurer to hold those 9098
funds in an alternate manner and the vendor remits the amount of 9099
the charges to the supervising entity within sixty days after 9100
receiving the charges. 9101

(K) (1) Except as otherwise provided in divisions (K) (2) 9102
and (3) of this section, an insurer may terminate or otherwise 9103
change the terms and conditions of a policy of portable 9104
electronics insurance only upon providing the vendor 9105
policyholder and enrolled customers with at least sixty days' 9106
prior notice. If the insurer changes the terms and conditions, 9107
the insurer shall promptly provide the vendor policyholder with 9108
a revised policy or endorsement and each enrolled customer with 9109
a revised certificate, endorsement, updated brochure, or other 9110
evidence indicating that a change in the terms and conditions 9111
has occurred and a summary of material changes. 9112

(2) An insurer may terminate an enrolled customer's 9113
enrollment under a portable electronics insurance policy upon 9114
fifteen days' prior notice for discovery of fraud or material 9115
misrepresentation in obtaining coverage or in the presentation 9116

of a claim under the policy. 9117

(3) An insurer may immediately terminate an enrolled 9118
customer's enrollment under a portable electronics insurance 9119
policy for any of the following reasons: 9120

(a) The enrolled customer fails to pay the required 9121
premium; 9122

(b) The enrolled customer ceases to have an active service 9123
plan, if applicable, with the vendor of portable electronics; 9124

(c) The enrolled customer exhausts the aggregate limit of 9125
liability, if any, under the terms of the portable electronics 9126
insurance policy and the insurer sends notice of termination to 9127
the customer within thirty calendar days after exhaustion of the 9128
limit. However, if the insurer does not send the notice within 9129
the thirty-day time frame, enrollment shall continue 9130
notwithstanding the aggregate limit of liability until the 9131
insurer sends notice of termination to the enrolled customer. 9132

(4) If a portable electronics insurance policy is 9133
terminated by a vendor policyholder, the vendor policyholder 9134
shall provide notice to each enrolled customer advising the 9135
customer of the termination of the policy and the effective date 9136
of the termination. The written notice shall be mailed or 9137
delivered to the customer at least thirty days prior to the 9138
termination. 9139

(5) Notice required pursuant to this section shall be 9140
provided in writing, either via mail or by electronic means. 9141

(a) If notice is provided via mail, it shall be mailed or 9142
delivered to the vendor at the vendor's mailing address and to 9143
all affected enrolled customers at the last known mailing 9144
addresses of those customers on file with the insurer. The 9145

insurer or vendor of portable electronics shall maintain proof 9146
of mailing in a form authorized or accepted by the United States 9147
postal service or other commercial mail delivery service. 9148

(b) If notice is provided electronically, it shall be 9149
transmitted via facsimile or electronic mail to the vendor at 9150
the vendor's facsimile number or electronic mail address and to 9151
all affected enrolled customers at the last known facsimile 9152
numbers or electronic mail addresses of those customers on file 9153
with the insurer. The insurer or vendor shall maintain proof 9154
that the notice was sent. 9155

(L) An enrolled customer may cancel the enrolled 9156
customer's coverage under a portable electronics insurance 9157
policy at any time. Upon cancellation, the insurer shall refund 9158
any applicable unearned premium. 9159

(M) A license issued pursuant to this section shall 9160
authorize the vendor and its endorsees to engage only in those 9161
activities that are expressly permitted by this section. 9162

(N) (1) If a vendor or a vendor's endorsee violates any 9163
provision of this section, the superintendent may revoke or 9164
suspend the license issued or impose any other sanctions 9165
provided under section 3905.14 of the Revised Code. 9166

(2) If any provision of this section is violated by a 9167
vendor or a vendor's endorsee at a particular location, the 9168
superintendent may issue a cease and desist order to a 9169
particular location, or take any other administrative action 9170
authorized in section 3901.22 and division (E) of section 9171
3905.14 of the Revised Code. 9172

(3) If any person violates division (B) or (F)(3) of this 9173
section, the superintendent may issue a cease and desist order 9174

in addition to taking any other administrative action provided 9175
for in sections 3901.22 and division (E) of section 3905.14 of 9176
the Revised Code. 9177

(4) If the superintendent determines that a violation of 9178
this section or section 3905.14 of the Revised Code has 9179
occurred, the superintendent may assess a civil penalty in 9180
amount not exceeding twenty-five thousand dollars per violation 9181
and an administrative fee to cover the expenses incurred by the 9182
department in the administrative action, including costs 9183
incurred in the investigation and hearing process. 9184

(O) The superintendent may adopt rules implementing this 9185
section. 9186

Sec. 3905.063. (A) As used in this section: 9187

(1) "Customer" means a person who obtains the use of 9188
storage space from a self-service storage facility under the 9189
terms of a self-storage rental agreement. 9190

(2) "Endorsee" means an employee or authorized 9191
representative of a self-service storage facility authorized to 9192
sell or offer self-service storage insurance. 9193

(3) "Enrolled customer" means a customer who elects 9194
coverage under a self-service storage insurance policy issued to 9195
a self-service storage facility by an insurer or a policy issued 9196
directly to a customer from an insurer. 9197

(4) "Location" means any physical location in this state 9198
or any web site, call center site, or similar location directed 9199
to residents of this state. 9200

(5) "Owner" means the owner, operator, property management 9201
company, lessor, or sublessor of a self-service storage 9202

facility. "Owner" does not mean an occupant. 9203

(6) "Personal property" means moveable property not 9204
affixed to land, and includes goods, merchandise, furniture, and 9205
household items. 9206

(7) (a) "Self-service storage insurance" means insurance 9207
providing coverage for the loss of, or damage to, tangible 9208
personal property that is contained in storage space or in 9209
transit during a self-service storage rental agreement period, 9210
which may be offered on a month-to-month or other periodic basis 9211
under an individual policy, or as a group, commercial, or master 9212
policy issued to a self-service storage facility to provide 9213
insurance for the self-service storage facility's customers. 9214

(b) "Self-service storage insurance" does not mean any of 9215
the following: 9216

(i) A consumer goods service contract governed by section 9217
3905.423 of the Revised Code; 9218

(ii) A policy of insurance covering a seller's or a 9219
manufacturer's obligations under a warranty; 9220

(iii) A homeowner's, renter's, private passenger 9221
automobile, or similar insurance policy. 9222

(8) "Self-service storage rental agreement" means a 9223
written agreement containing the terms and conditions governing 9224
the use of storage space provided by a self-service storage 9225
facility. 9226

(9) "Supervising entity" means an insurer or a business 9227
entity licensed as an insurance agent under section 3905.041, 9228
3905.06, or ~~3905.07~~ 3905.08 of the Revised Code that is 9229
appointed by an insurer to supervise the administration of self- 9230

service storage insurance. 9231

(B) (1) Except as provided in division (B) (2) of this 9232
section, no self-service storage facility or self-service 9233
storage facility's endorsee shall offer, sell, solicit, or place 9234
self-service storage insurance unless the self-service storage 9235
facility is licensed under section 3905.041, 3905.06, or ~~3905.07~~ 9236
3905.08 of the Revised Code with a self-service storage 9237
insurance line of authority and the offer, sale, solicitation, 9238
or placement is incidental to the lease of self-service storage. 9239

(2) Any self-service storage facility offering or selling 9240
self-service storage insurance on or before ~~the effective date~~ 9241
~~of this section~~ March 23, 2015, that wishes to continue offering 9242
or selling that insurance shall apply for a license within 9243
ninety days after the superintendent of insurance makes the 9244
application available. 9245

(C) (1) The superintendent shall issue a resident insurance 9246
license to a self-service storage facility under section 3905.06 9247
of the Revised Code if the self-service storage facility 9248
satisfies the requirements of sections 3905.05 and 3905.06 of 9249
the Revised Code, except that the application for a self-service 9250
storage insurance license shall satisfy the following additional 9251
requirements: 9252

(a) The application shall include the location, including 9253
the address for each location, of the self-service storage 9254
facility's home office and any location at which the facility 9255
engages in self-service storage transactions. 9256

(b) If the application requires the self-service storage 9257
facility to designate an individual or entity as a responsible 9258
insurance agent, that agent shall not be required to be an 9259

employee of the applicant and may be an individual agent who is 9260
an employee of the supervising entity. 9261

(c) If the self-service storage facility derives less than 9262
fifty per cent of the self-service storage facility's revenue 9263
from the sale of self-service storage insurance, the application 9264
for a self-service storage insurance license may require the 9265
self-service storage facility to provide the name, residence 9266
address, and other information required by the superintendent 9267
for one employee or officer of the self-service storage facility 9268
who is designated by the self-service storage facility as the 9269
person responsible for the self-service storage facility's 9270
compliance with the requirements of this chapter. 9271

(d) If the self-service storage facility derives fifty per 9272
cent or more of the self-service storage facility's revenue from 9273
the sale of self-service storage insurance, the application may 9274
require the information listed under division (C)(1)(c) of this 9275
section for all owners with at least ten per cent interest or 9276
voting interest, partners, officers, and directors of the self- 9277
service storage facility, or members or managers of a self- 9278
service storage facility that is a limited liability company. 9279

(2) The superintendent shall issue a nonresident insurance 9280
agent license to a self-service storage facility if the self- 9281
service storage facility satisfies the requirements of section 9282
3905.07 of the Revised Code. However, if the nonresident self- 9283
service storage facility's home state does not issue a limited 9284
lines license for self-service storage insurance, the 9285
nonresident self-service storage facility may apply for a 9286
resident license under sections 3905.05 and 3905.06 of the 9287
Revised Code in the same manner and with the same rights and 9288
privileges as if the self-service storage facility were a 9289

resident of this state. 9290

(D) The holder of a limited lines license may not sell, 9291
solicit, or negotiate insurance on behalf of any insurer unless 9292
appointed to represent that insurer under section 3905.20 of the 9293
Revised Code. 9294

(E) Division (B) (34) of section 3905.14 of the Revised 9295
Code shall not apply to the self-service storage facility or the 9296
self-service storage facility's endorsees. 9297

(F) If insurance is required as a condition of a self- 9298
service storage rental agreement, the requirement may be 9299
satisfied by the customer's purchase of self-service storage 9300
insurance that is sold, solicited, or negotiated by the self- 9301
service storage facility or presentation to the self-service 9302
storage facility of evidence of other applicable insurance 9303
coverage. 9304

Evidence of applicable insurance coverage includes a 9305
representation by a licensed Ohio insurance agent that the 9306
customer satisfies the requirements of this division. 9307

(G) (1) A self-service storage facility may authorize any 9308
endorsee of the self-service storage facility to sell or offer 9309
self-service storage insurance to a customer at any location at 9310
which the self-service storage facility engages in self-service 9311
storage transactions. 9312

(2) An endorsee is not required to be licensed as an 9313
insurance agent under this chapter if the self-service storage 9314
facility is licensed under this section and the insurer issuing 9315
the self-service storage insurance either directly supervises or 9316
appoints a supervising entity to supervise the administration of 9317
the self-service storage insurance including development of a 9318

training program for endorsees in accordance with division (H) 9319
of this section. 9320

(3) No endorsee shall do any of the following: 9321

(a) Advertise, represent, or otherwise represent the 9322
endorsee's self as an insurance agent licensed under section 9323
3905.06 or 3905.07 of the Revised Code; 9324

(b) Offer, sell, or solicit the purchase of self-service 9325
storage insurance except in conjunction with and incidental to 9326
the sale or lease of self-service storage; 9327

(c) Make any statement or engage in any conduct, express 9328
or implied, that would lead a customer to believe either of the 9329
following: 9330

(i) That, if insurance is required as a condition of a 9331
self-service storage rental agreement, the purchase by the 9332
customer of self-service storage insurance offered by the self- 9333
service storage facility is the only method by which that 9334
condition may be met; 9335

(ii) That the self-service storage facility or its 9336
endorsees are qualified to evaluate the adequacy of the 9337
customer's existing insurance coverage. 9338

(4) An endorsee shall disclose that self-service storage 9339
insurance may duplicate coverage already provided under a 9340
customer's homeowner's insurance policy, renter's insurance 9341
policy, or other coverage. 9342

(H) Each self-service storage facility, or the supervising 9343
entity to that self-service storage facility, shall provide a 9344
training and education program for all endorsees who sell or 9345
offer self-service storage insurance. The program may be 9346

provided as a web-based training module or in any other 9347
electronic or recorded video form. The training and education 9348
program shall meet all of the following minimum standards: 9349

(1) The training shall be delivered to each endorsee of 9350
each self-service storage facility who sells or offers self- 9351
service storage insurance and the endorsee shall complete the 9352
training. 9353

(2) If the training is conducted in an electronic form, 9354
the supervising entity shall implement a supplemental education 9355
program regarding self-service storage insurance that is 9356
conducted and overseen by employees of the supervising entity 9357
who are licensed as insurance agents under section 3905.06 or 9358
~~3905.07~~ 3905.08 of the Revised Code. 9359

(3) The training and education program shall include basic 9360
information about self-service storage insurance and information 9361
concerning all of the following prohibited actions of endorsees: 9362

(a) No endorsee shall advertise, represent, or otherwise 9363
represent the endorsee's self as a licensed insurance agent. 9364

(b) No endorsee shall offer, sell, or solicit the purchase 9365
of self-service storage insurance except in conjunction with and 9366
incidental to the rental of a storage space by the self-service 9367
storage facility. 9368

(c) No endorsee shall make any statement or engage in any 9369
conduct, express or implied, that would lead a customer to 9370
believe any of the following: 9371

(i) That the insurance policies offered by the endorsee 9372
provide coverage not already provided by a customer's 9373
homeowner's insurance policy, renter's insurance policy, or by 9374
another source of coverage; 9375

(ii) That, if insurance is required as a condition of a self-service storage rental agreement, the purchase by the customer of self-service storage insurance offered by the self-service storage facility is the only method by which that condition may be met;

(iii) That the self-service storage facility or its endorsees are qualified to evaluate the adequacy of the customer's existing insurance coverage.

(I) A supervising entity appointed to supervise the administration of self-service storage insurance under division (G) (2) of this section shall maintain a registry of locations supervised by that entity that are authorized to sell or solicit self-service storage insurance in this state and the endorsees at each location. The supervising entity shall make the registry available to the superintendent upon request.

(J) (1) At every location where a self-service storage facility offers self-service storage insurance to customers, the self-service storage facility shall provide brochures or other written materials to prospective customers that include all of the following:

(a) A summary of the material terms of the insurance coverage, including all of the following:

(i) The identity of the insurer;

(ii) The identity of the supervising entity;

(iii) The amount of any applicable deductible and how it is to be paid;

(iv) Benefits of the coverage;

(v) Key terms and conditions of coverage.

(b) A summary of the process for filing a claim;	9404
(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;	9405 9406 9407 9408
(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:	9409 9410 9411
(i) The customer's purchase of self-service storage insurance that is sold, solicited, or negotiated by the self-service storage facility;	9412 9413 9414
(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;	9415 9416 9417 9418
(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;	9419 9420 9421
(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.	9422 9423 9424
(2) A self-service storage facility shall provide to every customer who purchases self-service storage insurance a certificate that is evidence of the coverage.	9425 9426 9427
(K) (1) The charges for self-service storage insurance may be billed and collected by the self-service storage facility, and the self-service storage facility may receive compensation for performing billing and collection services, if either of the	9428 9429 9430 9431

following conditions are met: 9432

(a) If the charge to the customer for coverage is not 9433
included in the cost associated with the purchase or lease of 9434
self-service storage or related services, the charge for 9435
coverage is separately itemized on the customer's bill. 9436

(b) If the charge to the customer for coverage is included 9437
in the cost associated with the lease of self-service storage, 9438
the self-service storage facility clearly and conspicuously 9439
discloses to the customer that the charge for self-service 9440
storage insurance coverage is included with the lease for self- 9441
service storage. 9442

(2) All funds received by a self-service storage facility 9443
from a customer for the sale of self-service storage insurance 9444
shall be considered funds held in trust by the self-service 9445
storage facility in a fiduciary capacity for the benefit of the 9446
insurer. Self-service storage facilities that bill and collect 9447
such charges are not required to maintain those funds in a 9448
segregated account if the self-service storage facility is 9449
authorized by the insurer to hold those funds in an alternate 9450
manner and the self-service storage facility remits the amount 9451
of the charges to the supervising entity within sixty days after 9452
receiving the charges. 9453

(L) (1) Except as otherwise provided in divisions (L) (2) 9454
and (3) of this section, an insurer may terminate or otherwise 9455
change the terms and conditions of a policy of self-service 9456
storage insurance only upon providing the self-service storage 9457
facility policyholder and enrolled customers with at least sixty 9458
days' prior notice. If the insurer changes the terms and 9459
conditions, the insurer shall promptly provide the self-service 9460
storage facility policyholder with a revised policy or 9461

endorsement and each enrolled customer with a revised 9462
certificate, endorsement, updated brochure, or other evidence 9463
indicating that a change in the terms and conditions has 9464
occurred and a summary of material changes. 9465

(2) An insurer may terminate an enrolled customer's 9466
enrollment under a self-service storage insurance policy upon 9467
fifteen days' prior notice for discovery of fraud or material 9468
misrepresentation in obtaining coverage or in the presentation 9469
of a claim under the policy. 9470

(3) An insurer may immediately terminate an enrolled 9471
customer's enrollment under a self-service storage insurance 9472
policy for any of the following reasons: 9473

(a) The enrolled customer fails to pay the required 9474
premium; 9475

(b) The enrolled customer ceases to have an active lease 9476
at the self-service storage facility; 9477

(c) The enrolled customer exhausts the aggregate limit of 9478
liability, if any, under the terms of the self-service storage 9479
insurance policy and the insurer sends notice of termination to 9480
the customer within thirty calendar days after exhaustion of the 9481
limit. However, if the insurer does not send the notice within 9482
the thirty-day time frame, enrollment shall continue 9483
notwithstanding the aggregate limit of liability until the 9484
insurer sends notice of termination to the enrolled customer. 9485

(4) If a self-service storage insurance policy is 9486
terminated by a self-service storage facility policyholder, the 9487
self-service storage facility policyholder shall provide notice 9488
to each enrolled customer advising the customer of the 9489
termination of the policy and the effective date of the 9490

termination. The written notice shall be sent by mail, 9491
electronic mail, or delivery to the customer at least thirty 9492
days prior to the termination. 9493

(5) Notice required pursuant to this section may be sent 9494
by any of the following methods: 9495

(a) Electronically, in accordance with section 3901.41 of 9496
the Revised Code; 9497

(b) Via ordinary, registered, or certified mail, return 9498
receipt requested and postage prepaid; 9499

(c) By overnight delivery using a nationally recognized 9500
carrier. 9501

(M) An enrolled customer may cancel the enrolled 9502
customer's coverage under a self-service storage insurance 9503
policy at any time. Upon cancellation, the insurer shall refund 9504
any applicable unearned premium. 9505

(N) A license issued pursuant to this section shall 9506
authorize the self-service storage facility and its endorsees to 9507
engage only in those activities that are expressly permitted by 9508
this section. 9509

(O) (1) If a self-service storage facility or a self- 9510
service storage facility's endorsee violates any provision of 9511
this section, the superintendent may revoke or suspend the 9512
license issued or impose any other sanctions provided under 9513
section 3905.14 of the Revised Code. 9514

(2) If any provision of this section is violated by a 9515
self-service storage facility, a self-service storage facility's 9516
endorsee at a particular location, a supervising entity, or an 9517
agent, the facility, endorsee, supervising entity, or agent is 9518

deemed to have engaged in an unfair and deceptive act or 9519
practice in the business of insurance under sections 3901.19 to 9520
3901.26 of the Revised Code. 9521

(3) If the superintendent determines that a violation of 9522
this section or section 3905.14 of the Revised Code has 9523
occurred, the superintendent may assess a civil penalty in an 9524
amount not exceeding twenty-five thousand dollars per violation 9525
and an administrative fee to cover the expenses incurred by the 9526
department in the administrative action, including costs 9527
incurred in the investigation and hearing process. 9528

(P) (1) Notwithstanding any other provision of law, if a 9529
self-service storage facility's insurance-related activities, 9530
and those of its endorsees, employees, and authorized 9531
representatives, are limited to offering and disseminating self- 9532
service storage insurance on behalf of and under the direction 9533
of a limited lines self-service storage insurance agent that 9534
meets the requirements of this section, the facility is 9535
authorized to offer and disseminate insurance and receive 9536
related compensation for these services if the self-service 9537
storage facility is registered by the limited lines self-service 9538
storage insurance agent as described in division (I) of this 9539
section. Any compensation paid to a self-service storage 9540
facility's endorsee, employee, or authorized representative for 9541
the services described in this section shall be incidental to 9542
the endorsee's, employee's, or authorized representative's 9543
overall compensation and not based primarily on the number of 9544
customers who purchase self-service storage insurance coverage. 9545

(2) Nothing in this section shall be construed to prohibit 9546
payment of compensation to a self-service storage facility or 9547
its employees, endorsees, or authorized representatives for 9548

activities under the limited lines self-service storage 9549
insurance agent's license that are incidental to the overall 9550
compensation of the self-service storage facility or the 9551
employees, endorsees, or authorized representatives of the 9552
facility. 9553

(3) All costs paid or charged to a consumer for the 9554
purchase of self-service storage insurance or related services, 9555
including compensation to the self-service storage facility, 9556
shall be separately itemized on the customer's bill. 9557

(Q) The superintendent may adopt rules implementing this 9558
section. 9559

Sec. 3905.07. (A) The superintendent of insurance shall 9560
issue a nonresident insurance agent license to ~~an applicant that~~ 9561
~~is a nonresident person~~ business entity upon payment of all 9562
applicable fees required under this chapter if the 9563
superintendent finds all of the following: 9564

(1) The applicant is currently licensed as a resident and 9565
is in good standing in the applicant's home state. 9566

(2) The applicant is licensed in the applicant's home 9567
state for the lines of authority requested in this state. 9568

(3) The applicant has submitted or has had transmitted to 9569
the superintendent the application for licensure that the 9570
applicant submitted to the applicant's home state or a completed 9571
applicable uniform application. 9572

(4) The applicant has not committed any act that is a 9573
ground for the denial, suspension, or revocation of a license 9574
under section 3905.14 of the Revised Code. 9575

(5) The applicant is honest and trustworthy and is 9576

otherwise suitable to be licensed. 9577

(6) The applicant's home state issues nonresident 9578
insurance agent licenses to residents of this state on the same 9579
basis as set forth in division (A) of this section. 9580

(7) ~~If the applicant is a business entity, the~~ The 9581
applicant has designated an insurance agent licensed as an agent 9582
in this state to be responsible for the applicant's compliance 9583
with the insurance laws of this state. 9584

(8) The applicant has submitted any other documents 9585
requested by the superintendent. 9586

(B) To determine an applicant's licensure and standing 9587
status in another state, the superintendent may utilize the 9588
producer database maintained by the NAIC or its affiliates or 9589
subsidiaries. If that information is not available on the 9590
producer database, the superintendent may require a 9591
certification letter from the applicant's home state. 9592

(C) (1) ~~An individual seeking to renew a nonresident~~ 9593
~~insurance agent license shall apply biennially for a renewal of~~ 9594
~~the license on or before the last day of the licensee's birth~~ 9595
~~month.~~ A business entity seeking to renew a nonresident 9596
insurance agent license shall apply biennially for a renewal of 9597
the license on or before the date determined by the 9598
superintendent. 9599

Applications shall be submitted to the superintendent on 9600
forms prescribed by the superintendent. Each application shall 9601
be accompanied by a biennial renewal fee. The superintendent 9602
also may require an applicant to submit any document reasonably 9603
necessary to verify the information contained in the renewal 9604
application. 9605

(2) To be eligible for renewal, an applicant shall 9606
maintain a resident license in the applicant's home state for 9607
the lines of authority held in this state. 9608

(3) If an applicant submits a completed renewal 9609
application, qualifies for renewal pursuant to divisions (C)(1) 9610
and (2) of this section, and has not committed any act that is a 9611
ground for the refusal to issue, suspension of, or revocation of 9612
a license under section 3905.14 of the Revised Code, the 9613
superintendent shall renew the applicant's nonresident insurance 9614
agent license. 9615

(D) If ~~an individual or a~~ business entity does not apply 9616
for the renewal of the ~~individual or~~ business entity's license 9617
on or before the license renewal date specified in division (C) 9618
(1) of this section, the ~~individual or~~ business entity may 9619
submit a late renewal application along with all applicable fees 9620
required under this chapter prior to the first day of the second 9621
month following the license renewal date. 9622

(E) A license issued under this section that is not 9623
renewed on or before its renewal date pursuant to division (C) 9624
of this section or its late renewal date pursuant to division 9625
(D) of this section automatically is suspended for nonrenewal on 9626
the first day of the second month following the renewal date. If 9627
a license is suspended for nonrenewal pursuant to this division, 9628
the ~~individual or~~ business entity is eligible to apply for a 9629
reinstatement of the license within the twelve-month period 9630
following the date by which the license should have been renewed 9631
by complying with the reinstatement procedure established by the 9632
superintendent and paying all applicable fees required under 9633
this chapter. 9634

(F) A license that is suspended for nonrenewal that is not 9635

reinstated pursuant to division (E) of this section 9636
automatically is canceled unless the superintendent is 9637
investigating any allegations of wrongdoing by the agent or has 9638
initiated proceedings under Chapter 119. of the Revised Code. In 9639
that case, the license automatically is canceled after the 9640
completion of the investigation or proceedings unless the 9641
superintendent revokes the license. 9642

~~(G) An individual licensed as a nonresident insurance 9643
agent who is unable to comply with the license renewal 9644
procedures established under this section and who is unable to 9645
engage in the business of insurance due to military service, a 9646
long term medical disability, or some other extenuating 9647
circumstance may request an extension of the renewal date of the 9648
individual's license. To be eligible for such an extension, the 9649
individual shall submit a written request with supporting 9650
documentation to the superintendent. At the superintendent's 9651
discretion, the superintendent may not consider a written 9652
request made after the renewal date of the license. 9653~~

~~(H) Notwithstanding any other provision of this chapter, a 9654
nonresident ~~person~~ business entity licensed as a surplus lines 9655
producer in the applicant's home state shall receive a 9656
nonresident surplus lines broker license pursuant to division 9657
(A) of this section. Nothing in this section otherwise affects 9658
or supersedes any provision of sections 3905.30 to 3905.37 of 9659
the Revised Code. 9660~~

Sec. 3905.071. (A) (1) If a nonresident person licensed as 9661
a nonresident insurance agent under section ~~3905.07~~ 3905.08 of 9662
the Revised Code changes the person's address within the 9663
person's state of residence, the person shall, within thirty 9664
days after making that change, file a change of address with the 9665

superintendent of insurance or the superintendent's designee. 9666

(2) If a nonresident person licensed as a nonresident 9667
insurance agent under section ~~3905.07~~3905.08 of the Revised 9668
Code changes the person's home state, the person shall, within 9669
thirty days after making that change, file a change of address 9670
with the superintendent and provide the superintendent with 9671
certification from the new home state. 9672

(B) If a nonresident insurance agent complies with 9673
division (A) of this section and the agent is in good standing 9674
with the superintendent, no fee or license application shall be 9675
required. A change in the residency status of an agent's license 9676
under this section does not change the license renewal date 9677
established by the initial license under section ~~3905.07~~ 9678
3905.041 of the Revised Code. 9679

Sec. 3905.072. ~~Notwithstanding any other provision of this~~ 9680
~~chapter, the~~ The superintendent of insurance shall issue ~~to a~~ 9681
~~nonresident person licensed as a limited line credit insurance~~ 9682
~~agent or other type of limited lines insurance agent in the~~ 9683
~~person's home state~~ a nonresident limited lines insurance agent 9684
license in accordance with ~~division (A) of section 3905.07~~ 9685
Chapter 4796. of the Revised Code, ~~with the same scope of~~ 9686
~~authority as the person has under the license issued by the~~ 9687
~~person's home state. However, the recognition of a limited lines~~ 9688
~~authority under this section shall not create any new line of~~ 9689
~~authority.~~ 9690

~~For purposes of this section, "limited lines insurance"~~ 9691
~~means any authority granted by the home state that is less than~~ 9692
~~the total authority provided in the associated major lines set~~ 9693
~~forth in divisions (B)(1) to (6) of section 3905.06 of the~~ 9694
Revised Code to an individual who is a nonresident if either of 9695

the following applies: 9696

(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. 9697
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(B) The individual has satisfactory work experience, a government certification, or a private certification as described in that chapter 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. 9700
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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 Chapter 4796. of the Revised Code if either 9705
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9708
of the following applies: 9709

(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. 9710
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(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as an insurance agent in a home state that does not issue that license. 9715
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(B) A nonresident insurance agent's satisfaction of the continuing education requirements for insurance agents of the agent's home state shall constitute satisfaction of the continuing education requirements for insurance agents of this state as set forth in section 3905.481 of the Revised Code. 9719
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Sec. 3905.09. (A) The superintendent of insurance may 9724

issue a temporary insurance agent license to any of the 9725
following persons if the superintendent determines that the 9726
license is necessary for the servicing of insurance business: 9727

(1) The surviving spouse or court-appointed personal 9728
representative of a licensed insurance agent who dies or becomes 9729
mentally or physically disabled, to allow adequate time for the 9730
sale of the insurance business owned by the agent or for the 9731
recovery or return of the agent to the business, or to provide 9732
for the training and licensing of new personnel to operate the 9733
agent's business; 9734

(2) A member or employee of a business entity licensed as 9735
an insurance agent, upon the death or disability of the sole or 9736
remaining licensed insurance agent; 9737

(3) The designee of a licensed insurance agent entering 9738
active service in the United States armed forces; 9739

(4) Any other person if the superintendent determines that 9740
the public interest will best be served by the issuance of the 9741
license. 9742

(B) A temporary license issued under division (A) of this 9743
section shall remain in force for a period not to exceed one 9744
hundred eighty days. However, a temporary license may not 9745
continue in force under any of the circumstances described in 9746
division (A) of this section after the owner of the business or 9747
the owner's personal representative disposes of the business. 9748

(C) The superintendent may, by order, limit the authority 9749
of any temporary license in any way deemed necessary to protect 9750
insureds and the public. The superintendent may also, by order, 9751
rescind a temporary license if the interests of insureds or the 9752
public are endangered. 9753

(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) Chapter 4796. 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 named insureds on a single unauthorized insurance contract, "home state" means the state in which the member of the affiliated group that has the largest percentage of premium attributed to it under such insurance contract.

(2) "Principal place of business" means the state where 9783
the insured maintains the insured's headquarters and where the 9784
insured's high-level officers direct, control, and coordinate 9785
the business activities of the insured. 9786

(B) ~~The~~ Except as provided in division (D) of this 9787
section, the superintendent of insurance may issue a surplus 9788
lines broker's license to any natural person who is a resident 9789
of this or any other state or to a business entity that is 9790
organized under the laws of this or any other state. To be 9791
eligible for a resident surplus lines broker's license, a person 9792
must have both a property license and a casualty license. ~~To be~~ 9793
~~eligible for a nonresident surplus lines broker's license, a~~ 9794
~~person must hold an active surplus lines broker license in the~~ 9795
~~person's home state. A nonresident surplus lines broker shall~~ 9796
~~obtain a nonresident license with a property and casualty line~~ 9797
~~of authority in this state if the broker is or will be~~ 9798
~~personally performing the due diligence requirements under~~ 9799
~~section 3905.33 of the Revised Code.~~ 9800

(C) (1) A surplus lines broker's license permits the person 9801
named in the license to negotiate for and obtain insurance, 9802
other than life insurance, on property or persons in this state 9803
from both of the following: 9804

(a) Insurers not authorized to transact business in this 9805
state; 9806

(b) An insurer designated as a domestic surplus lines 9807
insurer pursuant to section 3905.332 of the Revised Code. 9808

(2) Each such license expires on the thirty-first day of 9809
January next after the year in which it is issued, and may be 9810
then renewed. 9811

(D) The superintendent shall issue a surplus lines broker's license in accordance with Chapter 4796. of the Revised Code to an individual if either of the following applies: 9812
9813
9814

(1) The individual holds a license in another state. 9815

(2) The individual has satisfactory work experience, a government certification, or a private certification as described in that chapter as a surplus lines broker in a state that does not issue that license. 9816
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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. 9820
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9822
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(B) An insurance navigator who complies with the requirements of this section may do any of the following: 9825
9826

(1) Conduct public education activities to raise awareness of the availability of qualified health plans; 9827
9828

(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; 9829
9830
9831
9832
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9834

(3) Facilitate enrollment in qualified health plans, without suggesting that an individual select a particular plan; 9835
9836

(4) Provide referrals to appropriate state agencies for any enrollee with a grievance, complaint, or question regarding their health plan, coverage, or a determination under such plan 9837
9838
9839

coverage; 9840

(5) Provide information in a manner that is culturally and 9841
linguistically appropriate to the needs of the population being 9842
served by the exchange. 9843

(C) An insurance navigator shall not do any of the 9844
following: 9845

(1) Sell, solicit, or negotiate health insurance; 9846

(2) Provide advice concerning the substantive benefits, 9847
terms, and conditions of a particular health benefit plan or 9848
offer advice about which health benefit plan is better or worse 9849
or suitable for a particular individual or entity; 9850

(3) Recommend a particular health plan or advise consumers 9851
about which health benefit plan to choose; 9852

(4) Provide any information or services related to health 9853
benefit plans or other products not offered in the exchange. 9854
Division (C) (4) of this section shall not be interpreted as 9855
prohibiting an insurance navigator from providing information on 9856
eligibility for medicaid; 9857

(5) Engage in any unfair method of competition or any 9858
fraudulent, deceptive, or dishonest act or practice. 9859

(D) ~~An~~ Except as provided in division (N) of this section, 9860
an individual shall not act in the capacity of an insurance 9861
navigator, or perform insurance navigator duties on behalf of an 9862
organization serving as an insurance navigator, unless the 9863
individual has applied for certification and the superintendent 9864
finds that the applicant meets all of the following 9865
requirements: 9866

(1) Is at least eighteen years of age; 9867

(2) Has completed and submitted the application and 9868
disclosure form required under division (F) (2) of this section 9869
and has declared, under penalty of refusal, suspension, or 9870
revocation of the insurance navigator's certification, that the 9871
statements made in the form are true, correct, and complete to 9872
the best of the applicant's knowledge and belief; 9873

(3) Has successfully completed a criminal records check 9874
under section 3905.051 of the Revised Code, as required by the 9875
superintendent; 9876

(4) Has successfully completed the certification and 9877
training requirements adopted by the superintendent in 9878
accordance with division (F) of this section; 9879

(5) Has paid all fees required by the superintendent. 9880

(E) (1) A business entity that acts as an insurance 9881
navigator, supervises the activities of individual insurance 9882
navigators, or receives funding to provide insurance navigator 9883
services shall obtain an insurance navigator business entity 9884
certification. 9885

(2) Any entity applying for a business entity 9886
certification shall apply in a form specified, and provide any 9887
information required by, the superintendent. 9888

(3) A business entity certified as an insurance navigator 9889
shall, in a manner prescribed by the superintendent, make 9890
available a list of all individual insurance navigators that the 9891
business entity employs, supervises, or with which the business 9892
entity is affiliated. 9893

(F) The superintendent of insurance shall, prior to any 9894
exchange becoming operational in this state, do all of the 9895
following: 9896

(1) (a) ~~Adopt~~ Except as provided in division (N) of this 9897
section, adopt rules to establish a certification and training 9898
program for a prospective insurance navigator and the insurance 9899
navigator's employees that includes screening via a criminal 9900
records check performed in accordance with section 3905.051 of 9901
the Revised Code, initial and continuing education requirements, 9902
and an examination; 9903

(b) The certification and training program shall include 9904
training on compliance with the "Health Insurance Portability 9905
and Accountability Act of 1996," 110 Stat. 1955, 42 U.S.C. 9906
1320d, et seq., as amended, training on ethics, and training on 9907
provisions of the Affordable Care Act relating to insurance 9908
navigators and exchanges. 9909

(2) Develop an application and disclosure form by which an 9910
insurance navigator may disclose any potential conflicts of 9911
interest, as well as any other information the superintendent 9912
considers pertinent. 9913

(G) (1) The superintendent may suspend, revoke, or refuse 9914
to issue or renew the insurance navigator certification of any 9915
person, or levy a civil penalty against any person, that 9916
violates the requirements of this section or commits any act 9917
that would be a ground for denial, suspension, or revocation of 9918
an insurance agent license, as prescribed in section 3905.14 of 9919
the Revised Code. 9920

(2) The superintendent shall have the power to examine and 9921
investigate the business affairs and records of any insurance 9922
navigator. 9923

(3) (a) The superintendent shall not certify as an 9924
insurance navigator, and shall revoke any existing insurance 9925

navigator certification of, any individual, organization, or 9926
business entity that is receiving financial compensation, 9927
including monetary and in-kind compensation, gifts, or grants, 9928
on or after October 1, 2013, from an insurer offering a 9929
qualified health benefit plan through an exchange operating in 9930
this state. 9931

(b) Notwithstanding division (G) (3) (a) of this section, 9932
the superintendent may certify as a navigator a qualified health 9933
center and a federally qualified health center look-alike, as 9934
defined in section 3701.047 of the Revised Code. 9935

(4) (a) If the superintendent finds that a violation of 9936
this section made by an individual insurance navigator was made 9937
with the knowledge of the employing or supervising entity, or 9938
that the employing or supervising entity should reasonably have 9939
been aware of the individual insurance navigator's violation, 9940
and the violation was not reported to the superintendent and no 9941
corrective action was undertaken on a timely basis, then the 9942
superintendent may suspend, revoke, or refuse to renew the 9943
insurance navigator certification of the supervising or 9944
employing entity. 9945

(b) In addition to, or in lieu of, any disciplinary action 9946
taken under division (G) (4) (a) of this section, the 9947
superintendent may levy a civil penalty against such an entity. 9948

(H) A business entity that terminates the employment, 9949
engagement, affiliation, or other relationship with an 9950
individual insurance navigator shall notify the superintendent 9951
within thirty days following the effective date of the 9952
termination, using a format prescribed by the superintendent, if 9953
the reason for termination is one of the reasons set forth in 9954
section 3905.14 of the Revised Code, or the entity has knowledge 9955

that the insurance navigator was found by a court or government 9956
body to have engaged in any of the activities in section 3905.14 9957
of the Revised Code. 9958

(I) Insurance navigators are subject to the laws of this 9959
chapter, and any rules adopted pursuant to the chapter, in so 9960
far as such laws are applicable. 9961

(J) The superintendent may deny, suspend, approve, renew, 9962
or revoke the certification of an insurance navigator if the 9963
superintendent determines that doing so would be in the interest 9964
of Ohio insureds or the general public. Such an action is not 9965
subject to Chapter 119. of the Revised Code. 9966

(K) The superintendent may adopt rules in accordance with 9967
Chapter 119. of the Revised Code to implement sections 3905.47 9968
to 3905.473 of the Revised Code. 9969

(L) The superintendent may, by rule, apply the 9970
requirements of this chapter to any entity or person designated 9971
by an exchange, the state, or the federal government to assist 9972
consumers or participate in exchange activities. 9973

(M) Any fees collected under this section shall be paid 9974
into the state treasury to the credit of the department of 9975
insurance operating fund created under section 3901.021 of the 9976
Revised Code. 9977

(N) The superintendent shall issue a certification to act 9978
as an insurance navigator in accordance with Chapter 4796. of 9979
the Revised Code to an applicant if either of the following 9980
applies: 9981

(1) The applicant holds a license or certification in 9982
another state. 9983

(2) The applicant has satisfactory work experience, a 9984
government certification, or a private certification as 9985
described in that chapter as an insurance navigator in a state 9986
that does not issue that license or certification. 9987

Sec. 3905.72. (A) (1) No person shall act as a managing 9988
general agent representing an insurer licensed in this state 9989
with respect to risks located in this state unless the person is 9990
licensed as a managing general agent pursuant to division (C) or 9991
(D) of this section. 9992

(2) No person shall act as a managing general agent 9993
representing an insurer organized under the laws of this state 9994
with respect to risks located outside this state unless the 9995
person is licensed as a managing general agent pursuant to 9996
division (C) of this section. 9997

(B) Every person that seeks to act as a managing general 9998
agent as described in division (A) of this section shall apply 9999
to the superintendent of insurance for a license. Except as 10000
otherwise provided in division (D) of this section, the 10001
application shall be in writing on a form provided by the 10002
superintendent and shall be sworn or affirmed before a notary 10003
public or other person empowered to administer oaths. The 10004
application shall be kept on file by the superintendent and 10005
shall include all of the following: 10006

(1) The name and principal business address of the 10007
applicant; 10008

(2) If the applicant is an individual, the applicant's 10009
current occupation; 10010

(3) If the applicant is an individual, the applicant's 10011
occupation or occupations during the five-year period prior to 10012

applying for the license to act as a managing general agent;	10013
(4) A copy of the contract between the applicant and the insurer as required by, and in compliance with, section 3905.73 of the Revised Code;	10014 10015 10016
(5) A copy of a certified resolution of the board of directors of the insurer on whose behalf the applicant will act, appointing the applicant as a managing general agent and agent of the insurer, specifying the duties the applicant is expected to perform on behalf of the insurer and the lines of insurance the applicant will manage, and authorizing the insurer to enter into a contract with the applicant as required by section 3905.73 of the Revised Code;	10017 10018 10019 10020 10021 10022 10023 10024
(6) A statement that the applicant submits to the jurisdiction of the superintendent and the courts of this state;	10025 10026
(7) Any other information required by the superintendent.	10027
(C) The superintendent shall issue to a resident of this state or a business entity organized under the laws of this state a license to act as a managing general agent representing an insurer licensed to do business in this state with respect to risks located in this state or a license to act as a managing general agent representing an insurer organized under the laws of this state with respect to risks located outside this state, and shall renew such a license, if the superintendent is satisfied that all of the following conditions are met:	10028 10029 10030 10031 10032 10033 10034 10035 10036
(1) The applicant is a suitable person and intends to hold self out in good faith as a managing general agent.	10037 10038
(2) The applicant understands the duties and obligations of a managing general agent.	10039 10040

(3) The applicant has filed a completed application that	10041
complies with division (B) of this section.	10042
(4) The applicant has paid a fee in the amount of twenty	10043
dollars.	10044
(5) The applicant maintains a bond in the amount of not	10045
less than fifty thousand dollars for the protection of the	10046
insurer.	10047
(6) The applicant maintains an errors and omissions policy	10048
of insurance.	10049
(7) The applicant is not, and has never been, under an	10050
order of suspension or revocation under section 3905.77 of the	10051
Revised Code or under any other law of this state, or any other	10052
state, relating to insurance, and is otherwise in compliance	10053
with sections 3905.71 to 3905.79 of the Revised Code and all	10054
other laws of this state relating to insurance.	10055
(D) <u>(1)</u> If the applicant is a resident of another state or	10056
a business entity organized under the laws of another state, the	10057
applicant shall submit a request for licensure, along with a fee	10058
of twenty dollars, to the superintendent. The superintendent	10059
shall issue a license to act as a managing general agent if the	10060
request for licensure includes proof that the applicant is	10061
licensed and in good standing as a managing general agent in the	10062
applicant's home state and either a copy of the application for	10063
licensure the applicant submitted to the applicant's home state	10064
or the application described in division (B) of this section.	10065
If the applicant's home state does not license managing	10066
general agents under provisions similar to those in sections	10067
3905.71 to 3905.79 of the Revised Code, or if the applicant's	10068
home state does not grant licenses to residents of this state on	10069

~~the same reciprocal basis, the applicant shall comply with-~~ 10070
~~divisions (B) and (C) of this section.~~ 10071

(2) The superintendent shall issue a managing general 10072
agent license in accordance with Chapter 4796. of the Revised 10073
Code to an individual if either of the following applies: 10074

(a) The individual holds a license in another state. 10075

(b) The individual has satisfactory work experience, a 10076
government certification, or a private certification as 10077
described in that chapter as a managing general agent in a state 10078
that does not issue that license. 10079

(E) Unless suspended or revoked by an order of the 10080
superintendent pursuant to section 3905.77 of the Revised Code 10081
and except as provided in division (F) of this section, any 10082
license issued or renewed pursuant to division (C) or (D) of 10083
this section shall expire on the last day of February next after 10084
its issuance or renewal. 10085

(F) If the appointment of a managing general agent is 10086
terminated by the insurer, the license of the managing general 10087
agent shall expire on the date of the termination. 10088

(G) A license shall be renewed in accordance with the 10089
standard renewal procedure specified in Chapter 4745. of the 10090
Revised Code. 10091

(H) All license fees collected pursuant to this section 10092
shall be paid into the state treasury to the credit of the 10093
department of insurance operating fund. 10094

Sec. 3905.81. (A) As used in this section: 10095

(1) "Reinsurance intermediary-broker" means a person, 10096
other than an officer or employee of the ceding insurer, that 10097

solicits, negotiates, or places reinsurance cessions or 10098
retrocessions on behalf of a ceding insurer without the 10099
authority or power to bind reinsurance on behalf of such 10100
insurer. 10101

(2) (a) "Reinsurance intermediary-manager" means a person 10102
that has authority to bind or that manages all or part of the 10103
assumed reinsurance business of a reinsurer, including the 10104
management of a separate division, department, or underwriting 10105
office, and that acts as an agent of the reinsurer whether known 10106
as a reinsurance intermediary-manager, manager, or similar term. 10107

(b) "Reinsurance intermediary-manager" does not include: 10108

(i) An employee of the reinsurer; 10109

(ii) A United States manager of the United States branch 10110
of an alien reinsurer; 10111

(iii) An underwriting manager that, pursuant to contract, 10112
manages all of the reinsurance operations of the reinsurer, is 10113
under common control with the reinsurer, subject to sections 10114
3901.32 to 3901.37 of the Revised Code, and whose compensation 10115
is not based on the volume of premiums written; 10116

(iv) The manager of a group, association, pool, or 10117
organization of insurers that engages in joint reinsurance and 10118
that are subject to examination by the insurance regulatory 10119
authority of the state in which the manager's principal business 10120
office is located. 10121

(B) ~~No~~ Except as provided in division (E) of this section, 10122
no person shall act as a reinsurance intermediary-broker or 10123
reinsurance intermediary-manager in this state, or on behalf of 10124
an insurer or reinsurer domiciled in this state, unless the 10125
person first obtains a license from the superintendent of 10126

insurance in accordance with this section ~~or the superintendent~~ 10127
~~accepts, in accordance with rules that the superintendent may~~ 10128
~~adopt under division (C) of this section, a license issued to~~ 10129
~~the person by the insurance regulatory authority of another~~ 10130
~~state.~~ 10131

(C) The superintendent of insurance shall adopt rules in 10132
accordance with Chapter 119. of the Revised Code establishing 10133
the standards and procedures for licensing reinsurance 10134
intermediary-brokers and reinsurance intermediary-managers. ~~The~~ 10135
~~superintendent may also adopt rules, in accordance with Chapter~~ 10136
~~119. of the Revised Code, for the acceptance of licenses issued~~ 10137
~~by insurance regulatory authorities of other states with~~ 10138
~~statutes similar to this section in lieu of requiring a license~~ 10139
~~to be obtained from the superintendent under division (B) of~~ 10140
~~this section.~~ 10141

(D) The fee for the issuance or renewal of a license shall 10142
be five hundred dollars. ~~The fee for accepting the license of~~ 10143
~~another state shall be one hundred dollars each year. All fees~~ 10144
collected pursuant to this section shall be paid into the state 10145
treasury to the credit of the department of insurance operating 10146
fund. 10147

(E) The superintendent shall issue a license to act as a 10148
reinsurance intermediary-broker or reinsurance intermediary- 10149
manager in accordance with Chapter 4796. of the Revised Code to 10150
an applicant if either of the following applies: 10151

(1) The applicant holds a license in another state. 10152

(2) The applicant has satisfactory work experience, a 10153
government certification, or a private certification as 10154
described in that chapter as a reinsurance intermediary-broker 10155

or reinsurance intermediary-manager in a state that does not 10156
issue that license. 10157

Sec. 3905.85. (A) (1) ~~An~~ Except as provided in division (B) 10158
(2) of this section, an individual who applies for a license as 10159
a surety bail bond agent shall submit an application for the 10160
license in a manner prescribed by the superintendent of 10161
insurance. The application shall be accompanied by a one- 10162
hundred-fifty-dollar fee and a statement that gives the 10163
applicant's name, age, residence, present occupation, occupation 10164
for the five years next preceding the date of the application, 10165
and such other information as the superintendent may require. 10166

(2) An applicant for an individual resident license shall 10167
also submit to a criminal records check pursuant to section 10168
3905.051 of the Revised Code. 10169

(B) (1) The superintendent shall issue to an applicant an 10170
individual resident license that states in substance that the 10171
person is authorized to do the business of a surety bail bond 10172
agent, if the superintendent is satisfied that all of the 10173
following apply: 10174

(a) The applicant is eighteen years of age or older. 10175

(b) The applicant's home state is Ohio. 10176

(c) The applicant has not committed any act that is 10177
grounds for the refusal to issue, suspension of, or revocation 10178
of a license under section 3905.14 of the Revised Code. 10179

(d) The applicant is a United States citizen or has 10180
provided proof of having legal authorization to work in the 10181
United States. 10182

(e) The applicant has successfully completed the 10183

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 Chapter 4796. 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 chapter 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 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 the superintendent is satisfied that all of the following apply:

(a) The applicant has submitted an application for the license in a manner prescribed by the superintendent and the one-hundred-fifty-dollar application fee.

(b) The applicant either is domiciled in this state or

maintains its principal place of business in this state. 10213

(c) The applicant has designated an individual licensed 10214
surety bail bond agent who will be responsible for the 10215
applicant's compliance with the insurance laws of this state. 10216

(d) The applicant has not committed any act that is 10217
grounds for the refusal to issue, suspension of, or revocation 10218
of a license under section 3905.14 of the Revised Code. 10219

(e) The applicant is authorized to do business in this 10220
state by the secretary of state if so required under the 10221
applicable provisions of Title XVII of the Revised Code. 10222

(f) The applicant has submitted any other documents 10223
requested by the superintendent. 10224

(4) The superintendent shall issue an applicant a 10225
nonresident business entity license that states in substance 10226
that the person is authorized to do the business of a surety 10227
bail bond agent if the superintendent is satisfied that all of 10228
the following apply: 10229

(a) The applicant has submitted an application for the 10230
license in a manner prescribed by the superintendent and the 10231
one-hundred-fifty-dollar application fee. 10232

(b) The applicant is currently licensed and is in good 10233
standing in the applicant's home state with surety bail bond 10234
authority. 10235

(c) The applicant has designated an individual licensed 10236
surety bail bond agent who will be responsible for the 10237
applicant's compliance with the insurance laws of this state. 10238

(d) The applicant has not committed any act that is 10239
grounds for the refusal to issue, suspension of, or revocation 10240

of a license under section 3905.14 of the Revised Code. 10241

(e) The applicant has submitted any other documents 10242
requested by the superintendent. 10243

(C) A ~~resident and nonresident~~ surety bail bond agent 10244
license issued pursuant to this section authorizes the holder, 10245
when appointed by an insurer, to execute or countersign bail 10246
bonds in connection with judicial proceedings and to receive 10247
money or other things of value for those services. However, the 10248
holder shall not execute or deliver a bond during the first one 10249
hundred eighty days after the license is initially issued. This 10250
restriction does not apply with respect to license renewals or 10251
any license issued under divisions (B) (3) and (4) of this 10252
section. 10253

(D) The superintendent may refuse to renew a surety bail 10254
bond agent's license as provided in division (B) of section 10255
3905.88 of the Revised Code, and may suspend, revoke, or refuse 10256
to issue or renew such a license as provided in section 3905.14 10257
of the Revised Code. 10258

If the superintendent refuses to issue such a license 10259
based in whole or in part upon the written response to a 10260
criminal records check completed pursuant to division (A) of 10261
this section, the superintendent shall send a copy of the 10262
response that was transmitted to the superintendent to the 10263
applicant at the applicant's home address upon the applicant's 10264
submission of a written request to the superintendent. 10265

(E) Any person licensed as a surety bail bond agent may 10266
surrender the person's license in accordance with section 10267
3905.16 of the Revised Code. 10268

(F) (1) A person seeking to renew a surety bail bond agent 10269

license shall apply annually for a renewal of the license on or 10270
before the first day of April. Applications shall be submitted 10271
to the superintendent on forms prescribed by the superintendent. 10272
Each application shall be accompanied by a one-hundred-fifty- 10273
dollar renewal fee. 10274

(2) To be eligible for renewal, an individual applicant 10275
shall complete the continuing education requirements pursuant to 10276
section 3905.88 of the Revised Code prior to the renewal date. 10277

(3) If an applicant submits a completed renewal 10278
application, qualifies for renewal pursuant to divisions (F)(1) 10279
and (2) of this section, and has not committed any act that is a 10280
ground for the refusal to issue, suspension of, or revocation of 10281
a license under section 3905.14 or sections 3905.83 to 3905.99 10282
of the Revised Code, the superintendent shall renew the 10283
applicant's surety bail bond insurance agent license. 10284

(4) If an individual or business entity does not apply for 10285
the renewal of the individual or business entity's license on or 10286
before the license renewal date specified in division (F)(1) of 10287
this section, the individual or business entity may submit a 10288
late renewal application along with all applicable fees required 10289
under this chapter prior to the first day of May following the 10290
renewal date. The superintendent shall renew the license of an 10291
applicant that submits a late renewal application if the 10292
applicant satisfies all of the following conditions: 10293

(a) The applicant submits a completed renewal application. 10294

(b) The applicant pays the one-hundred-fifty-dollar 10295
renewal fee. 10296

(c) The applicant pays the late renewal fee established by 10297
the superintendent. 10298

(d) The applicant provides proof of compliance with the 10299
continuing education requirements pursuant to section 3905.88 of 10300
the Revised Code. 10301

(e) The applicant has not committed any act that is 10302
grounds for the refusal to issue, suspension of, or revocation 10303
of a license under section 3905.14 or sections 3905.83 to 10304
3905.99 of the Revised Code. 10305

(5) A license issued under this section that is not 10306
renewed on or before its late renewal date specified in division 10307
(F) (4) of this section is automatically suspended for nonrenewal 10308
effective the second day of May. 10309

(6) If a license is suspended for nonrenewal pursuant to 10310
division (F) (5) of this section, the individual or business 10311
entity is eligible to apply for reinstatement of the license 10312
within the twelve-month period following the date by which the 10313
license should have been renewed by complying with the 10314
reinstatement procedure established by the superintendent and 10315
paying all applicable fees required under this chapter. 10316

(7) A license that is suspended for nonrenewal that is not 10317
reinstated pursuant to division (F) (6) of this section 10318
automatically is canceled unless the superintendent is 10319
investigating any allegations of wrongdoing by the agent or has 10320
initiated proceedings under Chapter 119. of the Revised Code. In 10321
that case, the license automatically is canceled after the 10322
completion of the investigation or proceedings unless the 10323
superintendent revokes the license. 10324

(G) The superintendent may prescribe the forms to be used 10325
as evidence of the issuance of a license under this section. The 10326
superintendent shall require each licensee to acquire, from a 10327

source designated by the superintendent, a wallet identification 10328
card that includes the licensee's photograph and any other 10329
information required by the superintendent. The licensee shall 10330
keep the wallet identification card on the licensee's person 10331
while engaging in the bail bond business. 10332

(H) (1) The superintendent of insurance shall not issue or 10333
renew the license of a business entity organized under the laws 10334
of this or any other state unless the business entity is 10335
qualified to do business in this state under the applicable 10336
provisions of Title XVII of the Revised Code. 10337

(2) The failure of a business entity to be in good 10338
standing with the secretary of state or to maintain a valid 10339
appointment of statutory agent is grounds for suspending, 10340
revoking, or refusing to renew its license. 10341

(3) By applying for a surety bail bond agent license under 10342
this section, an individual or business entity consents to the 10343
jurisdiction of the courts of this state. 10344

(I) A surety bail bond agent licensed pursuant to this 10345
section is an officer of the court. 10346

(J) Any fee collected under this section shall be paid 10347
into the state treasury to the credit of the department of 10348
insurance operating fund created by section 3901.021 of the 10349
Revised Code. 10350

Sec. 3916.03. (A) ~~An~~ Except as provided in division (H) of 10351
this section, an applicant for a license as a viatical 10352
settlement provider or viatical settlement broker shall submit 10353
an application for the license in a manner prescribed by the 10354
superintendent of insurance. The application shall be 10355
accompanied by a fee established by the superintendent by rule 10356

adopted in accordance with Chapter 119. of the Revised Code. 10357

(B) A license issued under this chapter to a person other 10358
than an individual authorizes all partners, officers, members, 10359
or designated employees of the person to act as viatical 10360
settlement providers or viatical settlement brokers, as 10361
applicable, and all those partners, officers, members, or 10362
designated employees shall be named in the application and any 10363
supplements to the application. 10364

(C) ~~Upon~~ Except as provided in division (H) of this 10365
section, upon the filing of an application under this section 10366
and the payment of the license fee, the superintendent shall 10367
make an investigation of the applicant and issue to the 10368
applicant a license that states in substance that the person is 10369
authorized to act as a viatical settlement provider or viatical 10370
settlement broker, as applicable, if all of the following apply: 10371

(1) Regarding an application for a license as a viatical 10372
settlement provider, the applicant provides all of the 10373
following: 10374

(a) A detailed plan of operation; 10375

(b) Proof of financial responsibility pursuant to division 10376
(D) of this section; 10377

(c) A general description of the method the applicant will 10378
use to determine life expectancies, including a description of 10379
the applicant's intended receipt of life expectancies, the 10380
applicant's intended use of life expectancies, the applicant's 10381
intended use of life expectancy providers, and a written plan of 10382
policies and procedures used to determine life expectancies. 10383

(2) The superintendent finds all of the following: 10384

(a) The applicant is competent and trustworthy and intends to act in good faith in the capacity of a viatical settlement provider or viatical settlement broker, as applicable.

(b) The applicant has a good business reputation and has had experience, training, or education so as to be qualified to act in the capacity of a viatical settlement provider or viatical settlement broker, as applicable.

(3) If the applicant is a person other than an individual, the applicant provides a certificate of good standing from the state of its organization.

(4) The applicant provides an antifraud plan that meets the requirements of division (G) of section 3916.18 of the Revised Code.

(D) (1) An applicant for licensure as a viatical settlement provider may provide proof of financial responsibility through one of the following means:

(a) Submitting audited financial statements that show a minimum equity of not less than two hundred fifty thousand dollars in cash or cash equivalents;

(b) Submitting both audited annual financial statements that show positive equity and either of the following:

(i) A surety bond in the amount of two hundred fifty thousand dollars in favor of this state issued by an insurer authorized to issue surety bonds in this state;

(ii) An unconditional and irrevocable letter of credit, deposit of cash, or securities, in any combination, in the aggregate amount of two hundred fifty thousand dollars.

~~(2) If an applicant is licensed as a viatical settlement~~

~~provider in another state, the superintendent may accept as~~ 10413
~~valid any similar proof of financial responsibility the~~ 10414
~~applicant filed in that state.~~ 10415

~~(3)~~The superintendent may request proof of financial 10416
responsibility at any time the superintendent considers 10417
necessary. 10418

(E) An applicant shall provide all information requested 10419
by the superintendent. The superintendent may, at any time, 10420
require an applicant to fully disclose the identity of all 10421
shareholders, partners, officers, members, and employees, and 10422
may, in the exercise of the superintendent's discretion, refuse 10423
to issue a license to an applicant that is not an individual if 10424
the superintendent is not satisfied that each officer, employee, 10425
shareholder, partner, or member who may materially influence the 10426
applicant's conduct meets the standards set forth in this 10427
chapter. 10428

(F) Except as otherwise provided in this division, a 10429
license as a viatical settlement provider or viatical settlement 10430
broker expires on the last day of March next after its issuance 10431
or continuance. A license as a viatical settlement provider or 10432
viatical settlement broker may, in the discretion of the 10433
superintendent and the payment of an annual renewal fee 10434
established by the superintendent by rule adopted in accordance 10435
with Chapter 119. of the Revised Code, be continued past the 10436
last day of March next after its issue and after the last day of 10437
March in each succeeding year. Failure to pay the renewal fee by 10438
the required date results in the expiration of the license. 10439

(G) Any individual licensed as a viatical settlement 10440
broker shall complete not less than fifteen hours of continuing 10441
education biennially. The superintendent shall approve 10442

continuing education courses that shall be related to viatical 10443
settlements and viatical settlement transactions. The 10444
superintendent shall adopt rules for the enforcement of this 10445
division. 10446

(H) The superintendent shall ~~not~~ issue a license to a 10447
nonresident an applicant who is licensed in another state or has 10448
satisfactory work experience, a government certification, or a 10449
private certification as described in Chapter 4796. of the 10450
Revised Code as a viatical settlement provider or viatical 10451
settlement broker in a state that does not issue that license in 10452
accordance with that chapter, unless if either of the following 10453
applies: 10454

(1) The applicant files and maintains a written 10455
designation of an agent for service of process with the 10456
superintendent. 10457

(2) The applicant has filed with the superintendent the 10458
applicant's written irrevocable consent that any action against 10459
the applicant may be commenced against the applicant by service 10460
of process on the superintendent. 10461

(I) A viatical settlement provider or viatical settlement 10462
broker shall provide to the superintendent new or revised 10463
information regarding any change in its officers, any 10464
shareholder owning ten per cent or more of its voting 10465
securities, or its partners, directors, members, or designated 10466
employees within thirty days of the change. 10467

(J) Any fee collected under this section shall be paid 10468
into the state treasury to the credit of the department of 10469
insurance operating fund created by section 3901.021 of the 10470
Revised Code. 10471

Sec. 3951.03. (A) Before any certificate of authority 10472
shall be issued by the superintendent of insurance there shall 10473
be filed in ~~his~~ the superintendent's office a written 10474
application therefor. Such application shall be in the form or 10475
forms and supplements thereto prescribed by the superintendent 10476
and shall set forth: 10477

~~(A)~~ (1) The name and address of the applicant, and if the 10478
applicant be a firm, association, or partnership, the name and 10479
address of each member thereof, and if the applicant be a 10480
corporation, the name and address of each of its officers and 10481
directors; 10482

~~(B)~~ (2) Whether any license or certificate of authority as 10483
agent, broker, or public insurance adjuster has been issued 10484
previously by the superintendent of this state or by the 10485
insurance department of any state to the individual applicant, 10486
and, if the applicant be an individual, whether any such 10487
certificate has been issued previously to any firm, association, 10488
or partnership of which ~~he~~ the individual was or is an officer 10489
or director, and, if the applicant be a firm, association, or 10490
partnership, whether any such certificate has been issued 10491
previously to any member thereof, and, if the applicant be a 10492
corporation, whether any such certificate has been issued 10493
previously to any officer or director of such corporation; 10494

~~(C)~~ (3) The business or employment in which the applicant 10495
has been engaged for the five years next preceding the date of 10496
the application, and the name and address of such business and 10497
the name or names and addresses of his employer or employers; 10498

~~(D)~~ (4) Such information as the superintendent may require 10499
of applicants in order to determine their trustworthiness and 10500
competency to transact the business of public insurance 10501

adjusters, in such manner as to safeguard the interest of the public;

~~(E) The~~ (B) Except as provided in division (C) of this section, the superintendent shall issue a public insurance adjuster agent certificate to a person, who is a bona fide employee of a public insurance adjuster without examination, provided said application is made by a person, partnership, association, or corporation engaged in the public insurance adjusting business. The fee to be paid by the applicant for such a license at the time the application is made, and annually thereafter for the renewal thereof according to the standard renewal procedure of sections 4745.01 to 4745.03, inclusive, of the Revised Code, shall be fifty dollars, and such applicant shall be bonded in the amount of one thousand dollars as provided for in division (D) of section 3951.06 of the Revised Code.

(C) The superintendent shall issue a public insurance adjuster agent certificate in accordance with Chapter 4796. 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 chapter as a public insurance adjuster agent in a state that does not issue that license or certificate.

(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 10531
to act as a public insurance adjuster. 10532

Sec. 3951.05. The superintendent of insurance shall, in 10533
order to determine the trustworthiness and competency of any 10534
applicant for a certificate of authority to act as a public 10535
insurance adjuster, require such applicant or in the case of a 10536
firm, association, partnership, or corporation, such of its 10537
employees, members, officers, or directors, who are to be 10538
individually authorized to act under its certificate of 10539
authority, to submit to a written examination, ~~except applicants~~ 10540
~~who are granted a waiver of examination in accordance with~~ 10541
~~section 3951.09 of the Revised Code.~~ Examinations shall be held 10542
in such place in this state and at such time as the 10543
superintendent may designate. 10544

Sec. 3951.09. The superintendent ~~may waive the requirement~~ 10545
~~that an applicant submit to an examination to obtain of~~ 10546
insurance shall issue a certificate of authority under this 10547
chapter, ~~provided that the applicant is licensed as a public~~ 10548
~~insurance adjuster in another state that required the applicant~~ 10549
~~to submit to an examination as a condition of licensure. Prior~~ 10550
~~to waiving the examination requirement with respect to a public~~ 10551
~~insurance adjuster licensed in another state, the superintendent~~ 10552
~~shall issue a notice at least sixty days prior to the effective~~ 10553
~~date of the waiver identifying the applicant's other state of~~ 10554
~~licensure. The notice shall be issued in a manner deemed~~ 10555
~~appropriate by the superintendent. Once the superintendent has~~ 10556
~~issued a notice under this section identifying an applicant's~~ 10557
~~other state of licensure, the superintendent need not issue~~ 10558
~~subsequent notices as to applicants licensed in the same state~~ 10559
~~in order to waive the examination requirement for those~~ 10560
applicants in accordance with Chapter 4796. of the Revised Code 10561

to an applicant if either of the following applies: 10562

(A) The applicant holds a license or certificate in another state. 10563
10564

(B) The applicant has satisfactory work experience, a government certification, or a private certification as described in Chapter 4796. of the Revised Code as a public insurance adjuster in a state that does not issue that license or certificate. 10565
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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. 10570
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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. 10578
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(C) An applicant shall be examined by the superintendent, by a written examination, prescribed by the board, dealing with the construction, installation, operation, maintenance, and repair of boilers and pressure vessels and their appurtenances, and the applicant shall be accepted or rejected on the merits of the applicant's application and examination. 10584
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(D) Upon a favorable report by the superintendent of the 10590

result of an examination, the superintendent shall immediately
issue to the successful applicant a certificate of competency to
that effect.

(E) The superintendent shall issue a certificate of
competency in accordance with Chapter 4796. 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 chapter as an inspector of boilers and
pressure vessels in a state that does not issue that license or
certificate.

Sec. 4104.101. (A) No person shall install or make major
repairs or modifications to any boiler without first registering
to do so with the division of industrial compliance.

(B) No person shall make any installation or major repair
or modification of any boiler without first obtaining a permit
to do so from the division. The permit application form shall
provide the name and address of the owner, location of the
boiler, and type of repair or modification that will be made.
The application permit fee shall be one hundred dollars.

(C) The superintendent of industrial compliance shall
require annual registration of all contractors who install, make
major repairs to, or modify any boiler. The board of building
standards shall establish a reasonable fee to cover the cost of
processing registrations.

(D) Notwithstanding any provision of this section to the
contrary, the superintendent shall register a contractor to

install, make major repairs to, or modify boilers in accordance 10620
with Chapter 4796. of the Revised Code if either of the 10621
following applies: 10622

(1) The contractor is licensed or registered in another 10623
state to install, make major repairs to, or modify boilers. 10624

(2) The contractor has satisfactory work experience, a 10625
government certification, or a private certification as 10626
described in that chapter to install, make major repairs to, or 10627
modify boilers in a state that does not issue that license or 10628
registration. 10629

Sec. 4104.19. (A) Any ~~Except as provided in division (H)~~ 10630
of this section, any person seeking a license to operate as a 10631
steam engineer, high pressure boiler operator, or low pressure 10632
boiler operator shall file a written application with the 10633
superintendent of industrial compliance on a form prescribed by 10634
the superintendent with the appropriate application fee as set 10635
forth in section 4104.18 of the Revised Code. The application 10636
shall contain information satisfactory to the superintendent to 10637
demonstrate that the applicant meets the requirements of 10638
division (B) of this section. The application shall be filed 10639
with the superintendent not more than sixty days and not less 10640
than thirty days before the license examination is offered. 10641

(B) To qualify to take the examination required to obtain 10642
a steam engineer, high pressure boiler operator, or low pressure 10643
boiler operator license, a person shall meet both of the 10644
following requirements: 10645

(1) Be at least eighteen years of age; 10646

(2) Have one year of experience in the operation of steam 10647
engines, high pressure boilers, or low pressure boilers as 10648

applicable to the type of license being sought, or a combination 10649
of experience and education for the type of license sought as 10650
determined to be acceptable by the superintendent. 10651

(C) No applicant shall qualify to take an examination or 10652
to renew a license if the applicant has violated this chapter or 10653
if the applicant has obtained or renewed a license issued under 10654
this chapter by fraud, misrepresentation, or deception. 10655

(D) The superintendent shall issue a license to each 10656
applicant who receives a passing score on the examination, as 10657
determined by the superintendent, for the license for which the 10658
applicant applied. 10659

(E) The superintendent may select and contract with one or 10660
more persons to do all of the following relative to the 10661
examinations for a license to operate as a steam engineer, high 10662
pressure boiler operator, or low pressure boiler operator: 10663

(1) Prepare, administer, score, and maintain the 10664
confidentiality of the examination; 10665

(2) Maintain responsibility for all expenses required to 10666
fulfill division (E)(1) of this section; 10667

(3) Charge each applicant a fee for administering the 10668
examination, in an amount authorized by the superintendent; 10669

(4) Design the examination for each type of license to 10670
determine an applicant's competence to operate the equipment for 10671
which the applicant is seeking licensure. 10672

(F) Each license issued under this chapter expires one 10673
year after the date of issue. Each person holding a valid, 10674
unexpired license may renew the license, without reexamination, 10675
by applying to the superintendent not more than ninety days 10676

before the expiration of the license, and submitting with the 10677
application the renewal fee established in section 4104.18 of 10678
the Revised Code. Upon receipt of the renewal information and 10679
fee, the superintendent shall issue the licensee a certificate 10680
of renewal. 10681

(G) The superintendent, in accordance with Chapter 119. of 10682
the Revised Code, may suspend or revoke any license, or may 10683
refuse to issue a license under this chapter upon finding that a 10684
licensee or an applicant for a license has violated or is 10685
violating the requirements of this chapter. The superintendent 10686
shall not refuse to issue a license to an applicant because of a 10687
disqualifying offense unless the refusal is in accordance with 10688
section 9.79 of the Revised Code. 10689

(H) The superintendent shall issue a license in accordance 10690
with Chapter 4796. of the Revised Code to an applicant if either 10691
of the following applies: 10692

(1) The applicant holds a license in another state. 10693

(2) The applicant has satisfactory work experience, a 10694
government certification, or a private certification as 10695
described in that chapter as a steam engineer, high pressure 10696
boiler operator, or low pressure boiler operator in a state that 10697
does not issue that license. 10698

Sec. 4105.02. No person may act, either as a general 10699
inspector or as a special inspector, of elevators, unless the 10700
person holds a certificate of competency from the division of 10701
industrial compliance. 10702

Application for examination as an inspector of elevators 10703
shall be in writing, accompanied by a fee to be established as 10704
provided in section 4105.17 of the Revised Code, and upon a 10705

blank to be furnished by the division, stating the school 10706
education of the applicant, a list of the applicant's employers, 10707
the applicant's period of employment, and the position held with 10708
each. An applicant shall also submit a letter from one or more 10709
of the applicant's previous employers certifying as to the 10710
applicant's character and experience. 10711

Applications shall be rejected which contain any willful 10712
falsification or untruthful statements. An applicant, if the 10713
division considers the applicant's history and experience 10714
sufficient, shall be examined by the superintendent of 10715
industrial compliance by a written examination dealing with the 10716
construction, installation, operation, maintenance, and repair 10717
of elevators and their appurtenances, and the applicant shall be 10718
accepted or rejected on the merits of the applicant's 10719
application and examination. 10720

~~The~~ Except as provided in this section, the superintendent 10721
shall issue a certificate of competency in the inspection of 10722
elevators to any applicant found competent upon examination. A 10723
rejected applicant shall be entitled, after the expiration of 10724
ninety days and upon payment of an examination fee to be 10725
established as provided in section 4105.17 of the Revised Code, 10726
to another examination. Should an applicant fail to pass the 10727
prescribed examination on second trial, the applicant will not 10728
be permitted to be an applicant for another examination for a 10729
period of one year after the second examination. 10730

The superintendent shall issue a certificate of competency 10731
in the inspection of elevators in accordance with Chapter 4796. 10732
of the Revised Code to an applicant if either of the following 10733
applies: 10734

(A) The applicant holds a license or certificate in 10735

another state. 10736

(B) The applicant has satisfactory work experience, a 10737
government certification, or a private certification as 10738
described in that chapter as an inspector of elevators in a 10739
state that does not issue that license or certificate. 10740

Sec. 4169.03. (A) Before a passenger tramway operator may 10741
operate any passenger tramway in the state, the operator shall 10742
apply to the division of industrial compliance in the department 10743
of commerce, on forms prepared by it, for registration by the 10744
division. The application shall contain an inventory of the 10745
passenger tramways that the applicant intends to operate and 10746
other information as the division may reasonably require and 10747
shall be accompanied by the following annual fees: 10748

(1) Each aerial passenger tramway, five hundred dollars; 10749

(2) Each skimobile, two hundred dollars; 10750

(3) Each chair lift, two hundred dollars; 10751

(4) Each J bar, T bar, or platter pull, one hundred 10752
dollars; 10753

(5) Each rope tow, fifty dollars; 10754

(6) Each wire rope tow, seventy-five dollars; 10755

(7) Each conveyor, one hundred dollars. 10756

When an operator operates an aerial passenger tramway, a 10757
skimobile, or a chair lift during both a winter and summer 10758
season, the annual fee shall be one and one-half the above 10759
amount for the respective passenger tramway. 10760

(B) Upon payment of the appropriate annual fees in 10761
accordance with division (A) of this section and successful 10762

completion of the inspection described in section 4169.04 of the Revised Code, the division shall issue a registration certificate to the operator. Each certificate shall remain in force until the thirtieth day of September next ensuing. The division 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.

(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.

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

(E) The division shall issue a registration certificate in accordance with Chapter 4796. of the Revised Code to an operator if either of the following applies:

(1) The operator is licensed or registered in another state.

(2) The operator has satisfactory work experience, a government certification, or a private certification as described in that chapter as a passenger tramway operator in a state that does not issue that license or registration.

Sec. 4301.10. (A) The division of liquor control shall do all of the following:

(1) Control the traffic in beer and intoxicating liquor in this state, including the manufacture, importation, and sale of beer and intoxicating liquor;

(2) Grant or refuse permits for the manufacture, 10791
distribution, transportation, and sale of beer and intoxicating 10792
liquor and the sale of alcohol, as authorized or required by 10793
this chapter and Chapter 4303. of the Revised Code. A 10794
certificate, signed by the superintendent of liquor control and 10795
to which is affixed the official seal of the division, stating 10796
that it appears from the records of the division that no permit 10797
has been issued to the person specified in the certificate, or 10798
that a permit, if issued, has been revoked, canceled, or 10799
suspended, shall be received as prima-facie evidence of the 10800
facts recited in the certificate in any court or before any 10801
officer of this state. 10802

(3) Put into operation, manage, and control a system of 10803
state liquor stores for the sale of spirituous liquor at retail 10804
and to holders of permits authorizing the sale of spirituous 10805
liquor; however, the division shall not establish any drive-in 10806
state liquor stores; and by means of those types of stores, and 10807
any manufacturing plants, distributing and bottling plants, 10808
warehouses, and other facilities that it considers expedient, 10809
establish and maintain a state monopoly of the distribution of 10810
spirituous liquor and its sale in packages or containers; and 10811
for that purpose, manufacture, buy, import, possess, and sell 10812
spirituous liquors as provided in this chapter and Chapter 4303. 10813
of the Revised Code, and in the rules promulgated by the 10814
superintendent of liquor control pursuant to those chapters; 10815
lease or in any manner acquire the use of any land or building 10816
required for any of those purposes; purchase any equipment that 10817
is required; and borrow money to carry on its business, and 10818
issue, sign, endorse, and accept notes, checks, and bills of 10819
exchange; but all obligations of the division created under 10820
authority of this division shall be a charge only upon the 10821

moneys received by the division from the sale of spirituous 10822
liquor and its other business transactions in connection with 10823
the sale of spirituous liquor, and shall not be general 10824
obligations of the state; 10825

(4) Enforce the administrative provisions of this chapter 10826
and Chapter 4303. of the Revised Code, and the rules and orders 10827
of the liquor control commission and the superintendent relating 10828
to the manufacture, importation, transportation, distribution, 10829
and sale of beer or intoxicating liquor. The attorney general, 10830
any prosecuting attorney, and any prosecuting officer of a 10831
municipal corporation or a municipal court shall, at the request 10832
of the division of liquor control or the department of public 10833
safety, prosecute any person charged with the violation of any 10834
provision in those chapters or of any section of the Revised 10835
Code relating to the manufacture, importation, transportation, 10836
distribution, and sale of beer or intoxicating liquor. 10837

(5) Determine the locations of all state liquor stores and 10838
manufacturing, distributing, and bottling plants required in 10839
connection with those stores, subject to this chapter and 10840
Chapter 4303. of the Revised Code; 10841

(6) Conduct inspections of liquor permit premises to 10842
determine compliance with the administrative provisions of this 10843
chapter and Chapter 4303. of the Revised Code and the rules 10844
adopted under those provisions by the liquor control commission. 10845

Except as otherwise provided in division (A)(6) of this 10846
section, those inspections may be conducted only during those 10847
hours in which the permit holder is open for business and only 10848
by authorized agents or employees of the division or by any 10849
peace officer, as defined in section 2935.01 of the Revised 10850
Code. Inspections may be conducted at other hours only to 10851

determine compliance with laws or commission rules that regulate 10852
the hours of sale of beer or intoxicating liquor and only if the 10853
investigator has reasonable cause to believe that those laws or 10854
rules are being violated. Any inspection conducted pursuant to 10855
division (A) (6) of this section is subject to all of the 10856
following requirements: 10857

(a) The only property that may be confiscated is 10858
contraband, as defined in section 2901.01 of the Revised Code, 10859
or property that is otherwise necessary for evidentiary 10860
purposes. 10861

(b) A complete inventory of all property confiscated from 10862
the premises shall be given to the permit holder or the permit 10863
holder's agent or employee by the confiscating agent or officer 10864
at the conclusion of the inspection. At that time, the inventory 10865
shall be signed by the confiscating agent or officer, and the 10866
agent or officer shall give the permit holder or the permit 10867
holder's agent or employee the opportunity to sign the 10868
inventory. 10869

(c) Inspections conducted pursuant to division (A) (6) of 10870
this section shall be conducted in a reasonable manner. A 10871
finding by any court of competent jurisdiction that an 10872
inspection was not conducted in a reasonable manner in 10873
accordance with this section or any rules adopted by the 10874
commission may be considered grounds for suppression of 10875
evidence. A finding by the commission that an inspection was not 10876
conducted in a reasonable manner in accordance with this section 10877
or any rules adopted by it may be considered grounds for 10878
dismissal of the commission case. 10879

If any court of competent jurisdiction finds that property 10880
confiscated as the result of an administrative inspection is not 10881

necessary for evidentiary purposes and is not contraband, as 10882
defined in section 2901.01 of the Revised Code, the court shall 10883
order the immediate return of the confiscated property, provided 10884
that property is not otherwise subject to forfeiture, to the 10885
permit holder. However, the return of this property is not 10886
grounds for dismissal of the case. The commission likewise may 10887
order the return of confiscated property if no criminal 10888
prosecution is pending or anticipated. 10889

(7) Delegate to any of its agents or employees any power 10890
of investigation that the division possesses with respect to the 10891
enforcement of any of the administrative laws relating to beer 10892
or intoxicating liquor, provided that this division does not 10893
authorize the division to designate any agent or employee to 10894
serve as an enforcement agent. The employment and designation of 10895
enforcement agents shall be within the exclusive authority of 10896
the director of public safety pursuant to sections 5502.13 to 10897
5502.19 of the Revised Code. 10898

(8) Collect the following fees: 10899

(a) A biennial fifty-dollar registration fee for each 10900
agent, solicitor, trade marketing professional, or salesperson, 10901
registered pursuant to section 4303.25 of the Revised Code, of a 10902
beer or intoxicating liquor manufacturer, supplier, broker, 10903
trade marketing company, or wholesale distributor doing business 10904
in this state; 10905

(b) A fifty-dollar product registration fee for each new 10906
beer or intoxicating liquor product sold in this state. The 10907
product registration fee also applies to products sold in this 10908
state by B-2a, S-1, and S-2 permit holders. The product 10909
registration fee shall be accompanied by a copy of the federal 10910
label and product approval for the new product. 10911

(c) An annual three-hundred-dollar supplier registration fee from each manufacturer or supplier that produces and ships into this state, or ships into this state, intoxicating liquor or beer, in addition to an initial application fee of one hundred dollars. A manufacturer that produces and ships beer or wine into this state and that holds only an S-1 or S-2 permit, as applicable, is exempt from the supplier registration fee. A manufacturer that produces and ships beer or wine into this state and that holds a B-2a permit shall pay an annual seventy-six-dollar supplier registration fee. A manufacturer that produces and ships wine into this state and that does not hold either an S-1 or a B-2a permit, but that produces less than two hundred fifty thousand gallons of wine per year shall pay an annual seventy-six-dollar supplier registration fee. A B-2a, S-1, or S-2 permit holder that does not sell its wine to wholesale distributors of wine in this state and an S-1 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 Chapter 4796. 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 10942
government certification, or a private certification as 10943
described in that chapter as a supplier, agent, solicitor, trade 10944
marketing professional, or salesperson in a state that does not 10945
issue that license or registration. 10946

Each agent, solicitor, trade marketing professional, or 10947
salesperson registration is valid for two years or for the 10948
unexpired portion of a two-year registration period. Each 10949
supplier registration is valid for one year or for the unexpired 10950
portion of a one-year registration period. Registrations shall 10951
end on their respective uniform expiration date, which shall be 10952
designated by the division, and are subject to suspension, 10953
revocation, cancellation, or fine as authorized by this chapter 10954
and Chapter 4303. of the Revised Code. 10955

As used in this division, "trade marketing company" and 10956
"trade marketing professional" have the same meanings as in 10957
section 4301.171 of the Revised Code. 10958

(9) Establish a system of electronic data interchange 10959
within the division and regulate the electronic transfer of 10960
information and funds among persons and governmental entities 10961
engaged in the manufacture, distribution, and retail sale of 10962
alcoholic beverages; 10963

(10) Notify all holders of retail permits of the forms of 10964
permissible identification for purposes of division (A) of 10965
section 4301.639 of the Revised Code; 10966

(11) Exercise all other powers expressly or by necessary 10967
implication conferred upon the division by this chapter and 10968
Chapter 4303. of the Revised Code, and all powers necessary for 10969
the exercise or discharge of any power, duty, or function 10970

expressly conferred or imposed upon the division by those 10971
chapters. 10972

(B) The division may do all of the following: 10973

(1) Sue, but may be sued only in connection with the 10974
execution of leases of real estate and the purchases and 10975
contracts necessary for the operation of the state liquor stores 10976
that are made under this chapter and Chapter 4303. of the 10977
Revised Code; 10978

(2) Enter into leases and contracts of all descriptions 10979
and acquire and transfer title to personal property with regard 10980
to the sale, distribution, and storage of spirituous liquor 10981
within the state; 10982

(3) Terminate at will any lease entered into pursuant to 10983
division (B) (2) of this section upon first giving ninety days' 10984
notice in writing to the lessor of its intention to do so; 10985

(4) Fix the wholesale and retail prices at which the 10986
various classes, varieties, and brands of spirituous liquor 10987
shall be sold by the division. Those retail prices shall be the 10988
same at all state liquor stores, except to the extent that a 10989
price differential is required to collect a county sales tax 10990
levied pursuant to section 5739.021 of the Revised Code and for 10991
which tax the tax commissioner has authorized prepayment 10992
pursuant to section 5739.05 of the Revised Code. In fixing 10993
selling prices, the division shall compute an anticipated gross 10994
profit at least sufficient to provide in each calendar year all 10995
costs and expenses of the division and also an adequate working 10996
capital reserve for the division. The gross profit shall not 10997
exceed forty per cent of the retail selling price based on costs 10998
of the division, and in addition the sum required by section 10999

4301.12 of the Revised Code to be paid into the state treasury. 11000
An amount equal to one and one-half per cent of that gross 11001
profit shall be paid into the statewide treatment and prevention 11002
fund created by section 4301.30 of the Revised Code and be 11003
appropriated by the general assembly from the fund to the 11004
department of mental health and addiction services as provided 11005
in section 4301.30 of the Revised Code. 11006

On spirituous liquor manufactured in this state from the 11007
juice of grapes or fruits grown in this state, the division 11008
shall compute an anticipated gross profit of not to exceed ten 11009
per cent. 11010

The wholesale prices fixed under this division shall be at 11011
a discount of not less than six per cent of the retail selling 11012
prices as determined by the division in accordance with this 11013
section. 11014

(C) The division may approve the expansion or diminution 11015
of a premises to which a liquor permit has been issued and may 11016
adopt standards governing such an expansion or diminution. 11017

Sec. 4508.03. (A) No person shall establish a driver 11018
training school or continue the operation of an existing school 11019
unless the person applies for and obtains from the director of 11020
public safety a license in the manner and form prescribed by the 11021
director. 11022

The director shall adopt rules that establish the 11023
requirements for a school license, including requirements 11024
concerning location, equipment, courses of instruction, 11025
instructors, previous records of the school and instructors, 11026
financial statements, schedule of fees and charges, insurance in 11027
the sum and with those provisions as the director considers 11028

necessary to protect adequately the interests of the public, and 11029
any other matters as the director may prescribe for the 11030
protection of the public. The rules also shall require financial 11031
responsibility information as part of the driver education 11032
curriculum. 11033

(B) Any school that offers a driver training program for 11034
disabled persons shall provide specially trained instructors for 11035
the driver training of such persons. No school shall operate a 11036
driver training program for disabled persons after June 30, 11037
1978, unless it has been licensed for such operation by the 11038
director. No person shall act as a specially trained instructor 11039
in a driver training program for disabled persons operated by a 11040
school after June 30, 1978, unless that person has been licensed 11041
by the director. 11042

(C) The director shall certify instructors to teach driver 11043
training to disabled persons in accordance with training program 11044
requirements established by the department of public safety. 11045

The director shall issue a certificate to teach driver 11046
training to disabled persons in accordance with Chapter 4796. of 11047
the Revised Code to a person if either of the following applies: 11048

(1) The person holds a license or certificate in another 11049
state. 11050

(2) The person has satisfactory work experience, a 11051
government certification, or a private certification as 11052
described in that chapter teaching driver training to disabled 11053
persons in a state that does not issue that license or 11054
certificate. 11055

(D) No person shall operate a driver training school 11056
unless the person has a valid license issued by the director 11057

under this section. 11058

(E) Whoever violates division (D) of this section is 11059
guilty of operating a driver training school without a valid 11060
license, a misdemeanor of the second degree. On a second or 11061
subsequent offense within two years after the first offense, the 11062
person is guilty of a misdemeanor of the first degree. 11063

Sec. 4508.04. (A) No person shall act as a driver training 11064
instructor, and no person shall act as a driver training 11065
instructor for disabled persons, unless such person applies for 11066
and obtains from the director of public safety a license in the 11067
manner and form prescribed by the director. The director shall 11068
provide by rule for instructors' license requirements including 11069
physical condition, knowledge of the courses of instruction, 11070
motor vehicle laws and safety principles, previous personal and 11071
employment records, and such other matters as the director may 11072
prescribe for the protection of the public. Driver training 11073
instructors for disabled persons shall meet such additional 11074
requirements and receive such additional classroom and practical 11075
instruction as the director shall prescribe by rule. 11076

(B) The director may issue a license under this section to 11077
a person convicted of a disqualifying offense as determined in 11078
accordance with section 9.79 of the Revised Code. 11079

(C) No person shall knowingly make a false statement on a 11080
license application submitted under this section. 11081

(D) Upon successful completion of all requirements for an 11082
initial instructor license, the director shall issue an 11083
applicant a probationary license, which expires one hundred 11084
eighty days from the date of issuance. In order to receive a 11085
driver training instructor license, a person issued a 11086

probationary license shall pass an assessment prescribed in 11087
rules adopted by the director pursuant to section 4508.02 of the 11088
Revised Code. The person shall pass the assessment prior to 11089
expiration of the probationary license. If the person fails to 11090
pass the assessment, or fails to meet any standards required for 11091
a driver training instructor license, the director may extend 11092
the expiration date of the person's probationary license. Upon 11093
successful completion of the assessment and approval of the 11094
director, the director shall issue to the person a driver 11095
training instructor license. 11096

(E) ~~(1)~~ Notwithstanding the requirements for a license 11097
issued under this section, the board shall issue a license in 11098
accordance with Chapter 4796. of the Revised Code to a person if 11099
either of the following applies: 11100

(1) The person holds a license in another state. 11101

(2) The person has satisfactory work experience, a 11102
government certification, or a private certification as 11103
described in that chapter as a driver training instructor in a 11104
state that does not issue that license. 11105

(F) (1) Whoever violates division (A) of this section is 11106
guilty of acting as a driver training instructor without a valid 11107
license, a misdemeanor of the first degree. 11108

(2) Whoever violates division (C) of this section may be 11109
charged with falsification under section 2921.13 of the Revised 11110
Code. 11111

Sec. 4508.08. There is hereby created in the department of 11112
public safety the motorcycle safety and education program. The 11113
director of public safety shall administer the program in 11114
accordance with the following guidelines: 11115

(A) (1) The program shall include courses of instruction 11116
conducted at vocational schools, community colleges, or other 11117
suitable locations, by instructors who have obtained 11118
certification in the manner and form prescribed by the director. 11119
The courses shall meet standards established in rules adopted by 11120
the department in accordance with Chapter 119. of the Revised 11121
Code. The courses may include instruction for novice motorcycle 11122
operators, instruction in motorist awareness and alcohol and 11123
drug awareness, and any other kind of instruction the director 11124
considers appropriate. A reasonable tuition fee, as determined 11125
by the director, may be charged. The director may authorize 11126
private organizations or corporations to offer courses without 11127
tuition fee restrictions, but such entities are not eligible for 11128
reimbursement of expenses or subsidies from the motorcycle 11129
safety and education fund created in section 4501.13 of the 11130
Revised Code. 11131

(2) The director shall do both of the following: 11132

(a) Authorize private organizations or corporations to 11133
offer any nationally recognized motorcycle operator training 11134
courses or curriculum and any course established in accordance 11135
with division (A) (1) of this section; 11136

(b) Permit an applicant for a motorcycle operator's 11137
endorsement or a restricted license that permits only the 11138
operation of a motorcycle who has completed any motorcycle 11139
operator training course or curriculum as authorized in division 11140
(A) (2) (a) of this section successfully within the preceding 11141
sixty days to be eligible for the examination waiver as 11142
described in division (B) (1) of section 4507.11 of the Revised 11143
Code. 11144

(B) In addition to courses of instruction, the program may 11145

include provisions for equipment purchases, marketing and 11146
promotion, improving motorcycle license testing procedures, and 11147
any other provisions the director considers appropriate. 11148

(C) The director shall evaluate the program every two 11149
years and shall periodically inspect the facilities, equipment, 11150
and procedures used in the courses of instruction. 11151

(D) The director shall appoint at least one training 11152
specialist who shall oversee the operation of the program, 11153
establish courses of instruction, and supervise instructors. The 11154
training specialist shall be a licensed motorcycle operator and 11155
shall obtain certification in the manner and form prescribed by 11156
the director. 11157

(E) The director may contract with other public agencies 11158
or with private organizations or corporations to assist in 11159
administering the program. 11160

(F) Notwithstanding any provision of Chapter 102. of the 11161
Revised Code, the director, in order to administer the program, 11162
may participate in a motorcycle manufacturer's motorcycle loan 11163
program. 11164

(G) The director shall contract with an insurance company 11165
or companies authorized to do business in this state to purchase 11166
a policy or policies of insurance with respect to the 11167
establishment or administration, or any other aspect of the 11168
operation of the program. 11169

(H) Notwithstanding the requirements for a motorcycle 11170
instructor certificate issued under this section, the director 11171
shall issue a certificate in accordance with Chapter 4796. of 11172
the Revised Code to a person if either of the following applies: 11173

(1) The person holds a license or certificate in another 11174

state. 11175

(2) The person has satisfactory work experience, a 11176
government certification, or a private certification as 11177
described in that chapter as a motorcycle instructor in a state 11178
that does not issue that license or certificate. 11179

Sec. 4511.763. (A) No person, partnership, association, or 11180
corporation shall transport pupils to or from school on a school 11181
bus or enter into a contract with a board of education of any 11182
school district for the transportation of pupils on a school 11183
bus, without being licensed by the department of public safety. 11184

Notwithstanding the requirements for a license issued 11185
under this division, the director shall issue a license in 11186
accordance with Chapter 4796. of the Revised Code to a person if 11187
either of the following applies: 11188

(1) The person holds a license or certificate in another 11189
state. 11190

(2) The person has satisfactory work experience, a 11191
government certification, or a private certification as 11192
described in that chapter transporting pupils on a school bus in 11193
a state that does not issue that license or certificate. 11194

(B) Except as otherwise provided in this division, whoever 11195
violates this section is guilty of a minor misdemeanor. If, 11196
within one year of the offense, the offender previously has been 11197
convicted of or pleaded guilty to one predicate motor vehicle or 11198
traffic offense, whoever violates this section is guilty of a 11199
misdemeanor of the fourth degree. If, within one year of the 11200
offense, the offender previously has been convicted of two or 11201
more predicate motor vehicle or traffic offenses, whoever 11202
violates this section is guilty of a misdemeanor of the third 11203

degree. 11204

Sec. 4701.06. (A) The accountancy board shall grant the 11205
certificate of "certified public accountant" to any person who 11206
satisfies the following requirements: 11207

(1) The person is a resident of this state or has a place 11208
of business in this state or, as an employee, is regularly 11209
employed in this state. The board may determine by rule 11210
circumstances under which the residency requirement may be 11211
waived. 11212

(2) The person has attained the age of eighteen years. 11213

(3) The person meets the following requirements of 11214
education and experience: 11215

(a) Graduation with a baccalaureate or higher degree that 11216
includes successful completion of one hundred fifty semester 11217
hours of undergraduate or graduate education. The board by rule 11218
shall specify graduate degrees that satisfy this requirement and 11219
also by rule shall require any subjects that it considers 11220
appropriate. The total educational program shall include an 11221
accounting concentration with related courses in other areas of 11222
business administration, as defined by board rule. 11223

(b) Acquisition of one year of experience satisfactory to 11224
the board in any of the following: 11225

(i) A public accounting firm; 11226

(ii) Government; 11227

(iii) Business; 11228

(iv) Academia. 11229

(4) The person has passed an examination that is 11230

administered in the manner and that covers the subjects that the board prescribes by rule. In adopting the relevant rules, the board shall ensure to the extent possible that the examination, the examination process, and the examination's passing standard are uniform with the examinations, examination processes, and examination passing standards of all other states and may provide for the use of all or parts of the uniform certified public accountant examination and advisory grading service of the American institute of certified public accountants. The board may contract with third parties to perform administrative services that relate to the examination and that the board determines are appropriate in order to assist the board in performing its duties in relation to the examination.

(B) (1) The experience requirement for a candidate who does not meet the educational requirements under division (A) (3) (a) of this section because the board has waived them under division (B) (2) of this section is four years of the experience described in division (A) (3) (b) of this section.

(2) The board shall waive the educational requirement set forth in division (A) (3) (a) of this section for any candidate if the board finds that the candidate has obtained from an accredited college or university approved by the board, either an associate degree or a baccalaureate degree, other than a baccalaureate degree described in division (A) (3) (a) of this section, with a concentration in accounting that includes related courses in other areas of business administration, and if the board is satisfied from the results of special examinations that the board gives the candidate to test the candidate's educational qualification that the candidate is as well equipped, educationally, as if the candidate met the applicable educational requirement specified in division (A) (3)

(a) of this section. 11262

The board shall provide by rule for the general scope of 11263
any special examinations for a waiver of the educational 11264
requirements under division (A) (3) (a) of this section and may 11265
obtain any advice and assistance that it considers appropriate 11266
to assist it in preparing and grading those special 11267
examinations. The board may use any existing examinations or may 11268
prepare any number of new examinations to assist in determining 11269
the equivalent training of a candidate. The board by rule shall 11270
prescribe any special examinations for a waiver of the 11271
educational requirements under division (A) (3) (a) of this 11272
section and the passing score required for each examination. 11273

(C) A candidate who has graduated with a baccalaureate 11274
degree or its equivalent or a higher degree that includes 11275
successful completion of at least one hundred twenty semester 11276
hours of undergraduate or graduate education is eligible to take 11277
the examination referred to in division (A) (4) of this section 11278
without waiting until the candidate meets the education or 11279
experience requirements, provided the candidate also meets the 11280
requirement of division (A) (1) of this section. The board by 11281
rule shall specify degrees that make a candidate eligible under 11282
this division and by rule shall require any subjects that it 11283
considers appropriate. 11284

(D) A candidate for the certificate of certified public 11285
accountant who has successfully completed the examination under 11286
division (A) (4) of this section has no status as a certified 11287
public accountant, unless and until the candidate has the 11288
requisite education and experience and has received a 11289
certificate as a certified public accountant. The board shall 11290
determine and charge a fee for issuing the certificate that is 11291

adequate to cover the expense. 11292

(E) The board by rule may prescribe the terms and 11293
conditions under which a candidate who passes part but not all 11294
of the examination may retake the examination. It also may 11295
provide by rule for a reasonable waiting period for a 11296
candidate's reexamination. 11297

The applicable educational and experience requirements 11298
under divisions (A) (3), (B), and (C) of this section shall be 11299
those in effect on the date on which the candidate first sits 11300
for the examination. 11301

(F) The board shall charge a candidate a reasonable fee, 11302
to be determined by the board, that is adequate to cover all 11303
rentals, compensation for proctors, and other administrative 11304
expenses of the board related to examination or reexamination, 11305
including the expenses of procuring and grading the examination 11306
provided for in division (A) (4) of this section and for any 11307
special examinations for a waiver of the educational 11308
requirements under division (A) (3) (a) of this section. Fees for 11309
reexamination under division (E) of this section shall be 11310
charged by the board in amounts determined by it. The applicable 11311
fees shall be paid by the candidate at the time the candidate 11312
applies for examination or reexamination. 11313

(G) Any person who has received from the board a 11314
certificate as a certified public accountant and who holds an 11315
Ohio permit shall be styled and known as a "certified public 11316
accountant" and also may use the abbreviation "CPA." The board 11317
shall maintain a list of certified public accountants. Any 11318
certified public accountant also may be known as a "public 11319
accountant." 11320

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

(I) The board may waive the examination under division (A) (4) of this section and, upon payment of a fee determined by it, may issue a certificate as a "certified public accountant" to any person who possesses the qualifications specified in divisions (A) (1) and (2) of this section and what the board determines to be substantially the equivalent of the applicable qualifications under division (A) (3) of this section and who ~~is the holder of a certificate as a certified public accountant, then in full force and effect, issued under the laws of any state, or~~ is the holder of a certificate, license, or degree in a foreign country that constitutes a recognized qualification for the practice of public accounting in that country, that is comparable to that of a certified public accountant of this state, and that is then in full force and effect.

(J) The board shall issue a certificate as a "certified public accountant" in accordance with Chapter 4796. of the Revised Code to a person if either of the following applies:

(1) The person holds a certificate as a certified public accountant in another state.

(2) The person has satisfactory work experience, a government certification, or a private certification as described in that chapter as a certified public accountant in a

state that does not issue that certificate. 11351

Sec. 4701.07. The accountancy board shall register as a 11352
public accountant any person who meets all the following 11353
requirements: 11354

(A) The person is a resident of this state or has a place 11355
of business in this state. 11356

(B) The person has attained the age of eighteen years. 11357

(C) The person holds a baccalaureate or higher degree 11358
conferred by a college or university recognized by the board, 11359
with a concentration in accounting, or with what the board 11360
determines to be substantially the equivalent of the foregoing; 11361
or with a nonaccounting concentration supplemented by what the 11362
board determines to be substantially the equivalent of an 11363
accounting concentration, including related courses in other 11364
areas of business administration. 11365

The board may waive the educational requirement for any 11366
candidate if it finds that the candidate has attained the 11367
equivalent education by attendance at a business school or two- 11368
year college, by self-study, or otherwise, and if it is 11369
satisfied from the result of a special written examination that 11370
the board gives the candidate to test the candidate's 11371
educational qualifications that the candidate is as well 11372
equipped, educationally, as if the candidate met the applicable 11373
educational requirement specified in this division. The board 11374
may provide by rule for the general scope of these examinations 11375
and may obtain any advice and assistance that it considers 11376
appropriate to assist it in preparing and grading the special 11377
examinations. The board may use any existing examinations or may 11378
prepare any number of new examinations to assist it in 11379

determining the equivalent training of a candidate. The board by 11380
rule may prescribe the special examinations and the passing 11381
score required for each examination. 11382

(D) The person has completed two years of public 11383
accounting experience, satisfactory to the board, in any state 11384
in practice as a public accountant or in any state in employment 11385
as a staff accountant by anyone practicing public accounting, or 11386
other experience in private or governmental accounting that, in 11387
the opinion of the board, will be the equivalent of that public 11388
accounting practice, or any combination of those types of 11389
experience, except that the experience requirement is only one 11390
year of the experience described in this division for any 11391
candidate holding a master's degree in accounting or business 11392
administration from a college or university recognized by the 11393
board, if the candidate has satisfactorily completed the number 11394
of credit hours in accounting, business administration, 11395
economics, and any related subjects that the board determines to 11396
be appropriate and if either of the following applies: 11397

(1) The person has passed the uniform national society of 11398
public accountants examination or a comparable examination 11399
approved by the public accountant members of the accountancy 11400
board. 11401

(2) The person has passed the accounting practice and 11402
auditing sections of the uniform CPA examination. 11403

The examination described in division (D)(1) of this 11404
section shall be held by the board and shall take place as often 11405
as the board determines but shall not be held less frequently 11406
than once each year. The board shall charge a candidate an 11407
application fee, to be determined by the board, that is adequate 11408
to cover all rentals, compensation for proctors, and other 11409

expenses of the board related to examination or reexamination 11410
except the expenses of procuring and grading the examination. In 11411
addition, the board shall charge the candidate an examination 11412
fee to be determined by the board, that is adequate to cover the 11413
expense of procuring and grading the examination. Fees for 11414
reexamination under division (D) of this section also shall be 11415
charged by the board in amounts determined by it to be adequate 11416
to cover the expenses of procuring and grading the examinations. 11417
The applicable fees shall be paid by the candidate at the time 11418
the candidate applies for examination or reexamination. 11419

(E) The person applied, on or before April 16, 1993, for 11420
registration as a public accountant. 11421

The board shall determine and charge a fee for 11422
registration under this section that is adequate to cover the 11423
expense. 11424

The board in each case shall determine whether the 11425
applicant is eligible for registration. Any individual who is so 11426
registered and who holds an Ohio permit shall be styled and 11427
known as a "public accountant" and may use the abbreviation 11428
"PA." 11429

A person who, on the effective date of an amendment of 11430
this section, holds a valid registration as a public accountant 11431
issued under the laws of this state shall not be required to 11432
obtain additional registration under this section but shall 11433
otherwise be subject to all provisions of this section. That 11434
registration, for all purposes, shall be considered a 11435
registration issued under this section and subject to its 11436
provisions. 11437

Chapter 4796. of the Revised Code does not apply to public 11438

accountant registrations issued under this section. 11439

Sec. 4701.10. (A) The accountancy board, upon application, 11440
shall issue Ohio permits to practice public accounting to 11441
holders of the CPA certificate or the PA registration. Subject 11442
to division (H)(1) of this section, there shall be a triennial 11443
Ohio permit fee in an amount to be determined by the board not 11444
to exceed one hundred fifty dollars. All Ohio permits shall 11445
expire on the last day of December of the year assigned by the 11446
board and, subject to division (H)(1) of this section, shall be 11447
renewed triennially for a period of three years by certificate 11448
holders and registrants in good standing upon payment of a 11449
triennial renewal fee not to exceed one hundred fifty dollars. 11450

(B) The accountancy board may issue Ohio registrations to 11451
holders of the CPA certificate and the PA registration who are 11452
not engaged in the practice of public accounting. Such persons 11453
shall not convey to the general public that they are actively 11454
engaged in the practice of public accounting in this state. 11455
Subject to division (H)(1) of this section, there shall be a 11456
triennial Ohio registration fee in an amount to be determined by 11457
the board but not exceeding fifty-five dollars. All Ohio 11458
registrations shall expire on the last day of December of the 11459
year assigned by the board and, subject to division (H)(1) of 11460
this section, shall be renewed triennially for a period of three 11461
years upon payment by certificate holders and registrants in 11462
good standing of a renewal fee not to exceed fifty-five dollars. 11463

(C) Any person who receives a CPA certificate and who 11464
applies for an initial Ohio permit or Ohio registration more 11465
than sixty days after issuance of the CPA certificate may, at 11466
the board's discretion, be subject to a late filing fee not 11467
exceeding one hundred dollars. 11468

(D) Any person to whom the board has issued an Ohio permit 11469
who is engaged in the practice of public accounting and who 11470
fails to renew the permit by the expiration date shall be 11471
subject to a late filing fee not exceeding one hundred dollars 11472
for each full month or part of a month after the expiration date 11473
in which such person did not possess a permit, up to a maximum 11474
of one thousand two hundred dollars. The board may waive or 11475
reduce the late filing fee for just cause upon receipt of a 11476
written request from such person. 11477

(E) Any person to whom the board has issued an Ohio permit 11478
or Ohio registration who is not engaged in the practice of 11479
public accounting and who fails to renew the permit or 11480
registration by the expiration date shall be subject to a late 11481
filing fee not exceeding fifty dollars for each full month or 11482
part of a month after the expiration date in which such person 11483
did not possess a permit or registration, up to a maximum of 11484
three hundred dollars. The board may waive or reduce the late 11485
filing fee for just cause upon receipt of a written request from 11486
such person. 11487

(F) Failure of a CPA certificate holder or PA registration 11488
holder to apply for either an Ohio permit or an Ohio 11489
registration within one year from the expiration date of the 11490
Ohio permit or Ohio registration last obtained or renewed, or 11491
one year from the date upon which the CPA certificate holder was 11492
granted a CPA certificate, shall result in suspension of the CPA 11493
certificate or PA registration until all fees required under 11494
divisions (D) and (E) of this section have been paid, unless the 11495
board determines the failure to have been due to excusable 11496
neglect. In that case, the fee for the issuance or renewal of 11497
the Ohio permit or Ohio registration, as the case may be, shall 11498
be the amount that the board shall determine, but not in excess 11499

of fifty dollars plus the fee for each triennial period or part 11500
of a period the certificate holder or registrant did not have 11501
either an Ohio permit or an Ohio registration. 11502

(G) The board by rule may exempt persons from the 11503
requirement of holding an Ohio permit or Ohio registration for 11504
specified reasons, including, but not limited to, retirement, 11505
health reasons, military service, foreign residency, or other 11506
just cause. 11507

(H) (1) The board by rule: 11508

(a) May provide for the issuance of Ohio permits and Ohio 11509
registrations for less than three years' duration at prorated 11510
fees; 11511

(b) Shall add a surcharge to the Ohio permit and Ohio 11512
registration fee imposed pursuant to this section of at least 11513
fifteen dollars but no more than thirty dollars for a three-year 11514
Ohio permit or Ohio registration, at least ten dollars but no 11515
more than twenty dollars for a two-year Ohio permit or Ohio 11516
registration, and at least five dollars but no more than ten 11517
dollars for a one-year Ohio permit or Ohio registration. 11518

(2) Each quarter, the board, for the purpose provided in 11519
section 4743.05 of the Revised Code, shall certify to the 11520
director of budget and management the number of Ohio permits and 11521
Ohio registrations issued or renewed under this chapter during 11522
the preceding quarter and the amount equal to that number times 11523
the amount of the surcharge added to each Ohio permit and Ohio 11524
registration fee by the board under division (H) (1) of this 11525
section. 11526

(I) Chapter 4796. of the Revised Code does not apply to 11527
Ohio permits or Ohio registrations issued under this section. 11528

Sec. 4703.08. The architects board shall adopt rules to 11529
certify and register an applicant for a certificate of 11530
qualification to practice architecture who is licensed or 11531
registered as an architect in another ~~state or jurisdiction~~ 11532
country, holds a current certificate in good standing issued by 11533
the national council of architectural registration boards, and 11534
wishes to be registered in this state. 11535

Sec. 4703.10. If the applicant passes the examination 11536
under section 4703.09 of the Revised Code or in lieu of the 11537
examination is, in the opinion of the architects board, eligible 11538
to register as an architect pursuant to rules adopted under 11539
section 4703.08 of the Revised Code, the applicant is eligible 11540
to receive from the board a certificate of qualification to 11541
practice architecture. The certificate shall be signed by the 11542
president and secretary of the board and shall bear the name of 11543
the successful applicant, the serial number of the certificate, 11544
the seal of the board, and the words, "admitted to practice 11545
architecture in the state of Ohio, the ____ day of _____, 11546
_____" 11547

If the applicant fails the examination under section 11548
4703.09 of the Revised Code, the board may refuse to issue a 11549
certificate of qualification to practice architecture. 11550

The board shall certify and register an applicant in 11551
accordance with Chapter 4796. of the Revised Code for a 11552
certificate of qualification to practice architecture if either 11553
of the following applies: 11554

(A) The applicant holds a certification, registration, or 11555
license to practice architecture in another state. 11556

(B) The applicant has satisfactory work experience, a 11557

government certification, or a private certification as 11558
described in that chapter as an architect in a state that does 11559
not issue that certificate, registration, or license. 11560

Sec. 4703.33. (A) The Ohio landscape architects board, in 11561
accordance with Chapter 119. of the Revised Code, may adopt, 11562
amend, and enforce rules governing the standards for education, 11563
experience, services, conduct, and practice to be followed in 11564
the practice of the profession of landscape architecture and 11565
rules pertaining to the satisfactory completion of continuing 11566
education requirements. If the board adopts rules pertaining to 11567
continuing education requirements, the board shall, in general, 11568
follow model continuing education recommendations established by 11569
the council of landscape architectural registration boards or a 11570
similar successor organization. 11571

(B) The board, or the board's designee, shall hold 11572
examinations not less than once annually and shall register as a 11573
landscape architect each applicant who demonstrates to the 11574
satisfaction of the board that the applicant has met all the 11575
requirements of section 4703.34 of the Revised Code. 11576

(C) The board shall issue to each individual registered 11577
pursuant to this section a certificate of qualification. 11578

Chapter 4796. of the Revised Code does not apply to a 11579
certificate of qualification issued under this division. 11580

(D) The board shall appoint at least one of its members as 11581
a delegate to each regional and annual meeting of the council of 11582
landscape architectural registration boards. 11583

Sec. 4703.35. (A) The Ohio landscape architects board 11584
shall register as a landscape architect any individual who is at 11585
least eighteen years of age and who provides evidence 11586

satisfactory to the board that the individual is a registered or 11587
licensed landscape architect in another ~~state or~~ country in 11588
which the qualifications, at the time of licensure, were 11589
substantially equal, in the opinion of the board, to the 11590
requirements for registration as a landscape architect in this 11591
state. The board may require that an applicant for registration 11592
under this ~~section~~ division hold a current council record or 11593
certificate in good standing issued by the council of landscape 11594
architectural registration boards. 11595

(B) The board shall register as a landscape architect in 11596
accordance with Chapter 4796. of the Revised Code an individual 11597
if either of the following applies: 11598

(1) The individual holds a registration or license as a 11599
landscape architect in another state. 11600

(2) The individual has satisfactory work experience, a 11601
government certification, or a private certification as 11602
described in that chapter as a landscape architect in a state 11603
that does not issue that registration or license. 11604

Sec. 4703.37. (A) The Ohio landscape architects board 11605
shall establish an application fee for obtaining registration 11606
under section 4703.34 of the Revised Code and a fee for 11607
obtaining registration under division (A) of section 4703.35 of 11608
the Revised Code. 11609

(B) The fee to restore an expired certificate of 11610
qualification is the renewal fee for the current certification 11611
period, plus the renewal fee for each previous renewal period in 11612
which the certificate was not renewed, plus a penalty of twenty- 11613
five per cent of the total renewal fees for each renewal period 11614
or part thereof in which the certificate was not renewed, on the 11615

condition that the maximum fee shall not exceed an amount 11616
established by the board. 11617

(C) The board also shall establish the following fees: 11618

(1) The fee for a certificate of qualification or 11619
duplicate thereof, as issued to a landscape architect registered 11620
under sections 4703.33 to 4703.38 of the Revised Code. 11621

(2) The fee for the biennial renewal of the certificate of 11622
qualification and the fee for a duplicate renewal card. 11623

(3) The fee to be charged an examinee for administering an 11624
examination to the examinee on behalf of another jurisdiction. 11625

(4) The fee for a certificate of authorization issued 11626
under division (F) of section 4703.331 of the Revised Code, the 11627
fee for annual renewal of a certificate of authorization, and 11628
the fee for a duplicate certificate of authorization. 11629

(5) The fee to cover costs for checks or other instruments 11630
returned to the board by financial institutions due to 11631
insufficient funds. 11632

Sec. 4707.07. (A) The department of agriculture may grant 11633
auctioneer's licenses to those individuals who are determined to 11634
be qualified by the department. Each individual who applies for 11635
an auctioneer's license shall furnish to the department, on 11636
forms provided by the department, satisfactory proof that the 11637
applicant: 11638

(1) Has attained the age of at least eighteen years; 11639

(2) Has ~~done one of the following:~~ 11640

~~(a) Met~~ met the apprenticeship requirements set forth in 11641
section 4707.09 of the Revised Code; 11642

(b) Met the requirements of section 4707.12 of the Revised Code.	11643
	11644
(3) Has a general knowledge of the following:	11645
(a) The requirements of the Revised Code relative to auctioneers;	11646
	11647
(b) The auction profession;	11648
(c) The principles involved in conducting an auction;	11649
(d) Any local and federal laws regarding the profession of auctioneering.	11650
	11651
(4) Has satisfied the financial responsibility requirements established under section 4707.11 of the Revised Code if applicable.	11652
	11653
	11654
(B) Auctioneers who served apprenticeships and who hold licenses issued before May 1, 1991, and who seek renewal of their licenses, are not subject to the additional apprenticeship requirements imposed by section 4707.09 of the Revised Code.	11655
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	11657
	11658
(C) A licensee may do business under more than one registered name, but not to exceed three registered names, provided that the names have been approved by the department. The department may reject the application of any person seeking licensure under this chapter if the name or names to be used by the applicant are likely to mislead the public, or if the name or names do not distinguish the applicant from the name or names of any existing person licensed under this chapter. If an applicant applies to the department to do business under three names, the department may charge a fee of ten dollars for the third name.	11659
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(D) The department, in its discretion, may waive the	11670

~~schooling and apprenticeship requirements for a resident of this~~ 11671
~~state, provided that the resident shall issue an auctioneer's~~ 11672
~~license in accordance with Chapter 4796. of the Revised Code to~~ 11673
~~an applicant if either of the following applies:~~ 11674

~~(1) The applicant holds a valid an auctioneer's license~~ 11675
~~that was issued by a state with which the department has entered~~ 11676
~~into a reciprocal licensing agreement and the resident is in~~ 11677
~~good standing with that in another state.~~ 11678

~~(2) The applicant shall provide proof that is has~~ 11679
~~satisfactory to the department that the applicant has had two~~ 11680
~~years of work experience, a government certification, or a~~ 11681
~~private certification as described in that chapter as an~~ 11682
~~auctioneer immediately preceding the date of application that~~ 11683
~~includes at a minimum twelve auctions in which the applicant was~~ 11684
~~a bid caller in the reciprocal in a state that does not issue~~ 11685
~~that license.~~ 11686

Sec. 4707.072. The department of agriculture may grant 11687
one-auction licenses to any nonresident individual who is 11688
determined to be qualified by the department. ~~Any Chapter 4796.~~ 11689
~~of the Revised Code does not apply to one-auction licenses~~ 11690
~~issued under this section.~~ 11691

Any individual who applies for a one-auction license shall 11692
attest, on forms provided by the department, and furnish to the 11693
department, satisfactory proof that the license applicant meets 11694
the following requirements: 11695

(A) Has a good reputation; 11696

(B) Is of trustworthy character; 11697

(C) Has attained the age of at least eighteen years; 11698

(D) Has a general knowledge of the requirements of the Revised Code relative to auctioneers, the auction profession, and the principles involved in conducting an auction;

(E) Has two years of professional auctioneering experience immediately preceding the date of application that includes the personal conduct by the applicant of at least twelve auction sales in any state, ~~or has met the requirements of section 4707.12 of the Revised Code;~~

(F) Has paid a fee of five hundred dollars;

(G) Has not applied for or previously obtained a license under this section;

(H) Has provided proof of financial responsibility in the form of either an irrevocable letter of credit or a cash bond or a surety bond in the amount of fifty thousand dollars. If the applicant gives a surety bond, the bond shall be executed by a surety company authorized to do business in this state. A bond shall be made to the department and shall be conditioned that the applicant shall comply with this chapter and rules adopted under it, including refraining from conduct described in section 4707.15 of the Revised Code. All bonds shall be on a form approved by the director of agriculture.

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

applicant: 11728

(A) Has attained the age of at least eighteen years; 11729

(B) Has obtained a written promise of a licensed 11730
auctioneer to sponsor the applicant during the applicant's 11731
apprenticeship; 11732

(C) Has satisfied the financial responsibility 11733
requirements established under section 4707.11 of the Revised 11734
Code if applicable; 11735

(D) Has successfully completed a course of study in 11736
auctioneering at an institution that is approved by the state 11737
auctioneers commission. 11738

Before an apprentice may take the auctioneer's license 11739
examination, the apprentice shall serve an apprenticeship of at 11740
least twelve months and participate as a bid caller in at least 11741
twelve auction sales under the direct supervision of the 11742
sponsoring licensed auctioneer, which auctions shall be 11743
certified by the licensed auctioneer on the apprentice's 11744
application for an auctioneer's license. No apprentice 11745
auctioneer shall be under the sponsorship of more than one 11746
licensed auctioneer at one time. 11747

If an auctioneer intends to terminate sponsorship of an 11748
apprentice auctioneer, the sponsoring auctioneer shall notify 11749
the apprentice auctioneer of the sponsoring auctioneer's 11750
intention by certified mail, return receipt requested, at least 11751
ten days prior to the effective date of termination and, at the 11752
same time, shall deliver or mail by certified mail to the 11753
department a copy of the termination notice and the license of 11754
the apprentice auctioneer. No apprentice auctioneer shall 11755
perform any acts under authority of the apprentice's license 11756

after the effective date of the termination until the apprentice 11757
receives a new license. No more than one license shall be issued 11758
to any apprentice auctioneer for the same period of time. 11759

No licensed auctioneer shall have under the licensed 11760
auctioneer's sponsorship more than two apprentice auctioneers at 11761
one time. No auctioneer shall sponsor an apprentice auctioneer 11762
if the auctioneer has not been licensed and in good standing for 11763
a period of at least two years immediately before sponsoring the 11764
apprentice auctioneer. A sponsoring auctioneer whose license is 11765
suspended or revoked shall send to the department the apprentice 11766
auctioneer's license not later than fourteen days after the 11767
suspension or revocation. If a sponsoring auctioneer's license 11768
is suspended or revoked, the apprentice auctioneer shall obtain 11769
a written promise of sponsorship from another licensed 11770
auctioneer before performing any acts under the authority of an 11771
apprentice auctioneer's license. The apprentice auctioneer shall 11772
send a copy of the written promise of sponsorship of another 11773
auctioneer to the department. If the department receives a copy 11774
of such a written promise of sponsorship and the apprentice pays 11775
the fee established by the department, the department shall 11776
issue a new license to the apprentice. 11777

An apprentice auctioneer may terminate the apprentice's 11778
sponsorship with an auctioneer by notifying the auctioneer of 11779
the apprentice's intention by certified mail, return receipt 11780
requested, at least ten days prior to the effective date of 11781
termination. At the same time, the apprentice shall deliver or 11782
mail by certified mail to the department a copy of the 11783
termination notice. Upon receiving the termination notice, the 11784
sponsoring auctioneer shall promptly deliver or mail by 11785
certified mail to the department the license of the apprentice 11786
auctioneer. 11787

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 Chapter 4796. 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 chapter 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. The application form shall include the name of the person applying for the license and evidence that the applicant meets all of the requirements of division (B) of this section. The application shall be accompanied by two signed current photographs of the applicant, in the size determined by the board, that show only the head and shoulders of the applicant, and the examination application fee.

(B) In order to take the required barber examination and to qualify for licensure as a barber, an applicant must

demonstrate that the applicant meets all of the following: 11817

(1) Is at least eighteen years of age; 11818

(2) Has an eighth grade education or an equivalent 11819
education as determined by the state board of education in the 11820
state where the applicant resides; 11821

(3) Has graduated with at least one thousand eight hundred 11822
hours of training from a board-approved barber school or has 11823
graduated with at least one thousand hours of training from a 11824
board-approved barber school in this state and has a current 11825
cosmetology or hair designer license issued pursuant to Chapter 11826
4713. of the Revised Code. No hours of instruction earned by an 11827
applicant five or more years prior to the examination apply to 11828
the hours of study required by this division. 11829

(C) Any applicant who meets all of the requirements of 11830
divisions (A) and (B) of this section may take the barber 11831
examination at the time and place specified by the board. If the 11832
applicant fails to attain at least a seventy-five per cent pass 11833
rate on each part of the examination, the applicant is 11834
ineligible for licensure; however, the applicant may reapply for 11835
examination within ninety days after the date of the release of 11836
the examination scores by paying the required reexamination fee. 11837
An applicant is only required to take that part or parts of the 11838
examination on which the applicant did not receive a score of 11839
seventy-five per cent or higher. If the applicant fails to 11840
reapply for examination within ninety days or fails the second 11841
examination, in order to reapply for examination for licensure 11842
the applicant shall complete an additional course of study of 11843
not less than two hundred hours, in a board-approved barber 11844
school. The board shall provide to an applicant, upon request, a 11845
report which explains the reasons for the applicant's failure to 11846

pass the examination. 11847

(D) The board shall issue a license to practice barbering 11848
to any applicant who, to the satisfaction of the board, meets 11849
the requirements of divisions (A) and (B) of this section, who 11850
passes the required examination, and pays the initial licensure 11851
fee. Every licensed barber shall display the certificate of 11852
licensure in a conspicuous place adjacent to or near the 11853
licensed barber's work chair, along with a signed current 11854
photograph, in the size determined by the board, showing head 11855
and shoulders only. 11856

(E) The board shall issue a license to practice barbering 11857
in accordance with Chapter 4796. of the Revised Code to an 11858
applicant if either of the following applies: 11859

(1) The applicant holds a license to practice barbering in 11860
another state. 11861

(2) The applicant has satisfactory work experience, a 11862
government certification, or a private certification as 11863
described in that chapter as a barber in a state that does not 11864
issue that license. 11865

Sec. 4709.08. Any person who holds a current license or 11866
registration to practice as a barber in any other ~~state or~~ 11867
~~district of the United States or~~ country whose requirements for 11868
licensure or registration of barbers are substantially 11869
equivalent to the requirements of this chapter and rules adopted 11870
under it and that extends similar reciprocity to persons 11871
licensed as barbers in this state may apply to the state 11872
cosmetology and barber board for a barber license. The board 11873
shall, without examination, unless the board determines to 11874
require an examination, issue a license to practice as a 11875

licensed barber in this state if the person meets the 11876
requirements of this section, is at least eighteen years of age, 11877
and pays the required fees. The board may waive any of the 11878
requirements of this section. 11879

Sec. 4709.10. (A) Each person who desires to obtain a 11880
license to operate a barber school shall apply to the state 11881
cosmetology and barber board, on forms provided by the board. 11882
The board shall issue a barber school license to a person if the 11883
board determines that the person meets and will comply with all 11884
of the requirements of division (B) of this section and pays the 11885
required licensure and inspection fees. 11886

(B) In order for a person to qualify for a license to 11887
operate a barber school, the barber school to be operated by the 11888
person must meet all of the following requirements: 11889

(1) Have a training facility sufficient to meet the 11890
required educational curriculum established by the board, 11891
including enough space to accommodate all the facilities and 11892
equipment required by rule by the board; 11893

(2) Provide sufficient licensed teaching personnel to meet 11894
the minimum pupil-teacher ratio established by rule of the 11895
board; 11896

(3) Have established and provide to the board proof that 11897
it has met all of the board requirements to operate a barber 11898
school, as adopted by rule of the board; 11899

(4) File with the board a program of its curriculum, 11900
accounting for not less than one thousand eight hundred hours of 11901
instruction in the courses of theory and practical demonstration 11902
required by rule of the board; 11903

(5) File with the board a surety bond in the amount of ten 11904

thousand dollars issued by a bonding company licensed to do 11905
business in this state. The bond shall be in the form prescribed 11906
by the board and conditioned upon the barber school's continued 11907
instruction in the theory and practice of barbering. The bond 11908
shall continue in effect until notice of its termination is 11909
provided to the board. In no event, however, shall the bond be 11910
terminated while the barber school is in operation. Any student 11911
who is injured or damaged by reason of a barber school's failure 11912
to continue instruction in the theory and practice of barbering 11913
may maintain an action on the bond against the barber school or 11914
the surety, or both, for the recovery of any money or tuition 11915
paid in advance for instruction in the theory and practice of 11916
barbering which was not received. The aggregate liability of the 11917
surety to all students shall not exceed the sum of the bond. 11918

(6) Maintain adequate record keeping to ensure that it has 11919
met the requirements for records of student progress as required 11920
by board rule; 11921

(7) Establish minimum standards for acceptance of student 11922
applicants for admission to the barber school. The barber school 11923
may establish entrance requirements which are more stringent 11924
than those prescribed by the board, but the requirements must at 11925
a minimum require the applicant to meet all of the following: 11926

(a) Be at least seventeen years of age; 11927

(b) Have an eighth grade education, or an equivalent 11928
education as determined by the state board of education; 11929

(c) Submit two signed current photographs of the 11930
applicant, in the size determined by the board. 11931

(8) Have a procedure to submit every student applicant's 11932
admission application to the board for the board's review and 11933

approval prior to the applicant's admission to the barber school; 11934
11935

(9) Operate in a manner which reflects credit upon the barbering profession; 11936
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(10) Offer a curriculum of study which covers all aspects of the scientific fundamentals of barbering as specified by rule of the board; 11938
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(11) Employ no more than two licensed assistant barber teachers for each licensed barber teacher employed or fewer than two licensed teachers or one licensed teacher and one licensed assistant teacher at each facility. 11941
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(C) Each person who desires to obtain a barber teacher or assistant barber teacher license shall apply to the board, on forms provided by the board. ~~The~~ 11945
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Except as provided in division (D) of this section, the 11948
board shall only issue a barber teacher license to a person who 11949
meets all of the following requirements: 11950

(1) Holds a current barber license issued pursuant to this chapter and has at least eighteen months of work experience in a licensed barber shop or has been employed as an assistant barber teacher under the supervision of a licensed barber teacher for at least one year, unless, for good cause, the board waives this requirement; 11951
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(2) Meets such other requirements as adopted by rule by the board; 11957
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(3) Passes the required examination; and 11959

(4) Pays the required fees. If an applicant fails to pass the examination, the applicant may reapply for the examination 11960
11961

and licensure no earlier than one year after the failure to pass 11962
and provided that during that period, the applicant remains 11963
employed as an assistant barber teacher. 11964

~~The~~ Except as provided in division (D) of this section, 11965
the board shall only issue an assistant barber teacher license 11966
to a person who holds a current barber license issued pursuant 11967
to this chapter and pays the required fees. 11968

(D) The board shall issue a barber teacher or assistant 11969
barber teacher license in accordance with Chapter 4796. of the 11970
Revised Code to an applicant if either of the following applies: 11971

(1) The applicant holds a barber teacher or assistant 11972
barber teacher license, as applicable, in another state. 11973

(2) The applicant has satisfactory work experience, a 11974
government certification, or a private certification as 11975
described in that chapter as a barber teacher or assistant 11976
barber teacher, as applicable, in a state that does not issue 11977
the applicable license. 11978

(E) Any person who meets the qualifications of an 11979
assistant teacher pursuant to division (C) or (D) of this 11980
section, may be employed as an assistant teacher, provided that 11981
within five days after the commencement of the employment the 11982
barber school submits to the board, on forms provided by the 11983
board, the applicant's qualifications. 11984

Sec. 4713.10. (A) The state cosmetology and barber board 11985
shall charge and collect the following fees: 11986

(1) For a temporary pre-examination work permit under 11987
section 4713.22 of the Revised Code, not more than fifteen 11988
dollars; 11989

(2) For initial application to take an examination under section 4713.24 of the Revised Code, not more than forty dollars;	11990 11991 11992
(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;	11993 11994 11995 11996
(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;	11997 11998 11999 12000
(5) For the issuance of a license <u>by examination</u> under section 4713.28, 4713.30, or 4713.31 of the Revised Code, not more than seventy-five dollars;	12001 12002 12003
(6) For the issuance of a license under section 4713.34 of the Revised Code, not more than seventy dollars;	12004 12005
(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;	12006 12007 12008
(8) For the issuance or renewal of a cosmetology school license, not more than two hundred fifty dollars;	12009 12010
(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;	12011 12012 12013
(10) For the renewal of a salon license under section 4713.41 of the Revised Code, not more than ninety dollars;	12014 12015
(11) For the restoration of an expired license that may be restored pursuant to section 4713.63 of the Revised Code, an	12016 12017

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;

(12) For the issuance of a duplicate of any license, not
more than thirty dollars;

(13) For the preparation and mailing of a licensee's
records to another state for a reciprocity license, not more
than fifty dollars;

(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.

(B) The board shall adjust the fees biennially, by rule,
within the limits established by division (A) of this section,
to provide sufficient revenues to meet its expenses.

(C) The board may establish an installment plan for the
payment of fines and fees and may reduce fees as considered
appropriate by the board.

(D) At the request of a person who is temporarily unable
to pay a fee imposed under division (A) of this section, or on
its own motion, the board may extend the date payment is due by
up to ninety days. If the fee remains unpaid after the date
payment is due, the amount of the fee shall be certified to the
attorney general for collection in the form and manner
prescribed by the attorney general. The attorney general may
assess the collection cost to the amount certified in such a
manner and amount as prescribed by the attorney general.

Sec. 4713.28. (A) The state cosmetology and barber board
shall issue a practicing license to an applicant who satisfies

all of the following applicable conditions: 12047

(1) Is at least sixteen years of age; 12048

(2) Has the equivalent of an Ohio public school tenth grade education; 12049
12050

(3) Has submitted a written application on a form furnished by the board that contains all of the following: 12051
12052

(a) The name of the individual and any other identifying information required by the board; 12053
12054

(b) A recent photograph of the individual that meets the specifications established by the board; 12055
12056

(c) A photocopy of the individual's current driver's license or other proof of legal residence; 12057
12058

(d) Proof that the individual is qualified to take the applicable examination as required by section 4713.20 of the Revised Code; 12059
12060
12061

(e) An oath verifying that the information in the application is true; 12062
12063

(f) The applicable application fee. 12064

(4) 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; 12065
12066
12067

(5) Pays to the board the applicable license fee; 12068

(6) 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 12069
12070
12071
12072
12073

cosmetology training in a school of cosmetology licensed in this 12074
state is required of an individual licensed as a barber under 12075
Chapter 4709. of the Revised Code; 12076

(7) In the case of an applicant for an initial esthetician 12077
license, has successfully completed at least six hundred hours 12078
of board-approved esthetics training in a school of cosmetology 12079
licensed in this state; 12080

(8) In the case of an applicant for an initial hair 12081
designer license, has successfully completed at least one 12082
thousand two hundred hours of board-approved hair designer 12083
training in a school of cosmetology licensed in this state, 12084
except that only one thousand hours of board-approved hair 12085
designer training in a school of cosmetology licensed in this 12086
state is required of an individual licensed as a barber under 12087
Chapter 4709. of the Revised Code; 12088

(9) In the case of an applicant for an initial manicurist 12089
license, has successfully completed at least two hundred hours 12090
of board-approved manicurist training in a school of cosmetology 12091
licensed in this state; 12092

(10) In the case of an applicant for an initial natural 12093
hair stylist license, has successfully completed at least four 12094
hundred fifty hours of instruction in subjects relating to 12095
sanitation, scalp care, anatomy, hair styling, communication 12096
skills, and laws and rules governing the practice of 12097
cosmetology. 12098

(B) The board shall not deny a license to any applicant 12099
based on prior incarceration or conviction for any crime. If the 12100
board denies an individual a license or license renewal, the 12101
reasons for such denial shall be put in writing. 12102

(C) The board shall issue a practicing license in a branch of cosmetology in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 12103
12104
12105

(1) The applicant holds a license in that branch of cosmetology in another state. 12106
12107

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter in that branch of cosmetology in a state that does not issue that license. 12108
12109
12110
12111

Sec. 4713.30. ~~The~~ (A) Except as provided in division (B) of this section, the state cosmetology and barber board shall issue an advanced license to an applicant who satisfies all of the following applicable conditions: 12112
12113
12114
12115

~~(A)~~ (1) Is at least sixteen years of age; 12116

~~(B)~~ (2) Has the equivalent of an Ohio public school tenth grade education; 12117
12118

~~(C)~~ (3) Pays to the board the applicable fee; 12119

~~(D)~~ (4) Passes the appropriate advanced license examination; 12120
12121

~~(E)~~ (5) In the case of an applicant for an initial advanced cosmetologist license, does either of the following: 12122
12123

~~(1)~~ (a) Has a licensed advanced cosmetologist or owner of a licensed beauty salon located in this or another state certify to the board that the applicant has practiced as a cosmetologist for at least one thousand eight hundred hours in a licensed beauty salon; 12124
12125
12126
12127
12128

~~(2)~~ (b) Has a school of cosmetology licensed in this state 12129

certify to the board that the applicant has successfully 12130
completed, in addition to the hours required for licensure as a 12131
cosmetologist, at least three hundred hours of board-approved 12132
advanced cosmetologist training. 12133

~~(F)~~ (6) In the case of an applicant for an initial 12134
advanced esthetician license, does either of the following: 12135

~~(1)~~ (a) Has the licensed advanced esthetician, licensed 12136
advanced cosmetologist, or owner of a licensed esthetics salon 12137
or licensed beauty salon located in this or another state 12138
certify to the board that the applicant has practiced esthetics 12139
for at least one thousand eight hundred hours as an esthetician 12140
in a licensed esthetics salon or as a cosmetologist in a 12141
licensed beauty salon; 12142

~~(2)~~ (b) Has a school of cosmetology licensed in this state 12143
certify to the board that the applicant has successfully 12144
completed, in addition to the hours required for licensure as an 12145
esthetician or cosmetologist, at least one hundred fifty hours 12146
of board-approved advanced esthetician training. 12147

~~(G)~~ (7) In the case of an applicant for an initial 12148
advanced hair designer license, does either of the following: 12149

~~(1)~~ (a) Has the licensed advanced hair designer, licensed 12150
advanced cosmetologist, or owner of a licensed hair design salon 12151
or licensed beauty salon located in this or another state 12152
certify to the board that the applicant has practiced hair 12153
design for at least one thousand eight hundred hours as a hair 12154
designer in a licensed hair design salon or as a cosmetologist 12155
in a licensed beauty salon; 12156

~~(2)~~ (b) Has a school of cosmetology licensed in this state 12157
certify to the board that the applicant has successfully 12158

completed, in addition to the hours required for licensure as a 12159
hair designer or cosmetologist, at least two hundred forty hours 12160
of board-approved advanced hair designer training. 12161

~~(H)~~ (8) In the case of an applicant for an initial 12162
advanced manicurist license, does either of the following: 12163

~~(1)~~ (a) Has the licensed advanced manicurist, licensed 12164
advanced cosmetologist, or owner of a licensed nail salon, 12165
licensed beauty salon, or licensed barber shop located in this 12166
or another state certify to the board that the applicant has 12167
practiced manicuring for at least one thousand eight hundred 12168
hours as a manicurist in a licensed nail salon or licensed 12169
barber shop or as a cosmetologist in a licensed beauty salon or 12170
licensed barber shop; 12171

~~(2)~~ (b) Has a school of cosmetology licensed in this state 12172
certify to the board that the applicant has successfully 12173
completed, in addition to the hours required for licensure as a 12174
manicurist or cosmetologist, at least one hundred hours of 12175
board-approved advanced manicurist training. 12176

~~(I)~~ (9) In the case of an applicant for an initial 12177
advanced natural hair stylist license, does either of the 12178
following: 12179

~~(1)~~ (a) Has the licensed advanced natural hair stylist, 12180
licensed advanced cosmetologist, or owner of a licensed natural 12181
hair style salon or licensed beauty salon located in this or 12182
another state certify to the board that the applicant has 12183
practiced natural hair styling for at least one thousand eight 12184
hundred hours as a natural hair stylist in a licensed natural 12185
hair style salon or as a cosmetologist in a licensed beauty 12186
salon; 12187

~~(2)~~ (b) Has a school of cosmetology licensed in this state 12188
certify to the board that the applicant has successfully 12189
completed, in addition to the hours required for licensure as 12190
natural hair stylist or cosmetologist, at least one hundred 12191
fifty hours of board-approved advanced natural hair stylist 12192
training. 12193

(B) The board shall issue an advanced license in a branch 12194
of cosmetology in accordance with Chapter 4796. of the Revised 12195
Code to an applicant if either of the following applies: 12196

(1) The applicant holds an advanced license in that branch 12197
of cosmetology in another state. 12198

(2) The applicant has satisfactory work experience, a 12199
government certification, or a private certification as 12200
described in that chapter in that branch of cosmetology in a 12201
state that does not issue that license. 12202

Sec. 4713.31. (A) The state cosmetology and barber board 12203
shall issue an instructor license to an applicant who satisfies 12204
all of the following applicable conditions: 12205

~~(A)~~ (1) Is at least eighteen years of age; 12206

~~(B)~~ (2) Has the equivalent of an Ohio public school 12207
twelfth grade education; 12208

~~(C)~~ (3) Pays to the board the applicable fee; 12209

~~(D)~~ (4) In the case of an applicant for an initial 12210
cosmetology instructor license, holds a current, valid advanced 12211
cosmetologist license issued in this state and does either of 12212
the following: 12213

~~(1)~~ (a) Has the licensed advanced cosmetologist or owner 12214
of the licensed beauty salon in which the applicant has been 12215

employed certify to the board that the applicant has engaged in 12216
the practice of cosmetology in a licensed beauty salon for at 12217
least one thousand eight hundred hours; 12218

~~(2)~~ (b) Has a school of cosmetology licensed in this state 12219
certify to the board that the applicant has successfully 12220
completed one thousand hours of board-approved cosmetology 12221
instructor training as an apprentice instructor. 12222

~~(E)~~ (5) In the case of an applicant for an initial 12223
esthetics instructor license, holds a current, valid advanced 12224
esthetician or advanced cosmetologist license issued in this 12225
state and does either of the following: 12226

~~(1)~~ (a) Has the licensed advanced esthetician, licensed 12227
advanced cosmetologist, or owner of the licensed esthetics salon 12228
or licensed beauty salon in which the applicant has been 12229
employed certify to the board that the applicant has engaged in 12230
the practice of esthetics in a licensed esthetics salon or 12231
practice of cosmetology in a licensed beauty salon for at least 12232
one thousand eight hundred hours; 12233

~~(2)~~ (b) Has a school of cosmetology licensed in this state 12234
certify to the board that the applicant has successfully 12235
completed at least five hundred hours of board-approved 12236
esthetics instructor training as an apprentice instructor. 12237

~~(F)~~ (6) In the case of an applicant for an initial hair 12238
design instructor license, holds a current, valid advanced hair 12239
designer or advanced cosmetologist license and does either of 12240
the following: 12241

~~(1)~~ (a) Has the licensed advanced hair designer, licensed 12242
advanced cosmetologist, or owner of the licensed hair design 12243
salon or licensed beauty salon in which the applicant has been 12244

employed certify to the board that the applicant has engaged in 12245
the practice of hair design in a licensed hair design salon or 12246
practice of cosmetology in a licensed beauty salon for at least 12247
one thousand eight hundred hours; 12248

~~(2)~~ (b) Has a school of cosmetology licensed in this state 12249
certify to the board that the applicant has successfully 12250
completed at least eight hundred hours of board-approved hair 12251
design instructor's training as an apprentice instructor. 12252

~~(G)~~ (7) In the case of an applicant for an initial 12253
manicurist instructor license, holds a current, valid advanced 12254
manicurist or advanced cosmetologist license and does either of 12255
the following: 12256

~~(1)~~ (a) Has the licensed advanced manicurist, licensed 12257
advanced cosmetologist, or owner of the licensed nail salon or 12258
licensed beauty salon in which the applicant has been employed 12259
certify to the board that the applicant has engaged in the 12260
practice of manicuring in a licensed nail salon or practice of 12261
cosmetology in a licensed beauty salon for at least one thousand 12262
eight hundred hours; 12263

~~(2)~~ (b) Has a school of cosmetology licensed in this state 12264
certify to the board that the applicant has successfully 12265
completed at least three hundred hours of board-approved 12266
manicurist instructor training as an apprentice instructor. 12267

~~(H)~~ (8) In the case of an applicant for an initial natural 12268
hair style instructor license, holds a current, valid advanced 12269
natural hair stylist or advanced cosmetologist license and does 12270
either of the following: 12271

~~(1)~~ (a) Has the licensed advanced natural hair stylist, 12272
licensed advanced cosmetologist, or owner of the licensed 12273

natural hair style salon or licensed beauty salon in which the 12274
applicant has been employed certify to the board that the 12275
applicant has engaged in the practice of natural hair styling in 12276
a licensed natural hair style salon or practice of cosmetology 12277
in a licensed beauty salon for at least one thousand eight 12278
hundred hours; 12279

~~(2)~~ (b) Has a school of cosmetology licensed in this state 12280
certify to the board that the applicant has successfully 12281
completed at least four hundred hours of board-approved natural 12282
hair style instructor training as an apprentice instructor. 12283

~~(1)~~ (9) In the case of all applicants, passes an 12284
examination conducted under division (B) of section 4713.24 of 12285
the Revised Code for the branch of cosmetology the applicant 12286
seeks to instruct. 12287

(B) The board shall issue an instructor license for a 12288
branch of cosmetology in accordance with Chapter 4796. of the 12289
Revised Code to an applicant if either of the following applies: 12290

(1) The applicant holds an instructor license in that 12291
branch of cosmetology in another state. 12292

(2) The applicant has satisfactory work experience, a 12293
government certification, or a private certification as 12294
described in that chapter as an instructor in that branch of 12295
cosmetology in a state that does not issue that license. 12296

Sec. 4713.34. The state cosmetology and barber board shall 12297
issue a license to practice a branch of cosmetology or 12298
instructor license to an applicant who is licensed or registered 12299
in another ~~state or~~ country to practice that branch of 12300
cosmetology or teach the theory and practice of that branch of 12301
cosmetology, as appropriate, if all of the following conditions 12302

are satisfied: 12303

(A) The applicant satisfies all of the following 12304
conditions: 12305

(1) Is not less than eighteen years of age; 12306

(2) In the case of an applicant for a practicing license, 12307
passes an examination conducted under section 4713.24 of the 12308
Revised Code for the license the applicant seeks, unless the 12309
applicant satisfies conditions specified in rules adopted under 12310
section 4713.08 of the Revised Code for the board to issue the 12311
applicant a license without taking the examination; 12312

(3) Pays the applicable fee. 12313

(B) At the time the applicant obtained the license or 12314
registration in the other ~~state or~~ country, the requirements in 12315
this state for obtaining the license the applicant seeks were 12316
substantially equal to the other ~~state or~~ country's 12317
requirements. 12318

(C) The jurisdiction that issued the applicant's license 12319
or registration extends similar reciprocity to individuals 12320
holding a license issued by the board. 12321

Sec. 4713.37. (A) The state cosmetology and barber board 12322
may issue a temporary special occasion work permit to ~~an~~a 12323
nonresident individual who satisfies all of the following 12324
conditions: 12325

(1) Has been licensed or registered in another state or 12326
country to practice a branch of cosmetology or teach the theory 12327
and practice of a branch of cosmetology for at least five years; 12328

(2) Is a recognized expert in the practice or teaching of 12329
the branch of cosmetology the individual practices or teaches; 12330

(3) Is to practice that branch of cosmetology or teach the theory and practice of that branch of cosmetology in this state as part of a promotional or instructional program for not more than the amount of time a temporary special occasion work permit is effective;

(4) Satisfies all other conditions for a temporary special occasion work permit established by rules adopted under section 4713.08 of the Revised Code;

(5) Pays the fee established by rules adopted under section 4713.08 of the Revised Code.

(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.

(C) Chapter 4796. of the Revised Code does not apply to a temporary special occasion work permit issued under this section.

Sec. 4713.69. (A) The-Except as provided in division (D) of this section, the state cosmetology and barber board shall issue a boutique services registration to an applicant who satisfies all of the following applicable conditions:

(1) Is at least sixteen years of age;

(2) Has the equivalent of an Ohio public school tenth grade education;

(3) Has submitted a written application on a form prescribed by the board containing all of the following:	12359 12360
(a) The applicant's name and home address;	12361
(b) The applicant's home telephone number and cellular telephone number, if any;	12362 12363
(c) The applicant's electronic mail address, if any;	12364
(d) The applicant's date of birth;	12365
(e) The address and telephone number where boutique services will be performed. The address shall not contain a post office box number.	12366 12367 12368
(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;	12369 12370 12371 12372
(g) Whether the applicant has ever had an occupational license, certification, or registration suspended, revoked, or denied in any state;	12373 12374 12375
(h) An affidavit or certificate providing proof of formal training or apprenticeship under an individual providing such services.	12376 12377 12378
(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.	12379 12380 12381 12382
(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.	12383 12384 12385

(D) The board shall issue a boutique services registration 12386
in accordance with Chapter 4796. of the Revised Code to an 12387
applicant if either of the following applies: 12388

(1) The applicant holds a license or registration in 12389
providing boutique services in another state. 12390

(2) The applicant has satisfactory work experience, a 12391
government certification, or a private certification as 12392
described in that chapter in providing boutique services in a 12393
state that does not issue that license or registration. 12394

Sec. 4715.03. (A) The state dental board shall organize by 12395
electing from its members a president, secretary, and vice- 12396
secretary. The secretary and vice-secretary shall be elected 12397
from the members of the board who are dentists. It shall hold 12398
meetings monthly at least eight months a year at such times and 12399
places as the board designates. A majority of the members of the 12400
board shall constitute a quorum. The board shall make such 12401
reasonable rules as it determines necessary pursuant to Chapter 12402
119. of the Revised Code. 12403

(B) A concurrence of a majority of the members of the 12404
board shall be required to do any of the following: 12405

(1) Grant, refuse, suspend, place on probationary status, 12406
revoke, refuse to renew, or refuse to reinstate a license or 12407
censure a license holder or take any other action authorized 12408
under section 4715.30 of the Revised Code; 12409

(2) Seek an injunction under section 4715.05 of the 12410
Revised Code; 12411

(3) Enter into a consent agreement with a license holder; 12412

(4) If the board develops and implements the quality 12413

intervention program under section 4715.031 of the Revised Code, 12414
refer a license holder to the program; 12415

(5) Terminate an investigation conducted under division 12416
(D) of this section; 12417

(6) Dismiss any complaint filed with the board. 12418

(C) (1) The board shall adopt rules in accordance with 12419
Chapter 119. of the Revised Code to do both of the following: 12420

(a) Establish standards for the safe practice of dentistry 12421
and dental hygiene by qualified practitioners and shall, through 12422
its policies and activities, promote such practice; 12423

(b) Establish universal blood and body fluid precautions 12424
that shall be used by each person licensed under this chapter 12425
who performs exposure prone invasive procedures. 12426

(2) The rules adopted under division (C) (1) (b) of this 12427
section shall define and establish requirements for universal 12428
blood and body fluid precautions that include the following: 12429

(a) Appropriate use of hand washing; 12430

(b) Disinfection and sterilization of equipment; 12431

(c) Handling and disposal of needles and other sharp 12432
instruments; 12433

(d) Wearing and disposal of gloves and other protective 12434
garments and devices. 12435

(D) The board shall administer and enforce the provisions 12436
of this chapter. The board shall, in accordance with sections 12437
4715.032 to 4715.035 of the Revised Code, investigate evidence 12438
which appears to show that any person has violated any provision 12439
of this chapter. Any person may report to the board under oath 12440

any information such person may have appearing to show a 12441
violation of any provision of this chapter. In the absence of 12442
bad faith, any person who reports such information or who 12443
testifies before the board in any disciplinary proceeding 12444
conducted pursuant to Chapter 119. of the Revised Code is not 12445
liable for civil damages as a result of making the report or 12446
providing testimony. If after investigation and reviewing the 12447
recommendation of the supervisory investigative panel issued 12448
pursuant to section 4715.034 of the Revised Code the board 12449
determines that there are reasonable grounds to believe that a 12450
violation of this chapter has occurred, the board shall, except 12451
as provided in this chapter, conduct disciplinary proceedings 12452
pursuant to Chapter 119. of the Revised Code, seek an injunction 12453
under section 4715.05 of the Revised Code, enter into a consent 12454
agreement with a license holder, or provide for a license holder 12455
to participate in the quality intervention program established 12456
under section 4715.031 of the Revised Code if the board develops 12457
and implements that program. 12458

For the purpose of any disciplinary proceeding or any 12459
investigation conducted under this division, the board may 12460
administer oaths, order the taking of depositions, issue 12461
subpoenas in accordance with section 4715.033 of the Revised 12462
Code, compel the attendance and testimony of persons at 12463
depositions, and compel the production of books, accounts, 12464
papers, documents, or other tangible things. The hearings and 12465
investigations of the board shall be considered civil actions 12466
for the purposes of section 2305.252 of the Revised Code. 12467
Notwithstanding section 121.22 of the Revised Code and except as 12468
provided in section 4715.036 of the Revised Code, proceedings of 12469
the board relative to the investigation of a complaint or the 12470
determination whether there are reasonable grounds to believe 12471

that a violation of this chapter has occurred are confidential 12472
and are not subject to discovery in any civil action. 12473

(E) (1) The board shall examine or cause to be examined 12474
eligible applicants to practice dental hygiene. The board may 12475
distinguish by rule different classes of qualified personnel 12476
according to skill levels and require all or only certain of 12477
these classes of qualified personnel to be examined and 12478
certified by the board. 12479

(2) The board shall administer a written jurisprudence 12480
examination to each applicant for a license to practice 12481
dentistry. The examination shall cover only the statutes and 12482
administrative rules governing the practice of dentistry in this 12483
state. 12484

(F) (1) In accordance with Chapter 119. of the Revised 12485
Code, subject to division (F) (2) of this section the board shall 12486
adopt, and may amend or rescind, rules establishing the 12487
eligibility criteria, the application and permit renewal 12488
procedures, and safety standards applicable to a dentist 12489
licensed under this chapter who applies for a permit to employ 12490
or use conscious sedation. These rules shall include all of the 12491
following: 12492

~~(1)~~ (a) The eligibility requirements and application 12493
procedures for an eligible dentist to obtain a conscious 12494
sedation permit; 12495

~~(2)~~ (b) The minimum educational and clinical training 12496
standards required of applicants, which shall include 12497
satisfactory completion of an advanced cardiac life support 12498
course; 12499

~~(3)~~ (c) The facility equipment and inspection 12500

requirements;	12501
(4) <u>(d) Safety standards;</u>	12502
(5) <u>(e) Requirements for reporting adverse occurrences.</u>	12503
<u>(2) The board shall issue a permit to employ or use</u>	12504
<u>conscious sedation in accordance with Chapter 4796. of the</u>	12505
<u>Revised Code to a dentist licensed under this chapter if either</u>	12506
<u>of the following applies:</u>	12507
<u>(a) The dentist holds a license or permit to employ or use</u>	12508
<u>conscious sedation in another state.</u>	12509
<u>(b) The dentist has satisfactory work experience, a</u>	12510
<u>government certification, or a private certification as</u>	12511
<u>described in Chapter 4796. of the Revised Code in employing or</u>	12512
<u>using conscious sedation in a state that does not issue that</u>	12513
<u>license.</u>	12514
<u>(G) (1) In accordance with Chapter 119. of the Revised</u>	12515
<u>Code, subject to division (G) (2) of this section the board shall</u>	12516
<u>adopt rules establishing eligibility criteria, application and</u>	12517
<u>permit renewal procedures, and safety standards applicable to a</u>	12518
<u>dentist licensed under this chapter who applies for a general</u>	12519
<u>anesthesia permit.</u>	12520
<u>(2) The board shall issue a general anesthesia permit in</u>	12521
<u>accordance with Chapter 4796. of the Revised Code to a dentist</u>	12522
<u>licensed under this chapter if either of the following applies:</u>	12523
<u>(a) The dentist holds a general anesthesia license or</u>	12524
<u>permit in another state.</u>	12525
<u>(b) The dentist has satisfactory work experience, a</u>	12526
<u>government certification, or a private certification as</u>	12527
<u>described in Chapter 4796. of the Revised Code utilizing general</u>	12528

anesthesia in a state that does not issue that license or 12529
permit. 12530

Sec. 4715.09. (A) No person shall practice dentistry 12531
without a current license from the state dental board. No person 12532
shall practice dentistry while the person's license is under 12533
suspension by the state dental board. 12534

(B) No dentist shall use the services of any person not 12535
licensed to practice dentistry in this state, or the services of 12536
any partnership, corporation, or association, to construct, 12537
alter, repair, or duplicate any denture, plate, bridge, splint, 12538
or orthodontic or prosthetic appliance, without first furnishing 12539
the unlicensed person, partnership, corporation, or association 12540
with a written work authorization on forms prescribed by the 12541
state dental board. 12542

The unlicensed person, partnership, corporation, or 12543
association shall retain the original work authorization, and 12544
the dentist shall retain a duplicate copy of the work 12545
authorization, for two years from its date. Work authorizations 12546
required by this section shall be open for inspection during the 12547
two-year period by the state dental board, its authorized agent, 12548
or the prosecuting attorney of a county or the director of law 12549
of a municipal corporation wherein the work authorizations are 12550
located. 12551

(C) If the person, partnership, association, or 12552
corporation receiving a written authorization from a licensed 12553
dentist engages another person, firm, or corporation, referred 12554
to in this division as "subcontractor," to perform some of the 12555
services relative to the work authorization, the person shall 12556
furnish a written sub-work authorization with respect thereto on 12557
forms prescribed by the state dental board. 12558

The subcontractor shall retain the sub-work authorization 12559
and the issuer thereof shall retain a duplicate copy, attached 12560
to the work authorization received from the licensed dentist, 12561
for inspection by the state dental board or its duly authorized 12562
agents, for a period of two years in both cases. 12563

(D) No unlicensed person, partnership, association, or 12564
corporation shall perform any service described in division (B) 12565
of this section without a written work authorization from a 12566
licensed dentist. Provided, that if a written work authorization 12567
is demanded from a licensed dentist who fails or refuses to 12568
furnish it for any reason, the unlicensed person, partnership, 12569
association, or corporation shall not, in such event, be subject 12570
to the enforcement provisions of section 4715.05 or the penal 12571
provisions of section 4715.99 of the Revised Code. 12572

(E) No dentist shall employ or use conscious sedation 12573
unless the dentist possesses a valid permit issued by the state 12574
dental board authorizing the dentist to do so. 12575

(F) No dentist shall employ or use general anesthesia 12576
unless the dentist possesses a valid permit issued by the state 12577
dental board authorizing the dentist to do so. 12578

(G) Division (A) of this section does not apply to a 12579
nonresident person who meets both of the following conditions: 12580

(1) The person holds a license in good standing to 12581
practice dentistry issued by another state. 12582

(2) The person is practicing as a volunteer without 12583
remuneration during a charitable event that lasts not more than 12584
seven days. 12585

When a nonresident person meets the conditions of this 12586
division, the person shall be deemed to hold, for the course of 12587

the charitable event, a license to practice dentistry from the 12588
state dental board and shall be subject to the provisions of 12589
this chapter authorizing the board to take disciplinary action 12590
against a license holder. Not less than seven calendar days 12591
before the first day of the charitable event, the person or the 12592
event's organizer shall notify the board of the person's intent 12593
to engage in the practice of dentistry at the event. During the 12594
course of the charitable event, the person's scope of practice 12595
is limited to the procedures that a dentist licensed under this 12596
chapter is authorized to perform unless the person's scope of 12597
practice in the other state is more restrictive than in this 12598
state. If the latter is the case, the person's scope of practice 12599
is limited to the procedures that a dentist in the other state 12600
may perform. Chapter 4796. of the Revised Code does not apply to 12601
this division. 12602

Sec. 4715.10. (A) As used in this section, "accredited 12603
dental college" means a dental college accredited by the 12604
commission on dental accreditation or a dental college that has 12605
educational standards recognized by the commission on dental 12606
accreditation and is approved by the state dental board. 12607

(B) Each person who desires to practice dentistry in this 12608
state shall file a written application for a license with the 12609
secretary of the state dental board. The application shall be on 12610
a form prescribed by the board and verified by oath. ~~Each-Except~~ 12611
as provided in division (F) of this section, each applicant 12612
shall furnish satisfactory proof to the board that the applicant 12613
has met the requirements of divisions (C) and (D) of this 12614
section, and if the applicant is a graduate of an unaccredited 12615
dental college located outside the United States, division (E) 12616
of this section. 12617

(C) To be granted a license to practice dentistry, an applicant must meet all of the following requirements:	12618
	12619
(1) Be at least eighteen years of age;	12620
(2) Be a graduate of an accredited dental college or of a dental college located outside the United States who meets the standards adopted under section 4715.11 of the Revised Code;	12621
	12622
	12623
(3) Have passed parts I and II of the examination given by the national board of dental examiners;	12624
	12625
(4) Have passed a written jurisprudence examination administered by the state dental board under division (E) (2) of section 4715.03 of the Revised Code;	12626
	12627
	12628
(5) Pay the fee required by division (A) (1) of section 4715.13 of the Revised Code.	12629
	12630
(D) To be granted a license to practice dentistry, an applicant must meet any one of the following requirements:	12631
	12632
(1) Have taken an examination administered by any of the following regional testing agencies and received a passing score on the examination as determined by the administering agency: the central regional dental testing service, inc., northeast regional board of dental examiners, inc., the commission on dental competency assessments, the southern regional dental testing agency, inc., the council of interstate testing agencies, inc., or the western regional examining board;	12633
	12634
	12635
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	12640
(2) Have taken an examination administered by the state dental board and received a passing score as established by the board;	12641
	12642
	12643
(3) Possess a license in good standing from another state and have actively engaged in the legal and reputable practice of	12644
	12645

~~dentistry in another state or in the armed forces of the United States, the United States public health service, or the United States department of veterans' affairs for five years immediately preceding application;~~

~~(4) Have completed a dental residency program accredited or approved by the commission on dental accreditation and administered by an accredited dental college or hospital.~~

(E) To be granted a license to practice dentistry, a graduate of an unaccredited dental college located outside the United States must meet both of the following requirements:

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

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

(F) The board shall grant a license to practice dentistry in accordance with Chapter 4796. 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 chapter in the practice of dentistry in a state that does not issue that license.

Sec. 4715.16. (A) Upon payment of a fee of thirteen

dollars, the state dental board may without examination issue a 12674
limited resident's license to any person who is a graduate of a 12675
dental college, is authorized to practice in another ~~state or~~ 12676
country or qualified to take the regular licensing examination 12677
in this state, and furnishes the board satisfactory proof of 12678
having been appointed a dental resident at an accredited dental 12679
college in this state or at an accredited program of a hospital 12680
in this state, but has not yet been licensed as a dentist by the 12681
board. Any person receiving a limited resident's license may 12682
practice dentistry only in connection with programs operated by 12683
the dental college or hospital at which the person is appointed 12684
as a resident as designated on the person's limited resident's 12685
license, and only under the direction of a licensed dentist who 12686
is a member of the dental staff of the college or hospital or a 12687
dentist holding a current limited teaching license issued under 12688
division (B) of this section, and only on bona fide patients of 12689
such programs. The holder of a limited resident's license may be 12690
disciplined by the board pursuant to section 4715.30 of the 12691
Revised Code. The board shall issue a limited resident's license 12692
in accordance with Chapter 4796. of the Revised Code to an 12693
applicant if either of the following applies: 12694

(1) The applicant holds a license to practice dentistry in 12695
another state. 12696

(2) The applicant has satisfactory work experience, a 12697
government certification, or a private certification as 12698
described in that chapter in the practice of dentistry in a 12699
state that does not issue that license. 12700

(B) Upon payment of one hundred twenty-seven dollars and 12701
upon application endorsed by an accredited dental college in 12702
this state, the board may without examination issue a limited 12703

teaching license to a dentist who is a resident of a state other 12704
than Ohio and who is a graduate of a dental college, is 12705
authorized to practice dentistry in another state or country, 12706
and has full-time appointment to the faculty of the endorsing 12707
dental college. A limited teaching license is subject to annual 12708
renewal in accordance with the standard renewal procedure of 12709
Chapter 4745. of the Revised Code, and automatically expires 12710
upon termination of the full-time faculty appointment. A person 12711
holding a limited teaching license may practice dentistry only 12712
in connection with programs operated by the endorsing dental 12713
college. The board may discipline the holder of a limited 12714
teaching license pursuant to section 4715.30 of the Revised 12715
Code. 12716

Chapter 4796. of the Revised Code does not apply to a 12717
limited teaching license issued under this division. 12718

(C) (1) As used in this division: 12719

(a) "Continuing dental education practicum" or "practicum" 12720
means a course of instruction, approved by the American dental 12721
association, Ohio dental association, or academy of general 12722
dentistry, that is designed to improve the clinical skills of a 12723
dentist by requiring the dentist to participate in clinical 12724
exercises on patients. 12725

(b) "Director" means the person responsible for the 12726
operation of a practicum. 12727

(2) Upon payment of one hundred twenty-seven dollars and 12728
application endorsed by the director of a continuing dental 12729
education practicum, the board shall, without examination, issue 12730
a temporary limited continuing education license to a resident 12731
of a state other than Ohio who is licensed to practice dentistry 12732

in such state and is in good standing, is a graduate of an 12733
accredited dental college, and is registered to participate in 12734
the endorsing practicum. The determination of whether a dentist 12735
is in good standing shall be made by the board. 12736

A dentist holding a temporary limited continuing education 12737
license may practice dentistry only on residents of the state in 12738
which the dentist is permanently licensed or on patients 12739
referred by a dentist licensed pursuant to section 4715.12 of 12740
the Revised Code to an instructing dentist licensed pursuant to 12741
that section, and only while participating in a required 12742
clinical exercise of the endorsing practicum on the premises of 12743
the facility where the practicum is being conducted. 12744

Practice under a temporary limited continuing education 12745
license shall be under the direct supervision and full 12746
professional responsibility of an instructing dentist licensed 12747
pursuant to section 4715.12 of the Revised Code, shall be 12748
limited to the performance of those procedures necessary to 12749
complete the endorsing practicum, and shall not exceed thirty 12750
days of actual patient treatment in any year. 12751

(3) A director of a continuing dental education practicum 12752
who endorses an application for a temporary limited continuing 12753
education license shall, prior to making the endorsement, notify 12754
the state dental board in writing of the identity of the 12755
sponsors and the faculty of the practicum and the dates and 12756
locations at which it will be offered. The notice shall also 12757
include a brief description of the course of instruction. The 12758
board may prohibit a continuing dental education practicum from 12759
endorsing applications for temporary limited continuing 12760
education licenses if the board determines that the practicum is 12761
engaged in activities that constitute a threat to public health 12762

and safety or do not constitute bona fide continuing dental 12763
education, or that the practicum permits activities which 12764
otherwise violate this chapter. Any continuing dental education 12765
practicum prohibited from endorsing applications may request an 12766
adjudication pursuant to Chapter 119. of the Revised Code. 12767

A temporary limited continuing education license shall be 12768
valid only when the dentist is participating in the endorsing 12769
continuing dental education practicum and shall expire at the 12770
end of one year. If the dentist fails to complete the endorsing 12771
practicum in one year, the board may, upon the dentist's 12772
application and payment of a fee of ninety-four dollars, renew 12773
the temporary limited continuing education license for a 12774
consecutive one-year period. Only two renewals may be granted. 12775
The holder of a temporary limited continuing education license 12776
may be disciplined by the board pursuant to section 4715.30 of 12777
the Revised Code. 12778

Chapter 4796. of the Revised Code does not apply to a 12779
temporary limited continuing education license issued under this 12780
division. 12781

(D) The board shall act either to approve or to deny any 12782
application for a limited license pursuant to division (A), (B), 12783
or (C) of this section not later than sixty days of the date the 12784
board receives the application. 12785

Sec. 4715.27. The (A) (1) Except as provided in division 12786
(A) (2) of this section, the state dental board may issue a 12787
license to an applicant who furnishes satisfactory proof of 12788
being at least eighteen years of age and who demonstrates, to 12789
the satisfaction of the board, knowledge of the laws, 12790
regulations, and rules governing the practice of a dental 12791
hygienist; who proves, to the satisfaction of the board, intent 12792

to practice as a dental hygienist in this state; who is a 12793
graduate from an accredited school of dental hygiene and who 12794
holds a license by examination from a similar dental board, and 12795
who passes an examination as prescribed by the board relating to 12796
dental hygiene. 12797

(2) The board shall issue a license to practice as a 12798
dental hygienist in accordance with Chapter 4796. of the Revised 12799
Code to an applicant if either of the following applies: 12800

(a) The applicant holds a license to practice as a dental 12801
hygienist in another state. 12802

(b) The applicant has satisfactory work experience, a 12803
government certification, or a private certification as 12804
described in that chapter in the practice of a dental hygienist 12805
in a state that does not issue that license. 12806

(B) Upon payment of seventy-three dollars and upon 12807
application endorsed by an accredited dental hygiene school in 12808
this state, the state dental board may without examination issue 12809
a teacher's certificate to a dental hygienist, authorized to 12810
practice in another state or country. A teacher's certificate 12811
shall be subject to annual renewal in accordance with the 12812
standard renewal procedure of sections 4745.01 to 4745.03 of the 12813
Revised Code, and shall not be construed as authorizing anything 12814
other than teaching or demonstrating the skills of a dental 12815
hygienist in the educational programs of the accredited dental 12816
hygiene school which endorsed the application. 12817

Chapter 4796. of the Revised Code does not apply to a 12818
teacher's certificate issued under this division. 12819

Sec. 4715.362. A dentist who desires to participate in the 12820
oral health access supervision program shall apply to the state 12821

dental board for an oral health access supervision permit. The 12822
application shall be under oath, on a form prescribed by the 12823
board in rules adopted under section 4715.372 of the Revised 12824
Code, and accompanied by an application fee of twenty-five 12825
dollars. To be eligible to receive the permit, an applicant 12826
shall meet the requirements established by the board in rules 12827
adopted under section 4715.372 of the Revised Code. 12828

The state dental board shall issue an oral health access 12829
supervision permit to a dentist who is in good standing with the 12830
board and satisfies all of the requirements of this section. 12831

Chapter 4796. of the Revised Code does not apply to a 12832
permit issued under this section. 12833

Sec. 4715.363. (A) A dental hygienist who desires to 12834
participate in the oral health access supervision program shall 12835
apply to the state dental board for a permit to practice under 12836
the oral health access supervision of a dentist. The application 12837
shall be under oath, on a form prescribed by the board in rules 12838
adopted under section 4715.372 of the Revised Code, and 12839
accompanied by an application fee of twenty-five dollars, which 12840
may be paid by credit card. 12841

(B) The applicant shall provide evidence satisfactory to 12842
the board that the applicant has done all of the following: 12843

(1) Completed at least one year and attained a minimum of 12844
one thousand five hundred hours of experience in the practice of 12845
dental hygiene; 12846

(2) Completed at least twenty-four hours of continuing 12847
dental hygiene education during the two years prior to 12848
submission of the application; 12849

(3) Completed a course pertaining to the practice of 12850

dental hygiene under the oral health access supervision of a 12851
dentist that meets standards established in rules adopted under 12852
section 4715.372 of the Revised Code; 12853

(4) Completed, during the two years prior to submission of 12854
the application, a course pertaining to the identification and 12855
prevention of potential medical emergencies that is the same as 12856
the course described in division (C)(2) of section 4715.22 of 12857
the Revised Code. 12858

(C) The state dental board shall issue a permit to 12859
practice under the oral health access supervision of a dentist 12860
to a dental hygienist who is in good standing with the board and 12861
meets all of the requirements of divisions (A) and (B) of this 12862
section. 12863

(D) Chapter 4796. of the Revised Code does not apply to a 12864
permit issued under this section. 12865

Sec. 4715.39. (A) The state dental board may define the 12866
duties that may be performed by dental assistants and other 12867
individuals designated by the board as qualified personnel. If 12868
defined, the duties shall be defined in rules adopted in 12869
accordance with Chapter 119. of the Revised Code. The rules may 12870
include training and practice standards for dental assistants 12871
and other qualified personnel. The standards may include 12872
examination and issuance of a certificate. If the board issues a 12873
certificate, the recipient shall display the certificate in a 12874
conspicuous location in any office in which the recipient is 12875
employed to perform the duties authorized by the certificate. 12876

(B) A dental assistant may polish the clinical crowns of 12877
teeth if all of the following requirements are met: 12878

(1) The dental assistant's polishing activities are 12879

limited to the use of a rubber cup attached to a slow-speed 12880
rotary dental hand piece to remove soft deposits that build up 12881
over time on the crowns of teeth. 12882

(2) The polishing is performed only after a dentist has 12883
evaluated the patient and any calculus detected on the teeth to 12884
be polished has been removed by a dentist or dental hygienist. 12885

(3) The dentist supervising the assistant supervises not 12886
more than two dental assistants engaging in polishing activities 12887
at any given time. 12888

(4) The dental assistant is certified by the dental 12889
assisting national board, the Ohio commission on dental 12890
assistant certification, or the American medical technologists. 12891

(5) The dental assistant receives a certificate from the 12892
board authorizing the assistant to engage in the polishing 12893
activities. The board shall issue the certificate if the 12894
individual has successfully completed training in the polishing 12895
of clinical crowns through a program accredited by the American 12896
dental association commission on dental accreditation or 12897
equivalent training approved by the board. The training shall 12898
include courses in basic dental anatomy and infection control, 12899
followed by a course in coronal polishing that includes 12900
didactic, preclinical, and clinical training; any other training 12901
required by the board; and a skills assessment that includes 12902
successful completion of standardized testing. The board shall 12903
adopt rules pursuant to division (A) of this section 12904
establishing standards for approval of this training. 12905

The board shall issue a certificate to engage in polishing 12906
activities in accordance with Chapter 4796. of the Revised Code 12907
to a dental assistant if either of the following applies: 12908

- (a) The applicant holds a license or certificate to engage 12909
in polishing activities in another state. 12910
- (b) The applicant has satisfactory work experience, a 12911
government certification, or a private certification as 12912
described in that chapter in polishing activities in a state 12913
that does not issue that license or certificate. 12914
- (C) A dental assistant may apply pit and fissure sealants 12915
if all of the following requirements are met: 12916
- (1) A dentist evaluates the patient and designates the 12917
teeth and surfaces that will benefit from the application of 12918
sealant on the day the application is to be performed. 12919
- (2) The dental assistant is certified by the dental 12920
assisting national board, the Ohio commission on dental 12921
assistant certification, or the American medical technologists. 12922
- (3) The dental assistant has successfully completed a 12923
course in the application of sealants consisting of at least two 12924
hours of didactic instruction and six hours of clinical 12925
instruction through a program provided by an institution 12926
accredited by the American dental association commission on 12927
dental accreditation or a program provided by a sponsor of 12928
continuing education approved by the board. 12929
- (4) The dentist supervising the assistant has observed the 12930
assistant successfully apply at least six sealants. 12931
- (5) Except as provided in division (D) or (E) of this 12932
section, the dentist supervising the assistant checks and 12933
approves the application of all sealants placed by the assistant 12934
before the patient leaves the location where the sealant 12935
application procedure is performed. 12936

(D) (1) A dental assistant who is certified by the dental assisting national board, the Ohio commission on dental assistant certification, or the American medical technologists may provide, for not more than fifteen consecutive business days, all of the following services to a patient when the supervising dentist is not physically present at the location where the services are provided if the conditions specified in division (D) (2) of this section have been satisfied:	12937 12938 12939 12940 12941 12942 12943 12944
(a) Recementation of temporary crowns or recementation of crowns with temporary cement;	12945 12946
(b) Application of fluoride varnish;	12947
(c) Application of disclosing solutions;	12948
(d) Application of desensitizing agents, excluding silver diamine fluoride;	12949 12950
(e) Caries susceptibility testing;	12951
(f) Instruction on oral hygiene home care, including the use of toothbrushes and dental floss.	12952 12953
(2) The conditions that must be satisfied before a dental assistant may provide the services specified in division (D) (1) of this section are all of the following:	12954 12955 12956
(a) The dental assistant has at least one year and a minimum of one thousand five hundred hours of experience practicing as a dental assistant.	12957 12958 12959
(b) The dental assistant has successfully completed a course approved by the state dental board in the identification and prevention of potential medical emergencies.	12960 12961 12962
(c) The supervising dentist has evaluated the dental	12963

assistant's skills. 12964

(d) The supervising dentist has established written 12965
protocols or written standing orders for the dental assistant to 12966
follow during and in the absence of an emergency. 12967

(e) The supervising dentist completed and evaluated a 12968
medical and dental history of the patient not more than one year 12969
prior to the date that the dental assistant provides services to 12970
the patient, and the supervising dentist determines that the 12971
patient is in a medically stable condition. 12972

(f) The patient is notified, in advance of the appointment 12973
for services, that the supervising dentist will be absent from 12974
the location and that the dental assistant cannot diagnose the 12975
patient's dental health care status. 12976

(g) The dental assistant is employed by, or under contract 12977
with, the supervising dentist, a dentist licensed under this 12978
chapter who meets one of the criteria specified in division (C) 12979
(10) (b) of section 4715.22 of the Revised Code, or a government 12980
entity that employs the dental assistant to provide services in 12981
a public school or in connection with other programs the 12982
government entity administers. 12983

(3) A dental assistant who is certified by the dental 12984
assisting national board, the Ohio commission on dental 12985
assistant certification, or the American medical technologists 12986
may apply, for not more than fifteen business days, pit and 12987
fissure sealants when the supervising dentist is not physically 12988
present at the location where the sealants are to be applied if 12989
the dental assistant meets the requirements in divisions (C) (3) 12990
and (4) of this section and all of the conditions specified in 12991
division (D) (2) of this section have been satisfied. 12992

(E) A dental assistant who is certified by the dental assisting national board, the Ohio commission on dental assistant certification, or the American medical technologists may apply pit and fissure sealants prior to a dentist examining the patient and rendering a diagnosis, and when a dentist is not physically present at the location where the service is provided, if all of the following are the case:	12993 12994 12995 12996 12997 12998 12999
(1) The dental assistant meets the requirements in divisions (C) (3) and (4) of this section.	13000 13001
(2) The conditions specified in divisions (D) (2) (a), (b), (c), (d), (f), and (g) of this section have been satisfied.	13002 13003
(3) The dental assistant is providing the service as part of a program operated through any of the following: a school district board of education or the governing board of an educational service center; the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code; a national, state, district, or local dental association; or any other public or private entity recognized by the state dental board.	13004 13005 13006 13007 13008 13009 13010 13011 13012
(4) A supervising dentist for the program described in division (E) (3) of this section meets both of the following conditions:	13013 13014 13015
(a) Is employed by or a volunteer for, and the patients are referred by, the entity through which the program is operated;	13016 13017 13018
(b) Is available for consultation by telephone, videoconferencing, or other means of electronic communication.	13019 13020
(5) The application of pit and fissure sealants is limited	13021

to erupted permanent posterior teeth without suspicion of 13022
dentinal cavitation. 13023

(6) If the patient is a minor, a parent, guardian, or 13024
other person responsible for the patient has been notified that 13025
a dentist will not be present at the location and that the 13026
dental assistant is not trained to diagnose or treat other 13027
serious dental concerns that could exist. 13028

(F) Subject to this section and the applicable rules of 13029
the board, licensed dentists may assign to dental assistants and 13030
other qualified personnel dental procedures that do not require 13031
the professional competence or skill of the licensed dentist, a 13032
dental hygienist, or an expanded function dental auxiliary as 13033
this section or the board by rule authorizes dental assistants 13034
and other qualified personnel to perform. Except as provided in 13035
division (D) or (E) of this section, the performance of dental 13036
procedures by dental assistants and other qualified personnel 13037
shall be under direct supervision and full responsibility of the 13038
licensed dentist. 13039

(G) Nothing in this section shall be construed by rule of 13040
the state dental board or otherwise to do the following: 13041

(1) Authorize dental assistants or other qualified 13042
personnel to engage in the practice of dental hygiene as defined 13043
by sections 4715.22 and 4715.23 of the Revised Code or to 13044
perform the duties of a dental hygienist, including the removal 13045
of calcarious deposits, dental cement, or accretions on the 13046
crowns and roots of teeth other than as authorized pursuant to 13047
this section; 13048

(2) Authorize dental assistants or other qualified 13049
personnel to engage in the practice of an expanded function 13050

dental auxiliary as specified in section 4715.64 of the Revised Code or to perform the duties of an expanded function dental auxiliary other than as authorized pursuant to this section.

(3) Authorize the assignment of any of the following:

(a) Diagnosis;

(b) Treatment planning and prescription, including prescription for drugs and medicaments or authorization for restorative, prosthodontic, or orthodontic appliances;

(c) Surgical procedures on hard or soft tissue of the oral cavity, or any other intraoral procedure that contributes to or results in an irremediable alteration of the oral anatomy;

(d) The making of final impressions from which casts are made to construct any dental restoration.

(H) No dentist shall assign any dental assistant or other individual acting in the capacity of qualified personnel to perform any dental procedure that the assistant or other individual is not authorized by this section or by board rule to perform. No dental assistant or other individual acting in the capacity of qualified personnel shall perform any dental procedure other than in accordance with this section and any applicable board rule or any dental procedure that the assistant or other individual is not authorized by this section or by board rule to perform.

Sec. 4715.42. (A) (1) As used in this section:

(a) "Free clinic" has the same meaning as in section 3701.071 of the Revised Code.

(b) "Indigent and uninsured person" and "operation" have the same meanings as in section 2305.234 of the Revised Code.

(2) For the purposes of this section, a person shall be considered retired from practice if the person's license has been surrendered or allowed to expire with the intention of ceasing to practice as a dentist or dental hygienist for remuneration.

(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 13107
practice dentistry or dental hygiene. 13108

(b) The applicant has practiced as a dentist or dental 13109
hygienist in good standing for at least ten years prior to 13110
retirement in one or more branches of the United States armed 13111
services. 13112

(D) The holder of a volunteer's certificate may provide 13113
dental services only to indigent and uninsured persons, but may 13114
do so at any location, including a free clinic. The holder shall 13115
not accept any form of remuneration for providing dental 13116
services while in possession of the certificate. Except in a 13117
dental emergency, the holder shall not perform any operation. 13118
The board may revoke a volunteer's certificate on receiving 13119
proof satisfactory to the board that the holder has engaged in 13120
practice in this state outside the scope of the holder's 13121
certificate or that there are grounds for action against the 13122
person under section 4715.30 of the Revised Code. 13123

(E) (1) A volunteer's certificate shall be valid for a 13124
period of three years, and may be renewed upon the application 13125
of the holder, unless the certificate was previously revoked 13126
under division (D) of this section. The board shall maintain a 13127
register of all persons who hold volunteer's certificates. The 13128
board shall not charge a fee for issuing or renewing a 13129
certificate pursuant to this section. 13130

(2) To be eligible for renewal of a volunteer's 13131
certificate, the holder of the certificate shall certify to the 13132
board completion of sixty hours of continuing dental education 13133
that meets the requirements of section 4715.141 of the Revised 13134
Code and the rules adopted under that section, or completion of 13135
eighteen hours of continuing dental hygiene education that meets 13136

the requirements of section 4715.25 of the Revised Code and the 13137
rules adopted under that section, as the case may be. The board 13138
may not renew a certificate if the holder has not complied with 13139
the appropriate continuing education requirements. Any entity 13140
for which the holder provides dental services may pay for or 13141
reimburse the holder for any costs incurred in obtaining the 13142
required continuing education credits. 13143

(3) The board shall issue to each person who qualifies 13144
under this section for a volunteer's certificate a wallet 13145
certificate and a wall certificate that state that the 13146
certificate holder is authorized to provide dental services 13147
pursuant to the laws of this state. The holder shall keep the 13148
wallet certificate on the holder's person while providing dental 13149
services and shall display the wall certificate prominently at 13150
the location where the holder primarily practices. 13151

(4) The holder of a volunteer's certificate issued 13152
pursuant to this section is subject to the immunity provisions 13153
regarding the provision of services to indigent and uninsured 13154
persons in section 2305.234 of the Revised Code. 13155

(F) The board shall adopt rules in accordance with Chapter 13156
119. of the Revised Code to administer and enforce this section. 13157

(G) The state dental board shall make available through 13158
the board's web site the application form for a volunteer's 13159
certificate under this section, a description of the application 13160
process, and a list of all items that are required by division 13161
(C) of this section to be submitted with the application. 13162

(H) Chapter 4796. of the Revised Code does not apply to a 13163
license issued under this section. 13164

Sec. 4715.421. (A) As used in this section: 13165

- (1) "Accredited dental college" has the same meaning as in section 4715.10 of the Revised Code. 13166
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- (2) "Accredited dental hygiene school" has the same meaning as in section 4715.36 of the Revised Code. 13168
13169
- (3) "Operation" has the same meaning as in section 2305.234 of the Revised Code. 13170
13171
- (B) Within thirty days after receiving an application for a temporary volunteer's certificate that includes all of the items listed in divisions (C) (1) and (2) of this section, the state dental board shall issue, without examination, a temporary volunteer's certificate to a person not licensed under this chapter so that the person may provide dental services in this state as a volunteer. 13172
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- (C) An application for a temporary volunteer's certificate shall include both of the following: 13179
13180
- (1) A copy of the applicant's degree from an accredited dental college or accredited dental hygiene school; 13181
13182
- (2) One of the following, as applicable: 13183
- (a) Evidence satisfactory to the board that the applicant holds a valid, unrestricted license to practice dentistry or dental hygiene issued by a jurisdiction in the United States that licenses persons to practice dentistry or dental hygiene; 13184
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13186
13187
- (b) Evidence satisfactory to the board that the applicant is practicing dentistry or dental hygiene in one or more branches of the United States armed services. 13188
13189
13190
- (D) The holder of a temporary volunteer's certificate shall not accept any form of remuneration for providing dental services pursuant to the certificate. Except in a dental 13191
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emergency, the holder shall not perform any operation. The board 13194
may revoke a temporary volunteer's certificate on receiving 13195
proof satisfactory to the board that the holder has engaged in 13196
practice in this state outside the scope of the holder's 13197
certificate or that there are grounds for action against the 13198
person under section 4715.30 of the Revised Code. 13199

(E) (1) A temporary volunteer's certificate shall be valid 13200
for a period of seven days, and may be renewed upon the 13201
application of the holder, unless the certificate was previously 13202
revoked under division (D) of this section. The board shall 13203
maintain a register of all persons who hold a temporary 13204
volunteer's certificate. The board may charge a fee not to 13205
exceed twenty-five dollars for issuing or renewing a certificate 13206
pursuant to this section. 13207

(2) The board shall issue to each person who qualifies 13208
under this section for a temporary volunteer's certificate a 13209
wallet certificate that states that the certificate holder is 13210
authorized to provide dental services pursuant to the laws of 13211
this state. The holder shall keep the wallet certificate on the 13212
holder's person while providing dental services. 13213

(3) The holder of a temporary volunteer's certificate 13214
issued pursuant to this section is subject to the immunity 13215
provisions in section 2305.234 of the Revised Code. 13216

(F) The board shall adopt rules in accordance with Chapter 13217
119. of the Revised Code to administer and enforce this section. 13218

(G) Not later than ninety days after ~~the effective date of~~ 13219
~~this section~~ March 23, 2015, the state dental board shall make 13220
available through the board's internet web site the application 13221
form for a temporary volunteer's certificate under this section, 13222

a description of the application process, and a list of all 13223
items that are required by division (C) of this section to be 13224
submitted with the application. 13225

(H) Chapter 4796. of the Revised Code does not apply to a 13226
temporary volunteer's certificate issued under this section. 13227

Sec. 4715.43. (A) As used in this section and in sections 13228
4715.431 to 4715.437 of the Revised Code: 13229

(1) "Authorizing dentist" means the holder of a current, 13230
valid teledentistry permit issued under this section who 13231
authorizes a dental hygienist or expanded function dental 13232
auxiliary to perform services under section 4715.431 of the 13233
Revised Code. 13234

(2) "Dental hygiene services" means the prophylactic, 13235
preventive, and other procedures that dentists are authorized by 13236
this chapter and rules of the state dental board to assign to 13237
dental hygienists, except for procedures while a patient is 13238
anesthetized, definitive root planing, definitive subgingival 13239
curettage, the administration of local anesthesia, and the 13240
procedures specified in rules adopted by the board as described 13241
in division (C) (3) of section 4715.22 of the Revised Code. 13242

(3) "Interim therapeutic restoration" means a direct 13243
provisional restoration placed to stabilize a tooth until a 13244
licensed dentist can assess the need for further treatment. 13245
"Interim therapeutic restoration" includes the removal of 13246
debris, other than carious or noncarious tooth structure, from 13247
the carious lesion using air or water irrigation. 13248

(4) "Synchronous, real-time communication" means a live, 13249
two-way interaction between a patient and a dentist conducted 13250
through audiovisual technology. 13251

(5) "Teledentistry" means the delivery of dental services through the use of synchronous, real-time communication and the delivery of services of a dental hygienist or expanded function dental auxiliary pursuant to a dentist's authorization.

(B) (1) A dentist who desires to provide dental services through teledentistry shall apply to the state dental board for a teledentistry permit. The application must be made under oath on a form prescribed by the board and be accompanied by a twenty-dollar application fee. ~~To~~ Except as provided in division (B) (2) of this section, to be eligible for the permit, the dentist must meet the requirements established by the board in rules adopted under section 4715.436 of the Revised Code.

(2) The state dental board shall issue a teledentistry permit to a dentist who is in good standing with the board and satisfies all of the requirements of this section. An individual who holds a license in another state is not required to obtain a license under Chapter 4796. of the Revised Code if the individual holds a permit under this section.

Sec. 4715.53. (A) Each individual seeking a certificate to practice as a dental x-ray machine operator shall apply to the state dental board on a form the board shall prescribe and provide. ~~The~~ Except as provided in division (C) of this section, the application shall be accompanied by an application fee of thirty-two dollars.

(B) The board shall review all applications received and, except as provided in division (C) of this section, issue a dental x-ray machine operator certificate to each applicant who submits evidence satisfactory to the board of one of the following:

(1) The applicant holds certification from the dental assisting national board, the Ohio commission on dental assistant certification, or the American medical technologists. 13281
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~~(2) The applicant holds a license, certificate, permit, registration, or other credential issued by another state that the board determines uses standards for dental x-ray machine operators that are at least equal to those established under this chapter.~~ 13284
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~~(3) The applicant has successfully completed an educational program consisting of at least seven hours of instruction in dental x-ray machine operation that meets either of the following requirements:~~ 13289
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13291
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(a) Has been approved by the board in accordance with section 4715.57 of the Revised Code; 13293
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(b) Is conducted by an institution accredited by the American dental association commission on dental accreditation. 13295
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(C) The board shall issue a certificate in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 13297
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(1) The applicant holds a license or certificate in another state. 13300
13301

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a dental x-ray machine operator in a state that does not issue that license or certificate. 13302
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(D) A certificate issued under this section expires two years after it is issued and may be renewed if the certificate holder does both of the following: 13306
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(1) Certifies to the board that the certificate holder has completed at least two hours of instruction in dental x-ray machine operation approved by the board in accordance with section 4715.57 of the Revised Code during the two-year period preceding the date the renewal application is received by the board.

(2) Submits a renewal fee of thirty-two dollars to the board.

Renewals shall be made in accordance with the standard renewal procedure established under Chapter 4745. of the Revised Code.

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 (C) of this section,~~ an applicant shall include with the completed application all of the following:

(1) An application fee of twenty-five dollars;

(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 13338
institution that provided education or training; 13339

(3) Proof satisfactory to the board that the applicant has 13340
passed an examination that meets the standards established by 13341
the board in rules adopted under section 4715.66 of the Revised 13342
Code to be accepted by the board as an examination of competency 13343
to practice as an expanded function dental auxiliary; 13344

(4) Proof that the applicant holds current certification 13345
to perform basic life-support procedures, evidenced by 13346
documentation showing the successful completion of a basic life- 13347
support training course certified by the American red cross, the 13348
American heart association, or the American safety and health 13349
institute. 13350

(B) If an applicant complies with division (A) of this 13351
section, the board shall register the applicant as an expanded 13352
function dental auxiliary. 13353

(C) The board shall register an applicant in accordance 13354
with Chapter 4796. of the Revised Code if either of the 13355
following applies: 13356

(1) The applicant is licensed or registered as an expanded 13357
function dental auxiliary in another state. 13358

(2) The applicant has satisfactory work experience, a 13359
government certification, or a private certification as 13360
described in that chapter as an expanded function dental 13361
auxiliary in a state that does not issue that license or 13362
registration. 13363

Sec. 4717.05. (A) Any person who desires to be licensed as 13364
an embalmer shall apply to the board of embalmers and funeral 13365
directors on a form provided by the board. The applicant shall 13366

include with the application an initial license fee as set forth 13367
in section 4717.07 of the Revised Code and evidence, verified by 13368
oath and satisfactory to the board, that the applicant meets all 13369
of the following requirements: 13370

(1) The applicant is at least eighteen years of age. 13371

(2) The applicant holds at least a bachelor's degree from 13372
a college or university authorized to confer degrees by the 13373
department of higher education or the comparable legal agency of 13374
another state in which the college or university is located and 13375
submits an official transcript from that college or university 13376
with the application. 13377

(3) The applicant has satisfactorily completed at least 13378
twelve months of instruction in a prescribed course in mortuary 13379
science as approved by the board and has presented to the board 13380
a certificate showing successful completion of the course. The 13381
course of mortuary science college training may be completed 13382
either before or after the completion of the educational 13383
standard set forth in division (A) (2) of this section. 13384

(4) The applicant has been certified by the board prior to 13385
beginning an embalmer apprenticeship. 13386

(5) The applicant has satisfactorily completed at least 13387
one year of apprenticeship under an embalmer licensed in this 13388
state and has participated in embalming at least twenty-five 13389
dead human bodies. 13390

(6) The applicant, upon meeting the educational standards 13391
provided for in divisions (A) (2) and (3) of this section and 13392
completing the apprenticeship required in division (A) (5) of 13393
this section, has completed the examination for an embalmer's 13394
license required by the board. 13395

(B) Upon receiving satisfactory evidence verified by oath 13396
that the applicant meets all the requirements of division (A) of 13397
this section, the board shall issue the applicant an embalmer's 13398
license. 13399

(C) Any person who desires to be licensed as a funeral 13400
director shall apply to the board on a form prescribed by the 13401
board. The application shall include an initial license fee as 13402
set forth in section 4717.07 of the Revised Code and evidence, 13403
verified by oath and satisfactory to the board, that the 13404
applicant meets all of the following requirements: 13405

(1) Except as otherwise provided in division (D) of this 13406
section, the applicant has satisfactorily met all the 13407
requirements for an embalmer's license as described in divisions 13408
(A) (1) to (3) of this section. 13409

(2) The applicant has been certified by the board prior to 13410
beginning a funeral director apprenticeship. 13411

(3) The applicant, following mortuary science college 13412
training described in division (A) (3) of this section, has 13413
satisfactorily completed a one-year apprenticeship under a 13414
licensed funeral director in this state and has participated in 13415
directing at least twenty-five funerals. 13416

(4) The applicant has satisfactorily completed the 13417
examination for a funeral director's license as required by the 13418
board. 13419

(D) In lieu of mortuary science college training required 13420
for a funeral director's license under division (C) (1) of this 13421
section, the applicant may substitute a satisfactorily completed 13422
two-year apprenticeship under a licensed funeral director in 13423
this state assisting that person in directing at least fifty 13424

funerals. 13425

(E) Upon receiving satisfactory evidence that the 13426
applicant meets all the requirements of division (C) of this 13427
section, the board shall issue to the applicant a funeral 13428
director's license. 13429

(F) The board shall issue an embalmer or funeral director 13430
apprentice card in accordance with Chapter 4796. of the Revised 13431
Code to an applicant if either of the following applies: 13432

(1) The applicant holds a license or card in another 13433
state. 13434

(2) The applicant has satisfactory work experience, a 13435
government certification, or a private certification as 13436
described in that chapter as an embalmer or funeral director 13437
apprentice in a state that does not issue that license or card. 13438

(G) A funeral director or embalmer may request the funeral 13439
director's or embalmer's license be placed on inactive status by 13440
submitting to the board a form prescribed by the board and such 13441
other information as the board may request. A funeral director 13442
or embalmer may not place the funeral director's or embalmer's 13443
license on inactive status unless the funeral director or 13444
embalmer is in good standing with the board and is in compliance 13445
with applicable continuing education requirements. A funeral 13446
director or embalmer who is granted inactive status is 13447
prohibited from participating in any activity for which a 13448
funeral director's or embalmer's license is required in this 13449
state. A funeral director or embalmer who has been granted 13450
inactive status is exempt from the continuing education 13451
requirements under section 4717.09 of the Revised Code during 13452
the period of the inactive status. 13453

~~(G)~~ (H) A funeral director or embalmer who has been 13454
granted inactive status may not return to active status for at 13455
least two years following the date that the inactive status was 13456
granted. Following a period of at least two years of inactive 13457
status, the funeral director or embalmer may apply to return to 13458
active status upon completion of all of the following 13459
conditions: 13460

(1) The funeral director or embalmer files with the board 13461
a form prescribed by the board seeking active status and 13462
provides any other information as the board may request; 13463

(2) The funeral director or embalmer takes and passes the 13464
Ohio laws examination for each license being activated; 13465

(3) The funeral director or embalmer pays a reactivation 13466
fee to the board in the amount of one hundred forty dollars for 13467
each license being reactivated. 13468

Sec. 4717.051. (A) ~~Any~~ Except as provided in division (D) 13469
of this section, any person who desires to obtain a permit as a 13470
crematory operator shall apply to the board of embalmers and 13471
funeral directors on a form prescribed by the board. The 13472
applicant shall include with the application the initial permit 13473
fee set forth in section 4717.07 of the Revised Code and 13474
evidence, verified under oath and satisfactory to the board, 13475
that the applicant satisfies both of the following requirements: 13476

(1) The applicant is at least eighteen years of age. 13477

(2) The applicant has satisfactorily completed a crematory 13478
operation certification program approved by the board and has 13479
presented to the board a certificate showing completion of the 13480
program. 13481

(B) If the board of embalmers and funeral directors, upon 13482

receiving satisfactory evidence, determines that the applicant 13483
satisfies all of the requirements of division (A) of this 13484
section, the board shall issue to the applicant a permit as a 13485
crematory operator. 13486

(C) The board of embalmers and funeral directors may 13487
revoke or suspend a crematory operator permit or subject a 13488
crematory operator permit holder to discipline in accordance 13489
with the laws, rules, and procedures applicable to licensees 13490
under this chapter. 13491

(D) The board shall issue a crematory operator permit in 13492
accordance with Chapter 4796. of the Revised Code to an 13493
applicant if either of the following applies: 13494

(1) The applicant holds a license or permit in another 13495
state. 13496

(2) The applicant has satisfactory work experience, a 13497
government certification, or a private certification as 13498
described in that chapter as a crematory operator in a state 13499
that does not issue that license or permit. 13500

Sec. 4717.10. (A) The board of embalmers and funeral 13501
~~directors may recognize licenses issued to embalmers and funeral~~ 13502
~~directors by other states, and upon presentation of such~~ 13503
~~licenses, may shall issue to the holder~~ an embalmer's or funeral 13504
director's license under this chapter in accordance with Chapter 13505
4796. of the Revised Code to an applicant who holds a license in 13506
another state or who has satisfactory work experience, a 13507
government certification, or a private certification as 13508
described in that chapter as an embalmer or funeral director in 13509
a state that does not issue that license. The board shall charge 13510
~~the same fee as prescribed in section 4717.07 of the Revised~~ 13511

~~Code to issue or renew such an embalmer's or funeral director's~~ 13512
~~license.~~ Such licenses shall be renewed biennially as provided 13513
in section 4717.08 of the Revised Code. ~~The board shall not~~ 13514
~~issue a license to any person under division (A) of this section~~ 13515
~~unless the applicant proves that the applicant, in the state in~~ 13516
~~which the applicant is licensed, has complied with requirements~~ 13517
~~substantially equal to those established in section 4717.05 of~~ 13518
~~the Revised Code.~~ 13519

(B) (1) The board of embalmers and funeral directors may 13520
issue courtesy card permits to nonresident funeral directors 13521
licensed in a state that borders this state. A courtesy card 13522
permit holder shall be authorized to undertake both the 13523
following acts in this state: 13524

~~(1)~~ (a) Prepare and complete those sections of a death 13525
certificate and other permits needed for disposition of deceased 13526
human remains in this state and sign and file such death 13527
certificates and permits; 13528

~~(2)~~ (b) Supervise and conduct funeral ceremonies, 13529
interments, and entombments in this state. 13530

(2) Chapter 4796. of the Revised Code does not apply to a 13531
courtesy card permit issued under this division. 13532

(C) The board of embalmers and funeral directors may 13533
determine under what conditions a courtesy card permit may be 13534
issued to funeral directors in bordering states after taking 13535
into account whether and under what conditions and fees such 13536
border states issue similar courtesy card permits to funeral 13537
directors licensed in this state. A courtesy card permit holder 13538
shall comply with all applicable laws and rules of this state 13539
while engaged in any acts of funeral directing in this state. 13540

The board may revoke or suspend a courtesy card permit or 13541
subject a courtesy card permit holder to discipline in 13542
accordance with the laws, rules, and procedures applicable to 13543
funeral directors under this chapter. Applicants for courtesy 13544
card permits shall apply on forms prescribed by the board, pay a 13545
biennial fee set by the board for initial applications and 13546
renewals, and adhere to such other requirements imposed by the 13547
board on courtesy card permit holders. 13548

(D) No courtesy card permit holder shall be authorized to 13549
undertake any of the following activities in this state: 13550

(1) Arranging funerals or disposition services with 13551
members of the public in this state; 13552

(2) Be employed by or under contract to a funeral home 13553
licensed in this state to perform funeral services in this 13554
state; 13555

(3) Advertise funeral or disposition services in this 13556
state; 13557

(4) Enter into or execute funeral or disposition contracts 13558
in this state; 13559

(5) Prepare or embalm deceased human remains in this 13560
state; 13561

(6) Arrange for or carry out the disinterment of human 13562
remains in this state. 13563

(E) As used in this section, "courtesy card permit" means 13564
a special permit that may be issued to a nonresident funeral 13565
director licensed in a state that borders this state and who 13566
does not hold a funeral director's license under this chapter. 13567

Sec. 4723.08. (A) The board of nursing may impose fees not 13568

to exceed the following limits:	13569
(1) For application for licensure by examination or endorsement to practice nursing as a registered nurse or as a licensed practical nurse <u>submitted under division (A) or (B) of section 4723.09 of the Revised Code</u> , seventy-five dollars;	13570 13571 13572 13573
(2) For application for licensure to practice nursing as an advanced practice registered nurse <u>submitted under division (A) or (B) (2) of section 4723.41 of the Revised Code</u> , one hundred fifty dollars;	13574 13575 13576 13577
(3) For application for a dialysis technician intern certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code;	13578 13579 13580
(4) For application for a dialysis technician certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code;	13581 13582 13583
(5) For providing, pursuant to division (B) of section 4723.271 of the Revised Code, written verification of a nursing license, dialysis technician certificate, medication aide certificate, or community health worker certificate to another jurisdiction, fifteen dollars;	13584 13585 13586 13587 13588
(6) For providing, pursuant to division (A) of section 4723.271 of the Revised Code, a replacement copy of a wall certificate suitable for framing as described in that division, twenty-five dollars;	13589 13590 13591 13592
(7) For renewal of a license to practice as a registered nurse or licensed practical nurse, sixty-five dollars;	13593 13594
(8) For renewal of a license to practice as an advanced practice registered nurse, one hundred thirty-five dollars;	13595 13596

(9) For renewal of a dialysis technician certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code;	13597 13598 13599
(10) For processing a late application for renewal of a nursing license or dialysis technician certificate, fifty dollars;	13600 13601 13602
(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;	13603 13604 13605 13606
(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;	13607 13608 13609 13610
(13) For each year for which authorization to approve continuing education programs and courses is renewed, one hundred fifty dollars;	13611 13612 13613
(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;	13614 13615 13616
(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;	13617 13618 13619
(16) For processing a check returned to the board by a financial institution, twenty-five dollars;	13620 13621
(17) The amounts specified in rules adopted under section 4723.88 of the Revised Code pertaining to the issuance of certificates to community health workers, including fees for	13622 13623 13624

application for a certificate, renewal of a certificate, 13625
processing a late application for renewal of a certificate, 13626
reinstatement of a lapsed certificate, application for approval 13627
of a community health worker training program for community 13628
health workers, and renewal of the approval of a training 13629
program for community health workers. 13630

(B) Each quarter, for purposes of transferring funds under 13631
section 4743.05 of the Revised Code to the nurse education 13632
assistance fund created in section 3333.28 of the Revised Code, 13633
the board of nursing shall certify to the director of budget and 13634
management the number of licenses renewed under this chapter 13635
during the preceding quarter and the amount equal to that number 13636
times five dollars. 13637

(C) The board may charge a participant in a board- 13638
sponsored continuing education activity an amount not exceeding 13639
fifteen dollars for each activity. 13640

(D) The board may contract for services pertaining to the 13641
process of providing written verification of a license or 13642
certificate when the verification is performed for purposes 13643
other than providing verification to another jurisdiction. The 13644
contract may include provisions pertaining to the collection of 13645
the fee charged for providing the written verification. As part 13646
of these provisions, the board may permit the contractor to 13647
retain a portion of the fees as compensation, before any amounts 13648
are deposited into the state treasury. 13649

Sec. 4723.09. (A) (1) An application for licensure by 13650
examination to practice as a registered nurse or as a licensed 13651
practical nurse shall be submitted to the board of nursing in 13652
the form prescribed by rules of the board. The application shall 13653
include all of the following: 13654

(a) Evidence that the applicant has met the educational requirements described in division (C) of this section; 13655
13656

(b) Any other information required by rules of the board; 13657

(c) The application fee required by section 4723.08 of the Revised Code. 13658
13659

(2) The board shall grant a license to practice nursing as a registered nurse or as a licensed practical nurse if the following conditions are met: 13660
13661
13662

(a) The applicant passes the examination accepted by the board under section 4723.10 of the Revised Code. 13663
13664

(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 in accordance with section 4723.092 of the Revised Code. 13665
13666
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(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. 13671
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(3) The board is not required to afford an adjudication to an individual to whom it has refused to grant a license because of that individual's failure to pass the examination. 13677
13678
13679

(B) (1) An application for licensure by endorsement to practice nursing as a registered nurse or as a licensed practical nurse shall be submitted to the board in the form 13680
13681
13682

prescribed by rules of the board. The application shall include 13683
all of the following: 13684

(a) Evidence that the applicant holds a current, valid, 13685
and unrestricted license or equivalent authorization from 13686
another jurisdiction other than another state granted after 13687
passing an examination approved by the board of that 13688
jurisdiction that is equivalent to the examination requirements 13689
under this chapter for a license to practice nursing as a 13690
registered nurse or licensed practical nurse; 13691

(b) Any other information required by rules of the board; 13692

(c) The application fee required by section 4723.08 of the 13693
Revised Code. 13694

(2) The board shall grant a license by endorsement to 13695
practice nursing as a registered nurse or as a licensed 13696
practical nurse to an applicant who applied under division (B) 13697
(1) of this section if the following conditions are met: 13698

(a) The applicant provides evidence satisfactory to the 13699
board that the applicant has met the educational requirements 13700
described in division (C) of this section. 13701

(b) The examination, at the time it is successfully 13702
completed, is equivalent to the examination requirements in 13703
effect at that time for applicants who were licensed by 13704
examination in this state. 13705

(c) The board determines there is sufficient evidence that 13706
the applicant completed two contact hours of continuing 13707
education directly related to this chapter or the rules adopted 13708
under it. 13709

(d) The results of a criminal records check conducted in 13710

accordance with section 4723.091 of the Revised Code demonstrate 13711
that the applicant is not ineligible for licensure in accordance 13712
with section 4723.092 of the Revised Code. 13713

(e) The applicant has not committed any act that is 13714
grounds for disciplinary action under section 3123.47 or 4723.28 13715
of the Revised Code, or the board determines that an applicant 13716
who has committed any act that is grounds for disciplinary 13717
action under either of those sections has made restitution or 13718
has been rehabilitated, or both. 13719

(C) (1) To be eligible for licensure by examination or 13720
endorsement under division (A) or (B) of this section, an 13721
applicant seeking a license to practice nursing as a registered 13722
nurse must successfully complete either of the following: 13723

(a) A nursing education program approved by the board 13724
under division (A) of section 4723.06 of the Revised Code; 13725

(b) A nursing education program approved by a board of 13726
another jurisdiction that is a member of the national council of 13727
state boards of nursing. 13728

(2) To be eligible for licensure by examination or 13729
endorsement, an applicant seeking a license to practice nursing 13730
as a licensed practical nurse must successfully complete one of 13731
the following: 13732

(a) A nursing education program approved by the board 13733
under division (A) of section 4723.06 of the Revised Code; 13734

(b) A nursing education program approved by a board of 13735
another jurisdiction that is a member of the national council of 13736
state boards of nursing; 13737

(c) A practical nurse course offered or approved by the 13738

United States army; 13739

(d) A practical nurse education program approved by the 13740
United States air force as either of the following: 13741

(i) The community college of the air force associate 13742
degree in practical nursing technology; 13743

(ii) The allied health program, for students who graduated 13744
that program prior to 2016. 13745

(D) The board shall grant a license to practice nursing as 13746
a registered nurse or as a licensed practical nurse in 13747
accordance with Chapter 4796. of the Revised Code to an 13748
applicant if either of the following applies: 13749

(1) The applicant holds a license in another state. 13750

(2) The applicant has satisfactory work experience, a 13751
government certification, or a private certification as 13752
described in that chapter as a registered nurse or licensed 13753
practical nurse in a state that does not issue that license. 13754

(E) The board may grant a nonrenewable temporary permit to 13755
practice nursing as a registered nurse or as a licensed 13756
practical nurse to an applicant for a license by endorsement 13757
under division (B) or (D) of this section if the board is 13758
satisfied by the evidence that the applicant holds a current, 13759
valid, and unrestricted license or equivalent authorization from 13760
another jurisdiction. Chapter 4796. of the Revised Code does not 13761
apply for a temporary permit issued under this division. Subject 13762
to earlier automatic termination as described in this paragraph, 13763
the temporary permit shall expire at the earlier of one hundred 13764
eighty days after issuance or upon the issuance of a license by 13765
endorsement under division (B) or (D) of this section. The 13766
temporary permit shall terminate automatically if the criminal 13767

records check completed by the bureau of criminal identification 13768
and investigation as described in section 4723.091 of the 13769
Revised Code regarding the applicant indicates that the 13770
applicant is ineligible for licensure in accordance with section 13771
4723.092 of the Revised Code. An applicant whose temporary 13772
permit is automatically terminated is permanently prohibited 13773
from obtaining a license to practice nursing in this state as a 13774
registered nurse or as a licensed practical nurse. 13775

Sec. 4723.26. (A) (1) As used in this section: 13776

(a) "Free clinic" has the same meaning as in section 13777
3701.071 of the Revised Code. 13778

(b) "Indigent and uninsured person" and "operation" have 13779
the same meanings as in section 2305.234 of the Revised Code. 13780

(2) For the purposes of this section, a person shall be 13781
considered retired from practice if the person's license has 13782
expired with the intention of ceasing to practice nursing as a 13783
registered nurse, licensed practical nurse, or advanced practice 13784
registered nurse for remuneration. 13785

(B) The board of nursing may issue, without examination, a 13786
volunteer's certificate to a qualified person who is retired 13787
from practice so that the person may provide nursing services to 13788
indigent and uninsured persons at any location, including a free 13789
clinic. 13790

(C) Except as provided in division (D) of this section, an 13791
application for a volunteer's certificate shall include all of 13792
the following: 13793

(1) A copy or other evidence of the applicant's degree 13794
from a school of registered nursing, practical nursing, or 13795
advanced practice registered nursing; 13796

- (2) One of the following, as applicable: 13797
- (a) A copy or other evidence of the applicant's most 13798
recent license to practice nursing as a registered nurse, 13799
licensed practical nurse, or advanced practice registered nurse 13800
issued by a jurisdiction in the United States that licenses 13801
persons to practice nursing as a registered nurse, licensed 13802
practical nurse, or advanced practice registered nurse; 13803
- (b) A copy or other evidence of the applicant's most 13804
recent license equivalent to a license to practice nursing as a 13805
registered nurse, licensed practical nurse, or advanced practice 13806
registered nurse in one or more branches of the United States 13807
armed services that the United States government issued. 13808
- (3) Evidence of one of the following, as applicable: 13809
- (a) The applicant has maintained for at least ten years 13810
prior to retirement a valid, unrestricted license in any 13811
jurisdiction in the United States that licenses persons to 13812
practice nursing as a registered nurse, licensed practical 13813
nurse, or advanced practice registered nurse. 13814
- (b) The applicant has practiced nursing as a registered 13815
nurse, licensed practical nurse, or advanced practice registered 13816
nurse under a valid, unrestricted license for at least ten years 13817
prior to retirement in one or more branches of the United States 13818
armed services. 13819
- (D) For an applicant retired from practice for at least 13820
ten years, the applicant shall do both of the following: 13821
- (1) Certify to the board completion of continuing nursing 13822
education that meets the requirements of section 4723.24 of the 13823
Revised Code and the rules adopted under that section; 13824

(2) Submit a request to the bureau of criminal 13825
identification and investigation for a criminal records check 13826
and check of federal bureau of investigation records pursuant to 13827
section 4723.091 of the Revised Code. 13828

(E) Chapter 4796. of the Revised Code does not apply to a 13829
certificate issued under this section. 13830

(F) The holder of a volunteer's certificate may provide 13831
nursing services only to indigent and uninsured persons, but may 13832
do so at any location, including a free clinic. The holder shall 13833
not accept any form of remuneration for providing nursing 13834
services while in possession of the certificate. The board may 13835
suspend or revoke a volunteer's certificate on receiving proof 13836
satisfactory to the board that the holder has engaged in 13837
practice in this state outside the scope of the holder's 13838
certificate or that there are grounds for action against the 13839
person under section 4723.28 of the Revised Code. In revoking a 13840
certificate, the board may specify that the revocation is 13841
permanent. 13842

~~(F)~~ (G) (1) A volunteer's certificate shall be valid for a 13843
period of two years, and may be renewed upon the application of 13844
the holder, unless the certificate is suspended or revoked under 13845
division ~~(E)~~ (F) of this section. The board shall maintain a 13846
record of all persons who hold volunteer's certificates. The 13847
board shall not charge a fee for issuing or renewing a 13848
certificate pursuant to this section. 13849

(2) To be eligible for renewal of a volunteer's 13850
certificate, the holder of the certificate shall certify to the 13851
board completion of continuing nursing education that meets the 13852
requirements of section 4723.24 of the Revised Code and the 13853
rules adopted under that section. The board may not renew a 13854

certificate if the holder has not complied with the appropriate 13855
continuing education requirements. Any entity for which the 13856
holder provides nursing services may pay for or reimburse the 13857
holder for any costs incurred in obtaining the required 13858
continuing education hours. 13859

(3) The holder of a volunteer's certificate issued 13860
pursuant to this section is subject to the immunity provisions 13861
regarding the provision of services to indigent and uninsured 13862
persons in section 2305.234 of the Revised Code. 13863

~~(G)~~(H) The board shall adopt rules in accordance with 13864
Chapter 119. of the Revised Code to administer and enforce this 13865
section. 13866

Sec. 4723.32. This chapter does not prohibit any of the 13867
following: 13868

(A) The practice of nursing by a student currently 13869
enrolled in and actively pursuing completion of a prelicensure 13870
nursing education program, if all of the following are the case: 13871

(1) The student is participating in a program located in 13872
this state and approved by the board of nursing or participating 13873
in this state in a component of a program located in another 13874
jurisdiction and approved by a board that is a member of the 13875
national council of state boards of nursing; 13876

(2) The student's practice is under the auspices of the 13877
program; 13878

(3) The student acts under the supervision of a registered 13879
nurse serving for the program as a faculty member or teaching 13880
assistant. 13881

(B) The rendering of medical assistance to a licensed 13882

physician, licensed dentist, or licensed podiatrist by a person 13883
under the direction, supervision, and control of such licensed 13884
physician, dentist, or podiatrist; 13885

(C) The activities of persons employed as nursing aides, 13886
attendants, orderlies, or other auxiliary workers in patient 13887
homes, nurseries, nursing homes, hospitals, home health 13888
agencies, or other similar institutions; 13889

(D) The provision of nursing services to family members or 13890
in emergency situations; 13891

(E) The care of the sick when done in connection with the 13892
practice of religious tenets of any church and by or for its 13893
members; 13894

(F) The practice of nursing as an advanced practice 13895
registered nurse by a student currently enrolled in and actively 13896
pursuing completion of a program of study leading to initial 13897
authorization by the board of nursing to practice nursing as an 13898
advanced practice registered nurse in a designated specialty, if 13899
all of the following are the case: 13900

(1) The program qualifies the student to sit for the 13901
examination of a national certifying organization approved by 13902
the board under section 4723.46 of the Revised Code or the 13903
program prepares the student to receive a master's or doctoral 13904
degree in accordance with division (A) (2) of section 4723.41 of 13905
the Revised Code; 13906

(2) The student's practice is under the auspices of the 13907
program; 13908

(3) The student acts under the supervision of an advanced 13909
practice registered nurse serving for the program as a faculty 13910
member, teaching assistant, or preceptor. 13911

(G) The activities of an individual who is a resident of a state other than this state and who currently holds a license to practice nursing or equivalent authorization from another jurisdiction, but only if the individual's activities are limited to those activities that the same type of nurse may engage in pursuant to a license issued under this chapter, the individual's authority to practice has not been revoked, the individual is not currently under suspension or on probation, the individual does not represent the individual as being licensed under this chapter, and one of the following is the case:

(1) The individual is engaging in the practice of nursing by discharging official duties while employed by or under contract with the United States government or any agency thereof;

(2) The individual is engaging in the practice of nursing as an employee of an individual, agency, or corporation located in the other jurisdiction in a position with employment responsibilities that include transporting patients into, out of, or through this state, as long as each trip in this state does not exceed seventy-two hours;

(3) The individual is consulting with an individual licensed in this state to practice any health-related profession;

(4) The individual is engaging in activities associated with teaching in this state as a guest lecturer at or for a nursing education program, continuing nursing education program, or in-service presentation;

(5) The individual is conducting evaluations of nursing

care that are undertaken on behalf of an accrediting 13941
organization, including the national league for nursing 13942
accrediting committee, the joint commission (formerly known as 13943
the joint commission on accreditation of healthcare 13944
organizations), or any other nationally recognized accrediting 13945
organization; 13946

(6) The individual is providing nursing care to an 13947
individual who is in this state on a temporary basis, not to 13948
exceed six months in any one calendar year, if the nurse is 13949
directly employed by or under contract with the individual or a 13950
guardian or other person acting on the individual's behalf; 13951

(7) The individual is providing nursing care during any 13952
disaster, natural or otherwise, that has been officially 13953
declared to be a disaster by a public announcement issued by an 13954
appropriate federal, state, county, or municipal official; 13955

(8) The individual is providing nursing care at a free-of- 13956
charge camp accredited by the SeriousFun children's network that 13957
specializes in providing therapeutic recreation, as defined in 13958
section 2305.231 of the Revised Code, for individuals with 13959
chronic diseases, if all of the following are the case: 13960

(a) The individual provides documentation to the medical 13961
director of the camp that the individual holds a current, valid 13962
license to practice nursing or equivalent authorization from 13963
another jurisdiction. 13964

(b) The individual provides nursing care only at the camp 13965
or in connection with camp events or activities that occur off 13966
the grounds of the camp. 13967

(c) The individual is not compensated for the individual's 13968
services. 13969

(d) The individual provides nursing care within this state 13970
for not more than thirty days per calendar year. 13971

(e) The camp has a medical director who holds an 13972
unrestricted license to practice medicine issued in accordance 13973
with Chapter 4731. of the Revised Code. 13974

(9) The individual is providing nursing care as a 13975
volunteer without remuneration during a charitable event that 13976
lasts not more than seven days if both of the following are the 13977
case: 13978

(a) The individual, or the charitable event's organizer, 13979
notifies the board of nursing not less than seven calendar days 13980
before the first day of the charitable event of the individual's 13981
intent to engage in the practice of nursing as a registered 13982
nurse, advanced practice registered nurse, or licensed practical 13983
nurse at the event; 13984

(b) If the individual's scope of practice in the other 13985
jurisdiction is more restrictive than in this state, the 13986
individual is limited to performing only those procedures that a 13987
registered nurse, advanced practice registered nurse, or 13988
licensed practical nurse in the other jurisdiction may perform. 13989

(H) The administration of medication by an individual who 13990
holds a valid medication aide certificate issued under this 13991
chapter, if the medication is administered to a resident of a 13992
nursing home, residential care facility, or ICF/IID authorized 13993
by section 4723.64 of the Revised Code to use a certified 13994
medication aide and the medication is administered in accordance 13995
with section 4723.67 of the Revised Code. 13996

(I) An individual who is a resident of a state other than 13997
this state and who holds a license to practice nursing or 13998

equivalent authorization from another jurisdiction is not 13999
required to obtain a license in accordance with Chapter 4796. of 14000
the Revised Code to perform the activities described under 14001
division (G) of this section. 14002

Sec. 4723.41. (A) Each person who desires to practice 14003
nursing as a certified nurse-midwife and has not been authorized 14004
to practice midwifery prior to December 1, 1967, and each person 14005
who desires to practice nursing as a certified registered nurse 14006
anesthetist, clinical nurse specialist, or certified nurse 14007
practitioner shall file with the board of nursing a written 14008
application for a license to practice nursing as an advanced 14009
practice registered nurse and designation in the desired 14010
specialty. The application must be filed, under oath, on a form 14011
prescribed by the board accompanied by the application fee 14012
required by section 4723.08 of the Revised Code. 14013

Except as provided in division (B), (C), or (D) of this 14014
section, at the time of making application, the applicant shall 14015
meet all of the following requirements: 14016

(1) Be a registered nurse; 14017

(2) Submit documentation satisfactory to the board that 14018
the applicant has earned a master's or doctoral degree with a 14019
major in a nursing specialty or in a related field that 14020
qualifies the applicant to sit for the certification examination 14021
of a national certifying organization approved by the board 14022
under section 4723.46 of the Revised Code; 14023

(3) Submit documentation satisfactory to the board of 14024
having passed the certification examination of a national 14025
certifying organization approved by the board under section 14026
4723.46 of the Revised Code to examine and certify, as 14027

applicable, nurse-midwives, registered nurse anesthetists, 14028
clinical nurse specialists, or nurse practitioners; 14029

(4) Submit an affidavit with the application that states 14030
all of the following: 14031

(a) That the applicant is the person named in the 14032
documents submitted under this section and is the lawful 14033
possessor thereof; 14034

(b) The applicant's age, residence, the school at which 14035
the applicant obtained education in the applicant's nursing 14036
specialty, and any other facts that the board requires; 14037

(c) The specialty in which the applicant seeks 14038
designation. 14039

(B) (1) A certified registered nurse anesthetist, clinical 14040
nurse specialist, certified nurse-midwife, or certified nurse 14041
practitioner who is practicing or has practiced as such in 14042
another jurisdiction other than another state may apply for a 14043
license by endorsement to practice nursing as an advanced 14044
practice registered nurse and designation as a certified 14045
registered nurse anesthetist, clinical nurse specialist, 14046
certified nurse-midwife, or certified nurse practitioner in this 14047
state if the nurse meets the requirements set forth in division 14048
(A) of this section or division (B) (2) of this section. 14049

(2) If an applicant who is practicing or has practiced in 14050
another jurisdiction other than another state applies for 14051
designation under division (B) (2) of this section, the 14052
application shall be submitted to the board in the form 14053
prescribed by rules of the board and be accompanied by the 14054
application fee required by section 4723.08 of the Revised Code. 14055
The application shall include evidence that the applicant meets 14056

the requirements of division (B) (2) of this section, holds 14057
authority to practice nursing and is in good standing in another 14058
jurisdiction other than another state granted after meeting 14059
requirements approved by the entity of that jurisdiction that 14060
regulates nurses, and other information required by rules of the 14061
board of nursing. 14062

With respect to the educational requirements and national 14063
certification requirements that an applicant under division (B) 14064
(2) of this section must meet, both of the following apply: 14065

(a) If the applicant is a certified registered nurse 14066
anesthetist, certified nurse-midwife, or certified nurse 14067
practitioner who, on or before December 31, 2000, obtained 14068
certification in the applicant's nursing specialty with a 14069
national certifying organization listed in division (A) (3) of 14070
section 4723.41 of the Revised Code as that division existed 14071
prior to March 20, 2013, or that was at that time approved by 14072
the board under section 4723.46 of the Revised Code, the 14073
applicant must have maintained the certification. The applicant 14074
is not required to have earned a master's or doctoral degree 14075
with a major in a nursing specialty or in a related field that 14076
qualifies the applicant to sit for the certification 14077
examination. 14078

(b) If the applicant is a clinical nurse specialist, one 14079
of the following must apply to the applicant: 14080

(i) On or before December 31, 2000, the applicant obtained 14081
a master's or doctoral degree with a major in a clinical area of 14082
nursing from an educational institution accredited by a national 14083
or regional accrediting organization. The applicant is not 14084
required to have passed a certification examination. 14085

(ii) On or before December 31, 2000, the applicant 14086
obtained a master's or doctoral degree in nursing or a related 14087
field and was certified as a clinical nurse specialist by the 14088
American nurses credentialing center or another national 14089
certifying organization that was at that time approved by the 14090
board under section 4723.46 of the Revised Code. 14091

(3) The board shall grant a license to practice nursing as 14092
an advanced practice registered nurse in accordance with Chapter 14093
4796. of the Revised Code to an applicant if either of the 14094
following applies: 14095

(a) The applicant holds a license in another state. 14096

(b) The applicant has satisfactory work experience, a 14097
government certification, or a private certification as 14098
described in that chapter as an advanced practice registered 14099
nurse in a state that does not issue that license. 14100

(4) The board may grant a nonrenewable temporary permit to 14101
practice nursing as an advanced practice registered nurse to an 14102
applicant for licensure ~~by endorsement under division (B) (2) or~~ 14103
(3) of this section if the board is satisfied by the evidence 14104
that the applicant holds a valid, unrestricted license in or 14105
equivalent authorization from another jurisdiction. Chapter 14106
4796. of the Revised Code does not apply to a temporary permit 14107
issued under this division. The temporary permit shall expire at 14108
the earlier of one hundred eighty days after issuance or upon 14109
the issuance of a license ~~by endorsement under division (B) (2)~~ 14110
or (3) of this section. 14111

(C) An applicant who desires to practice nursing as a 14112
certified registered nurse anesthetist, certified nurse-midwife, 14113
or certified nurse practitioner is exempt from the educational 14114

requirements in division (A) (2) of this section if all of the 14115
following are the case: 14116

(1) Before January 1, 2001, the board issued to the 14117
applicant a certificate of authority to practice as a certified 14118
registered nurse anesthetist, certified nurse-midwife, or 14119
certified nurse practitioner; 14120

(2) The applicant submits documentation satisfactory to 14121
the board that the applicant obtained certification in the 14122
applicant's nursing specialty with a national certifying 14123
organization listed in division (A) (3) of section 4723.41 of the 14124
Revised Code as that division existed prior to March 20, 2013, 14125
or that was at that time approved by the board under section 14126
4723.46 of the Revised Code; 14127

(3) The applicant submits documentation satisfactory to 14128
the board that the applicant has maintained the certification 14129
described in division (C) (2) of this section. 14130

(D) An applicant who desires to practice as a clinical 14131
nurse specialist is exempt from the examination requirement in 14132
division (A) (3) of this section if both of the following are the 14133
case: 14134

(1) Before January 1, 2001, the board issued to the 14135
applicant a certificate of authority to practice as a clinical 14136
nurse specialist; 14137

(2) The applicant submits documentation satisfactory to 14138
the board that the applicant earned either of the following: 14139

(a) A master's or doctoral degree with a major in a 14140
clinical area of nursing from an educational institution 14141
accredited by a national or regional accrediting organization; 14142

(b) A master's or doctoral degree in nursing or a related field and was certified as a clinical nurse specialist by the American nurses credentialing center or another national certifying organization that was at that time approved by the board under section 4723.46 of the Revised Code.

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

(1) Be at least eighteen years of age;

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

(3) If the applicant is to practice as a medication aide in a nursing home, be a nurse aide who satisfies the requirements of division (A) (1), (2), (3), (4), (5), (6), or (8) of section 3721.32 of the Revised Code;

(4) If the applicant is to practice as a medication aide in a residential care facility, be a nurse aide who satisfies the requirements of division (A) (1), (2), (3), (4), (5), (6), or (8) of section 3721.32 of the Revised Code or an individual who has at least one year of direct care experience in a residential care facility;

(5) If the applicant is to practice as a medication aide in an ICF/IID, be a nurse aide who satisfies the requirements of division (A) (1), (2), (3), (4), (5), (6), or (8) of section 3721.32 of the Revised Code or an individual who has at least one year of direct care experience in an ICF/IID;

(6) Successfully complete the course of instruction provided by a training program approved under section 4723.66 of

the Revised Code; 14172

(7) Not be ineligible for licensure or certification in 14173
accordance with section 4723.092 of the Revised Code; 14174

(8) Have not committed any act that is grounds for 14175
disciplinary action under section 3123.47 or 4723.28 of the 14176
Revised Code or be determined by the board to have made 14177
restitution, been rehabilitated, or both; 14178

(9) Meet all other requirements for a medication aide 14179
certificate established in rules adopted under section 4723.69 14180
of the Revised Code. 14181

(B) ~~If~~ Except as provided in division (C) of this section, 14182
if an applicant meets the requirements specified in division (A) 14183
of this section, the board of nursing shall issue a medication 14184
aide certificate to the applicant. If a medication aide 14185
certificate is issued to an individual on the basis of having at 14186
least one year of direct care experience working in a 14187
residential care facility, as provided in division (A)(4) of 14188
this section, the certificate is valid for use only in a 14189
residential care facility. If a medication aide certificate is 14190
issued to an individual on the basis of having at least one year 14191
of direct care experience working in an ICF/IID, as provided in 14192
division (A)(5) of this section, the certificate is valid for 14193
use only in an ICF/IID. The board shall state the limitation on 14194
the certificate issued to the individual. 14195

(C) The board shall issue a medication aide certificate in 14196
accordance with Chapter 4796. of the Revised Code to an 14197
applicant if either of the following applies: 14198

(1) The applicant holds a certificate or license in 14199
another state. 14200

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a medication aide in a state that does not issue that certificate or license. 14201
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(D) A medication aide certificate is valid for two years, unless earlier suspended or revoked. The certificate may be renewed in accordance with procedures specified by the board in rules adopted under section 4723.69 of the Revised Code. To be eligible for renewal, an applicant shall pay the renewal fee established in the rules and meet all renewal qualifications specified in the rules. 14205
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Sec. 4723.75. (A) The—Except as provided in division (D) of this section, the board of nursing shall issue a certificate to practice as a dialysis technician to an applicant if the following conditions are met: 14212
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(1) The application is submitted to the board in accordance with rules adopted under section 4723.79 of the Revised Code and includes both of the following: 14216
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(a) The fee established in rules adopted under section 4723.79 of the Revised Code; 14219
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(b) The name and address of each approved dialysis training program in which the applicant has enrolled and the dates during which the applicant was enrolled in each program. 14221
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(2) The applicant meets the requirements established by the board's rules. 14224
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(3) The applicant demonstrates competency to practice as a dialysis technician, as specified in division (B) of this section. 14226
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(4) In the case of an applicant who entered a dialysis training program on or after June 1, 2003, the results of a criminal records check conducted in accordance with section 4723.091 of the Revised Code demonstrate that the applicant is not ineligible for certification in accordance with section 4723.092 of the Revised Code.

(B) For an applicant to demonstrate competence to practice as a dialysis technician, one of the following must apply:

(1) The applicant has successfully completed a dialysis training program approved by the board under section 4723.74 of the Revised Code and meets both of the following requirements:

(a) Has performed dialysis care for a dialysis provider for not less than six months immediately prior to the date of application;

(b) Has passed a certification examination demonstrating competence to perform dialysis care not later than eighteen months after successfully completing a dialysis training program approved by the board under section 4723.74 of the Revised Code.

(2) The applicant does all of the following:

(a) Has a testing organization approved by the board submit evidence satisfactory to the board that the applicant passed an examination, in another jurisdiction, that demonstrates the applicant's competence to provide dialysis care;

(b) Submits evidence satisfactory to the board that the applicant has been employed to perform dialysis care in another jurisdiction for not less than six months immediately prior to the date of application for certification under this section;

(c) Submits evidence satisfactory to the board that the applicant completed at least two hours of education directly related to this chapter and the rules adopted under it.

(C) An applicant who does not pass the certification examination described in division (B) (1) (b) of this section within the time period prescribed in that division may continue to pursue certification by repeating the entire training and application process, including doing all of the following:

(1) Enrolling in and successfully completing a dialysis training program approved by the board;

(2) Submitting a request to the bureau of criminal identification and investigation for a criminal records check and check of federal bureau of investigation records pursuant to section 4723.091 of the Revised Code;

(3) Submitting an application for a dialysis technician intern certificate in accordance with section 4723.76 of the Revised Code;

(4) Demonstrating competence to perform dialysis care in accordance with division (B) of this section.

(D) The board shall issue a certificate to practice as a dialysis technician in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

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

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a dialysis technician in a state that does not issue that certificate or license.

Sec. 4723.76. (A) The <u>Except as provided in division (D)</u>	14285
<u>of this section, the</u> board of nursing shall issue a certificate	14286
to practice as a dialysis technician intern to an applicant who	14287
has not passed the dialysis technician certification examination	14288
required by section 4723.751 of the Revised Code, but who	14289
satisfies all of the following requirements:	14290
(1) Applies to the board in accordance with rules adopted	14291
under section 4723.79 of the Revised Code and includes with the	14292
application both of the following:	14293
(a) The fee established in rules adopted under section	14294
4723.79 of the Revised Code;	14295
(b) The name and address of all dialysis training programs	14296
approved by the board in which the applicant has been enrolled	14297
and the dates of enrollment in each program.	14298
(2) Provides documentation from the applicant's employer	14299
attesting that the applicant is competent to perform dialysis	14300
care;	14301
(3) Has successfully completed a dialysis training program	14302
approved by the board of nursing under section 4723.74 of the	14303
Revised Code.	14304
(B) A dialysis technician intern certificate issued to an	14305
applicant who meets the requirements in division (A) of this	14306
section is valid for a period of time that is eighteen months	14307
from the date on which the applicant successfully completed a	14308
dialysis training program approved by the board under section	14309
4723.74 of the Revised Code, minus the time the applicant was	14310
enrolled in one or more dialysis training programs approved by	14311
the board.	14312
(C) A dialysis technician intern certificate issued under	14313

this section may not be renewed. 14314

(D) (1) The board shall issue a certificate to practice as 14315
a dialysis technician intern in accordance with Chapter 4796. of 14316
the Revised Code to an applicant if either of the following 14317
applies: 14318

(a) The applicant holds a certificate or license in 14319
another state. 14320

(b) The applicant has satisfactory work experience, a 14321
government certification, or a private certification as 14322
described in that chapter as a dialysis technician intern in a 14323
state that does not issue that certificate or license. 14324

(2) A certificate issued under Chapter 4796. of the 14325
Revised Code is valid for the same time period as described in 14326
division (B) of this section. 14327

Sec. 4723.85. (A) The board of nursing shall review all 14328
applications received under section 4723.83 of the Revised Code. 14329
If an applicant meets the requirements of section 4723.84 of the 14330
Revised Code, the board shall issue a community health worker 14331
certificate to the applicant. 14332

(B) Notwithstanding the requirements specified in section 14333
4723.84 of the Revised Code, the board shall issue a community 14334
health worker certificate in accordance with Chapter 4796. of 14335
the Revised Code to an applicant if either of the following 14336
applies: 14337

(1) The applicant holds a certificate or license in 14338
another state. 14339

(2) The applicant has satisfactory work experience, a 14340
government certification, or a private certification as 14341

described in that chapter as a community health worker in a 14342
state that does not issue that certificate or license. 14343

(C) A community health worker certificate issued under 14344
division (A) or (B) of this section expires biennially and may 14345
be renewed in accordance with the schedule and procedures 14346
established by the board in rules adopted under section 4723.88 14347
of the Revised Code. To be eligible for renewal, an individual 14348
must complete the continuing education requirements established 14349
by the board in rules adopted under section 4723.88 of the 14350
Revised Code and meet all other requirements for renewal, as 14351
specified in the board's rules adopted under that section. If an 14352
applicant for renewal has successfully completed the continuing 14353
education requirements and meets all other requirements for 14354
renewal, the board shall issue a renewed community health worker 14355
certificate to the applicant. 14356

Sec. 4725.13. (A) The state vision professionals board, by 14357
an affirmative vote of a majority of its members, shall issue 14358
certificates under its seal as follows: 14359

(1) Every applicant who, prior to May 19, 1992, passed the 14360
licensing examination then in effect, and who otherwise complies 14361
with sections 4725.01 to 4725.34 of the Revised Code shall 14362
receive from the board a certificate of licensure authorizing 14363
the holder to engage in the practice of optometry as provided in 14364
division (A)(1) of section 4725.01 of the Revised Code. 14365

(2) Every applicant who, prior to May 19, 1992, passed the 14366
general and ocular pharmacology examination then in effect, and 14367
who otherwise complies with sections 4725.01 to 4725.34 of the 14368
Revised Code, shall receive from the board a separate topical 14369
ocular pharmaceutical agents certificate authorizing the holder 14370
to administer topical ocular pharmaceutical agents as provided 14371

in division (A) (2) of section 4725.01 of the Revised Code and in 14372
accordance with sections 4725.01 to 4725.34 of the Revised Code. 14373

(3) Every applicant who holds a valid certificate of 14374
licensure issued prior to May 19, 1992, and meets the 14375
requirements of section 4725.14 of the Revised Code shall 14376
receive from the board a separate therapeutic pharmaceutical 14377
agents certificate authorizing the holder to engage in the 14378
practice of optometry as provided in division (A) (3) of section 14379
4725.01 of the Revised Code. 14380

(4) Every applicant who, on or after May 19, 1992, passes 14381
all parts of the licensing examination accepted by the board 14382
under section 4725.11 of the Revised Code and otherwise complies 14383
with the requirements of sections 4725.01 to 4725.34 of the 14384
Revised Code shall receive from the board a certificate of 14385
licensure authorizing the holder to engage in the practice of 14386
optometry as provided in division (A) (1) of section 4725.01 of 14387
the Revised Code and a separate therapeutic pharmaceutical 14388
agents certificate authorizing the holder to engage in the 14389
practice of optometry as provided in division (A) (3) of that 14390
section. 14391

(B) Each person to whom a certificate is issued pursuant 14392
to this section by the board shall keep the certificate 14393
displayed in a conspicuous place in the location at which that 14394
person practices optometry and shall whenever required exhibit 14395
the certificate to any member or agent of the board. If an 14396
optometrist practices outside of or away from the location at 14397
which the optometrist's certificate of licensure is displayed, 14398
the optometrist shall deliver to each person examined or fitted 14399
with optical accessories by the optometrist, a receipt signed by 14400
the optometrist in which the optometrist shall set forth the 14401

amounts charged, the optometrist's post-office address, and the 14402
number assigned to the optometrist's certificate of licensure. 14403
The information may be provided as part of a prescription given 14404
to the person. 14405

(C) A person who, on May 19, 1992, holds a valid 14406
certificate of licensure or topical ocular pharmaceutical agents 14407
certificate issued by the board may continue to engage in the 14408
practice of optometry as provided by the certificate of 14409
licensure or topical ocular pharmaceutical agents certificate if 14410
the person continues to comply with sections 4725.01 to 4725.34 14411
of the Revised Code as required by the certificate of licensure 14412
or topical ocular pharmaceutical agents certificate. 14413

(D) Chapter 4796. of the Revised Code does not apply to 14414
certificates issued under division (A) (2) or (3) of this 14415
section. 14416

Sec. 4725.18. (A) The state vision professionals board may 14417
issue a certificate of licensure and therapeutic pharmaceutical 14418
agents certificate by endorsement to an individual licensed as 14419
an optometrist by ~~another state or~~ a Canadian province if the 14420
board determines that the ~~other state or~~ province has standards 14421
for the practice of optometry that are at least as stringent as 14422
the standards established under sections 4725.01 to 4725.34 of 14423
the Revised Code and the individual meets the conditions 14424
specified in division (B) of this section. The certificates may 14425
be issued only by an affirmative vote of a majority of the 14426
board's members. 14427

(B) An individual seeking a certificate of licensure and 14428
therapeutic pharmaceutical agents certificate pursuant to 14429
division (A) of this section shall submit an application to the 14430
board. To receive the certificates, an applicant must meet all 14431

- of the following conditions: 14432
- (1) Meet the same qualifications that an individual must 14433
meet under divisions (B) (1) to (3) of section 4725.12 of the 14434
Revised Code to receive a certificate of licensure and 14435
therapeutic pharmaceutical agents certificate under that 14436
section; 14437
- (2) Be licensed to practice optometry by a ~~state or~~ 14438
Canadian province that requires passage of a written, entry- 14439
level examination at the time of initial licensure; 14440
- (3) Be licensed in good standing by the optometry 14441
licensing agency of the ~~other state or~~ province, evidenced by 14442
submission of a letter from the licensing agency of the ~~other~~ 14443
~~state or~~ province attesting to the applicant's good standing; 14444
- (4) Provide the board with certified reports from the 14445
optometry licensing agencies of all ~~states and~~ provinces in 14446
which the applicant is licensed or has been licensed to practice 14447
optometry describing all past and pending actions taken by those 14448
agencies with respect to the applicant's authority to practice 14449
optometry in those jurisdictions, including such actions as 14450
investigations, entering into consent agreements, suspensions, 14451
revocations, and refusals to issue or renew a license; 14452
- (5) Have been actively engaged in the practice of 14453
optometry, including the use of therapeutic pharmaceutical 14454
agents, for at least three years immediately preceding making 14455
application under this section; 14456
- (6) Pay the nonrefundable application fees established 14457
under section 4725.34 of the Revised Code for a certificate of 14458
licensure and therapeutic pharmaceutical agents certificate; 14459
- (7) Submit all transcripts, reports, or other information 14460

the board requires; 14461

(8) Participate in a two-hour instruction session provided 14462
by the board on the optometry statutes and rules of this state 14463
or pass an Ohio optometry jurisprudence test administered by the 14464
board; 14465

(9) Pass all or part of the licensing examination accepted 14466
by the board under section 4725.11 of the Revised Code, if the 14467
board determines that testing is necessary to determine whether 14468
the applicant's qualifications are sufficient for issuance of a 14469
certificate of licensure and therapeutic pharmaceutical agents 14470
certificate under this section; 14471

(10) Not have been previously denied issuance of a 14472
certificate by the board. 14473

(C) The board shall issue a certificate of licensure and 14474
therapeutic pharmaceutical agents certificate in accordance with 14475
Chapter 4796. of the Revised Code to an applicant if either of 14476
the following applies: 14477

(1) The applicant holds a certificate or license in 14478
another state. 14479

(2) The applicant has satisfactory work experience, a 14480
government certification, or a private certification as 14481
described in that chapter in the practice of optometry using 14482
therapeutic pharmaceutical agents in a state that does not issue 14483
that license or certificate. 14484

Sec. 4725.26. Division (A) of section 4725.02 of the 14485
Revised Code does not apply to the following: 14486

(A) Physicians authorized to practice medicine and surgery 14487
or osteopathic medicine and surgery under Chapter 4731. of the 14488

Revised Code;	14489
(B) Persons who sell optical accessories but do not assume to adapt them to the eye, and neither practice nor profess to practice optometry;	14490 14491 14492
(C) An <u>A nonresident instructor</u> in a school of optometry that is located in this state and approved by the state vision professionals board under section 4725.10 of the Revised Code who holds a valid current license to practice optometry from a licensing body in another jurisdiction and limits the practice of optometry to the instruction of students enrolled in the school. <u>The state vision professionals board shall not require a nonresident instructor who holds a license in another state to obtain a license in accordance with Chapter 4796. of the Revised Code to practice optometry in the manner described under this division.</u>	14493 14494 14495 14496 14497 14498 14499 14500 14501 14502 14503
(D) A student enrolled in a school of optometry, located in this or another state and approved by the board under section 4725.10 of the Revised Code, while the student is participating in this state in an optometry training program provided or sponsored by the school, if the student acts under the direct, personal supervision and control of an optometrist licensed by the board or authorized to practice pursuant to division (C) of this section.	14504 14505 14506 14507 14508 14509 14510 14511
(E) An individual who is licensed or otherwise specifically authorized by the Revised Code to engage in an activity that is included in the practice of optometry.	14512 14513 14514
(F) An individual who is not licensed or otherwise specifically authorized by the Revised Code to engage in an activity that is included in the practice of optometry, but is	14515 14516 14517

acting pursuant to the rules for delegation of optometric tasks 14518
adopted under section 4725.09 of the Revised Code. 14519

(G) ~~An~~A nonresident individual who holds in good standing 14520
a valid license to practice optometry from a licensing body in 14521
another jurisdiction and is practicing as a volunteer without 14522
remuneration during a charitable event that lasts not more than 14523
seven days. 14524

When an individual meets the conditions of this division, 14525
the individual shall be deemed to hold, during the course of the 14526
charitable event, a license to practice optometry from the state 14527
vision professionals board and shall be subject to the 14528
provisions of this chapter authorizing the board to take 14529
disciplinary action against a license holder. Not less than 14530
seven calendar days before the first day of the charitable 14531
event, the individual or the event's organizer shall notify the 14532
board of the individual's intent to engage in the practice of 14533
optometry at the event. During the course of the charitable 14534
event, the individual's scope of practice is limited to the 14535
procedures that an optometrist licensed under this chapter is 14536
authorized to perform unless the individual's scope of practice 14537
in the other jurisdiction is more restrictive than in this 14538
state. If the latter is the case, the individual's scope of 14539
practice is limited to the procedures that an optometrist in the 14540
other jurisdiction may perform. 14541

The board shall not require a nonresident individual who 14542
holds a license in another state to obtain a license in 14543
accordance with Chapter 4796. of the Revised Code to practice 14544
optometry as a volunteer in the manner described under this 14545
division. 14546

Sec. 4725.48. (A) Any person who desires to engage in 14547

optical dispensing shall file a properly completed application 14548
for an examination with the state vision professionals board or 14549
with the testing service the board has contracted with pursuant 14550
to section 4725.49 of the Revised Code. The application for 14551
examination shall be made using a form provided by the board and 14552
shall be accompanied by an examination fee the board shall 14553
establish by rule. 14554

(B) Any person who desires to engage in optical dispensing 14555
shall file a properly completed application for a license with 14556
the board with a licensure application fee of fifty dollars. 14557

No person shall be eligible to apply for a license under 14558
this division, unless the person is at least eighteen years of 14559
age, is free of contagious or infectious disease, has received a 14560
passing score, as determined by the board, on the examination 14561
administered under division (A) of this section, is a graduate 14562
of an accredited high school of any state, or has received an 14563
equivalent education and has successfully completed either of 14564
the following: 14565

(1) Two years of supervised experience under a licensed 14566
dispensing optician, optometrist, or physician engaged in the 14567
practice of ophthalmology, up to one year of which may be 14568
continuous experience of not less than thirty hours a week in an 14569
optical laboratory; 14570

(2) A two-year college level program in optical dispensing 14571
that has been approved by the board and that includes, but is 14572
not limited to, courses of study in mathematics, science, 14573
English, anatomy and physiology of the eye, applied optics, 14574
ophthalmic optics, measurement and inspection of lenses, lens 14575
grinding and edging, ophthalmic lens design, keratometry, and 14576
the fitting and adjusting of spectacle lenses and frames and 14577

contact lenses, including methods of fitting contact lenses and 14578
post-fitting care. 14579

(C) (1) Any person who desires to obtain a license to 14580
practice as an ocularist shall file a properly completed 14581
application with the board accompanied by the appropriate fee 14582
and proof that the applicant has met the requirements for 14583
licensure. The board shall establish, by rule, the application 14584
fee and the minimum requirements for licensure, including 14585
education, examination, or experience standards recognized by 14586
the board as national standards for ocularists. The board shall 14587
issue a license to practice as an ocularist to an applicant who 14588
satisfies the requirements of this division and rules adopted 14589
pursuant to this division. 14590

(2) The board shall issue a license to practice as an 14591
ocularist in accordance with Chapter 4796. of the Revised Code 14592
to an applicant if either of the following applies: 14593

(a) The applicant holds a license in another state. 14594

(b) The applicant has satisfactory work experience, a 14595
government certification, or a private certification as 14596
described in that chapter as an ocularist in a state that does 14597
not issue that license. 14598

(D) (1) Subject to divisions (D) (3) and (4) of this 14599
section, the board shall not adopt, maintain, renew, or enforce 14600
any rule that precludes an individual from renewing a license as 14601
a dispensing optician issued under sections 4725.40 to 4725.59 14602
of the Revised Code due to any past criminal activity or 14603
interpretation of moral character, unless the individual has 14604
committed a crime of moral turpitude or a disqualifying offense 14605
as those terms are defined in section 4776.10 of the Revised 14606

Code. 14607

If the board denies an individual a license or license renewal, the reasons for such denial shall be put in writing. 14608
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(2) The board may refuse to issue a license to an applicant because of a conviction of or plea of guilty to an offense if the refusal is in accordance with section 9.79 of the Revised Code. 14610
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(3) In considering a renewal of an individual's license, the board shall not consider any conviction or plea of guilty prior to the initial licensing. However, the board may consider a conviction or plea of guilty if it occurred after the individual was initially licensed, or after the most recent license renewal. 14614
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(4) The board may grant an individual a conditional license that lasts for one year. After the one-year period has expired, the license is no longer considered conditional, and the individual shall be considered fully licensed. 14620
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(E) The board, subject to the approval of the controlling board, may establish examination fees in excess of the amount established by rule pursuant to this section, provided that such fees do not exceed those amounts established in rule by more than fifty per cent. 14624
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Sec. 4725.52. Any licensed dispensing optician may supervise a maximum of three apprentices who shall be permitted to engage in optical dispensing only under the supervision of the licensed dispensing optician. 14629
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To serve as an apprentice, a person shall register with the state vision professionals board on a form provided by the board and in the form of a statement giving the name and address 14633
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of the supervising licensed dispensing optician, the location at 14636
which the apprentice will be employed, and any other information 14637
required by the board. For the duration of the apprenticeship, 14638
the apprentice shall register annually on the form provided by 14639
the board and in the form of a statement. 14640

Each apprentice shall pay an initial registration fee of 14641
twenty dollars. For each registration renewal thereafter, each 14642
apprentice shall pay a registration renewal fee of twenty 14643
dollars. 14644

The board shall grant registration as an apprentice under 14645
this section in accordance with Chapter 4796. of the Revised 14646
Code to an applicant if the applicant holds a registration or 14647
license in another state or has satisfactory work experience, a 14648
government certification, or a private certification as 14649
described in that chapter as an apprentice permitted to engage 14650
in supervised optical dispensing in a state that does not grant 14651
that registration or license. 14652

The board shall not deny registration as an apprentice 14653
under this section to any individual based on the individual's 14654
past criminal history or an interpretation of moral character 14655
unless the denial is for a disqualifying offense in accordance 14656
with section 9.79 of the Revised Code. In considering a renewal 14657
of an individual's registration, the board shall not consider 14658
any conviction or plea of guilty prior to the initial 14659
registration. However, the board may consider a conviction or 14660
plea of guilty if it occurred after the individual was initially 14661
registered, or after the most recent registration renewal. If 14662
the board denies an individual for a registration or 14663
registration renewal, the reasons for such denial shall be put 14664
in writing. Additionally, the board may grant an individual a 14665

conditional registration that lasts for one year. After the one- 14666
year period has expired, the registration is no longer 14667
considered conditional, and the individual shall be considered 14668
fully registered. 14669

A person who is gaining experience under the supervision 14670
of a licensed optometrist or ophthalmologist that would qualify 14671
the person under division (B) (1) of section 4725.48 of the 14672
Revised Code to take the examination for optical dispensing is 14673
not required to register with the board. 14674

~~Sec. 4725.57. An applicant for licensure as a licensed- 14675
dispensing optician who is licensed or registered in another- 14676
state shall be accorded the full privileges of practice within- 14677
this state, upon the payment of a fifty-dollar fee and the- 14678
submission of a certified copy of the license or certificate- 14679
issued by such other state, without the necessity of- 14680
examination, if the The state vision professionals board 14681
determines that the shall issue a license to engage in optical 14682
dispensing in accordance with Chapter 4796. of the Revised Code 14683
to an applicant meets the remaining requirements of division (B)- 14684
of section 4725.48 of the Revised Code. The board may require- 14685
that the applicant have received a passing score, as determined- 14686
by the board, on an examination that is substantially the same- 14687
as the examination described in division (A) of section 4725.48- 14688
of the Revised Code if either of the following applies: 14689~~

(A) The applicant holds a license or registration in 14690
another state. 14691

(B) The applicant has satisfactory work experience, a 14692
government certification, or a private certification as 14693
described in that chapter as a dispensing optician in a state 14694
that does not issue that license or registration. 14695

Sec. 4725.591. Section 4725.41 of the Revised Code does 14696
not apply to a nonresident person who holds in good standing a 14697
valid license from another state to engage in optical dispensing 14698
and is engaging in optical dispensing as a volunteer without 14699
remuneration during a charitable event that lasts not more than 14700
seven days. 14701

When a person meets the conditions of this section, the 14702
person shall be deemed to hold, during the course of the 14703
charitable event, a license to engage in optical dispensing from 14704
the state vision professionals board and shall be subject to the 14705
provisions of this chapter authorizing the board to take 14706
disciplinary action against a license holder. Not less than 14707
seven calendar days before the first day of the charitable 14708
event, the person or the event's organizer shall notify the 14709
board of the person's intent to engage in optical dispensing at 14710
the event. During the course of the charitable event, the 14711
person's scope of practice is limited to the procedures that a 14712
dispensing optician licensed under this chapter is authorized to 14713
perform unless the person's scope of practice in the other state 14714
is more restrictive than in this state. If the latter is the 14715
case, the person's scope of practice is limited to the 14716
procedures that a dispensing optician in the other state may 14717
perform. 14718

The state vision professionals board shall not require a 14719
nonresident person who holds a license in another state to 14720
obtain a license in accordance with Chapter 4796. of the Revised 14721
Code to practice optometry as a volunteer in the manner 14722
described under this section. 14723

Sec. 4727.03. (A) As used in this section, "experience in 14724
the capacity involved" means that the applicant for a 14725

pawnbroker's license demonstrates sufficient financial 14726
responsibility and experience in the pawnbroker business, or in 14727
a related business, to act as a pawnbroker in compliance with 14728
this chapter. "Experience in the capacity involved" shall be 14729
determined by: 14730

(1) Prior or current ownership or management of, or 14731
employment in, a pawnshop; 14732

(2) Demonstration to the satisfaction of the 14733
superintendent of financial institutions of a thorough working 14734
knowledge of all pawnbroker laws and rules as they relate to the 14735
actual operation of a pawnshop. 14736

A demonstration shall include a demonstration of an 14737
ability to properly complete forms, knowledge of how to properly 14738
calculate interest and storage charges, and knowledge of legal 14739
notice and forfeiture procedures. The final determination of 14740
whether an applicant's demonstration is adequate rests with the 14741
superintendent. 14742

(3) A submission by the applicant and any stockholders, 14743
owners, managers, directors, or officers of the pawnshop, and 14744
employees of the applicant to a police record check; and 14745

(4) Liquid assets in a minimum amount of one hundred 14746
twenty-five thousand dollars at the time of applying for initial 14747
licensure and demonstration of the ability to maintain the 14748
liquid assets at a minimum amount of seventy-five thousand 14749
dollars for the duration of holding a valid pawnbroker's 14750
license. If an applicant holds a pawnbroker's license at the 14751
time of application or is applying for more than one license, 14752
this requirement shall be met separately for each license. 14753

~~(B) The~~ (1) Except as provided in division (B) (2) of this 14754

section, the superintendent may grant a license to act as a 14755
pawnbroker to any person having experience in the capacity 14756
involved to engage in the business of pawnbroking upon the 14757
payment to the superintendent of a license fee determined by the 14758
superintendent pursuant to section 1321.20 of the Revised Code. 14759
A license is not transferable or assignable. 14760

(2) The superintendent shall grant a license to act as a 14761
pawnbroker in accordance with Chapter 4796. of the Revised Code 14762
to a person if either of the following applies: 14763

(a) The person holds a license in another state. 14764

(b) The person has satisfactory work experience, a 14765
government certification, or a private certification as 14766
described in that chapter as a pawnbroker in a state that does 14767
not issue that license. 14768

(C) The superintendent may consider an application 14769
withdrawn and may retain the investigation fee required under 14770
division (D) of this section if both of the following are true: 14771

(1) An application for a license does not contain all of 14772
the information required under division (B) of this section. 14773

(2) The information is not submitted to the superintendent 14774
within ninety days after the superintendent requests the 14775
information from the applicant in writing. 14776

(D) The superintendent shall require an applicant for a 14777
pawnbroker's license to pay to the superintendent a 14778
nonrefundable initial investigation fee of two hundred dollars, 14779
which is for the exclusive use of the state. 14780

(E) (1) Except as otherwise provided in division (E) (2) of 14781
this section, a pawnbroker's license issued by the 14782

superintendent expires on the thirtieth day of June next 14783
following the date of its issuance, or on a different date set 14784
by the superintendent pursuant to section 1181.23 of the Revised 14785
Code, and may be renewed annually in accordance with the 14786
standard renewal procedure set forth in Chapter 4745. of the 14787
Revised Code. Fifty per cent of the annual license fee shall be 14788
for the use of the state, and fifty per cent shall be paid by 14789
the state to the municipal corporation, or if outside the limits 14790
of any municipal corporation, to the county, in which the office 14791
of the licensee is located. All such fees payable to municipal 14792
corporations or counties shall be paid annually. 14793

(2) A pawnbroker's license issued or renewed by the 14794
superintendent on or after January 1, 2006, expires on the 14795
thirtieth day of June in the even-numbered year next following 14796
the date of its issuance or renewal, as applicable, and may be 14797
renewed biennially by the thirtieth day of June in accordance 14798
with the standard renewal procedure set forth in Chapter 4745. 14799
of the Revised Code. Fifty per cent of the biennial license fee 14800
shall be for the use of the state, and fifty per cent shall be 14801
paid by the state to the municipal corporation, or if outside 14802
the limits of any municipal corporation, to the county, in which 14803
the office of the licensee is located. All such fees payable to 14804
municipal corporations or counties shall be paid biennially. If 14805
deemed necessary for participation, the superintendent may reset 14806
the renewal date and require annual registration pursuant to 14807
section 1181.23 of the Revised Code. 14808

(F) The fee for renewal of a license shall be equivalent 14809
to the fee for an initial license established by the 14810
superintendent pursuant to section 1321.20 of the Revised Code. 14811
Any licensee who wishes to renew the pawnbroker's license but 14812
who fails to do so on or before the date the license expires 14813

shall reapply for licensure in the same manner and pursuant to 14814
the same requirements as for initial licensure, unless the 14815
licensee pays to the superintendent on or before the thirty- 14816
first day of August of the year the license expires, a late 14817
renewal penalty of one hundred dollars in addition to the 14818
regular renewal fee. Any licensee who fails to renew the license 14819
on or before the date the license expires is prohibited from 14820
acting as a pawnbroker until the license is renewed or a new 14821
license is issued under this section. Any licensee who renews a 14822
license between the first day of July and the thirty-first day 14823
of August of the year the license expires is not relieved from 14824
complying with this division. The superintendent may refuse to 14825
issue to or renew the license of any licensee who violates this 14826
division. 14827

(G) No license shall be granted to any person not a 14828
resident of or the principal office of which is not located in 14829
the municipal corporation or county designated in such license 14830
unless that applicant, in writing and in due form approved by 14831
and filed with the superintendent, first appoints an agent, a 14832
resident of the state, and city or county where the office is to 14833
be located, upon whom all judicial and other process, or legal 14834
notice, directed to the applicant may be served. In case of the 14835
death, removal from the state, or any legal disability or any 14836
disqualification of any such agent, service of such process or 14837
notice may be made upon the superintendent. 14838

The superintendent may, upon notice to the licensee and 14839
reasonable opportunity to be heard, suspend or revoke any 14840
license or assess a penalty against the licensee if the 14841
licensee, or the licensee's officers, agents, or employees, has 14842
violated this chapter. Any penalty shall be appropriate to the 14843
violation but in no case shall the penalty be less than two 14844

hundred nor more than two thousand dollars. Whenever, for any 14845
cause, a license is suspended or revoked, the superintendent 14846
shall not issue another license to the licensee nor to the legal 14847
spouse of the licensee, nor to any business entity of which the 14848
licensee is an officer or member or partner, nor to any person 14849
employed by the licensee, until the expiration of at least two 14850
years from the date of revocation or suspension of the license. 14851
The superintendent shall deposit all penalties allocated 14852
pursuant to this section into the state treasury to the credit 14853
of the consumer finance fund. 14854

Any proceedings for the revocation or suspension of a 14855
license or to assess a penalty against a licensee are subject to 14856
Chapter 119. of the Revised Code. 14857

(H) If a licensee surrenders or chooses not to renew the 14858
pawnbroker's license, the licensee shall notify the 14859
superintendent thirty days prior to the date on which the 14860
licensee intends to close the licensee's business as a 14861
pawnbroker. Prior to the date, the licensee shall do either of 14862
the following with respect to all active loans: 14863

(1) Dispose of an active loan by selling the loan to 14864
another person holding a valid pawnbroker's license issued under 14865
this section; 14866

(2) Reduce the rate of interest on pledged articles held 14867
as security for a loan to eight per cent per annum or less 14868
effective on the date that the pawnbroker's license is no longer 14869
valid. 14870

Sec. 4728.03. (A) As used in this section, "experience in 14871
the capacity involved" means that the applicant for a precious 14872
metals dealer's license has had sufficient financial 14873

responsibility and experience in the business of precious metals dealer, or a related business, to act as a precious metals dealer in compliance with this chapter. 14874
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(B) (1) ~~The~~ Except as provided in division (B) (3) of this section, the division of financial institutions in the department of commerce may grant a precious metals dealer's license to any person having experience in the capacity involved, who demonstrates a net worth of at least ten thousand dollars and the ability to maintain that net worth during the licensure period. The superintendent of financial institutions shall compute the applicant's net worth according to generally accepted accounting principles. 14877
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(2) In place of the demonstration of net worth required by division (B) (1) of this section, an applicant may obtain a surety bond issued by a surety company authorized to do business in this state if all of the following conditions are met: 14886
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(a) A copy of the surety bond is filed with the division; 14890

(b) The bond is in favor of any person, and of the state for the benefit of any person, injured by any violation of this chapter; 14891
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(c) The bond is in the amount of not less than ten thousand dollars. 14894
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(3) The division shall grant a precious metals dealer's license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 14896
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(a) The applicant holds a license in another state. 14899

(b) The applicant has satisfactory work experience, a government certification, or a private certification as 14900
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described in that chapter as a precious metals dealer in a state 14902
that does not issue that license. 14903

(4) Before granting a license under this division, the 14904
division shall determine that the applicant meets the 14905
requirements of division (B) (1) ~~or~~, (2), or (3) of this section. 14906

(C) ~~The~~ Except for a license issued under division (B) (3) 14907
of this section, the division shall require an applicant for a 14908
precious metals dealer's license to pay to the division a 14909
nonrefundable, initial investigation fee of two hundred dollars 14910
which shall be for the exclusive use of the state. The license 14911
fee for a precious metals dealer's license and the renewal fee 14912
shall be determined by the superintendent, provided that the fee 14913
may not exceed three hundred dollars. A license issued by the 14914
division shall expire on the last day of June next following the 14915
date of its issuance or annually on a different date set by the 14916
superintendent pursuant to section 1181.23 of the Revised Code. 14917
Fifty per cent of license fees shall be for the use of the 14918
state, and fifty per cent shall be paid to the municipal 14919
corporation, or if outside the limits of any municipal 14920
corporation, to the county in which the office of the licensee 14921
is located. All portions of license fees payable to municipal 14922
corporations or counties shall be paid as they accrue, by the 14923
treasurer of state, on vouchers issued by the director of budget 14924
and management. 14925

(D) Every such license shall be renewed annually by the 14926
last day of June, or annually on a different date set by the 14927
superintendent pursuant to section 1181.23 of the Revised Code, 14928
according to the standard renewal procedure of Chapter 4745. of 14929
the Revised Code. No license shall be granted to any person not 14930
a resident of or the principal office of which is not located in 14931

the municipal corporation or county designated in such license, 14932
unless, and until such applicant shall, in writing and in due 14933
form, to be first approved by and filed with the division, 14934
appoint an agent, a resident of the state, and city or county 14935
where the office is to be located, upon whom all judicial and 14936
other process, or legal notice, directed to the applicant may be 14937
served; and in case of the death, removal from the state, or any 14938
legal disability or any disqualification of any agent, service 14939
of process or notice may be made upon the superintendent. 14940

(E) The division may, pursuant to Chapter 119. of the 14941
Revised Code, upon notice to the licensee and after giving the 14942
licensee reasonable opportunity to be heard, revoke or suspend 14943
any license, if the licensee or the licensee's officers, agents, 14944
or employees violate this chapter. Whenever, for any cause, the 14945
license is revoked or suspended, the division shall not issue 14946
another license to the licensee nor to the husband or wife of 14947
the licensee, nor to any copartnership or corporation of which 14948
the licensee is an officer, nor to any person employed by the 14949
licensee, until the expiration of at least one year from the 14950
date of revocation of the license. 14951

(F) In conducting an investigation to determine whether an 14952
applicant satisfies the requirements for licensure under this 14953
section, the superintendent may request that the superintendent 14954
of the bureau of criminal identification and investigation 14955
investigate and determine whether the bureau has procured any 14956
information pursuant to section 109.57 of the Revised Code 14957
pertaining to the applicant. 14958

If the superintendent of financial institutions determines 14959
that conducting an investigation to determine whether an 14960
applicant satisfies the requirements for licensure under this 14961

section will require procuring information outside the state, 14962
then, in addition to the fee established under division (C) of 14963
this section, the superintendent may require the applicant to 14964
pay any of the actual expenses incurred by the division to 14965
conduct such an investigation, provided that the superintendent 14966
shall assess the applicant a total no greater than one thousand 14967
dollars for such expenses. The superintendent may require the 14968
applicant to pay in advance of the investigation, sufficient 14969
funds to cover the estimated cost of the actual expenses. If the 14970
superintendent requires the applicant to pay investigation 14971
expenses, the superintendent shall provide to the applicant an 14972
itemized statement of the actual expenses incurred by the 14973
division to conduct the investigation. 14974

(G) (1) Except as otherwise provided in division (G) (2) of 14975
this section a precious metals dealer licensed under this 14976
section shall maintain a net worth of at least ten thousand 14977
dollars, computed as required under division (B) (1) of this 14978
section, for as long as the licensee holds a valid precious 14979
metals dealer's license issued pursuant to this section. 14980

(2) A licensee who obtains a surety bond under division 14981
(B) (2) of this section is exempt from the requirement of 14982
division (G) (1) of this section, but shall maintain the bond for 14983
at least two years after the date on which the licensee ceases 14984
to conduct business in this state. 14985

Sec. 4729.09. The state board of pharmacy ~~may shall issue~~ 14986
~~a license an individual as a pharmacist without examination if~~ 14987
~~the individual:~~ 14988

~~(A) Holds a license in good standing to practice pharmacy~~ 14989
~~under the laws of~~ in accordance with Chapter 4796. of the 14990
Revised Code to an applicant if either of the following applies: 14991

~~(A) The applicant holds a license in another state, has successfully completed an examination for licensure in the other state, and in the opinion of the board, the examination was at least as thorough as that required by the board at the time the individual took the examination;.~~ 14992
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~~(B) Has filed with the licensing body of the other state at least the credentials or the equivalent that were required by this state at the time the other state licensed the individual as a pharmacist.~~ 14997
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~~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.~~ 15001
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The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a pharmacist in a state that does not issue that license. 15006
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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. 15010
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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 Chapter 4796. of the Revised Code to an 15016
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applicant who holds a license in another state or has 15022
satisfactory work experience, a government certification, or a 15023
private certification as described in that chapter as a pharmacy 15024
intern in a state that does not issue that license. A license 15025
shall be valid until the next renewal date and shall be renewed 15026
only if the intern is meeting the requirements and rules of the 15027
board. 15028

Sec. 4729.15. (A) Except as provided in division (B) of 15029
this section, the state board of pharmacy shall charge the 15030
following fees: 15031

(1) For applying for a license to practice as a 15032
pharmacist, an amount adequate to cover all expenses of the 15033
board related to examination except the expenses of procuring 15034
and grading the examination, which fee shall not be returned if 15035
the applicant fails to pass the examination; 15036

(2) For the examination of an applicant for licensure as a 15037
pharmacist, an amount adequate to cover any expenses to the 15038
board of procuring and grading the examination or any part 15039
thereof, which fee shall not be returned if the applicant fails 15040
to pass the examination; 15041

(3) For issuing a license to an individual who passes the 15042
examination described in section 4729.07 of the Revised Code, an 15043
amount that is adequate to cover the expense; 15044

(4) For a pharmacist applying for renewal of a license 15045
before the expiration date, two hundred fifty dollars, which fee 15046
shall not be returned if the applicant fails to qualify for 15047
renewal; 15048

(5) For a pharmacist applying for renewal of a license 15049
that has been expired for less than three years, the renewal fee 15050

identified in division (A) (4) of this section plus a penalty of 15051
thirty-seven dollars and fifty cents, which fee shall not be 15052
returned if the applicant fails to qualify for renewal; 15053

(6) For a pharmacist applying for renewal of a license 15054
that has been expired for more than three years, three hundred 15055
thirty-seven dollars and fifty cents, which fee shall not be 15056
returned if the applicant fails to qualify for renewal; 15057

(7) For a pharmacist applying for a license on 15058
presentation of a pharmacist license granted by another state, 15059
~~three hundred thirty-seven dollars and fifty cents~~the fee 15060
specified in Chapter 4796. of the Revised Code, which fee shall 15061
not be returned if the applicant fails to qualify for licensure. 15062

(8) For a license to practice as a pharmacy intern, forty- 15063
five dollars, which fee shall not be returned if the applicant 15064
fails to qualify for licensure; 15065

(9) For the renewal of a pharmacy intern license, forty- 15066
five dollars, which fee shall not be returned if the applicant 15067
fails to qualify for renewal; 15068

(10) For certifying licensure and grades for reciprocal 15069
licensure, thirty-five dollars; 15070

(11) For making copies of any application, affidavit, or 15071
other document filed in the state board of pharmacy office, an 15072
amount fixed by the board that is adequate to cover the expense, 15073
except that for copies required by federal or state agencies or 15074
law enforcement officers for official purposes, no charge need 15075
be made; 15076

(12) For certifying and affixing the seal of the board, an 15077
amount fixed by the board that is adequate to cover the expense, 15078
except that for certifying and affixing the seal of the board to 15079

a document required by federal or state agencies or law enforcement officers for official purposes, no charge need be made;

(13) For each copy of a book or pamphlet that includes laws administered by the state board of pharmacy, rules adopted by the board, and chapters of the Revised Code with which the board is required to comply, an amount fixed by the board that is adequate to cover the expense of publishing and furnishing the book or pamphlet.

(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 Chapter 4796. of the Revised Code an applicant if either of the following applies:

(1) The applicant holds a license or is registered in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a pharmacy technician in a state that does not issue that license or registration.

(D) Registration under division (B) or (C) of this section is valid for the period specified by the board in rules adopted under section 4729.94 of the Revised Code. The period shall not exceed twenty-four months unless the board extends the period in the rules to adjust license renewal schedules.

Sec. 4729.921. An applicant for registration as a pharmacy technician trainee 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 twenty-five dollars, which shall not be returned if the applicant fails to qualify for registration.

If the board is satisfied that an applicant meets the requirements of section 4729.92 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 pharmacy technician trainee.

The board shall register as a pharmacy technician trainee in accordance with Chapter 4796. of the Revised Code an applicant who either holds a license or is registered in another state or has satisfactory work experience, a government certification, or a private certification as described in that chapter as a pharmacy technician trainee in a state that does not issue that license or registration.

The board may register as a pharmacy technician trainee an applicant who is seventeen years of age and does not possess a high school diploma or certificate of high school equivalence if the applicant is enrolled in a career-technical school program that is approved by the board and conducted by a city, exempted village, local, or joint vocational school district.

The board shall not refuse to register an applicant as a pharmacy technician trainee because of a conviction for an offense unless the refusal is in accordance with section 9.79 of the Revised Code~~an applicant who either holds a license or is registered in another state or has satisfactory work experience, a government certification, or a private certification as described in that section as a pharmacy technician trainee in a state that does not issue that license or registration.~~

Registration is valid for one year from the date of registration, except that the board may extend the time period for which registration is valid. Registration is not renewable,

but an individual may reapply for registration if the 15169
individual's previous registration has lapsed for more than five 15170
years or the board grants its approval. 15171

Sec. 4730.10. (A) ~~An~~ Except as provided in division (C) of 15172
this section, an individual seeking a license to practice as a 15173
physician assistant shall file with the state medical board a 15174
written application on a form prescribed and supplied by the 15175
board. The application shall include all of the following: 15176

(1) The applicant's name, residential address, business 15177
address, if any, and social security number; 15178

(2) Satisfactory proof that the applicant meets the age 15179
requirement specified in division (A) (1) of section 4730.11 of 15180
the Revised Code; 15181

(3) Satisfactory proof that the applicant meets either the 15182
educational requirements specified in division (B) (1) or (2) of 15183
section 4730.11 of the Revised Code or the educational or other 15184
applicable requirements specified in division (C) (1), (2), or 15185
(3) of that section; 15186

(4) Any other information the board requires. 15187

(B) At the time of making application for a license to 15188
practice, the applicant shall pay the board a fee of four 15189
hundred dollars, no part of which shall be returned. The fees 15190
shall be deposited in accordance with section 4731.24 of the 15191
Revised Code. 15192

(C) The board shall issue a license to practice as a 15193
physician assistant in accordance with Chapter 4796. of the 15194
Revised Code to an applicant if either of the following applies: 15195

(1) The applicant holds a license in another state. 15196

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a physician assistant in a state that does not issue that license.

Sec. 4731.151. (A) Naprapaths who received a certificate to practice from the state medical board prior to March 2, 1992, may continue to practice naprapathy, as defined in rules adopted by the board. Such naprapaths shall practice in accordance with rules adopted by the board.

(B) (1) As used in this division:

(a) "Mechanotherapy" means all of the following:

(i) Examining patients by verbal inquiry;

(ii) Examination of the musculoskeletal system by hand;

(iii) Visual inspection and observation;

(iv) Diagnosing a patient's condition only as to whether the patient has a disorder of the musculoskeletal system;

(v) In the treatment of patients, employing the techniques of advised or supervised exercise; electrical neuromuscular stimulation; massage or manipulation; or air, water, heat, cold, sound, or infrared ray therapy only to those disorders of the musculoskeletal system that are amenable to treatment by such techniques and that are identifiable by examination performed in accordance with division (B) (1) (a) (i) of this section and diagnosable in accordance with division (B) (1) (a) (ii) of this section.

(b) "Educational requirements" means the completion of a course of study appropriate for certification to practice mechanotherapy on or before November 3, 1985, as determined by

rules adopted under this chapter. 15225

(2) Mechanotherapists who received a certificate to 15226
practice from the board prior to March 2, 1992, may continue to 15227
practice mechanotherapy, as defined in rules adopted by the 15228
board. Such mechanotherapists shall practice in accordance with 15229
rules adopted by the board. 15230

A person authorized by this division to practice as a 15231
mechanotherapist may examine, diagnose, and assume 15232
responsibility for the care of patients with due regard for 15233
first aid and the hygienic and nutritional care of the patients. 15234
Roentgen rays shall be used by a mechanotherapist only for 15235
diagnostic purposes. 15236

(3) A person who holds a certificate to practice 15237
mechanotherapy and completed educational requirements in 15238
mechanotherapy on or before November 3, 1985, is entitled to use 15239
the title "doctor of mechanotherapy" and is a "physician" who 15240
performs "medical services" for the purposes of Chapters 4121. 15241
and 4123. of the Revised Code and the medicaid program, and 15242
shall receive payment or reimbursement as provided under those 15243
chapters and that program. 15244

(C) Chapter 4796. of the Revised Code does not apply to a 15245
certificate to practice naprapathy or mechanotherapy issued 15246
under this section. 15247

Sec. 4731.19. (A) A-Except as provided in division (E) of 15248
this section, a person seeking a license to practice a limited 15249
branch of medicine shall file with the state medical board an 15250
application in a manner prescribed by the board. The application 15251
shall include or be accompanied by all of the following: 15252

(1) Evidence that the applicant is at least eighteen years 15253

of age;	15254
(2) Evidence that the applicant has attained high school graduation or its equivalent;	15255 15256
(3) Evidence that the applicant holds one of the following:	15257 15258
(a) A diploma or certificate from a school, college, or institution in good standing as determined by the board, showing the completion of the following required courses of instruction:	15259 15260 15261
(i) Two hundred seventy-five hours in anatomy and physiology and pathology;	15262 15263
(ii) Two hundred seventy-five hours in massage theory and practical, including hygiene;	15264 15265
(iii) Twenty-five hours in ethics;	15266
(iv) Twenty-five hours in business and law.	15267
(b) A diploma or certificate from a school, college, or institution in another state or jurisdiction showing completion of a course of instruction that meets the requirements of division (A) (3) (a) of this section and any other course requirements determined by the board through rules adopted under section 4731.05 of the Revised Code;	15268 15269 15270 15271 15272 15273
(c) During the five-year period immediately preceding the date of application, a current license, registration, or certificate in good standing in another state for massage therapy.	15274 15275 15276 15277
(4) Evidence that the applicant has successfully passed an examination, prescribed in rules described in section 4731.16 of the Revised Code, to determine competency to practice the	15278 15279 15280

applicable limited branch of medicine; 15281

(5) An attestation that the information submitted under 15282
this section is accurate and truthful and that the applicant 15283
consents to release of information; 15284

(6) Any other information the board requires. 15285

(B) An applicant for a license to practice a limited 15286
branch of medicine shall comply with the requirements of section 15287
4731.171 of the Revised Code. 15288

(C) At the time of making application for a license to 15289
practice a limited branch of medicine, the applicant shall pay 15290
to the board a fee of one hundred fifty dollars, no part of 15291
which shall be returned. No application shall be considered 15292
filed until the board receives the appropriate fee. 15293

(D) The board may investigate the application materials 15294
received under this section and contact any agency or 15295
organization for recommendations or other information about the 15296
applicant. 15297

(E) The board shall issue a certificate to practice a 15298
limited branch of medicine in accordance with Chapter 4796. of 15299
the Revised Code to an applicant if either of the following 15300
applies: 15301

(1) The applicant holds a license or certificate in 15302
another state. 15303

(2) As described in that chapter, the applicant has 15304
satisfactory work experience in practicing, or a government 15305
certification or private certification to practice, a limited 15306
branch of medicine in a state that does not issue that license 15307
or certificate. 15308

Sec. 4731.291. (A) ~~An~~ Except as provided in division (E) 15309
of this section, an individual seeking to pursue an internship, 15310
residency, clinical fellowship program, or elective clinical 15311
rotation in this state, who does not hold a license to practice 15312
medicine and surgery or osteopathic medicine or surgery issued 15313
under this chapter, shall apply to the state medical board for a 15314
training certificate. The application shall be made on forms 15315
that the board shall furnish and shall be accompanied by an 15316
application fee of one hundred thirty dollars. 15317

An applicant for a training certificate shall furnish to 15318
the board all of the following: 15319

(1) Evidence satisfactory to the board that the applicant 15320
is at least eighteen years of age; 15321

(2) Evidence satisfactory to the board that the applicant 15322
has been accepted or appointed to participate in this state in 15323
one of the following: 15324

(a) An internship, residency, or clinical fellowship 15325
program accredited by either the accreditation council for 15326
graduate medical education of the American medical association 15327
or the American osteopathic association; 15328

(b) A clinical fellowship program that is not accredited 15329
as described in division (A) (2) (a) of this section, but is 15330
conducted at an institution with a residency program that is 15331
accredited as described in that division and is in a clinical 15332
field the same as or related to the clinical field of the 15333
fellowship program; 15334

(c) An elective clinical rotation that lasts not more than 15335
one year and is offered to interns, residents, or clinical 15336
fellows participating in programs that are located outside this 15337

state and meet the requirements of division (A) (2) (a) or (b) of 15338
this section. 15339

(3) Information identifying the beginning and ending dates 15340
of the period for which the applicant has been accepted or 15341
appointed to participate in the internship, residency, or 15342
clinical fellowship program; 15343

(4) Any other information that the board requires. 15344

(B) ~~If~~ Except as provided in division (E) of this section, 15345
if no grounds for denying a license or certificate under section 15346
4731.22 of the Revised Code apply, and the applicant meets the 15347
requirements of division (A) of this section, the board shall 15348
issue a training certificate to the applicant. The board shall 15349
not require an examination as a condition of receiving a 15350
training certificate. 15351

A training certificate issued pursuant to this section 15352
shall be valid only for three years, but may be renewed by the 15353
board for one additional three-year period. To renew a training 15354
certificate, the holder shall apply to the board on or before 15355
the certificate's expiration date. 15356

The fee for renewal of a training certificate shall be one 15357
hundred dollars. A late application may be submitted not more 15358
than thirty days after the certificate's expiration date. In 15359
such a case, the holder shall include with the application a 15360
one-hundred-fifty-dollar reinstatement fee. 15361

(C) The holder of a valid training certificate shall be 15362
entitled to perform such acts as may be prescribed by or 15363
incidental to the holder's internship, residency, or clinical 15364
fellowship program, but the holder shall not be entitled 15365
otherwise to engage in the practice of medicine and surgery or 15366

osteopathic medicine and surgery in this state. The holder shall 15367
limit activities under the certificate to the programs of the 15368
hospitals or facilities for which the training certificate is 15369
issued. The holder shall train only under the supervision of the 15370
physicians responsible for supervision as part of the 15371
internship, residency, or clinical fellowship program. 15372

A training certificate may be revoked by the board upon 15373
proof, satisfactory to the board, that the holder thereof has 15374
engaged in practice in this state outside the scope of the 15375
internship, residency, or clinical fellowship program for which 15376
the training certificate has been issued, or upon proof, 15377
satisfactory to the board, that the holder thereof has engaged 15378
in unethical conduct or that there are grounds for action 15379
against the holder under section 4731.22 of the Revised Code. 15380

(D) The board may adopt rules as the board finds necessary 15381
to effect the purpose of this section. 15382

(E) The board shall issue a training certificate to 15383
practice medicine and surgery or osteopathic medicine and 15384
surgery in accordance with Chapter 4796. of the Revised Code to 15385
an applicant if either of the following applies: 15386

(1) The applicant holds a license or certificate in 15387
another state. 15388

(2) The applicant has satisfactory work experience, a 15389
government certification, or a private certification as 15390
described in that chapter practicing medicine and surgery or 15391
osteopathic medicine and surgery in a state that does not issue 15392
that certificate. 15393

Sec. 4731.293. (A) The state medical board shall issue, 15394
without examination, a clinical research faculty certificate to 15395

practice medicine and surgery, osteopathic medicine and surgery, 15396
or podiatric medicine and surgery to any person who applies for 15397
the certificate and provides to the board satisfactory evidence 15398
of both of the following: 15399

(1) That the applicant holds a current, unrestricted 15400
license to practice medicine and surgery, osteopathic medicine 15401
and surgery, or podiatric medicine and surgery issued by another 15402
state or country; 15403

(2) That the applicant has been appointed to serve in this 15404
state on the academic staff of a medical school accredited by 15405
the liaison committee on medical education, an osteopathic 15406
medical school accredited by the American osteopathic 15407
association, or a college of podiatric medicine and surgery in 15408
good standing with the board. 15409

(B) The holder of a clinical research faculty certificate 15410
may do one of the following, as applicable: 15411

(1) Practice medicine and surgery or osteopathic medicine 15412
and surgery only as is incidental to the certificate holder's 15413
teaching or research duties at the medical school or a teaching 15414
hospital affiliated with the school; 15415

(2) Practice podiatric medicine and surgery only as is 15416
incidental to the certificate holder's teaching or research 15417
duties at the college of podiatric medicine and surgery or a 15418
teaching hospital affiliated with the college. 15419

(C) The board may revoke a certificate on receiving proof 15420
satisfactory to the board that the certificate holder has 15421
engaged in practice in this state outside the scope of the 15422
certificate or that there are grounds for action against the 15423
certificate holder under section 4731.22 of the Revised Code. 15424

(D) A clinical research faculty certificate is valid for 15425
three years, except that the certificate ceases to be valid if 15426
the holder's academic staff appointment described in division 15427
(A) (2) of this section is no longer valid or the certificate is 15428
revoked pursuant to division (C) of this section. 15429

(E) (1) The board shall provide a renewal notice to the 15430
certificate holder at least one month before the certificate 15431
expires. Failure of a certificate holder to receive a notice of 15432
renewal from the board shall not excuse the certificate holder 15433
from the requirements contained in this section. The notice 15434
shall inform the certificate holder of the renewal procedure. 15435
The notice also shall inform the certificate holder of the 15436
reporting requirement established by division (H) of section 15437
3701.79 of the Revised Code. At the discretion of the board, the 15438
information may be included on the application for renewal or on 15439
an accompanying page. 15440

(2) A clinical research faculty certificate may be renewed 15441
for an additional three-year period. There is no limit on the 15442
number of times a certificate may be renewed. A person seeking 15443
renewal of a certificate shall apply to the board. The board 15444
shall provide the application for renewal in a form determined 15445
by the board. 15446

(3) An applicant is eligible for renewal if the applicant 15447
does all of the following: 15448

(a) Reports any criminal offense to which the applicant 15449
has pleaded guilty, of which the applicant has been found 15450
guilty, or for which the applicant has been found eligible for 15451
intervention in lieu of conviction, since last filing an 15452
application for a clinical research faculty certificate; 15453

(b) Provides evidence satisfactory to the board of both of 15454
the following: 15455

(i) That the applicant continues to maintain a current, 15456
unrestricted license to practice medicine and surgery, 15457
osteopathic medicine and surgery, or podiatric medicine and 15458
surgery issued by another state or country; 15459

(ii) That the applicant's initial appointment to serve in 15460
this state on the academic staff of a school or college is still 15461
valid or has been renewed. 15462

(4) Regardless of whether the certificate has expired, a 15463
person who was granted a visiting medical faculty certificate 15464
under this section as it existed immediately prior to June 6, 15465
2012, may apply for a clinical research faculty certificate as a 15466
renewal. The board may issue the clinical research faculty 15467
certificate if the applicant meets the requirements of division 15468
(E) (3) of this section. The board may not issue a clinical 15469
research faculty certificate if the visiting medical faculty 15470
certificate was revoked. 15471

(F) A person holding a clinical research faculty 15472
certificate issued under this section shall not be required to 15473
obtain a certificate under Chapter 4796. of the Revised Code. 15474

(G) The board may adopt any rules it considers necessary 15475
to implement this section. The rules shall be adopted in 15476
accordance with Chapter 119. of the Revised Code. 15477

Sec. 4731.294. (A) The state medical board may issue, 15478
without examination, a special activity certificate to any 15479
nonresident person seeking to practice medicine and surgery or 15480
osteopathic medicine and surgery in conjunction with a special 15481
activity, program, or event taking place in this state. 15482

(B) An applicant for a special activity certificate shall 15483
submit evidence satisfactory to the board of all of the 15484
following: 15485

(1) The applicant holds a current, unrestricted license to 15486
practice medicine and surgery or osteopathic medicine and 15487
surgery issued by another state or country and that within the 15488
two-year period immediately preceding application, the applicant 15489
has done one of the following: 15490

(a) Actively practiced medicine and surgery or osteopathic 15491
medicine and surgery in the United States; 15492

(b) Participated in a graduate medical education program 15493
accredited by either the accreditation council for graduate 15494
medical education of the American medical association or the 15495
American osteopathic association; 15496

(c) Successfully passed the federation licensing 15497
examination established by the federation of state medical 15498
boards, a special examination established by the federation of 15499
state medical boards, or all parts of a standard medical 15500
licensing examination established for purposes of determining 15501
the competence of individuals to practice medicine and surgery 15502
or osteopathic medicine and surgery in the United States. 15503

(2) The applicant meets the same educational requirements 15504
that individuals must meet under sections 4731.09 and 4731.14 of 15505
the Revised Code. 15506

(3) The applicant's practice in conjunction with the 15507
special activity, program, or event will be in the public 15508
interest. 15509

(C) The applicant shall pay a fee of one hundred twenty- 15510
five dollars. 15511

(D) The holder of a special activity certificate may 15512
practice medicine and surgery or osteopathic medicine and 15513
surgery only in conjunction with the special activity, event, or 15514
program for which the certificate is issued. The board may 15515
revoke a certificate on receiving proof satisfactory to the 15516
board that the holder of the certificate has engaged in practice 15517
in this state outside the scope of the certificate or that there 15518
are grounds for action against the certificate holder under 15519
section 4731.22 of the Revised Code. 15520

(E) A special activity certificate is valid for the 15521
shorter of thirty days or the duration of the special activity, 15522
program, or event. The certificate may not be renewed. 15523

(F) The board shall not require a person holding a special 15524
activity certificate issued under this section to obtain a 15525
certificate under Chapter 4796. of the Revised Code. 15526

(G) The state medical board shall adopt rules in 15527
accordance with Chapter 119. of the Revised Code that specify 15528
how often an applicant may be granted a certificate under this 15529
section. 15530

Sec. 4731.295. (A) (1) As used in this section: 15531

(a) "Free clinic" has the same meaning as in section 15532
3701.071 of the Revised Code. 15533

(b) "Indigent and uninsured person" and "operation" have 15534
the same meanings as in section 2305.234 of the Revised Code. 15535

(2) For the purposes of this section, a person shall be 15536
considered retired from practice if the person's license has 15537
expired with the person's intention of ceasing to practice 15538
medicine and surgery or osteopathic medicine and surgery for 15539
remuneration. 15540

(B) The state medical board may issue, without 15541
examination, a volunteer's certificate to a person who is 15542
retired from practice so that the person may provide medical 15543
services to indigent and uninsured persons at any location, 15544
including a free clinic. The board shall deny issuance of a 15545
volunteer's certificate to a person who is not qualified under 15546
this section to hold a volunteer's certificate. 15547

(C) An application for a volunteer's certificate shall 15548
include all of the following: 15549

(1) A copy of the applicant's degree of medicine or 15550
osteopathic medicine. 15551

(2) One of the following, as applicable: 15552

(a) A copy of the applicant's most recent license 15553
authorizing the practice of medicine and surgery or osteopathic 15554
medicine and surgery issued by a jurisdiction in the United 15555
States that licenses persons to practice medicine and surgery or 15556
osteopathic medicine and surgery. 15557

(b) A copy of the applicant's most recent license 15558
equivalent to a license to practice medicine and surgery or 15559
osteopathic medicine and surgery in one or more branches of the 15560
United States armed services that the United States government 15561
issued. 15562

(3) Evidence of one of the following, as applicable: 15563

(a) That the applicant has maintained for at least ten 15564
years prior to retirement full licensure in good standing in any 15565
jurisdiction in the United States that licenses persons to 15566
practice medicine and surgery or osteopathic medicine and 15567
surgery. 15568

(b) That the applicant has practiced for at least ten 15569
years prior to retirement in good standing as a doctor of 15570
medicine and surgery or osteopathic medicine and surgery in one 15571
or more of the branches of the United States armed services. 15572

(4) An attestation that the applicant will not accept any 15573
form of remuneration for any medical services rendered while in 15574
possession of a volunteer's certificate. 15575

(D) The holder of a volunteer's certificate may provide 15576
medical services only to indigent and uninsured persons, but may 15577
do so at any location, including a free clinic. The holder shall 15578
not accept any form of remuneration for providing medical 15579
services while in possession of the certificate. Except in a 15580
medical emergency, the holder shall not perform any operation or 15581
deliver babies. The board may revoke a volunteer's certificate 15582
on receiving proof satisfactory to the board that the holder has 15583
engaged in practice in this state outside the scope of the 15584
certificate. 15585

(E) (1) A volunteer's certificate shall be valid for a 15586
period of three years, unless earlier revoked under division (D) 15587
of this section or pursuant to section 4731.22 of the Revised 15588
Code. A volunteer's certificate may be renewed upon the 15589
application of the holder. The board shall maintain a register 15590
of all persons who hold volunteer's certificates. The board 15591
shall not charge a fee for issuing or renewing a certificate 15592
pursuant to this section. 15593

(2) To be eligible for renewal of a volunteer's 15594
certificate the holder of the certificate shall certify to the 15595
board completion of one hundred fifty hours of continuing 15596
medical education that meets the requirements of section 15597
4731.282 of the Revised Code regarding certification by private 15598

associations and approval by the board. The board may not renew 15599
a certificate if the holder has not complied with the continuing 15600
medical education requirements. Any entity for which the holder 15601
provides medical services may pay for or reimburse the holder 15602
for any costs incurred in obtaining the required continuing 15603
medical education credits. 15604

(3) The board shall issue a volunteer's certificate to 15605
each person who qualifies under this section for the 15606
certificate. The certificate shall state that the certificate 15607
holder is authorized to provide medical services pursuant to the 15608
laws of this state. The holder shall display the certificate 15609
prominently at the location where the holder primarily 15610
practices. 15611

(4) The holder of a volunteer's certificate issued 15612
pursuant to this section is subject to the immunity provisions 15613
regarding the provision of services to indigent and uninsured 15614
persons in section 2305.234 of the Revised Code. 15615

(F) The holder of a volunteer's certificate issued under 15616
this section is not required to obtain a license under Chapter 15617
4796. of the Revised Code. 15618

(G) The board shall adopt rules in accordance with Chapter 15619
119. of the Revised Code to administer and enforce this section. 15620

Sec. 4731.297. (A) As used in this section: 15621

(1) "Academic medical center" means a medical school and 15622
its affiliated teaching hospitals and clinics partnering to do 15623
all of the following: 15624

(a) Provide the highest quality of patient care from 15625
expert physicians; 15626

(b) Conduct groundbreaking research leading to medical 15627
advancements for current and future patients; 15628

(c) Provide medical education and graduate medical 15629
education to educate and train physicians. 15630

(2) "Affiliated physician group practice" means a medical 15631
practice that consists of one or more physicians authorized 15632
under this chapter to practice medicine and surgery or 15633
osteopathic medicine and surgery and that is affiliated with an 15634
academic medical center to further the objectives described in 15635
divisions (A) (1) (a) to (c) of this section. 15636

(B) The state medical board shall issue, without 15637
examination, to an applicant who meets the requirements of this 15638
section a certificate of conceded eminence authorizing the 15639
practice of medicine and surgery or osteopathic medicine and 15640
surgery as part of the applicant's employment with an academic 15641
medical center in this state or affiliated physician group 15642
practice in this state. 15643

(C) To be eligible for a certificate of conceded eminence, 15644
an applicant shall provide to the board all of the following: 15645

(1) Evidence satisfactory to the board of all of the 15646
following: 15647

(a) That the applicant is an international medical 15648
graduate who holds a medical degree from an educational 15649
institution listed in the international medical education 15650
directory; 15651

(b) That the applicant has been appointed to serve in this 15652
state as a full-time faculty member of a medical school 15653
accredited by the liaison committee on medical education or an 15654
osteopathic medical school accredited by the American 15655

osteopathic association; 15656

(c) That the applicant has accepted an offer of employment 15657
with an academic medical center in this state or affiliated 15658
physician group practice in this state; 15659

(d) That the applicant holds a license in good standing in 15660
another state or country authorizing the practice of medicine 15661
and surgery or osteopathic medicine and surgery; 15662

(e) That the applicant has unique talents and 15663
extraordinary abilities not generally found within the 15664
applicant's specialty, as demonstrated by satisfying at least 15665
four of the following: 15666

(i) The applicant has achieved educational qualifications 15667
beyond those that are required for entry into the applicant's 15668
specialty, including advanced degrees, special certifications, 15669
or other academic credentials. 15670

(ii) The applicant has written multiple articles in 15671
journals listed in the index medicus or an equivalent scholarly 15672
publication acceptable to the board. 15673

(iii) The applicant has a sustained record of excellence 15674
in original research, at least some of which involves serving as 15675
the principal investigator or co-principal investigator for a 15676
research project. 15677

(iv) The applicant has received nationally or 15678
internationally recognized prizes or awards for excellence. 15679

(v) The applicant has participated in peer review in a 15680
field of specialization that is the same as or similar to the 15681
applicant's specialty. 15682

(vi) The applicant has developed new procedures or 15683

treatments for complex medical problems that are recognized by 15684
peers as a significant advancement in the applicable field of 15685
medicine. 15686

(vii) The applicant has held previous academic 15687
appointments with or been employed by a health care organization 15688
that has a distinguished national or international reputation. 15689

(viii) The applicant has been the recipient of a national 15690
institutes of health or other competitive grant award. 15691

(f) That the applicant has received staff membership or 15692
professional privileges from the academic medical center 15693
pursuant to standards adopted under section 3701.351 of the 15694
Revised Code on a basis that requires the applicant's medical 15695
education and graduate medical education to be at least 15696
equivalent to that of a physician educated and trained in the 15697
United States; 15698

(g) That the applicant has sufficient written and oral 15699
English skills to communicate effectively and reliably with 15700
patients, their families, and other medical professionals; 15701

(h) That the applicant will have professional liability 15702
insurance through the applicant's employment with the academic 15703
medical center or affiliated physician group practice. 15704

(2) An attestation that the applicant agrees to practice 15705
only within the clinical setting of the academic medical center 15706
or for the affiliated physician group practice; 15707

(3) Three letters of reference from distinguished experts 15708
in the applicant's specialty attesting to the unique 15709
capabilities of the applicant, at least one of which must be 15710
from outside the academic medical center or affiliated physician 15711
group practice; 15712

(4) An affidavit from the dean of the medical school where 15713
the applicant has been appointed to serve as a faculty member 15714
stating that the applicant meets all of the requirements of 15715
division (C) (1) of this section and that the letters of 15716
reference submitted under division (C) (3) of this section are 15717
from distinguished experts in the applicant's specialty, and 15718
documentation to support the affidavit; 15719

(5) A fee of one thousand dollars for the certificate. 15720

(D) (1) The holder of a certificate of conceded eminence 15721
may practice medicine and surgery or osteopathic medicine and 15722
surgery only within the clinical setting of the academic medical 15723
center with which the certificate holder is employed or for the 15724
affiliated physician group practice with which the certificate 15725
holder is employed. 15726

(2) A certificate holder may supervise medical students, 15727
physicians participating in graduate medical education, advanced 15728
practice nurses, and physician assistants when performing 15729
clinical services in the certificate holder's area of specialty. 15730

(E) The board may revoke a certificate issued under this 15731
section on receiving proof satisfactory to the board that the 15732
certificate holder has engaged in practice in this state outside 15733
the scope of the certificate or that there are grounds for 15734
action against the certificate holder under section 4731.22 of 15735
the Revised Code. 15736

(F) A certificate of conceded eminence is valid for the 15737
shorter of two years or the duration of the certificate holder's 15738
employment with the academic medical center or affiliated 15739
physician group practice. The certificate ceases to be valid if 15740
the holder resigns or is otherwise terminated from the academic 15741

medical center or affiliated physician group practice. 15742

(G) A certificate of conceded eminence may be renewed for 15743
an additional two-year period. There is no limit on the number 15744
of times a certificate may be renewed. A person seeking renewal 15745
of a certificate shall apply to the board and is eligible for 15746
renewal if the applicant does all of the following: 15747

(1) Pays the renewal fee of one thousand dollars; 15748

(2) Provides to the board an affidavit and supporting 15749
documentation from the academic medical center or affiliated 15750
physician group practice of all of the following: 15751

(a) That the applicant's initial appointment to the 15752
medical faculty is still valid or has been renewed; 15753

(b) That the applicant's clinical practice is consistent 15754
with the established standards in the field; 15755

(c) That the applicant has demonstrated continued 15756
scholarly achievement; 15757

(d) That the applicant has demonstrated continued 15758
professional achievement consistent with the academic medical 15759
center's requirements, established pursuant to standards adopted 15760
under section 3701.351 of the Revised Code, for physicians with 15761
staff membership or professional privileges with the academic 15762
medical center. 15763

(3) Satisfies the same continuing medical education 15764
requirements set forth in section 4731.282 of the Revised Code 15765
that apply to a person who holds a certificate to practice 15766
medicine and surgery or osteopathic medicine and surgery issued 15767
under this chapter. 15768

(4) Complies with any other requirements established by 15769

the board. 15770

(H) The board shall not require a person to obtain a certificate under Chapter 4796. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery if the person holds a certificate of conceded eminence issued under this section. 15771
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(I) The board may adopt any rules it considers necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 15776
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Sec. 4731.299. (A) ~~The~~ Except as provided in division (I) of this section, the state medical board may issue, without examination, to an applicant who meets all of the requirements of this section an expedited license to practice medicine and surgery or osteopathic medicine and surgery by endorsement. 15779
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(B) An individual who seeks an expedited license by endorsement shall file with the board a written application on a form prescribed and supplied by the board. The application shall include all of the information the board considers necessary to process it. 15784
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(C) ~~To~~ Except as provided in division (I) of this section, to be eligible to receive an expedited license by endorsement, an applicant shall do both of the following: 15789
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(1) Provide evidence satisfactory to the board that the applicant meets all of the following requirements: 15792
15793

(a) Has passed one of the following: 15794

(i) Steps one, two, and three of the United States medical licensing examination; 15795
15796

(ii) Levels one, two, and three of the comprehensive 15797

osteopathic medical licensing examination of the United States;	15798
(iii) Any other medical licensing examination recognized by the board.	15799 15800
(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;	15801 15802 15803 15804 15805
(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;	15806 15807 15808
(d) Is in compliance with the medical education and training requirements in sections 4731.09 and 4731.14 of the Revised Code.	15809 15810 15811
(2) Certify to the board that all of the following are the case:	15812 15813
(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.	15814 15815 15816 15817 15818 15819
(b) The applicant does not have a medical condition that could affect the applicant's ability to practice according to acceptable and prevailing standards of care.	15820 15821 15822
(c) No adverse action has been taken against the applicant by a health care institution.	15823 15824
(d) To the applicant's knowledge, no federal agency,	15825

medical society, medical association, or branch of the United States military has investigated or taken action against the applicant.

(e) No professional licensing or regulatory authority has filed a complaint against, investigated, or taken action against the applicant and the applicant has not withdrawn a professional license application.

(f) The applicant has not been suspended or expelled from any institution of higher education or school, including a medical school.

(D) An applicant for an expedited license by endorsement shall comply with section 4731.08 of the Revised Code.

(E) ~~At~~ Except as provided in division (I) of this section, at the time of application, the applicant shall pay to the board a fee of one thousand dollars, no part of which shall be returned. No application shall be considered filed until the board receives the fee.

(F) The secretary and supervising member of the board shall review all applications received under this section.

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.

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.

(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. 15854

(H) Within sixty days after September 29, 2013, the board 15855
shall approve acceptable means of demonstrating compliance with 15856
sections 4731.09 and 4731.14 of the Revised Code as required by 15857
division (C) (1) (d) of this section. 15858

(I) The board shall issue a license to practice medicine 15859
and surgery or osteopathic medicine and surgery in accordance 15860
with Chapter 4796. of the Revised Code to an applicant if either 15861
of the following applies: 15862

(1) The applicant holds a license in another state. 15863

(2) The applicant has satisfactory work experience, a 15864
government certification, or a private certification as 15865
described in that chapter as a physician in a state that does 15866
not issue that license. 15867

Sec. 4731.30. (A) As used in this section and sections 15868
4731.301 and 4731.302 of the Revised Code, "medical marijuana," 15869
"drug database," "physician," and "qualifying medical condition" 15870
have the same meanings as in section 3796.01 of the Revised 15871
Code. 15872

(B) (1) Except as provided in division (B) (4) or (I) of 15873
this section, a physician seeking to recommend treatment with 15874
medical marijuana shall apply to the state medical board for a 15875
certificate to recommend. An application shall be submitted in 15876
the manner established in rules adopted under section 4731.301 15877
of the Revised Code. 15878

(2) ~~The~~ Except as provided in division (I) of this 15879
section, the board shall grant a certificate to recommend if 15880
both of the following conditions are met: 15881

(a) The application is complete and meets the requirements established in rules.	15882 15883
(b) The applicant demonstrates that the applicant does not have an ownership or investment interest in or compensation arrangement with an entity licensed under Chapter 3796. of the Revised Code or an applicant for licensure.	15884 15885 15886 15887
(3) A certificate to recommend expires according to the renewal schedule established in rules adopted under section 4731.301 of the Revised Code and may be renewed in accordance with the procedures established in those rules.	15888 15889 15890 15891
(4) This section does not apply to a physician who recommends treatment with marijuana or a drug derived from marijuana under any of the following that is approved by an investigational review board or equivalent entity, the United States food and drug administration, or the national institutes of health or one of its cooperative groups or centers under the United States department of health and human services:	15892 15893 15894 15895 15896 15897 15898
(a) A research protocol;	15899
(b) A clinical trial;	15900
(c) An investigational new drug application;	15901
(d) An expanded access submission.	15902
(C) (1) A physician who holds a certificate to recommend may recommend that a patient be treated with medical marijuana if all of the following conditions are met:	15903 15904 15905
(a) The patient has been diagnosed with a qualifying medical condition;	15906 15907
(b) A bona fide physician-patient relationship has been	15908

established through all of the following: 15909

(i) An examination of the patient by the physician either 15910
in person or through the use of telehealth services in 15911
accordance with section 4743.09 of the Revised Code; 15912

(ii) A review of the patient's medical history by the 15913
physician; 15914

(iii) An expectation of providing care and receiving care 15915
on an ongoing basis. 15916

(c) The physician has requested, or a physician delegate 15917
approved by the state board of pharmacy has requested, from the 15918
drug database a report of information related to the patient 15919
that covers at least the twelve months immediately preceding the 15920
date of the report, and the physician has reviewed the report. 15921

(2) In the case of a patient who is a minor, the physician 15922
may recommend treatment with medical marijuana only after 15923
obtaining the consent of the patient's parent or other person 15924
responsible for providing consent to treatment. 15925

(D) (1) When issuing a written recommendation to a patient, 15926
the physician shall specify any information required in rules 15927
adopted by the board under section 4731.301 of the Revised Code. 15928

(2) A written recommendation issued to a patient under 15929
this section is valid for a period of not more than ninety days. 15930
The physician may renew the recommendation for not more than 15931
three additional periods of not more than ninety days each. 15932
Thereafter, the physician may issue another recommendation to 15933
the patient only upon an examination of the patient as described 15934
in division (C) (1) (b) (i) of this section. 15935

(E) Annually, the physician shall submit to the state 15936

medical board a report that describes the physician's 15937
observations regarding the effectiveness of medical marijuana in 15938
treating the physician's patients during the year covered by the 15939
report. When submitting reports, a physician shall not include 15940
any information that identifies or would tend to identify any 15941
specific patient. 15942

(F) Each physician who holds a certificate to recommend 15943
shall complete annually at least two hours of continuing medical 15944
education in medical marijuana approved by the state medical 15945
board. 15946

(G) A physician shall not do any of the following: 15947

(1) Personally furnish or otherwise dispense medical 15948
marijuana; 15949

(2) Issue a recommendation for a family member or the 15950
physician's self. 15951

(H) A physician is immune from civil liability, is not 15952
subject to professional disciplinary action by the state medical 15953
board or state board of pharmacy, and is not subject to criminal 15954
prosecution for any of the following actions: 15955

(1) Advising a patient, patient representative, or 15956
caregiver about the benefits and risks of medical marijuana to 15957
treat a qualifying medical condition; 15958

(2) Recommending that a patient use medical marijuana to 15959
treat or alleviate the condition; 15960

(3) Monitoring a patient's treatment with medical 15961
marijuana. 15962

(I) The board shall issue a certificate to recommend in 15963
accordance with Chapter 4796. of the Revised Code to an 15964

applicant if either of the following applies: 15965

(1) The applicant holds a license or certificate in 15966
another state. 15967

(2) The applicant has satisfactory work experience, a 15968
government certification, or a private certification as 15969
described in that chapter as a physician recommending treatment 15970
with medical marijuana in a state that does not issue that 15971
license or certificate. 15972

Sec. 4731.52. (A) A-Except as provided in division (E) of 15973
this section, a person seeking a license to practice podiatric 15974
medicine and surgery shall file with the state medical board an 15975
application in the form and manner prescribed by the board. The 15976
application must include all of the following: 15977

(1) Evidence satisfactory to the board to demonstrate that 15978
the applicant meets all of the following requirements: 15979

(a) Is at least eighteen years of age; 15980

(b) Possesses a high school diploma or a certificate of 15981
high school equivalence or has obtained the equivalent of such 15982
education as determined by the board; 15983

(c) Has completed at least two years of undergraduate work 15984
in a college of arts and sciences or the equivalent of such 15985
education as determined by the board; 15986

(d) Holds a degree from a college of podiatric medicine 15987
and surgery that was in good standing with the board at the time 15988
the degree was granted, as determined by the board; 15989

(e) Has completed one year of postgraduate training in a 15990
podiatric internship, residency, or clinical fellowship program 15991
accredited by the council on podiatric medicine or the American 15992

podiatric medical association or its equivalent as determined by 15993
the board; 15994

(f) Has successfully passed an examination prescribed in 15995
rules adopted by the board to determine competency to practice 15996
podiatric medicine and surgery; 15997

(g) Has complied with section 4731.531 of the Revised 15998
Code. 15999

(2) An attestation that the information submitted under 16000
this section is accurate and truthful; 16001

(3) Consent to the release of the applicant's information; 16002

(4) Any other information the board requires. 16003

(B) ~~An~~ Except as provided in division (E) of this section, 16004
an applicant for a license to practice podiatric medicine and 16005
surgery shall include with the application a fee of three 16006
hundred five dollars, no part of which may be returned. An 16007
application is not considered submitted until the board receives 16008
the fee. 16009

(C) The board may conduct an investigation related to the 16010
application materials received pursuant to this section and may 16011
contact any individual, agency, or organization for 16012
recommendations or other information about the applicant. 16013

(D) The board shall conclude any investigation of an 16014
applicant conducted under section 4731.22 of the Revised Code 16015
not later than ninety days after receipt of a complete 16016
application unless the applicant agrees in writing to an 16017
extension or the board determines that there is a substantial 16018
question of a violation of this chapter or the rules adopted 16019
under it and notifies the applicant in writing of the reasons 16020

for continuation of the investigation. If the board determines 16021
that the applicant is not in violation of this chapter or the 16022
rules adopted under it, the board shall issue a license not 16023
later than forty-five days after making that determination. 16024

(E) The board shall issue a license to practice podiatric 16025
medicine and surgery in accordance with Chapter 4796. of the 16026
Revised Code to an applicant if either of the following applies: 16027

(1) The applicant holds a license in another state. 16028

(2) The applicant has satisfactory work experience, a 16029
government certification, or a private certification as 16030
described in that chapter as a podiatrist in a state that does 16031
not issue that license. 16032

Sec. 4731.572. (A) The state medical board shall issue, 16033
without examination, a visiting podiatric faculty certificate to 16034
any nonresident person who holds a current, unrestricted license 16035
to practice podiatric medicine and surgery issued by another 16036
state or country and has been appointed to serve in this state 16037
on the academic staff of an approved college of podiatric 16038
medicine and surgery in good standing, as determined by the 16039
board. The board shall not require a nonresident person who 16040
holds a license in another state to obtain a license under 16041
Chapter 4796. of the Revised Code. 16042

(B) An applicant for a visiting podiatric faculty 16043
certificate shall submit evidence satisfactory to the board that 16044
the applicant meets the requirements of division (A) of this 16045
section. 16046

(C) The holder of a visiting podiatric faculty certificate 16047
may practice podiatric medicine and surgery only as is 16048
incidental to the certificate holder's teaching duties at the 16049

college or the teaching hospitals affiliated with the college. 16050
The board may revoke a certificate on receiving proof 16051
satisfactory to the board that the holder of the certificate has 16052
engaged in practice in this state outside the scope of the 16053
certificate or that there are grounds for action against the 16054
certificate holder under section 4731.22 of the Revised Code. 16055

(D) A visiting podiatric faculty certificate is valid for 16056
the shorter of one year or the duration of the holder's 16057
appointment to the academic staff of the college. The 16058
certificate may not be renewed. 16059

Sec. 4731.573. (A) ~~An~~ Except as provided in division (E) 16060
of this section, an individual seeking to pursue an internship, 16061
residency, or clinical fellowship program in podiatric medicine 16062
and surgery in this state, who does not hold a license to 16063
practice podiatric medicine and surgery issued under this 16064
chapter, shall apply to the state medical board for a training 16065
certificate. The application shall be made on forms that the 16066
board shall furnish and shall be accompanied by an application 16067
fee of one hundred thirty dollars. 16068

An applicant for a training certificate shall furnish to 16069
the board all of the following: 16070

(1) Evidence satisfactory to the board that the applicant 16071
is at least eighteen years of age; 16072

(2) Evidence satisfactory to the board that the applicant 16073
has been accepted or appointed to participate in this state in 16074
one of the following: 16075

(a) An internship, residency, or clinical fellowship 16076
program accredited by either the council on podiatric medical 16077
education or the American podiatric medical association; 16078

(b) A clinical fellowship program that is not accredited 16079
as described in division (A) (2) (a) of this section, but is 16080
conducted at an institution with a residency program that is 16081
accredited as described in that division and is in a clinical 16082
field the same as or related to the clinical field of the 16083
fellowship program. 16084

(3) Information identifying the beginning and ending dates 16085
of the period for which the applicant has been accepted or 16086
appointed to participate in the internship, residency, or 16087
clinical fellowship program; 16088

(4) Any other information that the board requires. 16089

(B) ~~If~~ Except as provided in division (E) of this section, 16090
if no grounds for denying a license or certificate under section 16091
4731.22 of the Revised Code apply and the applicant meets the 16092
requirements of division (A) of this section, the board shall 16093
issue a training certificate to the applicant. The board shall 16094
not require an examination as a condition of receiving a 16095
training certificate. 16096

A training certificate issued pursuant to this section 16097
shall be valid only for three years, but may be renewed by the 16098
board for one additional three-year period. To renew a training 16099
certificate, the holder shall apply to the board on or before 16100
the certificate's expiration date. 16101

The fee for renewal of a training certificate shall be one 16102
hundred dollars. A late application may be submitted not more 16103
than thirty days after the certificate's expiration date. In 16104
such a case, the holder shall include with the application a 16105
one-hundred-fifty-dollar reinstatement fee. 16106

(C) The holder of a valid training certificate shall be 16107

entitled to perform such acts as may be prescribed by or 16108
incidental to the holder's internship, residency, or clinical 16109
fellowship program, but the holder shall not be entitled 16110
otherwise to engage in the practice of podiatric medicine and 16111
surgery in this state. The holder shall limit activities under 16112
the certificate to the programs of the hospitals or facilities 16113
for which the training certificate is issued. The holder shall 16114
train only under the supervision of the podiatrists responsible 16115
for supervision as part of the internship, residency, or 16116
clinical fellowship program. A training certificate may be 16117
revoked by the board upon proof, satisfactory to the board, that 16118
the holder thereof has engaged in practice in this state outside 16119
the scope of the internship, residency, or clinical fellowship 16120
program for which the training certificate has been issued, or 16121
upon proof, satisfactory to the board, that the holder thereof 16122
has engaged in unethical conduct or that there are grounds for 16123
action against the holder under section 4731.22 of the Revised 16124
Code. 16125

(D) The board may adopt rules as the board finds necessary 16126
to effect the purpose of this section. 16127

(E) The board shall issue a training certificate to 16128
practice podiatric medicine and surgery in accordance with 16129
Chapter 4796. of the Revised Code to an applicant if either of 16130
the following applies: 16131

(1) The applicant holds a license or certificate in 16132
another state. 16133

(2) The applicant has satisfactory work experience, a 16134
government certification, or a private certification as 16135
described in that chapter practicing podiatric medicine and 16136
surgery in a state that does not issue that license or 16137

certificate. 16138

Sec. 4732.10. (A) The state board of psychology shall 16139
appoint an entrance examiner who shall determine the sufficiency 16140
of an applicant's qualifications for admission to the 16141
appropriate examination. A member of the board or the executive 16142
director may be appointed as the entrance examiner. 16143

(B) Requirements for admission to examination for a 16144
psychologist license shall be that the applicant: 16145

(1) Is at least twenty-one years of age; 16146

(2) Meets one of the following requirements: 16147

(a) Received an earned doctoral degree from an institution 16148
accredited or recognized by a national or regional accrediting 16149
agency and a program accredited by any of the following: 16150

(i) The American psychological association, office of 16151
program consultation and accreditation; 16152

(ii) The accreditation office of the Canadian 16153
psychological association; 16154

(iii) A program listed by the association of state and 16155
provincial psychology boards/national register designation 16156
committee; 16157

(iv) The national association of school psychologists. 16158

(b) Received an earned doctoral degree in psychology or 16159
school psychology from an institution accredited or recognized 16160
by a national or regional accrediting agency but the program 16161
does not meet the program accreditation requirements of division 16162
(B) (2) (a) of this section; 16163

(c) Received from an academic institution outside of the 16164

United States or Canada a degree determined, under rules adopted 16165
by the board under division (E) of this section, to be 16166
equivalent to a doctoral degree in psychology from a program 16167
described in division (B) (2) (a) of this section; 16168

(d) Held a psychologist license, certificate, or 16169
registration required for practice in ~~another United States or a~~ 16170
Canadian jurisdiction for a minimum of ten years and meets 16171
educational, experience, and professional requirements 16172
established under rules adopted by the board. 16173

(3) Has had at least two years of supervised professional 16174
experience in psychological work of a type satisfactory to the 16175
board, at least one year of which must be a predoctoral 16176
internship. The board shall adopt guidelines for the kind of 16177
supervised professional experience that fulfill this 16178
requirement. 16179

(4) If applying under division (B) (2) (b) or (c) of this 16180
section, has had at least two years of supervised professional 16181
experience in psychological work of a type satisfactory to the 16182
board, at least one year of which must be postdoctoral. The 16183
board shall adopt guidelines for the kind of supervised 16184
professional experience that fulfill this requirement. 16185

(C) Requirements for admission to examination for a school 16186
psychologist license shall be that the applicant: 16187

(1) Has received from an educational institution 16188
accredited or recognized by national or regional accrediting 16189
agencies as maintaining satisfactory standards, including those 16190
approved by the state board of education for the training of 16191
school psychologists, at least a master's degree in school 16192
psychology, or a degree considered equivalent by the board; 16193

(2) Is at least twenty-one years of age;	16194
(3) Has completed at least sixty quarter hours, or the semester hours equivalent, at the graduate level, of accredited study in course work relevant to the study of school psychology;	16195 16196 16197
(4) Has completed an internship in an educational institution approved by the Ohio department of education for school psychology supervised experience or one year of other training experience acceptable to the board, such as supervised professional experience under the direction of a licensed psychologist or licensed school psychologist;	16198 16199 16200 16201 16202 16203
(5) Furnishes proof of at least twenty-seven months, exclusive of internship, of full-time experience as a certificated school psychologist employed by a board of education or a private school meeting the standards prescribed by the state board of education, or of experience that the board deems equivalent.	16204 16205 16206 16207 16208 16209
(D) If the entrance examiner finds that the applicant meets the requirements set forth in this section, the applicant shall be admitted to the appropriate examination.	16210 16211 16212
(E) The board shall adopt under Chapter 119. of the Revised Code rules for determining for the purposes of division (B) (2) (b) of this section whether a degree is equivalent to a degree in psychology from an institution in the United States.	16213 16214 16215 16216
Sec. 4732.12. If an applicant for a license issued by the state board of psychology to practice as a psychologist or school psychologist receives a score acceptable to the board on the appropriate examination required by section 4732.11 of the Revised Code and has paid the fee required by section 4732.15 of the Revised Code, the board shall issue the appropriate license.	16217 16218 16219 16220 16221 16222

The board shall issue a license to practice as a 16223
psychologist or school psychologist, as appropriate, in 16224
accordance with Chapter 4796. of the Revised Code to an 16225
applicant who holds a license in another state or has 16226
satisfactory work experience, a government certification, or a 16227
private certification as described in that chapter as a 16228
psychologist or school psychologist in a state that does not 16229
issue that license. 16230

Sec. 4732.22. (A) The following persons are exempted from 16231
the licensing requirements of this chapter: 16232

(1) A person who holds a license or certificate issued by 16233
the state board of education authorizing the practice of school 16234
psychology, while practicing school psychology within the scope 16235
of employment by a board of education or by a private school 16236
meeting the standards prescribed by the state board of education 16237
under division (D) of section 3301.07 of the Revised Code, or 16238
while acting as a school psychologist within the scope of 16239
employment in a program for children with disabilities 16240
established under Chapter 3323. or 5126. of the Revised Code. A 16241
person exempted under this division shall not offer 16242
psychological services to any other individual, organization, or 16243
group for remuneration, monetary or otherwise, unless the person 16244
is licensed by the state board of psychology. 16245

(2) Any nonresident temporarily employed in this state to 16246
render psychological services for not more than thirty days a 16247
year, who, in the opinion of the board, meets the standards for 16248
entrance in division (B) of section 4732.10 of the Revised Code, 16249
who has paid the required fee and submitted an application 16250
prescribed by the board, and who holds whatever license or 16251
certificate, if any, is required for such practice in the 16252

person's home state or home country. The state board of 16253
psychology shall not require a nonresident temporarily employed 16254
in this state who holds a license or certificate in another 16255
state to obtain a license in accordance with Chapter 4796. of 16256
the Revised Code to practice or render psychological services in 16257
the manner described under this division. 16258

(3) Any person working under the supervision of a 16259
psychologist or school psychologist licensed under this chapter, 16260
while carrying out specific tasks, under the license holder's 16261
supervision, as an extension of the license holder's legal and 16262
ethical authority as specified under this chapter if the person 16263
is registered under division (B) of this section. All fees shall 16264
be billed under the name of the license holder. The person 16265
working under the license holder's supervision shall not 16266
represent self to the public as a psychologist or school 16267
psychologist, although supervised persons and persons in 16268
training may be ascribed such titles as "psychology trainee," 16269
"psychology assistant," "psychology intern," or other 16270
appropriate term that clearly implies their supervised or 16271
training status. 16272

(4) Any student in an accredited educational institution, 16273
while carrying out activities that are part of the student's 16274
prescribed course of study, provided such activities are 16275
supervised by a professional person who is qualified to perform 16276
such activities and is licensed under this chapter or is a 16277
qualified supervisor pursuant to rules of the board; 16278

(5) Recognized religious officials, including ministers, 16279
priests, rabbis, imams, Christian science practitioners, and 16280
other persons recognized by the board, conducting counseling 16281
when the counseling activities are within the scope of the 16282

performance of their regular duties and are performed under the 16283
auspices or sponsorship of an established and legally cognizable 16284
religious denomination or sect, as defined in current federal 16285
tax regulations, and when the religious official does not refer 16286
to the official's self as a psychologist and remains accountable 16287
to the established authority of the religious denomination or 16288
sect; 16289

(6) Persons in the employ of the federal government 16290
insofar as their activities are a part of the duties of their 16291
positions; 16292

(7) Persons licensed, certified, or registered under any 16293
other provision of the Revised Code who are practicing those 16294
arts and utilizing psychological procedures that are allowed and 16295
within the standards and ethics of their profession or within 16296
new areas of practice that represent appropriate extensions of 16297
their profession, provided that they do not hold themselves out 16298
to the public by the title of psychologist; 16299

(8) Persons using the term "social psychologist," 16300
"experimental psychologist," "developmental psychologist," 16301
"research psychologist," "cognitive psychologist," and other 16302
terms used by those in academic and research settings who 16303
possess a doctoral degree in psychology from an educational 16304
institution accredited or recognized by national or regional 16305
accrediting agencies as maintaining satisfactory standards and 16306
who do not use such a term in the solicitation or rendering of 16307
professional psychological services. 16308

(B) The license holder who is supervising a person 16309
described in division (A) (3) of this section shall register the 16310
person with the board. The board shall adopt rules regarding the 16311
registration process and the supervisory relationship. 16312

Sec. 4733.18. (A) The state board of registration for 16313
professional engineers and surveyors ~~may~~ shall authorize a 16314
temporary registration for an individual who has filed with the 16315
board an application for a temporary registration and has paid 16316
the required fee in accordance with Chapter 4796. of the Revised 16317
Code. The temporary registration continues only for the time the 16318
board requires for consideration of the application for 16319
registration, ~~provided a person is legally qualified to practice~~ 16320
~~that profession in the person's own state in which the~~ 16321
~~requirements and qualifications of registration are not lower~~ 16322
~~than those specified in this chapter.~~ 16323

(B) (1) The following persons are exempt from this chapter: 16324

(a) An employee or a subordinate of a person registered 16325
under this chapter or an employee of a person holding temporary 16326
registration under division (A) of this section, provided the 16327
employee's or subordinate's duties do not include responsible 16328
charge of engineering or surveying work; 16329

(b) Officers and employees of the government of the United 16330
States while engaged within this state in the practice of 16331
engineering or surveying, for that government; 16332

(c) An engineer engaged solely as an officer of a 16333
privately owned public utility. 16334

(2) This chapter does not require registration for the 16335
purpose of practicing professional engineering, or professional 16336
surveying by an individual, firm, or corporation on property 16337
owned or leased by that individual, firm, or corporation unless 16338
the same involves the public welfare or the safeguarding of 16339
life, health, or property, or for the performance of engineering 16340
or surveying which relates solely to the design or fabrication 16341

of manufactured products. 16342

(C) Nothing in this chapter prevents persons other than 16343
engineers from preparing plans, drawings, specifications, or 16344
data, from filing applications for building permits, or from 16345
obtaining those permits for residential buildings, as defined by 16346
section 3781.06 of the Revised Code, or buildings that are 16347
erected as one-, two-, or three-family units or structures 16348
within the meaning of the term "industrialized unit" as provided 16349
in section 3781.06 of the Revised Code. 16350

(D) Nothing in this chapter prevents persons other than 16351
engineers from preparing drawings or data, from filing 16352
applications for building permits, or from obtaining those 16353
permits for the installation of replacement equipment or systems 16354
that are similar in type or capacity to the equipment or systems 16355
being replaced, and for any improvement, alteration, repair, 16356
painting, decorating, or other modification of any buildings or 16357
structures subject to sections 3781.06 to 3781.18 and 3791.04 of 16358
the Revised Code where the building official determines that no 16359
plans or specifications are required for approval. 16360

Sec. 4733.19. ~~A~~ With respect to a person registered or 16361
licensed to engage in the practice of engineering or surveying 16362
by a proper authority of a ~~another~~ state, territory, or 16363
possession of the United States, or the District of Columbia, 16364
~~who, in the opinion of or who has a government certification or~~ 16365
private certification as an engineer or surveyor in another 16366
state, territory, or possession of the United States, or the 16367
District of Columbia that does not issue that registration or 16368
license, the state board of registration for professional 16369
engineers and surveyors, ~~meets the requirements of this chapter,~~ 16370
~~based on verified evidence, may, upon application and payment of~~ 16371

~~the established fee, be registered shall register the person as~~ 16372
~~a professional engineer or surveyor in accordance with Chapter~~ 16373
~~4796. of the Revised Code. Notwithstanding section 4796.05 of~~ 16374
~~the Revised Code, the board shall register a person who has~~ 16375
~~satisfactory work experience as a professional engineer or~~ 16376
~~surveyor in accordance with Chapter 4796. of the Revised Code if~~ 16377
~~the person satisfies a minimum education requirement and passes~~ 16378
~~an examination.~~ 16379

~~Any person who seeks registration as a professional~~ 16380
~~surveyor under this section must pass a two-hour professional~~ 16381
~~practice examination, devoted to the laws and practices of this~~ 16382
~~state prior to receiving such registration.~~ 16383

Sec. 4734.23. (A) A person licensed by another ~~state or~~ 16384
country in the practice of chiropractic may apply under this 16385
section for a license to practice chiropractic in this state in 16386
lieu of applying under section 4734.20 of the Revised Code. The 16387
fee for applying under this ~~section~~ division shall be five 16388
hundred dollars. 16389

(B) The state chiropractic board may, for good cause, 16390
waive all or part of the educational and testing requirements 16391
specified under section 4734.20 of the Revised Code and issue a 16392
license to an applicant under division (A) of this section, if 16393
the applicant presents satisfactory proof of being licensed to 16394
practice chiropractic in another ~~state or~~ country where the 16395
requirements for receipt of the license, on the date the license 16396
was issued, are considered by the board to be substantially 16397
equivalent to those of this chapter. The applicant must meet the 16398
same age requirement that must be met under section 4734.20 of 16399
the Revised Code. If the board does not waive all of the 16400
educational and testing requirements, the board may require that 16401

the applicant complete and receive a score specified by the 16402
board on one or more tests administered by the board or by the 16403
national board of chiropractic examiners or another testing 16404
entity. 16405

(C) The board shall issue a license to practice 16406
chiropractic in accordance with Chapter 4796. of the Revised 16407
Code to an applicant if either of the following applies: 16408

(1) The applicant holds a license to practice chiropractic 16409
in another state. 16410

(2) The applicant has satisfactory work experience, a 16411
government certification, or a private certification as 16412
described in that chapter as a chiropractor in a state that does 16413
not issue that license. 16414

Sec. 4734.27. (A) To the extent it is in the public 16415
interest, the state chiropractic board may issue, without 16416
examination, a special limited license to practice chiropractic 16417
as follows: 16418

(1) To a person who is seeking to participate in an 16419
internship, residency, preceptorship, or clinical fellowship in 16420
this state in preparation for the practice of chiropractic; 16421

(2) To a nonresident person who plans to provide 16422
chiropractic services in connection with a special activity, 16423
program, or event conducted in this state, if the person holds a 16424
current, valid, and unrestricted license to practice 16425
chiropractic in another state or country; 16426

(3) To a person who previously held an unrestricted 16427
license to practice chiropractic in this state who plans to 16428
offer gratuitous chiropractic services as a voluntary public 16429
service; 16430

(4) To any other person for any other reason specified as 16431
good cause by the board in rules adopted under this section. 16432

(B) An applicant for a special limited license shall 16433
submit to the board a complete application on a form prescribed 16434
by the board, pay an application fee of seventy-five dollars, 16435
and furnish proof satisfactory to the board of being at least 16436
twenty-one years of age and of either holding the degree of 16437
doctor of chiropractic or being enrolled in a program leading to 16438
the degree. The institution from which the applicant received 16439
the degree or in which the applicant is enrolled must be a 16440
school or college that is approved by the board under section 16441
4734.21 of the Revised Code. 16442

(C) The provisions of this chapter that apply to 16443
applicants for and holders of licenses to practice chiropractic 16444
shall apply to applicants for and holders of special limited 16445
licenses to the extent the board considers appropriate, 16446
including the board's authority to conduct any investigation it 16447
considers appropriate to verify an applicant's credentials and 16448
fitness to receive a license and the board's authority to take 16449
actions under section 4734.31 of the Revised Code. 16450

(D) The board shall adopt any rules it considers necessary 16451
to implement this section. All rules adopted under this section 16452
shall be adopted in accordance with Chapter 119. of the Revised 16453
Code. 16454

(E) (1) The board shall issue a special limited license to 16455
practice chiropractic under division (A) (1) of this section in 16456
accordance with Chapter 4796. of the Revised Code to a person if 16457
either of the following applies: 16458

(a) The person holds a limited license to practice 16459

chiropractic in another state. 16460

(b) The person has satisfactory work experience, a government certification, or a private certification as described in that chapter as a chiropractor in a state that does not issue that limited license. 16461
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(2) A nonresident person who holds a special limited license to practice chiropractic under division (A)(2) of this section is not required to obtain a license under Chapter 4796. of the Revised Code to practice under the special limited license. 16465
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(3) Chapter 4796. of the Revised Code does not apply to a special limited license issued under division (A)(3) or (4) of this section. 16470
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Sec. 4734.283. If the state chiropractic board determines under section 4734.282 of the Revised Code that an applicant meets the requirements for a certificate to practice acupuncture, the executive director of the board shall issue to the applicant a certificate to practice acupuncture. 16473
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A certificate to practice acupuncture expires biennially in accordance with a schedule the board shall establish. The certificate may be renewed in accordance with section 4734.284 of the Revised Code. 16478
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Notwithstanding the requirements for a certificate under this chapter, the executive director shall issue a certificate to practice acupuncture in accordance with Chapter 4796. of the Revised Code to a chiropractor who holds a license or certificate to practice acupuncture in another state or has satisfactory work experience, a government certification, or a private certification as described in that chapter as an 16482
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acupuncturist in a state that does not issue that license or 16489
certificate. 16490

Sec. 4735.023. (A) An oil and gas land professional who is 16491
not otherwise permitted to engage in the activities described in 16492
division (A) of section 4735.01 of the Revised Code may perform 16493
such activities, if the oil and gas land professional does all 16494
of the following: 16495

(1) (a) Registers on an annual basis as an oil and gas land 16496
professional with the superintendent of real estate by such date 16497
specified and on a form approved by the superintendent, which 16498
form includes both of the following: 16499

(i) The name and address of the oil and gas land 16500
professional; 16501

(ii) Evidence of the oil and gas land professional's 16502
membership in good standing in a national, state, or local 16503
professional organization that has been in existence for at 16504
least three years and has, as part of its mission, developed a 16505
set of standards of performance and ethics for oil and gas land 16506
professionals. 16507

(b) Pays an annual fee, established by the superintendent 16508
in an amount not to exceed one hundred dollars, which shall 16509
accompany the registration. 16510

(2) At or prior to first contacting any landowner or other 16511
person with an interest in real estate for the purpose of 16512
engaging in the activities of an oil and gas land professional, 16513
and on a form approved by the superintendent, discloses to the 16514
landowner or other person all of the following: 16515

(a) The oil and gas land professional's name and address 16516
as registered with the superintendent; 16517

(b) That the oil and gas land professional is registered 16518
as such with the superintendent and is a member in good standing 16519
in a national, state, or local professional organization that 16520
has been in existence for at least three years and has, as part 16521
of its mission, developed a set of standards of performance and 16522
ethics for oil and gas land professionals; 16523

(c) That the oil and gas land professional is not a 16524
licensed real estate broker or real estate salesperson under 16525
Chapter 4735. of the Revised Code; 16526

(d) That the landowner or other person with an interest in 16527
real estate may seek legal counsel in connection with any 16528
transaction with the oil and gas land professional; 16529

(e) That the oil and gas land professional is not 16530
representing the landowner or other person with an interest in 16531
real estate. 16532

(3) At or prior to entering into any agreements for the 16533
purpose of exploring for, transporting, producing, or developing 16534
oil and gas mineral interests including, but not limited to, oil 16535
and gas leases and pipeline easements with any landowner or 16536
other person with an interest in real estate, and on a form 16537
approved by the superintendent, discloses to the landowner or 16538
other person with an interest in real estate all of the 16539
following: 16540

(a) The oil and gas land professional's name and address 16541
as registered with the superintendent; 16542

(b) That the oil and gas land professional is registered 16543
as such with the superintendent and a member in good standing in 16544
a national, state, or local professional organization that has 16545
been in existence for at least three years and has, as part of 16546

its mission, developed a set of standards of performance and 16547
ethics for oil and gas land professionals; 16548

(c) That the oil and gas land professional is not a 16549
licensed real estate broker or real estate salesperson under 16550
Chapter 4735. of the Revised Code; 16551

(d) That the landowner or other person may seek legal 16552
counsel in connection with any transaction with the oil and gas 16553
land professional; 16554

(e) That the oil and gas land professional is not 16555
representing the landowner or other person with an interest in 16556
real estate. 16557

(B) Any oil and gas land professional who must be 16558
registered as such with the superintendent pursuant to this 16559
section who ceases to be a member in good standing of an 16560
organization described in division (A) (1) (a) (ii) of this section 16561
shall report the change in membership status to the 16562
superintendent within thirty days of that change. Failure to 16563
report such change in membership status shall result in the 16564
automatic suspension of registration status and subject the 16565
registrant to the penalties for unlicensed activity as found in 16566
section 4735.052 of the Revised Code. 16567

(C) Any oil and gas land professional who fails to 16568
register with the superintendent pursuant to this section is 16569
subject to the penalties for unlicensed activity as found in 16570
section 4735.052 of the Revised Code. 16571

(D) Notwithstanding any provision of this section to the 16572
contrary, the superintendent shall register in accordance with 16573
Chapter 4796. of the Revised Code as an oil and gas land 16574
professional a person if either of the following applies: 16575

(1) The person is licensed or registered as an oil and gas land professional in another state. 16576
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(2) The person has satisfactory work experience, a government certification, or a private certification as described in that chapter as an oil and gas land professional in a state that does not issue that license or registration. 16578
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Sec. 4735.07. (A) The superintendent of real estate, with the consent of the Ohio real estate commission, may enter into agreements with recognized national testing services to administer the real estate broker's examination under the superintendent's supervision and control, consistent with the requirements of this chapter as to the contents of such examination. 16582
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(B) No applicant for a real estate broker's license shall take the broker's examination who has not established to the satisfaction of the superintendent that the applicant: 16589
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(1) Is honest and truthful; 16592

(2) (a) Has not been convicted of a disqualifying offense as determined in accordance with section 9.79 of the Revised Code; 16593
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(b) Has not been finally adjudged by a court to have violated any municipal, state, or federal civil rights laws relevant to the protection of purchasers or sellers of real estate or, if the applicant has been so adjudged, at least two years have passed since the court decision and the superintendent has disregarded the adjudication because the applicant has proven, by a preponderance of the evidence, that the applicant's activities and employment record since the adjudication show that the applicant is honest and truthful, and 16596
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there is no basis in fact for believing that the applicant will 16605
again violate the laws involved. 16606

(3) Has not, during any period in which the applicant was 16607
licensed under this chapter, violated any provision of, or any 16608
rule adopted pursuant to, this chapter, or, if the applicant has 16609
violated any such provision or rule, has established to the 16610
satisfaction of the superintendent that the applicant will not 16611
again violate such provision or rule; 16612

(4) Is at least eighteen years of age; 16613

(5) Has been a licensed real estate broker or salesperson 16614
for at least two years; during at least two of the five years 16615
preceding the person's application, has worked as a licensed 16616
real estate broker or salesperson for an average of at least 16617
thirty hours per week; and has completed one of the following: 16618

(a) At least twenty real estate transactions, in which 16619
property was sold for another by the applicant while acting in 16620
the capacity of a real estate broker or salesperson; 16621

(b) Such equivalent experience as is defined by rules 16622
adopted by the commission. 16623

(6) (a) If licensed as a real estate salesperson prior to 16624
August 1, 2001, successfully has completed at an institution of 16625
higher education all of the following credit-eligible courses by 16626
either classroom instruction or distance education: 16627

(i) Thirty hours of instruction in real estate practice; 16628

(ii) Thirty hours of instruction that includes the 16629
subjects of Ohio real estate law, municipal, state, and federal 16630
civil rights law, new case law on housing discrimination, 16631
desegregation issues, and methods of eliminating the effects of 16632

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.

(iii) Thirty hours of instruction in real estate appraisal;

(iv) Thirty hours of instruction in real estate finance;

(v) Three quarter hours, or its equivalent in semester hours, in financial management;

(vi) Three quarter hours, or its equivalent in semester hours, in human resource or personnel management;

(vii) Three quarter hours, or its equivalent in semester hours, in applied business economics;

(viii) Three quarter hours, or its equivalent in semester hours, in business law.

(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:

(i) Forty hours of instruction in real estate practice;

(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, 16661
desegregation issues, and methods of eliminating the effects of 16662
prior discrimination. If feasible, the instruction in Ohio real 16663
estate law shall be taught by a member of the faculty of an 16664
accredited law school. If feasible, the instruction in 16665
municipal, state, and federal civil rights law, new case law on 16666
housing discrimination, desegregation issues, and methods of 16667
eliminating the effects of prior discrimination shall be taught 16668
by a staff member of the Ohio civil rights commission who is 16669
knowledgeable with respect to those subjects. The requirements 16670
of this division do not apply to an applicant who is admitted to 16671
practice before the supreme court. 16672

(iii) Twenty hours of instruction in real estate 16673
appraisal; 16674

(iv) Twenty hours of instruction in real estate finance; 16675

(v) The training in the amount of hours specified under 16676
divisions (B) (6) (a) (v), (vi), (vii), and (viii) of this section. 16677

(c) Division (B) (6) (a) or (b) of this section does not 16678
apply to any applicant who holds a valid real estate 16679
salesperson's license issued prior to January 2, 1972. Divisions 16680
(B) (6) (a) (v), (vi), (vii), and (viii) or division (B) (6) (b) (v) 16681
of this section do not apply to any applicant who holds a valid 16682
real estate salesperson's license issued prior to January 3, 16683
1984. 16684

(d) Divisions (B) (6) (a) (iii) and (B) (6) (b) (iii) of this 16685
section do not apply to any new applicant who holds a valid Ohio 16686
real estate appraiser license or certificate issued prior to the 16687
date of application for a real estate broker's license. 16688

(e) Successful completion of the instruction required by 16689

division (B) (6) (a) or (b) of this section shall be determined by 16690
the law in effect on the date the instruction was completed. 16691

(7) If licensed as a real estate salesperson on or after 16692
January 3, 1984, satisfactorily has completed a minimum of two 16693
years of post-secondary education, or its equivalent in semester 16694
or quarter hours, at an institution of higher education, and has 16695
fulfilled the requirements of division (B) (6) (a) or (b) of this 16696
section. The requirements of division (B) (6) (a) or (b) of this 16697
section may be included in the two years of post-secondary 16698
education, or its equivalent in semester or quarter hours, that 16699
is required by this division. The post-secondary education 16700
requirement may be satisfied by completing the credit-eligible 16701
courses using either classroom instruction or distance 16702
education. Successful completion of any course required by this 16703
section shall be determined by the law in effect on the date the 16704
course was completed. 16705

(C) Each applicant for a broker's license shall be 16706
examined in the principles of real estate practice, Ohio real 16707
estate law, and financing and appraisal, and as to the duties of 16708
real estate brokers and real estate salespersons, the 16709
applicant's knowledge of real estate transactions and 16710
instruments relating to them, and the canons of business ethics 16711
pertaining to them. The commission from time to time shall 16712
promulgate such canons and cause them to be published in printed 16713
form. 16714

(D) Examinations shall be administered with reasonable 16715
accommodations in accordance with the requirements of the 16716
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 16717
U.S.C. 12101. The contents of an examination shall be consistent 16718
with the requirements of division (B) (6) of this section and 16719

with the other specific requirements of this section. An 16720
applicant who has completed the requirements of division (B) (6) 16721
of this section at the time of application shall be examined no 16722
later than twelve months after the applicant is notified of 16723
admission to the examination. 16724

~~(E) The superintendent may waive one or more of the~~ 16725
~~requirements of this section in the case of an application from~~ 16726
~~a nonresident real estate broker pursuant to a reciprocity~~ 16727
~~agreement with the licensing authority of the state from which~~ 16728
~~the nonresident applicant holds a valid real estate broker~~ 16729
~~license~~ Notwithstanding any provision of this chapter or Chapter 16730
4796. of the Revised Code to the contrary, the superintendent 16731
shall issue a real estate broker's license in accordance with 16732
Chapter 4796. of the Revised Code to an applicant if either of 16733
the following applies: 16734

(1) The applicant satisfies the requirements specified in 16735
section 4796.03 or 4796.04 of the Revised Code, as applicable, 16736
and all of the following apply: 16737

(a) The applicant has no less than two years of experience 16738
working as a real estate broker; 16739

(b) The applicant has completed no less than twenty real 16740
estate transactions, in which property was sold for another by 16741
the applicant while acting in the capacity of a real estate 16742
broker; 16743

(c) The applicant passes an examination on Ohio real 16744
estate law. 16745

(2) The applicant satisfies the requirements specified in 16746
section 4796.05 of the Revised Code and divisions (E) (1) (b) and 16747
(c) of this section. 16748

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

(G) (1) Not earlier than the date of issue of a real estate
broker's license to a licensee, but not later than twelve months
after the date of issue of a real estate broker's license to a
licensee, the licensee shall submit proof satisfactory to the
superintendent, on forms made available by the superintendent,
of the completion of ten hours of instruction that shall be
completed in schools, seminars, and educational institutions
that are approved by the commission. Approval of the curriculum
and providers shall be granted according to rules adopted
pursuant to section 4735.10 of the Revised Code and may be taken
through classroom instruction or distance education.

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

(2) If the license of a real estate broker is suspended
pursuant to division (G) (1) of this section, the license of a
real estate salesperson associated with that broker

correspondingly is suspended pursuant to division (H) of section 16779
4735.20 of the Revised Code. However, the suspended license of 16780
the associated real estate salesperson shall be reactivated and 16781
no fee shall be charged or collected for that reactivation if 16782
all of the following occur: 16783

(a) That broker subsequently submits satisfactory proof to 16784
the superintendent that the broker has complied with the 16785
requirements of division (G) (1) of this section and requests 16786
that the broker's license as a real estate broker be 16787
reactivated; 16788

(b) The superintendent then reactivates the broker's 16789
license as a real estate broker; 16790

(c) The associated real estate salesperson intends to 16791
continue to be associated with that broker and otherwise is in 16792
compliance with this chapter. 16793

Sec. 4735.08. The superintendent of real estate shall 16794
issue a real estate broker's license when the superintendent is 16795
satisfied that: 16796

(A) An applicant who is not a partnership, association, 16797
limited liability company, limited liability partnership, or 16798
corporation ~~satisfies one of the following:~~ 16799

~~(1) Has has received a passing score on each portion of 16800
the real estate broker's examination as determined by rule by 16801
the real estate commission;~~ 16802

~~(2) Is qualified to be licensed without examination as a 16803
nonresident real estate broker, under division (E) of section 16804
4735.07 of the Revised Code. 16805~~

(B) All the members or officers who are authorized to 16806

perform the functions of a real estate broker as the agents of 16807
an applicant that is a partnership, association, limited 16808
liability company, limited liability partnership, or 16809
corporation, are licensed themselves as real estate brokers 16810
under this chapter. 16811

Sec. 4735.09. (A) Application for a license as a real 16812
estate salesperson shall be made to the superintendent of real 16813
estate on forms furnished by the superintendent and signed by 16814
the applicant. The application shall be in the form prescribed 16815
by the superintendent and shall contain such information as is 16816
required by this chapter and the rules of the Ohio real estate 16817
commission. The application shall be accompanied by the 16818
recommendation of the real estate broker with whom the applicant 16819
is associated or with whom the applicant intends to be 16820
associated, certifying that the applicant is honest and 16821
truthful, and has not been finally adjudged by a court to have 16822
violated any municipal, state, or federal civil rights laws 16823
relevant to the protection of purchasers or sellers of real 16824
estate, which conviction or adjudication the applicant has not 16825
disclosed to the superintendent, and recommending that the 16826
applicant be admitted to the real estate salesperson 16827
examination. 16828

(B) A fee of eighty-one dollars shall accompany the 16829
application, which fee includes the fee for the initial year of 16830
the licensing period, if a license is issued. The initial year 16831
of the licensing period commences at the time the license is 16832
issued and ends on the applicant's first birthday thereafter. 16833
The application fee shall be nonrefundable. A fee of eighty-one 16834
dollars shall be charged by the superintendent for each 16835
successive application made by the applicant. One dollar of each 16836
application fee shall be credited to the real estate education 16837

and research fund. 16838

(C) There shall be no limit placed on the number of times 16839
an applicant may retake the examination. 16840

(D) The superintendent, with the consent of the 16841
commission, may enter into an agreement with a recognized 16842
national testing service to administer the real estate 16843
salesperson's examination under the superintendent's supervision 16844
and control, consistent with the requirements of this chapter as 16845
to the contents of the examination. 16846

If the superintendent, with the consent of the commission, 16847
enters into an agreement with a national testing service to 16848
administer the real estate salesperson's examination, the 16849
superintendent may require an applicant to pay the testing 16850
service's examination fee directly to the testing service. If 16851
the superintendent requires the payment of the examination fee 16852
directly to the testing service, each applicant shall submit to 16853
the superintendent a processing fee in an amount determined by 16854
the Ohio real estate commission pursuant to division (A) (1) of 16855
section 4735.10 of the Revised Code. 16856

(E) The superintendent shall issue a real estate 16857
salesperson's license when satisfied that the applicant has 16858
received a passing score on each portion of the salesperson's 16859
examination as determined by rule by the real estate commission, 16860
~~except that the superintendent may waive one or more of the~~ 16861
~~requirements of this section in the case of an applicant who is~~ 16862
~~a licensed real estate salesperson in another state pursuant to~~ 16863
~~a reciprocity agreement with the licensing authority of the~~ 16864
~~state from which the applicant holds a valid real estate~~ 16865
~~salesperson's license.~~ 16866

(F) No applicant for a salesperson's license shall take the salesperson's examination who has not established to the satisfaction of the superintendent that the applicant:

(1) Is honest and truthful;

(2) (a) Has not been convicted of a disqualifying offense as determined in accordance with section 9.79 of the Revised Code;

(b) Has not been finally adjudged by a court to have violated any municipal, state, or federal civil rights laws relevant to the protection of purchasers or sellers of real estate or, if the applicant has been so adjudged, at least two years have passed since the court decision and the superintendent has disregarded the adjudication because the applicant has proven, by a preponderance of the evidence, that the applicant is honest and truthful, and there is no basis in fact for believing that the applicant again will violate the laws involved.

(3) Has not, during any period in which the applicant was licensed under this chapter, violated any provision of, or any rule adopted pursuant to this chapter, or, if the applicant has violated such provision or rule, has established to the satisfaction of the superintendent that the applicant will not again violate such provision or rule;

(4) Is at least eighteen years of age;

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

(6) Has successfully completed at an institution of higher education all of the following credit-eligible courses by either

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classroom instruction or distance education: 16896

(a) Forty hours of instruction in real estate practice; 16897

(b) Forty hours of instruction that includes the subjects 16898
of Ohio real estate law, municipal, state, and federal civil 16899
rights law, new case law on housing discrimination, 16900
desegregation issues, and methods of eliminating the effects of 16901
prior discrimination. If feasible, the instruction in Ohio real 16902
estate law shall be taught by a member of the faculty of an 16903
accredited law school. If feasible, the instruction in 16904
municipal, state, and federal civil rights law, new case law on 16905
housing discrimination, desegregation issues, and methods of 16906
eliminating the effects of prior discrimination shall be taught 16907
by a staff member of the Ohio civil rights commission who is 16908
knowledgeable with respect to those subjects. The requirements 16909
of this division do not apply to an applicant who is admitted to 16910
practice before the supreme court. 16911

(c) Twenty hours of instruction in real estate appraisal; 16912

(d) Twenty hours of instruction in real estate finance. 16913

(G) (1) Successful completion of the instruction required 16914
by division (F) (6) of this section shall be determined by the 16915
law in effect on the date the instruction was completed. 16916

(2) Division (F) (6) (c) of this section does not apply to 16917
any new applicant who holds a valid Ohio real estate appraiser 16918
license or certificate issued prior to the date of application 16919
for a real estate salesperson's license. 16920

(H) Only for noncredit course offerings, an institution of 16921
higher education shall obtain approval from the appropriate 16922
state authorizing entity prior to offering a real estate course 16923
that is designed and marketed as satisfying the salesperson 16924

license education requirements of division (F) (6) of this 16925
section. The state authorizing entity may consult with the 16926
superintendent in reviewing the course for compliance with this 16927
section. 16928

(I) Any person who has not been licensed as a real estate 16929
salesperson or broker within a four-year period immediately 16930
preceding the person's current application for the salesperson's 16931
examination shall have successfully completed the prelicensure 16932
instruction required by division (F) (6) of this section within a 16933
ten-year period immediately preceding the person's current 16934
application for the salesperson's examination. 16935

(J) Not earlier than the date of issue of a real estate 16936
salesperson's license to a licensee, but not later than twelve 16937
months after the date of issue of a real estate salesperson 16938
license to a licensee, the licensee shall submit proof 16939
satisfactory to the superintendent, on forms made available by 16940
the superintendent, of the completion of twenty hours of 16941
instruction that shall be completed in schools, seminars, and 16942
educational institutions approved by the commission. The 16943
instruction shall include, but is not limited to, current 16944
practices relating to commercial real estate, property 16945
management, short sales, and land contracts; contract law; 16946
federal and state programs; economic conditions; and fiduciary 16947
responsibility. Approval of the curriculum and providers shall 16948
be granted according to rules adopted pursuant to section 16949
4735.10 of the Revised Code and may be taken through classroom 16950
instruction or distance education. 16951

If proof of completion of the required instruction is not 16952
submitted within twelve months of the date a license is issued 16953
under this section, the licensee's license is suspended 16954

automatically without the taking of any action by the 16955
superintendent. The superintendent immediately shall notify the 16956
broker with whom such salesperson is associated of the 16957
suspension of the salesperson's license. A salesperson whose 16958
license has been suspended under this division shall have twelve 16959
months after the date of the suspension of the salesperson's 16960
license to submit proof of successful completion of the 16961
instruction required under this division. No such license shall 16962
be reactivated by the superintendent until it is established, to 16963
the satisfaction of the superintendent, that the requirements of 16964
this division have been met and that the licensee is in 16965
compliance with this chapter. A licensee's license is revoked 16966
automatically without the taking of any action by the 16967
superintendent when the licensee fails to submit the required 16968
proof of completion of the education requirements under division 16969
(I) of this section within twelve months of the date the license 16970
is suspended. 16971

(K) Examinations shall be administered with reasonable 16972
accommodations in accordance with the requirements of the 16973
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 16974
U.S.C. 12189. The contents of an examination shall be consistent 16975
with the classroom instructional requirements of division (F) (6) 16976
of this section. An applicant who has completed the classroom 16977
instructional requirements of division (F) (6) of this section at 16978
the time of application shall be examined no later than twelve 16979
months after the applicant is notified of the applicant's 16980
admission to the examination. 16981

(L) Notwithstanding any provision of this chapter or 16982
Chapter 4796. of the Revised Code to the contrary, the 16983
superintendent shall issue a real estate salesperson's license 16984
in accordance with Chapter 4796. of the Revised Code to an 16985

applicant if all of the following apply: 16986

(1) The applicant satisfies the requirements specified in section 4796.03, 4796.04, or 4796.05 of the Revised Code, as applicable; 16987
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(2) The applicant has completed no less than six real estate transactions, in which property was sold for another by the applicant while acting in the capacity of a real estate salesperson; 16990
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(3) The applicant passes an examination on Ohio real estate law. 16994
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Sec. 4735.10. (A) (1) The Ohio real estate commission may adopt reasonable rules in accordance with Chapter 119. of the Revised Code, necessary for implementing the provisions of this chapter relating, but not limited to, the following: 16996
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(a) The form and manner of filing applications for licensure; 17000
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(b) Times and form of examination for license; 17002

(c) Placing an existing broker's license on deposit or a salesperson's license on an inactive status for an indefinite period; 17003
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(d) Specifying the process by which a licensee may resign the licensee's license; 17006
17007

(e) Defining any additional license status that the commission determines is necessary and that is not otherwise defined in this chapter and establishing the process by which a licensee places the licensee's license in a status defined by the commission in the rules the commission adopts; 17008
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(f) Clarification of the activities that require a license under this chapter;	17013 17014
(g) Permitting a broker to act as principal broker for more than one brokerage.	17015 17016
(2) The commission shall adopt reasonable rules in accordance with Chapter 119. of the Revised Code, for implementing the provisions of this chapter relating to the following:	17017 17018 17019 17020
(a) The issuance, renewal, suspension, and revocation of licenses, other sanctions that may be imposed for violations of this chapter, the conduct of hearings related to these actions, and the process of reactivating a license;	17021 17022 17023 17024
(b) A three-year license and a three-year license renewal system;	17025 17026
(c) Standards for the approval of the postlicensure courses as required by division (G) of section 4735.07 and division (J) of section 4735.09 of the Revised Code, courses of study required for licenses, courses offered in preparation for license examinations, or courses required as continuing education for licenses.	17027 17028 17029 17030 17031 17032
(d) Guidelines to ensure that continuing education classes are open to all persons licensed under this chapter. The rules shall specify that an organization that sponsors a continuing education class may offer its members a reasonable reduction in the fees charged for the class.	17033 17034 17035 17036 17037
(e) Requirements for trust accounts and property management accounts. The rules shall specify that:	17038 17039
(i) Brokerages engaged in the management of property for	17040

another may, pursuant to a written contract with the property owner, exercise signatory authority for withdrawals from property management accounts maintained in the name of the property owner. The exercise of authority for withdrawals does not constitute a violation of any provision of division (A) of section 4735.18 of the Revised Code.

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

(f) Notice of renewal forms and filing deadlines;

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

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

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

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

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

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

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

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

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

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

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

Sec. 4735.27. (A) An application to act as a foreign real estate dealer shall be in writing and filed with the superintendent of real estate. It shall be in the form the superintendent prescribes and shall contain the following information:

(1) The name and address of the applicant;

(2) A description of the applicant, including, if the applicant is a partnership, unincorporated association, or any similar form of business organization, the names and the residence and business addresses of all partners, officers, directors, trustees, or managers of the organization, and the limitation of the liability of any partner or member; and if the applicant is a corporation, a list of its officers and directors, and the residence and business addresses of each, and, if it is a foreign corporation, a copy of its articles of incorporation in addition;

(3) The location and addresses of the principal office and all other offices of the applicant;

(4) A general description of the business of the applicant prior to the application, including a list of states in which the applicant is a licensed foreign real estate dealer;

(5) The names and addresses of all salespersons of the applicant at the date of the application;

(6) The nature of the business of the applicant, and its places of business, for the ten-year period preceding the date of application.

(B) Every nonresident applicant shall name a person within this state upon whom process against the applicant may be served and shall give the complete residence and business address of the person designated. Every applicant shall file an irrevocable written consent, executed and acknowledged by an individual duly authorized to give such consent, that actions growing out of a fraud committed by the applicant in connection with the sale in this state of foreign real estate may be commenced against it, in the proper court of any county in this state in which a cause

of action for such fraud may arise or in which the plaintiff in 17128
such action may reside, by serving on the secretary of state any 17129
proper process or pleading authorized by the laws of this state, 17130
in the event that the applicant if a resident of this state, or 17131
the person designated by the nonresident applicant, cannot be 17132
found at the address given. The consent shall stipulate that the 17133
service of process on the secretary of state shall be taken in 17134
all courts to be as valid and binding as if service had been 17135
made upon the foreign real estate dealer. If the applicant is a 17136
corporation or an unincorporated association, the consent shall 17137
be accompanied by a certified copy of the resolution of the 17138
board of directors, trustees, or managers of the corporation or 17139
association, authorizing such individual to execute the consent. 17140

(C) The superintendent may investigate any applicant for a 17141
dealer's license, and may require any additional information the 17142
superintendent considers necessary to determine the 17143
qualifications of the applicant to act as a foreign real estate 17144
dealer. If the application for a dealer's license involves 17145
investigation outside this state, the superintendent may require 17146
the applicant to advance sufficient funds to pay any of the 17147
actual expenses of the investigation, and an itemized statement 17148
of such expense shall be furnished to the applicant. 17149

(D) Every applicant shall take a written examination, 17150
prescribed and conducted by the superintendent, which covers the 17151
applicant's knowledge of the principles of real estate practice, 17152
real estate law, financing and appraisal, real estate 17153
transactions and instruments relating to them, canons of 17154
business ethics relating to real estate transactions, and the 17155
duties of foreign real estate dealers and salespersons. The fee 17156
for the examination, when administered by the superintendent, is 17157
one hundred one dollars. If the applicant does not appear for 17158

the examination, the fee shall be forfeited and a new 17159
application and fee shall be filed, unless good cause for the 17160
failure to appear is shown to the superintendent. ~~The~~ 17161
~~requirement of an examination may be waived in whole or in part~~ 17162
~~by the superintendent if an applicant is licensed as a real~~ 17163
~~estate broker by any state.~~ 17164

Any applicant who fails the examination twice shall wait 17165
six months before applying to retake the examination. 17166

(E) No person shall take the foreign real estate dealer's 17167
examination who has not established to the satisfaction of the 17168
superintendent that the person: 17169

(1) Has not been convicted of a disqualifying offense as 17170
determined in accordance with section 9.79 of the Revised Code; 17171

(2) Has not been finally adjudged by a court to have 17172
violated any municipal, state, or federal civil rights laws 17173
relevant to the protection of purchasers or sellers of real 17174
estate or, if the applicant has been so adjudged, at least two 17175
years have passed since the court decision and the 17176
superintendent has disregarded the adjudication because the 17177
applicant has proven, by a preponderance of the evidence, that 17178
the applicant's activities and employment record since the 17179
adjudication show that the applicant is honest and truthful, and 17180
there is no basis in fact for believing that the applicant again 17181
will violate the laws involved; 17182

(3) Has not, during any period for which the applicant was 17183
licensed under this chapter or any former section of the Revised 17184
Code applicable to licensed foreign real estate dealers or 17185
salespersons, violated any provision of, or any rule adopted 17186
pursuant to, this chapter or that section, or, if the applicant 17187

has violated any such provision or rule, has established to the 17188
satisfaction of the superintendent that the applicant will not 17189
again violate the provision or rule. 17190

(F) ~~If Except as provided in division (H) of this section,~~ 17191
~~if~~ the superintendent finds that an applicant for a license as a 17192
foreign real estate dealer, or each named member, manager, or 17193
officer of a partnership, association, or corporate applicant is 17194
at least eighteen years of age, has passed the examination 17195
required under this section ~~or has had the requirement of an~~ 17196
~~examination waived~~, and appears otherwise qualified, the 17197
superintendent shall issue a license to the applicant to engage 17198
in business in this state as a foreign real estate dealer. 17199
Dealers licensed pursuant to this section shall employ as 17200
salespersons of foreign real estate only persons licensed 17201
pursuant to section 4735.28 of the Revised Code. If at any time 17202
such salespersons resign or are discharged or new salespersons 17203
are added, the dealer forthwith shall notify the superintendent 17204
and shall file with the division of real estate the names and 17205
addresses of new salespersons. 17206

(G) If the applicant merely is renewing the applicant's 17207
license for the previous year, the application need contain only 17208
the information required by divisions (A) (2), (3), and (6) of 17209
this section. 17210

(H) The superintendent shall issue a license to engage in 17211
business in this state as a foreign real estate dealer in 17212
accordance with Chapter 4796. of the Revised Code to an 17213
applicant if either of the following applies: 17214

(1) The applicant holds a license in another state. 17215

(2) The applicant has satisfactory work experience, a 17216

government certification, or a private certification as 17217
described in that chapter as a foreign real estate dealer in a 17218
state that does not issue that license. 17219

Sec. 4735.28. (A) An application to act as a foreign real 17220
estate salesperson shall be in writing and filed with the 17221
superintendent of real estate. It shall be in the form the 17222
superintendent prescribes and shall contain the following 17223
information: 17224

(1) The name and complete residence and business addresses 17225
of the applicant; 17226

(2) The name of the foreign real estate dealer who is 17227
employing the applicant or who intends to employ the applicant; 17228

(3) The age and education of the applicant, and the 17229
applicant's experience in the sale of foreign real estate; 17230
whether the applicant has ever been licensed by the 17231
superintendent, and if so, when; whether the applicant has ever 17232
been refused a license by the superintendent; and whether the 17233
applicant has ever been licensed or refused a license or any 17234
similar permit by any division or superintendent of real estate, 17235
by whatsoever name known or designated, anywhere; 17236

(4) The nature of the employment, and the names and 17237
addresses of the employers, of the applicant for the period of 17238
ten years immediately preceding the date of the application. 17239

(B) Every applicant shall take a written examination, 17240
prescribed and conducted by the superintendent, which covers the 17241
applicant's knowledge of the principles of real estate practice, 17242
real estate law, financing and appraisal, real estate 17243
transactions and instruments relating to them, canons of 17244
business ethics relating to real estate transactions, and the 17245

duties of foreign real estate salespersons. The fee for the 17246
examination, when administered by the superintendent, is sixty- 17247
eight dollars. If the applicant does not appear for the 17248
examination, the fee shall be forfeited and a new application 17249
and fee shall be filed, unless good cause for the failure to 17250
appear is shown to the superintendent. ~~The requirement of an 17251
examination may be waived in whole or in part by the 17252
superintendent if an applicant is licensed as a real estate 17253
broker or salesperson by any state.~~ 17254

Any applicant who fails the examination twice shall wait 17255
six months before applying to retake the examination. 17256

(C) No person shall take the foreign real estate 17257
salesperson's examination who has not established to the 17258
satisfaction of the superintendent that the person: 17259

(1) Has not been convicted of a disqualifying offense as 17260
determined in accordance with section 9.79 of the Revised Code; 17261

(2) Has not been finally adjudged by a court to have 17262
violated any municipal, state, or federal civil rights laws 17263
relevant to the protection of purchasers or sellers of real 17264
estate or, if the applicant has been so adjudged, at least two 17265
years have passed since the court decision and the 17266
superintendent has disregarded the adjudication because the 17267
applicant has proven, by a preponderance of the evidence, that 17268
the applicant's activities and employment record since the 17269
adjudication show that the applicant is honest and truthful, and 17270
there is no basis in fact for believing that the applicant will 17271
again violate the laws; 17272

(3) Has not, during any period for which the applicant was 17273
licensed under this chapter or any former section of the Revised 17274

Code applicable to licensed foreign real estate dealers or 17275
salespersons, violated any provision of, or any rule adopted 17276
pursuant to, this chapter or that section, or, if the applicant 17277
has violated any such provision or rule, has established to the 17278
satisfaction of the superintendent that the applicant will not 17279
again violate the provision or rule. 17280

(D) Every salesperson of foreign real estate shall be 17281
licensed by the superintendent of real estate and shall be 17282
employed only by the licensed foreign real estate dealer 17283
specified on the salesperson's license. 17284

(E) If the superintendent finds that the applicant appears 17285
to be qualified to act as a foreign real estate salesperson, and 17286
has fully complied with the provisions of this chapter, and that 17287
the dealer in the application is a licensed foreign real estate 17288
dealer, the superintendent, upon payment of the fees prescribed 17289
by section 4735.15 of the Revised Code, shall issue a license to 17290
the applicant authorizing the applicant to act as a salesperson 17291
for the dealer named in the application. 17292

(F) The superintendent shall issue a license to act as a 17293
salesperson of foreign real estate in accordance with Chapter 17294
4796. of the Revised Code to an applicant if either of the 17295
following applies: 17296

(1) The applicant holds a license in another state. 17297

(2) The applicant has satisfactory work experience, a 17298
government certification, or a private certification as 17299
described in that chapter as acting as a salesperson of foreign 17300
real estate in a state that does not issue that license. 17301

Sec. 4736.10. Any (A) Except as provided in division (B) 17302
of this section, any person who meets the educational 17303

qualifications of division (A), (B), or (C) of section 4736.08 17304
of the Revised Code, but does not meet the experience 17305
requirement of such division may make application to the 17306
director of health on a form prescribed by the director for 17307
registration as an environmental health specialist in training. 17308
The director shall register the person as an environmental 17309
health specialist in training upon payment of the fee required 17310
by section 4736.12 of the Revised Code. 17311

(B) The director shall issue an environmental health 17312
specialist in training registration in accordance with Chapter 17313
4796. of the Revised Code to an applicant if either of the 17314
following applies: 17315

(1) The applicant holds a license or registration in 17316
another state. 17317

(2) The applicant has satisfactory work experience, a 17318
government certification, or a private certification as 17319
described in that chapter as an environmental health specialist 17320
in training in a state that does not issue that license or 17321
registration. 17322

(C) An environmental health specialist in training shall 17323
apply for registration as an environmental health specialist 17324
within three years after registration as an environmental health 17325
specialist in training. The director may extend the registration 17326
of any environmental health specialist in training who 17327
furnishes, in writing, sufficient cause for not applying for 17328
registration as an environmental health specialist within the 17329
three-year period. However, the director shall not extend the 17330
registration more than an additional two years beyond the three- 17331
year period. 17332

Sec. 4736.14. The director of health ~~may, upon application-~~ 17333
~~and proof of valid registration,~~ shall issue a certificate of 17334
registration in accordance with Chapter 4796. of the Revised 17335
Code to any a person who if either of the following applies: 17336

(A) The person is or has been registered as an 17337
environmental health specialist by any other state, ~~if the~~ 17338
~~requirements of that state at the time of such registration are-~~ 17339
~~determined by the director to be at least equivalent to the~~ 17340
~~requirements of this chapter.~~ 17341

(B) The person has satisfactory work experience, a 17342
government certification, or a private certification as 17343
described in that chapter as an environmental health specialist 17344
in a state that does not issue that certificate of registration. 17345

Sec. 4740.05. Each specialty section of the Ohio 17346
construction industry licensing board, other than the 17347
administrative section, shall do all of the following: 17348

(A) Adopt rules in accordance with Chapter 119. of the 17349
Revised Code that are limited to the following: 17350

(1) Criteria for the section to use in evaluating the 17351
qualifications of an individual; 17352

(2) Criteria for the section to use in deciding whether to 17353
issue, renew, suspend, revoke, or refuse to issue or renew a 17354
license; 17355

(3) ~~The determinations and approvals the section makes-~~ 17356
~~under the reciprocity provision of section 4740.08 of the~~ 17357
~~Revised Code;~~ 17358

~~(4)~~ Criteria for continuing education courses conducted 17359
pursuant to this chapter; 17360

~~(5)~~ (4) A requirement that any training agency seeking approval to provide continuing education courses submit the required information to the appropriate specialty section of the board at least thirty days, but not more than one year, prior to the date on which the course is proposed to be offered;

~~(6)~~ (5) A prohibition against any training agency providing a continuing education course unless the administrative section of the board approved that training agency not more than one year prior to the date the course is offered;

~~(7)~~ (6) A list of disqualifying offenses pursuant to sections 9.79, 4740.06, 4740.10, and 4776.10 of the Revised Code.

(B) Investigate allegations in reference to violations of this chapter and the rules adopted pursuant to it that pertain to the specialty section and determine by rule a procedure to conduct investigations and hearings on these allegations;

(C) Maintain a record of its proceedings;

(D) Grant approval to a training agency to offer continuing education courses pursuant to rules the board adopts;

(E) As required, do all things necessary to carry out this chapter;

(F) Establish or approve a continuing education curriculum for license renewal for each class of contractors for which the section has primary responsibility. No curriculum may require more than five hours per year in specific course requirements. No contractor may be required to take more than ten hours per year in continuing education courses. The ten hours shall be the aggregate of hours of continuing education for all licenses the

contractor holds. 17390

(G) Design the examination for the type of contractor the 17391
specialty section licenses to determine an applicant's 17392
competence to perform that type of contracting. 17393

Sec. 4740.06. (A) Any individual who applies for a license 17394
shall file a written application with the appropriate specialty 17395
section of the Ohio construction industry licensing board, 17396
accompanied with the application fee as determined pursuant to 17397
section 4740.09 of the Revised Code. The application shall be on 17398
the form the section prescribes and verified by the applicant's 17399
oath. The applicant shall provide information satisfactory to 17400
the section showing that the applicant meets the requirements of 17401
division (B) or (C) of this section. 17402

(B) To qualify to take an examination, an individual 17403
shall: 17404

(1) Be at least eighteen years of age; 17405

(2) Be a United States citizen or legal alien who produces 17406
valid documentation to demonstrate the individual is a legal 17407
resident of the United States; 17408

(3) Either have been a tradesperson in the type of 17409
licensed trade for which the application is filed for not less 17410
than five years immediately prior to the date the application is 17411
filed, be a currently registered engineer in this state with 17412
three years of business experience in the construction industry 17413
in the trade for which the engineer is applying to take an 17414
examination, or have other experience acceptable to the 17415
appropriate specialty section of the board; 17416

(4) Maintain contractor's liability insurance in an amount 17417
the appropriate specialty section of the board determines and 17418

only in one contracting company name;	17419
(5) Not have done any of the following:	17420
(a) Violated this chapter or any rule adopted pursuant to it;	17421 17422
(b) Obtained or renewed a license issued pursuant to this chapter, or any order, ruling, or authorization of the board or a section of the board by fraud, misrepresentation, or deception;	17423 17424 17425 17426
(c) Engaged in fraud, misrepresentation, or deception in the conduct of business.	17427 17428
(C) <u>For an individual who holds an out-of-state occupational license, as defined in section 4796.01 of the Revised Code, that is substantially similar to the license for which the individual is applying under this chapter, to qualify to take an examination, an individual shall:</u>	17429 17430 17431 17432 17433
(1) <u>Provide proof that the individual was issued at least five authorizations for construction, erection, equipment, alteration, or addition of any building by an authority with responsibility for enforcing building regulations in the jurisdiction where the individual holds the out-of-state occupational license;</u>	17434 17435 17436 17437 17438 17439
(2) <u>Provide at least one tax return that reflects income earned for services provided under the individual's out-of-state occupational license;</u>	17440 17441 17442
(3) <u>Provide proof that the contracting company with whom the individual is employed in the jurisdiction where the individual holds the out-of-state occupational license is either of the following:</u>	17443 17444 17445 17446

(a) Licensed as a foreign corporation under section 1703.04 of the Revised Code and has designated an agent in this state in accordance with section 1703.041 of the Revised Code; 17447
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(b) Registered as a foreign limited liability company under section 1706.511 of the Revised Code and has designated an agent in this state in accordance with section 1706.09 of the Revised Code. 17450
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(4) Meet the requirements described in divisions (B) (1), (2), (4), and (5) of this section. 17454
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(D) The board secretary, or the secretary's designee, shall approve an application for examination submitted under division (C) of this section within thirty days after receiving a complete application that meets the requirements of that division. 17456
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(E) When an applicant for licensure as a contractor in a licensed trade meets the qualifications set forth in division (B) or (C) of this section and passes the required examination, the appropriate specialty section of the board, within ninety days after the application was filed, shall authorize the administrative section of the board to license the applicant for the type of contractor's license for which the applicant qualifies. A specialty section of the board may withdraw its authorization to the administrative section for issuance of a license for good cause shown, on the condition that notice of that withdrawal is given prior to the administrative section's issuance of the license. 17461
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~~(D) (1)~~ (F) (1) Except as provided in division ~~(D) (2)~~ (F) (2) of this section, if an applicant does not pass the required examination, the applicant may retake the examination not less 17473
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than sixty days after the applicant's most recent examination. 17476

(2) An applicant who does not pass the required 17477
examination after taking the examination five times under this 17478
section shall reapply for a license under division (A) of this 17479
section before retaking the required examination any subsequent 17480
time. 17481

~~(E)~~ (G) All licenses a contractor holds pursuant to this 17482
chapter shall expire annually on the same date, which shall be 17483
the expiration date of the original license the contractor 17484
holds. An individual holding a valid, unexpired license may 17485
renew the license, without reexamination, by submitting an 17486
application to the appropriate specialty section of the board 17487
not more than ninety calendar days before the expiration of the 17488
license, along with the renewal fee the specialty section 17489
requires and proof of compliance with the applicable continuing 17490
education requirements. The applicant shall provide information 17491
in the renewal application satisfactory to demonstrate to the 17492
appropriate specialty section that the applicant continues to 17493
meet the requirements of ~~division (B)~~ divisions (B) (2), (4), and 17494
(5) of this section. 17495

Upon application and within one calendar year after a 17496
license has expired, a section may waive any of the requirements 17497
for renewal of a license upon finding that an applicant 17498
substantially meets the renewal requirements or that failure to 17499
timely apply for renewal is due to excusable neglect. A section 17500
that waives requirements for renewal of a license may impose 17501
conditions upon the licensee and assess a late filing fee of not 17502
more than double the usual renewal fee. An applicant shall 17503
satisfy any condition the section imposes before a license is 17504
reissued. 17505

~~(F)~~ (H) An individual holding a valid license may request 17506
the section of the board that authorized that license to place 17507
the license in inactive status under conditions, and for a 17508
period of time, as that section determines. 17509

~~(G)~~ (I) Except for the ninety-day extension provided for a 17510
license assigned to a contracting company under division (D) of 17511
section 4740.07 of the Revised Code, a license held by an 17512
individual immediately terminates upon the death of the 17513
individual. 17514

~~(H)~~ (J) Nothing in any license issued by the Ohio 17515
construction industry licensing board shall be construed to 17516
limit or eliminate any requirement of or any license issued by 17517
the Ohio fire marshal. 17518

~~(I)~~ (1) ~~(K)~~ (1) Subject to division ~~(I)~~ (3) ~~(K)~~ (3) of this 17519
section, no specialty section of the board shall adopt, 17520
maintain, renew, or enforce any rule, or otherwise preclude in 17521
any way, an individual from renewing a license under this 17522
chapter due to any past criminal activity or interpretation of 17523
moral character. If the specialty section denies an individual a 17524
license renewal, the reasons for such denial shall be put in 17525
writing. 17526

(2) The section may refuse to issue a license to an 17527
applicant because of a conviction of or plea of guilty to an 17528
offense if the refusal is in accordance with section 9.79 of the 17529
Revised Code. 17530

(3) In considering a renewal of an individual's license, 17531
the section shall not consider any conviction or plea of guilty 17532
prior to the initial licensing. However, the board may consider 17533
a conviction or plea of guilty if it occurred after the 17534

individual was initially licensed, or after the most recent 17535
license renewal. 17536

(4) The section may grant an individual a conditional 17537
license that lasts for one year. After the one-year period has 17538
expired, the license is no longer considered conditional, and 17539
the individual shall be considered fully licensed. 17540

~~(J)~~ (L) Notwithstanding divisions ~~(E)~~ (G) and ~~(I)~~ (K) of 17541
this section and sections 4740.04 and 4740.05 of the Revised 17542
Code, the board may establish rules that amend the continuing 17543
education requirements and license renewal schedule for 17544
licensees as provided in or adopted pursuant to those sections 17545
for the purpose of establishing a compliance incentive program. 17546
These rules may include provisions for the creation of the 17547
program and the qualifications, continuing education 17548
requirements, and renewal schedule for the program.- 17549

Sec. 4741.12. (A) The state veterinary medical licensing 17550
board shall issue a license to practice veterinary medicine in 17551
accordance with Chapter 4796. of the Revised Code to an 17552
applicant if either of the following applies: 17553

(1) The applicant holds a license in another state. 17554

(2) The applicant has satisfactory work experience, a 17555
government certification, or a private certification as 17556
described in that chapter in the practice of veterinary medicine 17557
in a state that does not issue that license. 17558

(B) The board may issue a license to practice veterinary 17559
medicine without the examination required pursuant to section 17560
4741.11 of the Revised Code to an applicant from another ~~state,~~ 17561
~~territory,~~ country, ~~or the District of Columbia~~ who furnishes 17562
satisfactory proof to the board that the applicant meets all of 17563

the following criteria: 17564

~~(A)~~ (1) The applicant is a graduate of a veterinary 17565
college accredited by the American veterinary medical 17566
association or holds a certificate issued, on or after May 1, 17567
1987, by the education commission for foreign veterinary 17568
graduates of the American veterinary medical association or 17569
issued by any other nationally recognized certification program 17570
the board approves by rule. 17571

~~(B)~~ (2) The applicant holds a license, which is not under 17572
suspension, revocation, or other disciplinary action, issued by 17573
an agency similar to this board of another ~~state, territory,~~ 17574
~~country, or the District of Columbia,~~ having requirements 17575
equivalent to those of this state, provided the laws of such 17576
~~state, territory,~~ country, ~~or district~~ accord equal rights to 17577
the holder of a license to practice in this state who removes to 17578
such ~~state, territory, country, or district.~~ 17579

~~(C)~~ (3) The applicant is not under investigation for an 17580
act which would constitute a violation of this chapter that 17581
would require the revocation of or refusal to renew a license. 17582

~~(D)~~ (4) The applicant has a thorough knowledge of the laws 17583
and rules governing the practice of veterinary medicine in this 17584
state, as determined by the board. 17585

Sec. 4741.13. The state veterinary medical licensing board 17586
may issue a limited license to practice veterinary medicine to 17587
an individual whose sole professional capacity is with a 17588
veterinary academic institution or veterinary technology 17589
institution recognized by the board in accordance with rules the 17590
board adopts or with a government diagnostic laboratory. A 17591
person holding a limited license is authorized to engage in the 17592

practice of veterinary medicine only to the extent necessary to 17593
fulfill the person's employment or educational obligations as an 17594
instructor, researcher, diagnostician, intern, resident in a 17595
veterinary specialty, or graduate student. 17596

The board may issue a limited license to an applicant who 17597
submits a completed application on a form prescribed by the 17598
board, pays the applicable fee prescribed in section 4741.17 of 17599
the Revised Code, and meets the criteria established by the 17600
board. The board shall not require an individual issued a 17601
limited license under this section to obtain a license under 17602
Chapter 4796. of the Revised Code. 17603

Sec. 4741.14. The state veterinary medical licensing board 17604
may issue, without the examination required pursuant to section 17605
4741.11 of the Revised Code, a temporary permit to practice 17606
veterinary medicine to a nonresident veterinarian holding a 17607
license which is not revoked, suspended, expired, or under any 17608
restrictions and is otherwise in good standing from another 17609
state, territory, or the District of Columbia, provided that a 17610
veterinarian who holds a current license in this state applies 17611
for the temporary permit for the veterinarian. The board shall 17612
not require a veterinarian issued a temporary permit under this 17613
section to obtain a license under Chapter 4796. of the Revised 17614
Code. 17615

A temporary permit issued pursuant to this section only 17616
authorizes the permit holder to act as a veterinary consultant 17617
or to provide veterinary medical services in this state for a 17618
specific animal or animals. When using the services of a 17619
veterinary consultant, the responsibility for the care and 17620
treatment of the patient remains with the veterinarian who holds 17621
a current license in this state and who is providing treatment, 17622

or consultation as to treatment, to the patient. The board shall
determine by rule the specific purposes for which it may issue a
temporary permit and the duration of the permit, not to exceed
six months, under rules it adopts pursuant to Chapter 119. of
the Revised Code. No more than two temporary permits may be
issued pursuant to this section to any one applicant. Any
subsequent applications shall be made pursuant to section
4741.12 of the Revised Code.

Sec. 4741.19. (A) Unless exempted under this chapter, no
person shall practice veterinary medicine, or any of its
branches, without a license or limited license issued by the
state veterinary medical licensing board pursuant to sections
4741.11 to 4741.13 of the Revised Code, a temporary permit
issued pursuant to section 4741.14 of the Revised Code, or a
registration certificate issued pursuant to division (C) of this
section, or with an inactive, expired, suspended, terminated, or
revoked license, temporary permit, or registration.

(B) No veterinary student shall:

(1) Perform or assist surgery unless under direct
veterinary supervision and unless the student has had the
minimum education and experience prescribed by rule of the
board;

(2) Engage in any other work related to the practice of
veterinary medicine unless under veterinary supervision;

(3) Participate in the operation of a branch office,
clinic, or allied establishment unless a licensed veterinarian
is present on the establishment premises.

(C) No person shall act as a registered veterinary
technician unless the person is registered with the board on a

biennial basis and pays the biennial registration fee. A 17652
registered veterinary technician registration expires biennially 17653
on the first day of March in the odd-numbered years and may be 17654
renewed in accordance with the standard renewal procedures 17655
contained in Chapter 4745. of the Revised Code upon payment of 17656
the biennial registration fee and fulfillment of ten continuing 17657
education hours during the two years immediately preceding 17658
renewal for registration. Each registered veterinary technician 17659
shall notify in writing the executive director of the board of 17660
any change in the registered veterinary technician's office 17661
address or employment within ninety days after the change has 17662
taken place. 17663

(1) A registered veterinary technician operating under 17664
veterinary supervision may perform the following duties: 17665

(a) Prepare or supervise the preparation of patients, 17666
instruments, equipment, and medications for surgery; 17667

(b) Collect or supervise the collection of specimens and 17668
perform laboratory procedures as required by the supervising 17669
veterinarian; 17670

(c) Apply wound dressings, casts, or splints as required 17671
by the supervising veterinarian; 17672

(d) Assist a veterinarian in immunologic, diagnostic, 17673
medical, and surgical procedures; 17674

(e) Suture skin incisions; 17675

(f) Administer or supervise the administration of topical, 17676
oral, or parenteral medication under the direction of the 17677
supervising veterinarian; 17678

(g) Other ancillary veterinary technician functions that 17679

are performed pursuant to the order and control and under the 17680
full responsibility of a licensed veterinarian. 17681

(h) Any additional duties as established by the board in 17682
rule. 17683

(2) A registered veterinary technician operating under 17684
direct veterinary supervision may perform all of the following: 17685

(a) Induce and monitor general anesthesia according to 17686
medically recognized and appropriate methods; 17687

(b) Dental prophylaxis, periodontal care, and extraction 17688
not involving sectioning of teeth or resection of bone or both 17689
of these; 17690

(c) Equine dental procedures, including the floating of 17691
molars, premolars, and canine teeth; removal of deciduous teeth; 17692
and the extraction of first premolars or wolf teeth. 17693

The degree of supervision by a licensed veterinarian over 17694
the functions performed by the registered veterinary technician 17695
shall be consistent with the standards of generally accepted 17696
veterinary medical practices. 17697

(3) The board shall issue a registration to be a 17698
veterinary technician in accordance with Chapter 4796. of the 17699
Revised Code to an applicant if either of the following applies: 17700

(a) The applicant holds a similar registration or license 17701
in another state. 17702

(b) The applicant has satisfactory work experience, a 17703
government certification, or a private certification as 17704
described in that chapter as a veterinary technician in a state 17705
that does not issue that registration or license. 17706

(D) A veterinarian licensed to practice in this state 17707
shall not present the person's self as or state a claim that the 17708
person is a specialist unless the veterinarian has previously 17709
met the requirements for certification by a specialty 17710
organization recognized by the American board of veterinary 17711
specialties for a specialty or such other requirements set by 17712
rule of the board and has paid the fee required by division (A) 17713
(10) of section 4741.17 of the Revised Code. 17714

The board shall issue a certification as a veterinary 17715
specialist in accordance with Chapter 4796. of the Revised Code 17716
to an applicant if the applicant holds a certification as a 17717
specialist in another state or has satisfactory work experience, 17718
a government certification, or a private certification as 17719
described in that chapter as a veterinary specialist in a state 17720
that does not issue that certification. 17721

(E) Notwithstanding division (A) of this section, any 17722
animal owner or the owner's designee may engage in the practice 17723
of embryo transfer on the owner's animal if a licensed 17724
veterinarian directly supervises the owner or the owner's 17725
designee and the means used to perform the embryo transfer are 17726
nonsurgical. 17727

(F) Allied medical support may assist a licensed 17728
veterinarian to the extent to which the law that governs the 17729
individual providing the support permits, if all of the 17730
following apply: 17731

(1) A valid veterinary-client-patient-relationship exists. 17732

(2) The individual acts under direct veterinary 17733
supervision. 17734

(3) The allied medical support individual receives 17735

informed, written, client consent. 17736

(4) The veterinarian maintains responsibility for the 17737
patient and keeps the patient's medical records. 17738

The board may inspect the facilities of an allied medical 17739
support individual in connection with an investigation based on 17740
a complaint received in accordance with section 4741.26 of the 17741
Revised Code involving that individual. 17742

Sec. 4743.04. (A) The renewal of a license or other 17743
authorization to practice a trade or profession issued under 17744
Title XLVII of the Revised Code is subject to the provisions of 17745
section 5903.10 of the Revised Code relating to service in the 17746
armed forces. 17747

(B) Continuing education requirements applicable to the 17748
licensees under Title XLVII of the Revised Code are subject to 17749
the provisions of section 5903.12 of the Revised Code relating 17750
to active duty military service. 17751

(C) ~~A department, agency, or office of any political~~ 17752
~~subdivision of this state that issues a license or certificate~~ 17753
~~to practice a trade or profession may, pursuant to rules adopted~~ 17754
~~by the department, agency, or office, issue a temporary license~~ 17755
~~or certificate to practice the trade or profession to a person~~ 17756
~~whose spouse is on active military duty in this state.~~ 17757

~~(D)~~ A department, agency, or office of this state that 17758
issues a license or certificate to practice a trade or 17759
profession shall issue a temporary license or certificate to 17760
practice the trade or profession as provided in section 4743.041 17761
of the Revised Code. 17762

~~(E)~~ (D) The issuance of a license or other authorization 17763
to practice a trade or profession issued under Title XLVII of 17764

the Revised Code is subject to the provisions of section 5903.03 17765
of the Revised Code relating to service in the armed forces. 17766

Sec. 4743.041. (A) As used in this section: 17767

"Active guard and reserve" has the meaning defined in 10 17768
U.S.C. 101. 17769

"Military duty" includes service in the uniformed services 17770
on active duty, in the active guard and reserve, and as a 17771
military technician dual status under 10 U.S.C. 10216. 17772

"Uniformed services" has the meaning defined in 10 U.S.C. 17773
101. 17774

(B) Pursuant to division ~~(D)~~ (C) of section 4743.04 of the 17775
Revised Code, a department, agency, or office of this state 17776
shall issue a temporary license or certificate to practice a 17777
trade or profession to an individual, provided that all of the 17778
following qualifications are met: 17779

(1) The individual holds a valid license or certificate to 17780
practice the trade or profession issued by any other state or 17781
jurisdiction; 17782

(2) The individual is in good standing in the state or 17783
jurisdiction of licensure or certification; 17784

(3) The individual presents adequate proof to the 17785
department, agency, or office of this state that the individual 17786
or the individual's spouse is on military duty in this state; 17787
and 17788

(4) The individual complies with sections 4776.01 to 17789
4776.04 of the Revised Code if a department, agency, or office 17790
of this state requires an applicant under the law governing the 17791
applicable trade or profession to submit to a criminal records 17792

check to receive a license or certificate. 17793

(C) A department, agency, or office of this state may, 17794
under this section, issue a regular license or certificate in 17795
lieu of issuing a temporary license or certificate, provided 17796
that the applicant meets the requirements of this section, and 17797
provided that the regular license is issued by the deadline 17798
specified in division (D) of this section. 17799

(D) If the department, agency, or office of this state 17800
requires an individual under the law governing the applicable 17801
trade or profession to submit to a criminal records check to 17802
receive a license or certificate, and the individual applies for 17803
a license or certificate under this section, the department, 17804
agency, or office of this state shall, within twenty-four hours 17805
after receiving the report under division (A) of section 4776.04 17806
of the Revised Code, notify the applicant that the department, 17807
agency, or office of this state has received the results of a 17808
criminal records check. A department, agency, or office of this 17809
state shall issue a temporary license or certificate or a 17810
regular license under this section, provided that the applicant 17811
meets the requirements of this section, within thirty days of 17812
having received an application, or, if the applicant is subject 17813
to a criminal records check, within fourteen days of having 17814
received the results of a criminal records check. If the 17815
department, agency, or office of this state finds that the 17816
individual is under investigation by the licensing agency of any 17817
other state or jurisdiction, the department, agency, or office 17818
of this state may postpone issuing the license or certificate 17819
until the investigation is complete and the licensing agency of 17820
the other state or jurisdiction confirms that the individual is 17821
in good standing. The department, agency, or office of this 17822
state shall verify the standing of the license or certificate 17823

issued by another state or jurisdiction when the temporary 17824
license is up for renewal. No temporary license shall be valid 17825
for a period of more than six years. 17826

(E) A department, agency, or office of this state shall, 17827
in accordance with Chapter 119. of the Revised Code, deny an 17828
individual a temporary license or certificate issued under this 17829
section or revoke an individual's temporary license or 17830
certificate issued under this section if any of the following 17831
circumstances occur: 17832

(1) The individual's license or certificate issued by 17833
another state or jurisdiction expires or is revoked, or the 17834
individual is not in good standing; 17835

(2) With respect to an individual who was eligible for a 17836
temporary license under this section as the spouse of an 17837
individual on military duty, six months have elapsed since the 17838
divorce, dissolution, or annulment of the marriage; 17839

(3) The individual is disqualified from obtaining a 17840
license in the trade or profession because of a conviction, 17841
judicial finding of guilt, or plea of guilty to a disqualifying 17842
criminal offense specified on the list the department, agency, 17843
or office of this state makes available pursuant to division (C) 17844
of section 9.78 of the Revised Code. 17845

(F) An individual with a temporary license or certificate 17846
or a regular license issued under this section may practice the 17847
trade or profession in this state only within the scope and 17848
practice that is permitted under Ohio law and that does not 17849
exceed the individual's training. 17850

(G) Notwithstanding any other provision of the Revised 17851
Code, a department, agency, or office of this state shall waive 17852

all fees associated with the issuance of a temporary license or 17853
certificate issued under this section. 17854

(H) Each department, agency, or office of this state that 17855
issues a license or certificate to practice a trade or 17856
profession shall adopt rules under Chapter 119. of the Revised 17857
Code as necessary to implement this section. 17858

(I) Each department, agency, or office of this state that 17859
issues a license or certificate to practice a trade or 17860
profession, shall, upon the conclusion of the state fiscal year, 17861
prepare a report on the number and type of temporary licenses or 17862
certificates that were issued during the fiscal year under this 17863
section. The report shall be provided to the director of 17864
veterans services not later than thirty days after the end of 17865
the fiscal year. The director shall compile the reports and make 17866
them available to the public. 17867

(J) A license or certificate issued under this section 17868
shall be considered a license issued under the laws regulating 17869
the practice of the applicable occupation or profession in this 17870
state. Provisions of law applicable to a license issued to an 17871
applicant who does not obtain a license under this section apply 17872
in the same manner to licenses issued under this section. 17873

(K) Chapter 4796. of the Revised Code does not apply to a 17874
license or certificate issued under this section. 17875

(L) A department, agency, or office of this state shall 17876
not require an individual who meets the requirements of this 17877
section to apply for the license or certificate under Chapter 17878
4796. of the Revised Code. However, the individual may elect to 17879
apply for the license or certificate under Chapter 4796. of the 17880
Revised Code. 17881

Sec. 4747.04. (A) The state speech and hearing	17882
professionals board shall:	17883
(1) Establish the nature and scope of qualifying	17884
examinations in accordance with section 4747.08 of the Revised	17885
Code;	17886
(2) Determine whether persons holding similar valid	17887
licenses from other states or jurisdictions <u>other than other</u>	17888
<u>states</u> shall be required to take and successfully pass the	17889
appropriate qualifying examination as a condition for licensing	17890
in this state;	17891
(3) Review complaints and conduct investigations in	17892
accordance with section 4747.13 of the Revised Code and hold any	17893
hearings that are necessary to carry out this chapter;	17894
(4) Determine and specify the length of time each license	17895
that is suspended or revoked shall remain suspended or revoked;	17896
(5) Deposit all payments collected under this chapter into	17897
the state treasury to the credit of the occupational licensing	17898
and regulatory fund created in section 4743.05 of the Revised	17899
Code;	17900
(6) Establish a list of disqualifying offenses for	17901
licensure as a hearing aid dealer or fitter, or for a hearing	17902
aid dealer or fitter trainee permit, pursuant to sections 9.79,	17903
4747.05, 4747.10, 4747.12, and 4776.10 of the Revised Code.	17904
(B) The board shall adopt reasonable rules, in accordance	17905
with Chapter 119. of the Revised Code, necessary for the	17906
administration of this chapter. The board shall include all of	17907
the following in those rules:	17908
(1) The amount of any fees required under this chapter;	17909

(2) The information to be included in a hearing aid receipt provided by a licensed hearing aid dealer or fitter to a person under section 4747.09 of the Revised Code;

(3) The amount of time a licensed hearing aid dealer or fitter or trainee permit holder has to provide the notice of a change in address or addresses required under section 4747.11 of the Revised Code and any other requirements relating to the notice;

(4) Any additional conduct for which the board may discipline a licensee or permit holder under section 4747.12 of the Revised Code.

(C) Nothing in this section shall be interpreted as granting to the board the right to restrict advertising which is not false or misleading, or to prohibit or in any way restrict a hearing aid dealer or fitter from renting or leasing space from any person, firm or corporation in a mercantile establishment for the purpose of using such space for the lawful sale of hearing aids or to prohibit a mercantile establishment from selling hearing aids if the sale would be otherwise lawful under this chapter.

Sec. 4747.05. (A) (1) The state speech and hearing professionals board shall issue to each applicant, within sixty days of receipt of a properly completed application and payment of an application fee set by the board in rules adopted under section 4747.04 of the Revised Code, a hearing aid dealer's or fitter's license if the applicant:

~~(1)~~ (a) In the case of an individual, the individual is at least eighteen years of age, is free of contagious or infectious disease, and has successfully passed a qualifying examination

specified and administered by the board. 17939

~~(2)~~ (b) In the case of a firm, partnership, association, 17940
or corporation, the application, in addition to such information 17941
as the board requires, is accompanied by an application for a 17942
license for each person, whether owner or employee, of the firm, 17943
partnership, association, or corporation, who engages in dealing 17944
in or fitting of hearing aids, or contains a statement that such 17945
applications are submitted separately. No firm, partnership, 17946
association, or corporation licensed pursuant to this chapter 17947
shall permit any unlicensed person to sell or fit hearing aids. 17948

(2) The board shall issue a hearing aid dealer's or 17949
fitter's license in accordance with Chapter 4796. of the Revised 17950
Code to an applicant if either of the following applies: 17951

(a) The applicant holds a license in another state. 17952

(b) The applicant has satisfactory work experience, a 17953
government certification, or a private certification as 17954
described in that chapter as a hearing aid dealer or fitter in a 17955
state that does not issue that license. 17956

(B) (1) Subject to division (B) (3) of this section, the 17957
board shall not adopt or enforce any rule that precludes an 17958
individual from renewing a license issued under this chapter due 17959
to any past criminal activity, unless the individual has 17960
committed a crime of moral turpitude or a disqualifying offense 17961
as those terms are defined in section 4776.10 of the Revised 17962
Code. The board shall comply with Chapter 119. of the Revised 17963
Code when denying an individual a license renewal. 17964

(2) The board may refuse to issue a license to an 17965
applicant because of a conviction of or plea of guilty to an 17966
offense if the refusal is in accordance with section 9.79 of the 17967

Revised Code. 17968

(3) In considering a renewal of an individual's license, 17969
the board shall not consider any conviction or plea of guilty 17970
prior to the initial licensing. However, the board may consider 17971
a conviction or plea of guilty if it occurred after the 17972
individual was initially licensed, or after the most recent 17973
license renewal. 17974

(4) The board may grant an individual a conditional 17975
license that lasts for one year. After the one-year period has 17976
expired, the license is no longer considered conditional, and 17977
the individual shall be considered fully licensed. 17978

(C) (1) Except as provided in division (C) (2) of this 17979
section, each license issued is valid from the date of issuance 17980
until the thirty-first day of December of the even-numbered year 17981
that follows the date of issuance. 17982

(2) A license issued less than one hundred days before the 17983
thirty-first day of December of an even-numbered year is valid 17984
from the date of issuance until the thirty-first day of December 17985
of the even-numbered year that follows the thirty-first day of 17986
December immediately after the date of issuance. 17987

Sec. 4747.10. (A) (1) Each person currently engaged in 17988
training to become a licensed hearing aid dealer or fitter shall 17989
apply to the state speech and hearing professionals board for a 17990
hearing aid dealer's and fitter's trainee permit. The board 17991
shall issue to each applicant within thirty days of receipt of a 17992
properly completed application and payment of an application fee 17993
set by the board in rules adopted under section 4747.04 of the 17994
Revised Code, a trainee permit if such applicant meets all of 17995
the following criteria: 17996

~~(A)~~ (a) Is at least eighteen years of age; 17997

~~(B)~~ (b) Is the holder of a diploma from an accredited high school or a certificate of high school equivalence issued by the department of education; 17998
17999
18000

~~(C)~~ (c) Is free of contagious or infectious disease. 18001

(2) The board shall issue a hearing aid dealer's and fitter's trainee permit in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 18002
18003
18004

(a) The applicant holds a permit or license in another state. 18005
18006

(b) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a hearing aid dealer and fitter trainee in a state that does not issue that permit or license. 18007
18008
18009
18010

(B) The board shall not deny a trainee permit issued under this section to any individual based on the individual's past criminal history unless the denial is in accordance with section 9.79 of the Revised Code. 18011
18012
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In considering a renewal of an individual's trainee permit, the board shall not consider any conviction or plea of guilty prior to the issuance of the initial trainee permit. 18015
18016
18017
However, the board may consider a conviction or plea of guilty if it occurred after the individual was initially granted the trainee permit, or after the most recent trainee permit renewal. 18018
18019
18020
The board shall comply with Chapter 119. of the Revised Code when denying an individual for a trainee permit or renewal. 18021
18022
Additionally, the board may grant an individual a conditional trainee permit that lasts for one year. After the one-year period has expired, the permit is no longer considered 18023
18024
18025

conditional, and the individual shall be considered to be 18026
granted a full trainee permit. 18027

(C) Each trainee permit issued by the board expires one 18028
year from the date it was first issued, and may be renewed once 18029
if the trainee has not successfully completed the qualifying 18030
requirements for licensing as a hearing aid dealer or fitter 18031
before the expiration date of such permit. The board shall issue 18032
a renewed permit to each applicant upon receipt of a properly 18033
completed application and payment of a renewal fee set by the 18034
board in rules adopted under section 4747.04 of the Revised 18035
Code. No person holding a trainee permit shall engage in the 18036
practice of dealing in or fitting of hearing aids except while 18037
under supervision by a licensed hearing aid dealer or fitter. 18038

Sec. 4749.12. ~~(A) A~~ The director of public safety shall 18039
issue a license as a private investigator, security guard 18040
provider, or as a private investigator and a security guard 18041
provider in accordance with Chapter 4796. of the Revised Code to 18042
a person who is a resident of another state; if either of the 18043
following applies: 18044

(A) The person is licensed as a private investigator, 18045
security guard provider, or as a private investigator and a 18046
security guard provider in another state; ~~and wishes to engage~~ 18047
~~in the business of private investigation, the business of~~ 18048
~~security services, or both businesses in this state, shall be~~ 18049
~~licensed pursuant to section 4749.03 of the Revised Code, but~~ 18050
~~the director of public safety may waive the examination~~ 18051
~~requirement of that section and issue a license to a nonresident~~ 18052
~~under the circumstances described in division (B) of this~~ 18053
section. 18054

(B) If a nonresident The person has satisfactory work 18055

~~experience, a government certification, or a private 18056
certification as described in that chapter as a private 18057
investigator, security guard provider, or a private investigator 18058
and security guard provider ~~seeking licensure under this chapter~~ 18059
~~submits with the application and accompanying matter specified~~ 18060
~~in section 4749.03 of the Revised Code proof of licensure in~~ 18061
~~another state, and if the requirements of divisions (A) (1) (a),~~ 18062
~~(b), and (d) and, if applicable, (F) (1) of section 4749.03 of~~ 18063
~~the Revised Code are satisfied and the nonresident meets all~~ 18064
~~current requirements of the laws of the other state regulating~~ 18065
~~the business of private investigation, the business of security~~ 18066
~~services, or both businesses, the director may waive the~~ 18067
~~examination requirement and fee of that section. This waiver~~ 18068
~~authority may be exercised only if the director determines that~~ 18069
~~the other state has a law similar to this division and extends~~ 18070
~~to residents of this state a similar waiver of examination~~ 18071
~~privilege in a state that does not issue that license.~~ 18072~~

Sec. 4751.01. As used in this chapter: 18073

(A) "Health-care licensing agency" means any department, 18074
division, board, section of a board, or other government unit 18075
that is authorized by a statute of this or another state to 18076
issue a license, certificate, permit, card, or other authority 18077
to do either of the following in the context of health care: 18078

(1) Engage in a specific profession, occupation, or 18079
occupational activity; 18080

(2) Have charge of and operate certain specified 18081
equipment, machinery, or premises. 18082

(B) "Licensed health services executive" means an 18083
individual who holds a valid health services executive license. 18084

(C) "Licensed nursing home administrator" means an individual who holds a valid nursing home administrator license.

(D) "Licensed temporary nursing home administrator" means an individual who holds a valid temporary nursing home administrator license.

(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.

(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.

(G) "Nursing home administration" means planning, organizing, directing, and managing the operation of a nursing home.

(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.

(I) "Valid health services executive license" means a health services executive license to which all of the following apply:

(1) It was issued by the board of executives of long-term services and supports under section 4751.201, 4751.21, 4751.23, 4751.25, or 4751.33 of the Revised Code;

(2) It was not sold, fraudulently furnished, or fraudulently obtained in violation of division (F) of section

4751.10 of the Revised Code; 18113

(3) It is current and in good standing. 18114

(J) "Valid nursing home administrator license" means a 18115
nursing home administrator license to which all of the following 18116
apply: 18117

(1) It was issued by the board under section 4751.20, 18118
4751.201, 4751.23, 4751.24, or 4751.33 of the Revised Code; 18119

(2) It was not sold, fraudulently furnished, or 18120
fraudulently obtained in violation of division (F) of section 18121
4751.10 of the Revised Code; 18122

(3) It is current and in good standing. 18123

(K) "Valid temporary nursing home administrator license" 18124
means a temporary nursing home administrator license to which 18125
all of the following apply: 18126

(1) It was issued by the board under section 4751.202, 18127
4751.23, or 4751.33 of the Revised Code; 18128

(2) It was not sold, fraudulently furnished, or 18129
fraudulently obtained in violation of division (F) of section 18130
4751.10 of the Revised Code; 18131

(3) It is current and in good standing. 18132

Sec. 4751.15. The board of executives of long-term 18133
services and supports shall administer, or contract with a 18134
government or private entity to administer, examinations that an 18135
individual must pass to obtain a nursing home administrator 18136
license under section 4751.20 ~~or 4751.201~~ of the Revised Code. 18137
If the board contracts with a government or private entity to 18138
administer the examinations, the contract may authorize the 18139

entity to collect and keep, as all or part of the entity's 18140
compensation under the contract, any fee an individual pays to 18141
take the examination. The entity is not required to deposit the 18142
fee into the state treasury. 18143

To be admitted to an examination administered under this 18144
section, an individual must pay the examination fee charged by 18145
the board or government or private entity. If an individual 18146
fails three times to pass the examination, the individual, 18147
before being admitted to the examination a subsequent time, also 18148
must satisfy any education requirements, experience 18149
requirements, or both, that may be prescribed in rules adopted 18150
under section 4751.04 of the Revised Code in addition to any 18151
education requirements or experience requirements that must be 18152
satisfied to obtain a nursing home administrator license under 18153
section 4751.20 ~~or 4751.201~~ of the Revised Code. 18154

Sec. 4751.20. (A) ~~Subject~~ Except as provided in section 18155
4751.201 of the Revised Code, and subject to section 4751.32 of 18156
the Revised Code, the board of executives of long-term services 18157
and supports shall issue a nursing home administrator license to 18158
an individual under this section if all of the following 18159
requirements are satisfied: 18160

(1) The individual has submitted to the board a completed 18161
application for the license in accordance with rules adopted 18162
under section 4751.04 of the Revised Code. 18163

(2) If the individual is required by rules adopted under 18164
section 4751.04 of the Revised Code to serve as a nursing home 18165
administrator in training, the individual has paid to the board 18166
the administrator in training fee of fifty dollars. 18167

(3) The individual is at least twenty-one years of age. 18168

(4) The individual has successfully completed educational requirements and work experience specified in rules adopted under section 4751.04 of the Revised Code, including, if so required by the rules, experience obtained as a nursing home administrator in training.

(5) The individual has complied with section 4776.02 of the Revised Code regarding a criminal records check.

(6) The board, in accordance with section 9.79 of the Revised Code, has determined that the results of the criminal records check do not make the individual ineligible for the license.

(7) The individual has passed the licensing examination administered under section 4751.15 of the Revised Code.

(8) The individual has paid to the board a license fee of two hundred fifty dollars.

(9) The individual has satisfied any additional requirements as may be prescribed in rules adopted under section 4751.04 of the Revised Code.

(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.

Sec. 4751.201. ~~(A) Subject to section 4751.32 of the Revised Code, Notwithstanding the requirements for a license under this chapter, the board of executives of long-term services and supports may shall issue a nursing home administrator license or a health services executive license in accordance with Chapter 4796. of the Revised Code to an~~

individual under this section if all of the following	18198
requirements are satisfied:—	18199
(1) The individual is legally authorized to practice	18200
nursing home administration in another state.—	18201
(2) The individual has submitted to the board a completed	18202
application for the license in accordance with rules adopted	18203
under section 4751.04 of the Revised Code.—	18204
(3) The individual is at least twenty one years of age.—	18205
(4) The individual holds at least a bachelor's degree from	18206
an accredited educational institution.—	18207
(5) The individual is of good moral character.—	18208
(6) The individual has complied with section 4776.02 of	18209
the Revised Code regarding a criminal records check.—	18210
(7) The board, in its discretion, has determined that the	18211
results of the criminal records check do not make the individual	18212
ineligible for the license.—	18213
(8) The individual has passed the licensing examination	18214
administered under section 4751.15 of the Revised Code.—	18215
(9) The individual has paid to the board a license fee of	18216
two hundred fifty dollars.—	18217
(10) The individual has satisfied any additional	18218
requirements as may be prescribed in rules adopted under section	18219
4751.04 of the Revised Code.—	18220
(B) A nursing home administrator license shall certify	18221
that the individual to whom it was issued has met the applicable	18222
requirements of this chapter and any applicable rules adopted	18223
under section 4751.04 of the Revised Code and is authorized to	18224

~~practice nursing home administration while the license is~~ 18225
~~valid~~applicant if either of the following applies: 18226

(A) The applicant holds a license in another state. 18227

(B) The applicant has satisfactory work experience, a 18228
government certification, or a private certification as 18229
described in that chapter as a nursing home administrator or a 18230
health services executive in a state that does not issue that 18231
license. 18232

Sec. 4751.202. (A) Subject to section 4751.32 of the 18233
Revised Code, the board of executives of long-term services and 18234
supports may issue a temporary nursing home administrator 18235
license to an individual if all of the following requirements 18236
are satisfied: 18237

(1) The operator of a nursing home has requested that the 18238
board issue a temporary nursing home administrator license to 18239
the individual to authorize the individual to temporarily 18240
practice nursing home administration at the nursing home because 18241
of a vacancy in the position of nursing home administrator at 18242
the nursing home resulting from a death, illness, or other 18243
unexpected cause. 18244

(2) The individual is at least twenty-one years of age. 18245

(3) The individual has complied with section 4776.02 of 18246
the Revised Code regarding a criminal records check. 18247

(4) The board, in accordance with section 9.79 of the 18248
Revised Code, has determined that the results of the criminal 18249
records check do not make the individual ineligible for the 18250
license. 18251

(5) The individual has paid to the board a fee for the 18252

temporary license of one hundred dollars. 18253

(6) The individual has satisfied any additional 18254
requirements as may be prescribed in rules adopted under section 18255
4751.04 of the Revised Code. 18256

(B) A temporary nursing home administrator license shall 18257
certify that the individual to whom it was issued has met the 18258
applicable requirements of this chapter and any applicable rules 18259
adopted under section 4751.04 of the Revised Code and is 18260
authorized to practice nursing home administration while the 18261
temporary license is valid. 18262

(C) Except as provided in section 4751.32 of the Revised 18263
Code, a temporary nursing home administrator license is valid 18264
for a period of time the board shall specify on the temporary 18265
license. That period shall not exceed one hundred eighty days. 18266
If that period is less than one hundred eighty days, the 18267
individual holding the temporary license may apply to the board 18268
for renewal of the temporary license in accordance with rules 18269
the board shall adopt under section 4751.04 of the Revised Code. 18270
Except as provided in section 4751.32 of the Revised Code, a 18271
renewed temporary nursing home administrator license is valid 18272
for a period of time the board shall specify on the renewed 18273
temporary license. That period shall not exceed the difference 18274
between one hundred eighty days and the number of days for which 18275
the original temporary license was valid. A renewed temporary 18276
nursing home administrator license shall not be renewed. A 18277
licensed temporary nursing home administrator who intends to 18278
continue to practice nursing home administration after the 18279
temporary license, including, if applicable, the renewed 18280
temporary license, expires must obtain a nursing home 18281
administrator license under section 4751.20 of the Revised Code. 18282

(D) Chapter 4796. of the Revised Code does not apply to a 18283
temporary license issued under this section. 18284

Sec. 4751.21. (A) ~~Subject~~ Except as provided in section 18285
4751.201 of the Revised Code, and subject to section 4751.32 of 18286
the Revised Code, the board of executives of long-term services 18287
and supports shall issue a health services executive license to 18288
an individual if all of the following requirements are 18289
satisfied: 18290

(1) The individual has submitted to the board a completed 18291
application for the license in accordance with rules adopted 18292
under section 4751.04 of the Revised Code. 18293

(2) The individual is a licensed nursing home 18294
administrator. 18295

(3) The individual has obtained the health services 18296
executive qualification through the national association of 18297
long-term care administrator boards. 18298

(4) The individual has complied with section 4776.02 of 18299
the Revised Code regarding a criminal records check. 18300

(5) The board, in accordance with section 9.79 of the 18301
Revised Code, has determined that the results of the criminal 18302
records check do not make the individual ineligible for the 18303
license. 18304

(6) The individual has paid to the board a license fee of 18305
one hundred dollars. 18306

(B) A health services executive license shall certify that 18307
the individual to whom it was issued has met the applicable 18308
requirements of this chapter and any applicable rules adopted 18309
under section 4751.04 of the Revised Code and is a licensed 18310

health services executive while the license is valid. 18311

Sec. 4751.32. (A) Except as provided in division (D) of 18312
this section, the board of executives of long-term services and 18313
supports may take any of the actions authorized by division (B) 18314
of this section against an individual who has applied for or 18315
holds a nursing home administrator license, temporary nursing 18316
home administrator license, or health services executive license 18317
if any of the following apply to the individual: 18318

(1) The individual has failed to satisfy any requirement 18319
established by this chapter or the rules adopted under section 18320
4751.04 of the Revised Code that must be satisfied to obtain the 18321
license or temporary license. 18322

(2) The individual has violated, or failed to comply with 18323
a requirement of, this chapter or a rule adopted under section 18324
4751.04 of the Revised Code regarding the practice of nursing 18325
home administration, including the requirements of sections 18326
4751.40 and 4751.41 of the Revised Code. 18327

(3) The individual is unfit or incompetent to practice 18328
nursing home administration, serve in a leadership position at a 18329
long-term services and supports setting, or direct the practices 18330
of others in such a setting by reason of negligence, habits, or 18331
other causes, including the individual's habitual or excessive 18332
use or abuse of drugs, alcohol, or other substances. 18333

(4) The individual has acted in a manner inconsistent with 18334
the health and safety of either of the following: 18335

(a) The residents of the nursing home at which the 18336
individual practices nursing home administration; 18337

(b) The consumers of services and supports provided by a 18338
long-term services and supports setting at which the individual 18339

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serves in a leadership position or directs the practices of others.

(5) The individual has been convicted of, or pleaded guilty to, either of the following in a court of competent jurisdiction, either within or without this state:

(a) A felony;

(b) An offense of moral turpitude that constitutes a misdemeanor in this state.

(6) The individual made a false, fraudulent, deceptive, or misleading statement in seeking to obtain, or obtaining, a nursing home administrator license, temporary nursing home administrator license, or health services executive license.

(7) The individual made a fraudulent misrepresentation in attempting to obtain, or obtaining, money or anything of value in the practice of nursing home administration or while serving in a leadership position at a long-term services and supports setting or directing the practices of others in such a setting.

(8) The individual has substantially deviated from the board's code of ethics.

(9) Another health care licensing agency has taken any of the following actions against the individual for any reason other than nonpayment of a fee:

(a) Denied, refused to renew or reinstate, limited, revoked, or suspended, or accepted the surrender of, a license or other authorization to practice;

(b) Imposed probation;

(c) Issued a censure or other reprimand.

(10) The individual has failed to do any of the following:	18367
(a) Cooperate with an investigation conducted by the board under section 4751.31 of the Revised Code;	18368 18369
(b) Respond to or comply with a subpoena issued by the board in an investigation of the individual;	18370 18371
(c) Comply with any disciplinary action the board has taken against the individual pursuant to this section.	18372 18373
(B) The following are the actions that the board may take for the purpose of division (A) of this section:	18374 18375
(1) Deny the individual any of the following:	18376
(a) A nursing home administrator license under section 4751.20, 4751.201, 4751.23, or 4751.24 of the Revised Code;	18377 18378
(b) A temporary nursing home administrator license under section 4751.202 or 4751.23 of the Revised Code;	18379 18380
(c) A health services executive license under section <u>4751.201</u> , 4751.21, 4751.23, or 4751.25 of the Revised Code.	18381 18382
(2) Suspend the individual's nursing home administrator license, temporary nursing home administrator license, or health services executive license;	18383 18384 18385
(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;	18386 18387 18388 18389
(4) Place a limitation on the individual's nursing home administrator license, temporary nursing home administrator license, or health services executive license;	18390 18391 18392
(5) Place the individual on probation;	18393

(6) Issue a written reprimand of the individual;	18394
(7) Impose on the individual a civil penalty, fine, or other sanction specified in rules adopted under section 4751.04 of the Revised Code.	18395 18396 18397
(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.	18398 18399 18400 18401 18402 18403 18404 18405 18406 18407 18408 18409
(D) The board shall not refuse to issue an initial nursing home administrator license, temporary nursing home administrator license, or health services executive license, unless the refusal is in accordance with section 9.79 of the Revised Code.	18410 18411 18412 18413
Sec. 4752.05. (A) <u>The</u> 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:	18414 18415 18416 18417 18418
(1) Meets the standards established by the board in rules adopted under section 4752.17 of the Revised Code;	18419 18420
(2) Is a pharmacy licensed under Chapter 4729. of the Revised Code that receives total payments of ten thousand	18421 18422

dollars or more per year from selling or renting home medical 18423
equipment. 18424

(B) During the period ending one year after September 16, 18425
2004, an applicant that does not meet either of the requirements 18426
of division (A) of this section shall be granted a provisional 18427
license if for at least twelve months prior to September 16, 18428
2004, the applicant was engaged in the business of providing 18429
home medical equipment services. The provisional license expires 18430
one year following the date on which it is issued and is not 18431
subject to renewal under section 4752.06 of the Revised Code. 18432

(C) The board may conduct a personal interview of an 18433
applicant, or an applicant's representative, to determine the 18434
applicant's qualifications for licensure. 18435

(D) The board shall issue a license to provide home 18436
medical equipment services in accordance with Chapter 4796. of 18437
the Revised Code to an applicant if either of the following 18438
applies: 18439

(1) The applicant holds a license in another state. 18440

(2) The applicant has satisfactory work experience, a 18441
government certification, or a private certification as 18442
described in that chapter as a provider of home medical 18443
equipment services in a state that does not issue that license. 18444

(E) A license issued under division (A) of this section to 18445
provide home medical equipment services expires at the end of 18446
the licensing period for which it is issued and may be renewed 18447
in accordance with section 4752.06 of the Revised Code. For 18448
purposes of issuing and renewing licenses, the board shall use a 18449
biennial licensing period that begins on the first day of July 18450
of each even-numbered year and ends on the thirtieth day of June 18451

of the next succeeding even-numbered year. 18452

~~(E)~~(F) Any license issued under this section is valid only 18453
for the facility named in the application. 18454

Sec. 4752.12. (A) ~~The~~Except as provided in division (B) 18455
of this section, the state board of pharmacy shall issue a 18456
certificate of registration to provide home medical equipment 18457
services to each applicant who submits a complete application 18458
under section 4752.11 of the Revised Code. For purposes of this 18459
division, an application is complete only if the board finds 18460
that the applicant holds accreditation from the joint commission 18461
on accreditation of healthcare organizations or another national 18462
accrediting body recognized by the board, as specified in rules 18463
adopted under section 4752.17 of the Revised Code. 18464

(B) The board shall issue a certificate of registration in 18465
accordance with Chapter 4796. of the Revised Code to an 18466
applicant if either of the following applies: 18467

(1) The applicant holds a certificate of registration or 18468
license in another state. 18469

(2) The applicant has satisfactory work experience, a 18470
government certification, or a private certification as 18471
described in that chapter as a provider of home medical 18472
equipment services in a state that does not issue that 18473
certificate or license. 18474

~~(C)~~ A certificate of registration ~~issued under this~~ 18475
~~section~~ expires at the end of the registration period for which 18476
it is issued and may be renewed in accordance with section 18477
4752.13 of the Revised Code. For purposes of renewing 18478
certificates of registration, the board shall use a biennial 18479
registration period that begins on the first day of July of each 18480

even-numbered year and ends on the thirtieth day of June of the 18481
next succeeding even-numbered year. 18482

~~(C)~~ (D) A certificate of registration ~~issued under this~~ 18483
~~section~~ is valid only for the facility named in the application. 18484

Sec. 4753.07. The state speech and hearing professionals 18485
board shall issue under its seal a license or conditional 18486
license to every applicant who has passed the appropriate 18487
examinations designated by the board and who otherwise complies 18488
with the licensure requirements of this chapter. The license or 18489
conditional license entitles the holder to practice speech- 18490
language pathology or audiology. 18491

The board shall issue under its seal a license or 18492
conditional license to practice speech-language pathology or 18493
audiology to an applicant in accordance with Chapter 4796. of 18494
the Revised Code if the applicant holds a license or conditional 18495
license in another state or the applicant has satisfactory work 18496
experience, a government certification, or a private 18497
certification as described in that chapter as a speech-language 18498
pathologist or audiologist in a state that does not issue those 18499
licenses. 18500

Each licensee shall display the license or conditional 18501
license or an official duplicate in a conspicuous place where 18502
the licensee practices speech-language pathology or audiology or 18503
both. 18504

Sec. 4753.071. A person who is required to meet the 18505
supervised professional experience requirement of division (F) 18506
of section 4753.06 of the Revised Code shall submit to the state 18507
speech and hearing professionals board an application for a 18508
conditional license. The application shall include a plan for 18509

the content of the supervised professional experience on a form 18510
the board shall prescribe. The board shall issue the conditional 18511
license to the applicant if the applicant meets the requirements 18512
of section 4753.06 of the Revised Code, other than the 18513
requirement to have obtained the supervised professional 18514
experience, and pays to the board the appropriate fee for a 18515
conditional license. The board shall issue a conditional license 18516
in accordance with Chapter 4796. of the Revised Code to an 18517
applicant if the applicant holds a license in another state or 18518
the applicant has satisfactory work experience, a government 18519
certification, or a private certification as described in that 18520
chapter in a state that does not issue a conditional license. An 18521
applicant may not begin employment until the conditional license 18522
has been issued. 18523

A conditional license authorizes an individual to practice 18524
speech-language pathology or audiology while completing the 18525
supervised professional experience as required by division (F) 18526
of section 4753.06 of the Revised Code. A person holding a 18527
conditional license may practice speech-language pathology or 18528
audiology while working under the supervision of a person fully 18529
licensed in accordance with this chapter. A conditional license 18530
is valid for eighteen months unless suspended or revoked 18531
pursuant to section 3123.47 or 4753.10 of the Revised Code. 18532

A person holding a conditional license may perform 18533
services for which payment will be sought under the medicare 18534
program or the medicaid program but all requests for payment for 18535
such services shall be made by the person who supervises the 18536
person performing the services. 18537

Sec. 4753.072. The state speech and hearing professionals 18538
board shall establish by rule pursuant to Chapter 119. of the 18539

Revised Code the qualifications for persons seeking licensure as 18540
a speech-language pathology aide or an audiology aide. The 18541
qualifications shall be less than the standards for licensure as 18542
a speech-language pathologist or audiologist. An aide shall not 18543
act independently and shall work under the direction and 18544
supervision of a speech-language pathologist or audiologist 18545
licensed by the board. An aide shall not dispense hearing aids. 18546
An applicant shall not begin employment until the license has 18547
been approved. 18548

The board shall issue a license for a speech-language 18549
pathology aide or an audiology aide in accordance with Chapter 18550
4796. of the Revised Code to an applicant who holds a license in 18551
another state or has satisfactory work experience, a government 18552
certification, or a private certification as described in that 18553
chapter as a speech-language pathology aide or an audiology aide 18554
in a state that does not issue those licenses. 18555

Sec. 4753.073. (A) The state speech and hearing 18556
professionals board shall issue under its seal a speech-language 18557
pathology student permit to any applicant who submits a plan 18558
that has been approved by the applicant's university graduate 18559
program in speech-language pathology and that conforms to 18560
requirements determined by the board by rule and who meets all 18561
of the following requirements: 18562

(1) Is enrolled in a graduate program at an educational 18563
institution located in this state that is accredited by the 18564
council on academic accreditation in audiology and speech- 18565
language pathology of the American speech-language-hearing 18566
association; 18567

(2) Has completed at least one year of postgraduate 18568
training in speech-language pathology, or equivalent coursework 18569

as determined by the board, and any student clinical experience 18570
the board may require by rule. 18571

(B) The board shall issue under its seal a speech-language 18572
pathology student permit in accordance with Chapter 4796. of the 18573
Revised Code to an applicant if either of the following applies: 18574

(1) The applicant holds a permit or license in another 18575
state. 18576

(2) The applicant has satisfactory work experience, a 18577
government certification, or a private certification as 18578
described in that chapter as a speech-language pathology student 18579
in a state that does not issue that permit or license. 18580

(C) The speech-language pathology student permit 18581
authorizes the holder to practice speech-language pathology 18582
within limits determined by the board by rule, which shall 18583
include the following: 18584

(1) The permit holder's caseload shall be limited in a 18585
manner to be determined by the board by rule. 18586

(2) The permit holder's authorized scope of practice shall 18587
be limited in a manner to be determined by the board by rule. 18588
The rule shall consider the coursework and clinical experience 18589
that has been completed by the permit holder and the 18590
recommendation of the applicant's university graduate program in 18591
speech-language pathology. 18592

(3) The permit holder shall practice only when under the 18593
supervision of a speech-language pathologist who is licensed by 18594
the board and acting under the approval and direction of the 18595
applicant's university graduate program in speech-language 18596
pathology. The board shall determine by rule the manner of 18597
supervision. 18598

~~(C)(D)~~ A permit ~~issued under this section~~ shall expire two 18599
years after the date of issuance. Student permits may be renewed 18600
in a manner to be determined by the board by rule. 18601

~~(D)(E)~~ Each permit holder shall display the permit or an 18602
official duplicate in a conspicuous place where the permit 18603
holder practices speech-language pathology. 18604

Sec. 4753.08. The state speech and hearing professionals 18605
board shall waive the examination, educational, and professional 18606
experience requirements for any applicant who meets ~~any either~~ 18607
of the following requirements: 18608

(A) On September 26, 1975, had at least a bachelor's 18609
degree with a major in speech-language pathology or audiology 18610
from an accredited college or university, or was employed as a 18611
speech-language pathologist or audiologist for at least nine 18612
months at any time within the three years prior to September 26, 18613
1975, if an application providing bona fide proof of such degree 18614
or employment was filed with the former board of speech-language 18615
pathology and audiology within one year after that date, and was 18616
accompanied by the application fee as prescribed in division (A) 18617
of section 4753.11 of the Revised Code. 18618

~~(B) Presents proof to the state speech and hearing 18619
professionals board of current certification or licensure in 18620
good standing in the area in which licensure is sought in a 18621
state that has standards at least equal to the standards for 18622
licensure that are in effect in this state at the time the 18623
applicant applies for the license; 18624~~

~~(C) Presents proof to the state speech and hearing 18625
professionals board of both of the following: 18626~~

~~(1) Having current certification or licensure in good 18627~~

~~standing in audiology in a state that has standards at least~~ 18628
~~equal to the standards for licensure as an audiologist that were~~ 18629
~~in effect in this state on December 31, 2005.~~ 18630

~~(2) Having first obtained that certification or licensure~~ 18631
~~not later than December 31, 2007.~~ 18632

~~(D)~~ Presents proof to the state speech and hearing 18633
professionals board of a current certificate of clinical 18634
competence in speech-language pathology or audiology that is in 18635
good standing and received from the American speech-language- 18636
hearing association in the area in which licensure is sought. 18637

Sec. 4753.09. Except as provided in this section and in 18638
section 4753.10 of the Revised Code, a license issued by the 18639
state speech and hearing professionals board shall be renewed 18640
biennially in accordance with the standard renewal procedure 18641
contained in Chapter 4745. of the Revised Code. If the 18642
application for renewal is made one year or longer after the 18643
renewal application is due, the person shall apply for licensure 18644
as provided in section 4753.06 or division (B), ~~(C), or (D)~~ of 18645
section 4753.08 of the Revised Code. The board shall not renew a 18646
conditional license; however, the board may grant an applicant a 18647
second conditional license. 18648

The board shall establish by rule adopted pursuant to 18649
Chapter 119. of the Revised Code the qualifications for license 18650
renewal. Applicants shall demonstrate continued competence, 18651
which may include continuing education, examination, self- 18652
evaluation, peer review, performance appraisal, or practical 18653
simulation. The board may establish other requirements as a 18654
condition for license renewal as considered appropriate by the 18655
board. 18656

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 18687
American speech-language-hearing association in the area of 18688
study and if the student is designated by a title such as 18689
"speech-language pathology intern," "audiology intern," 18690
"trainee," or other such title clearly indicating the training 18691
status. 18692

(D) Prevent a person from performing speech-language 18693
pathology or audiology services when performing these services 18694
in pursuit of the required supervised professional experience as 18695
prescribed in section 4753.06 of the Revised Code and that 18696
person has been issued a conditional license pursuant to section 18697
4753.071 of the Revised Code. 18698

(E) Restrict a speech-language pathologist or audiologist 18699
who holds the certification of the American speech-language- 18700
hearing association, or who is licensed as a speech-language 18701
pathologist or audiologist in another state and who has made 18702
application to the board for a license in this state from 18703
practicing speech-language pathology or audiology without a 18704
valid license pending the disposition of the application. The 18705
board shall not require a speech-language pathologist or 18706
audiologist who is licensed in another state to obtain a license 18707
in accordance with Chapter 4796. of the Revised Code to practice 18708
speech-language pathology or audiology in the manner described 18709
under this division. 18710

(F) Restrict a person not a resident of this state from 18711
offering speech-language pathology or audiology services in this 18712
state if such services are performed for not more than one 18713
period of thirty consecutive calendar days in any year, if the 18714
person is licensed in the state of the person's residence or 18715
certified by the American speech-language-hearing association 18716

and files a statement as prescribed by the board in advance of 18717
providing these services. Such person shall be subject to the 18718
rules of the board and the provisions of this chapter. The board 18719
shall not require a person not a resident of this state who is 18720
licensed in the state of the person's residence to obtain a 18721
license in accordance with Chapter 4796. of the Revised Code to 18722
offer speech-language pathology or audiology services in the 18723
manner described under this division. 18724

(G) Restrict a person licensed under Chapter 4747. of the 18725
Revised Code from engaging in the duties as defined in that 18726
chapter related to measuring, testing, and counseling for the 18727
purpose of identifying or modifying hearing conditions in 18728
connection with the fitting, dispensing, or servicing of a 18729
hearing aid, or affect the authority of hearing aid dealers to 18730
deal in hearing aids or advertise the practice of dealing in 18731
hearing aids in accordance with Chapter 4747. of the Revised 18732
Code. 18733

(H) Restrict a physician from engaging in the practice of 18734
medicine and surgery or osteopathic medicine and surgery or 18735
prevent any individual from carrying out any properly delegated 18736
responsibilities within the normal practice of medicine and 18737
surgery or osteopathic medicine and surgery. 18738

(I) Restrict a person registered or licensed under Chapter 18739
4723. of the Revised Code from performing those acts and 18740
utilizing those procedures that are within the scope of the 18741
practice of professional or practical nursing as defined in 18742
Chapter 4723. of the Revised Code and the ethics of the nursing 18743
profession, provided such a person does not claim to the public 18744
to be a speech-language pathologist or audiologist. 18745

(J) Restrict an individual licensed as an audiologist 18746

under this chapter from fitting, selling, or dispensing hearing aids. 18747
18748

(K) Authorize the practice of medicine and surgery or 18749
entitle a person licensed pursuant to this chapter to engage in 18750
the practice of medicine or surgery or any of its branches. 18751

(L) Restrict a person licensed pursuant to Chapter 4755. 18752
of the Revised Code from performing those acts and utilizing 18753
those procedures that are within the scope of the practice of 18754
occupational therapy or occupational therapy assistant as 18755
defined in Chapter 4755. of the Revised Code, provided the 18756
person does not claim to the public to be a speech-language 18757
pathologist or audiologist. 18758

Sec. 4755.08. The occupational therapy section of the Ohio 18759
occupational therapy, physical therapy, and athletic trainers 18760
board shall issue a license to every applicant who has passed 18761
the appropriate examination designated by the section and who 18762
otherwise complies with the licensure requirements of sections 18763
4755.04 to 4755.13 of the Revised Code. The license entitles the 18764
holder to practice occupational therapy or to assist in the 18765
practice of occupational therapy. The licensee shall display the 18766
license in a conspicuous place at the licensee's principal place 18767
of business. 18768

The section shall issue a license to practice occupational 18769
therapy or to assist in the practice of occupational therapy in 18770
accordance with Chapter 4796. of the Revised Code to an 18771
applicant if either of the following applies: 18772

(A) The applicant holds a license in another state. 18773

(B) The applicant has satisfactory work experience, a 18774
government certification, or a private certification as 18775

described in that chapter as an occupational therapist or 18776
assistant occupational therapist in a state that does not issue 18777
that license. 18778

Sec. 4755.09. The occupational therapy section of the Ohio 18779
occupational therapy, physical therapy, and athletic trainers 18780
board may waive the examination requirement under section 18781
4755.07 of the Revised Code for any applicant for licensure as 18782
an occupational therapist or occupational therapy assistant who 18783
~~either~~ has met educational, training, and job experience 18784
requirements established by the section, ~~or presents proof of~~ 18785
~~current certification or licensure in another state that~~ 18786
~~requires standards for licensure at least equal to those for~~ 18787
~~licensure in this state.~~ 18788

The section may waive the educational requirements under 18789
section 4755.07 of the Revised Code for any applicant who has 18790
met job experience requirements established by the section. 18791

Sec. 4755.411. The physical therapy section of the Ohio 18792
occupational therapy, physical therapy, and athletic trainers 18793
board shall adopt rules in accordance with Chapter 119. of the 18794
Revised Code pertaining to the following: 18795

(A) Fees for the verification of a license and license 18796
reinstatement, and other fees established by the section; 18797

(B) Provisions for the section's government and control of 18798
its actions and business affairs; 18799

(C) Minimum curricula for physical therapy education 18800
programs that prepare graduates to be licensed in this state as 18801
physical therapists and physical therapist assistants; 18802

(D) Eligibility criteria to take the examinations required 18803
under sections 4755.43 and 4755.431 of the Revised Code; 18804

(E) The form and manner for filing applications for licensure with the section;	18805 18806
(F) For purposes of section 4755.46 of the Revised Code, all of the following:	18807 18808
(1) A schedule regarding when licenses to practice as a physical therapist and physical therapist assistant expire during a biennium;	18809 18810 18811
(2) An additional fee, not to exceed thirty-five dollars, that may be imposed if a licensee files a late application for renewal;	18812 18813 18814
(3) The conditions under which the license of a person who files a late application for renewal will be reinstated.	18815 18816
(G) The issuance, renewal, suspension, and permanent revocation of a license and the conduct of hearings;	18817 18818
(H) Appropriate ethical conduct in the practice of physical therapy;	18819 18820
(I) Requirements, including continuing education requirements, for restoring licenses that are inactive or have lapsed through failure to renew;	18821 18822 18823
(J) Conditions that may be imposed for reinstatement of a license following suspension pursuant to section 4755.47 of the Revised Code;	18824 18825 18826
(K) For purposes of sections 4755.45 and 4755.451 of the Revised Code, both of the following:	18827 18828
(1) Identification of the credentialing organizations from which the section will accept equivalency evaluations for foreign physical therapist education and foreign physical	18829 18830 18831

therapist assistant education. The physical therapy section 18832
shall identify only those credentialing organizations that use a 18833
course evaluation tool or form approved by the physical therapy 18834
section. 18835

(2) Evidence, other than the evaluations described in 18836
division (K) (1) of this section, that the section will consider 18837
for purposes of evaluating whether an applicant's education is 18838
reasonably equivalent to the educational requirements that were 18839
in force for licensure in this state as a physical therapist or 18840
physical therapist assistant on the date of the applicant's 18841
initial licensure or registration in another ~~state or~~ country. 18842

(L) Standards of conduct for physical therapists and 18843
physical therapist assistants, including requirements for 18844
supervision, delegation, and practicing with or without referral 18845
or prescription; 18846

(M) Appropriate display of a license; 18847

(N) Procedures for a licensee to follow in notifying the 18848
section within thirty days of a change in name or address, or 18849
both; 18850

(O) The amount and content of corrective action courses 18851
required by the board under section 4755.47 of the Revised Code. 18852

Sec. 4755.44. If an applicant passes the examination or 18853
examinations required under section 4755.43 of the Revised Code 18854
and pays the fee required by division (B) of section 4755.42 of 18855
the Revised Code, the physical therapy section of the Ohio 18856
occupational therapy, physical therapy, and athletic trainers 18857
board shall issue a license, attested by the seal of the board, 18858
to the applicant to practice as a physical therapist. 18859

The section shall issue a license to practice as a 18860

physical therapist in accordance with Chapter 4796. of the 18861
Revised Code, attested by the seal of the board, to an applicant 18862
if either of the following applies: 18863

(A) The applicant holds a license in another state. 18864

(B) The applicant has satisfactory work experience, a 18865
government certification, or a private certification as 18866
described in that chapter as a physical therapist in a state 18867
that does not issue that license. 18868

Sec. 4755.441. If an applicant passes the examination or 18869
examinations required under section 4755.431 of the Revised Code 18870
and pays the fee required by division (B) of section 4755.421 of 18871
the Revised Code, the physical therapy section of the Ohio 18872
occupational therapy, physical therapy, and athletic trainers 18873
board shall issue a license, attested by the seal of the board, 18874
to the applicant to practice as physical therapist assistant. 18875

The section shall issue a license to practice as a 18876
physical therapist assistant in accordance with Chapter 4796. of 18877
the Revised Code, attested by the seal of the board, to an 18878
applicant if either of the following applies: 18879

(A) The applicant holds a license in another state. 18880

(B) The applicant has satisfactory work experience, a 18881
government certification, or a private certification as 18882
described in that chapter as a physical therapist assistant in a 18883
state that does not issue that license. 18884

Sec. 4755.45. (A) The physical therapy section of the Ohio 18885
occupational therapy, physical therapy, and athletic trainers 18886
board shall issue to an applicant a license to practice as a 18887
physical therapist without requiring the applicant to have 18888
passed the national examination for physical therapists 18889

described in division (A) of section 4755.43 of the Revised Code 18890
within one year of filing an application described in section 18891
4755.42 of the Revised Code if all of the following are true: 18892

(1) The applicant presents evidence satisfactory to the 18893
physical therapy section that the applicant received a score on 18894
the national physical therapy examination described in division 18895
(A) of section 4755.43 of the Revised Code that would have been 18896
a passing score according to the board in the year the applicant 18897
sat for the examination; 18898

(2) The applicant presents evidence satisfactory to the 18899
physical therapy section that the applicant passed the 18900
jurisprudence examination described in division (B) of section 18901
4755.43 of the Revised Code; 18902

(3) The applicant holds a current and valid license or 18903
registration to practice physical therapy in another ~~state or~~ 18904
country; 18905

(4) Subject to division (B) of this section, the applicant 18906
can demonstrate that the applicant's education is reasonably 18907
equivalent to the educational requirements that were in force 18908
for licensure in this state on the date of the applicant's 18909
initial licensure or registration in the other ~~state or~~ country; 18910

(5) The applicant pays the fee described in division (B) 18911
of section 4755.42 of the Revised Code; 18912

(6) The applicant is not in violation of any section of 18913
this chapter or rule adopted under it. 18914

(B) For purposes of division (A)(4) of this section, if, 18915
after receiving the results of an equivalency evaluation from a 18916
credentialing organization identified by the section pursuant to 18917
rules adopted under section 4755.411 of the Revised Code, the 18918

section determines that regardless of the results of the 18919
evaluation the applicant's education is not reasonably 18920
equivalent to the educational requirements that were in force 18921
for licensure in this state on the date of the applicant's 18922
initial licensure or registration in ~~another state or a~~ foreign 18923
country, the section shall send a written notice to the 18924
applicant stating that the section is denying the applicant's 18925
application and stating the specific reason why the section is 18926
denying the applicant's application. The section shall send the 18927
notice to the applicant through certified mail within thirty 18928
days after the section makes that determination. 18929

Sec. 4755.451. (A) The physical therapy section of the 18930
Ohio occupational therapy, physical therapy, and athletic 18931
trainers board shall issue to an applicant a license as a 18932
physical therapist assistant without requiring the applicant to 18933
have passed the national examination for physical therapist 18934
assistants described in division (A) of section 4755.431 of the 18935
Revised Code within one year of filing an application described 18936
in section 4755.421 of the Revised Code if all of the following 18937
are true: 18938

(1) The applicant presents evidence satisfactory to the 18939
physical therapy section that the applicant received a score on 18940
the national physical therapy examination described in division 18941
(A) of section 4755.431 of the Revised Code that would have been 18942
a passing score according to the board in the year the applicant 18943
sat for the examination; 18944

(2) The applicant presents evidence satisfactory to the 18945
physical therapy section that the applicant passed the 18946
jurisprudence examination described in division (B) of section 18947
4755.431 of the Revised Code; 18948

(3) The applicant holds a current and valid license or registration to practice as a physical therapist assistant in another ~~state or~~ country; 18949
18950
18951

(4) Subject to division (B) of this section, the applicant can demonstrate that the applicant's education is reasonably equivalent to the educational requirements that were in force for licensure in this state on the date of the applicant's initial licensure or registration in the other ~~state or~~ country; 18952
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(5) The applicant pays the fee described in division (B) of section 4755.421 of the Revised Code; 18957
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(6) The applicant is not in violation of any section of this chapter or rule adopted under it. 18959
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(B) For purposes of division (A) (4) of this section, if, after receiving the results of an equivalency evaluation from a credentialing organization identified by the section pursuant to rules adopted under section 4755.411 of the Revised Code, the section determines that, regardless of the results of the evaluation, the applicant's education is not reasonably equivalent to the educational requirements that were in force for licensure in this state on the date of the applicant's initial licensure or registration in ~~another state or a~~ foreign country, the section shall send a written notice to the applicant stating that the section is denying the applicant's application and stating the specific reason why the section is denying the applicant's application. The section shall send the notice to the applicant through certified mail within thirty days after the section makes the determination. 18961
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Sec. 4755.48. (A) No person shall employ fraud or deception in applying for or securing a license to practice 18976
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physical therapy or to be a physical therapist assistant. 18978

(B) No person shall practice or in any way imply or claim 18979
to the public by words, actions, or the use of letters as 18980
described in division (C) of this section to be able to practice 18981
physical therapy or to provide physical therapy services, 18982
including practice as a physical therapist assistant, unless the 18983
person holds a valid license under sections 4755.40 to 4755.56 18984
of the Revised Code or except for submission of claims as 18985
provided in section 4755.56 of the Revised Code. 18986

(C) No person shall use the words or letters, physical 18987
therapist, physical therapy, physical therapy services, 18988
physiotherapist, physiotherapy, physiotherapy services, licensed 18989
physical therapist, P.T., Ph.T., P.T.T., R.P.T., L.P.T., M.P.T., 18990
D.P.T., M.S.P.T., P.T.A., physical therapy assistant, physical 18991
therapist assistant, physical therapy technician, licensed 18992
physical therapist assistant, L.P.T.A., R.P.T.A., or any other 18993
letters, words, abbreviations, or insignia, indicating or 18994
implying that the person is a physical therapist or physical 18995
therapist assistant without a valid license under sections 18996
4755.40 to 4755.56 of the Revised Code. 18997

(D) No person who practices physical therapy or assists in 18998
the provision of physical therapy treatments under the 18999
supervision of a physical therapist shall fail to display the 19000
person's current license granted under sections 4755.40 to 19001
4755.56 of the Revised Code in a conspicuous location in the 19002
place where the person spends the major part of the person's 19003
time so engaged. 19004

(E) Nothing in sections 4755.40 to 4755.56 of the Revised 19005
Code shall affect or interfere with the performance of the 19006
duties of any physical therapist or physical therapist assistant 19007

in active service in the army, navy, coast guard, marine corps, 19008
air force, public health service, or marine hospital service of 19009
the United States, while so serving. 19010

(F) Nothing in sections 4755.40 to 4755.56 of the Revised 19011
Code shall prevent or restrict the activities or services of a 19012
person pursuing a course of study leading to a degree in 19013
physical therapy in an accredited or approved educational 19014
program if the activities or services constitute a part of a 19015
supervised course of study and the person is designated by a 19016
title that clearly indicates the person's status as a student. 19017

(G) (1) Subject to division (G) (2) of this section, nothing 19018
in sections 4755.40 to 4755.56 of the Revised Code shall prevent 19019
or restrict the activities or services of any person who holds a 19020
current, unrestricted license to practice physical therapy in 19021
another state when that person, pursuant to contract or 19022
employment with an athletic team located in the state in which 19023
the person holds the license, provides physical therapy to any 19024
of the following while the team is traveling to or from or 19025
participating in a sporting event in this state: 19026

(a) A member of the athletic team; 19027

(b) A member of the athletic team's coaching, 19028
communications, equipment, or sports medicine staff; 19029

(c) A member of a band or cheerleading squad accompanying 19030
the athletic team; 19031

(d) The athletic team's mascot. 19032

(2) In providing physical therapy pursuant to division (G) 19033
(1) of this section, the person shall not do either of the 19034
following: 19035

- (a) Provide physical therapy at a health care facility; 19036
- (b) Provide physical therapy for more than sixty days in a 19037
calendar year. 19038
- (3) The limitations described in divisions (G) (1) and (2) 19039
of this section do not apply to a person who is practicing in 19040
accordance with the compact privilege granted by this state 19041
through the "Physical Therapy Licensure Compact" entered into 19042
under section 4755.57 of the Revised Code. 19043
- (4) The physical therapy section of the occupational 19044
therapy, physical therapy, and athletic trainers board shall not 19045
require a nonresident person who holds a license to practice 19046
physical therapy in another state to obtain a license in 19047
accordance with Chapter 4796. of the Revised Code to provide 19048
physical therapy services in the manner described under division 19049
(G) (1) of this section. 19050
- (H) (1) Except as provided in division (H) (2) of this 19051
section and subject to division (I) of this section, no person 19052
shall practice physical therapy other than on the prescription 19053
of, or the referral of a patient by, a person who is licensed in 19054
this or another state to do at least one of the following: 19055
- (a) Practice medicine and surgery, chiropractic, 19056
dentistry, osteopathic medicine and surgery, podiatric medicine 19057
and surgery; 19058
- (b) Practice as a physician assistant; 19059
- (c) Practice nursing as an advanced practice registered 19060
nurse. 19061
- (2) The prohibition in division (H) (1) of this section on 19062
practicing physical therapy other than on the prescription of, 19063

or the referral of a patient by, any of the persons described in 19064
that division does not apply if either of the following applies 19065
to the person: 19066

(a) The person holds a master's or doctorate degree from a 19067
professional physical therapy program that is accredited by a 19068
national physical therapy accreditation agency approved by the 19069
physical therapy section of the Ohio occupational therapy, 19070
physical therapy, and athletic trainers board. 19071

(b) On or before December 31, 2004, the person has 19072
completed at least two years of practical experience as a 19073
licensed physical therapist. 19074

(I) To be authorized to prescribe physical therapy or 19075
refer a patient to a physical therapist for physical therapy, a 19076
person described in division (H) (1) of this section must be in 19077
good standing with the relevant licensing board in this state or 19078
the state in which the person is licensed and must act only 19079
within the person's scope of practice. 19080

(J) In the prosecution of any person for violation of 19081
division (B) or (C) of this section, it is not necessary to 19082
allege or prove want of a valid license to practice physical 19083
therapy or to practice as a physical therapist assistant, but 19084
such matters shall be a matter of defense to be established by 19085
the accused. 19086

Sec. 4755.482. (A) Except as otherwise provided in 19087
divisions (B) and (C) of this section, a person shall not teach 19088
a physical therapy theory and procedures course in physical 19089
therapy education without obtaining a license as a physical 19090
therapist from the physical therapy section of the Ohio 19091
occupational therapy, physical therapy, and athletic trainers 19092

board. 19093

(B) A nonresident person who is registered or licensed as 19094
a physical therapist under the laws of another state shall not 19095
teach a physical therapy theory and procedures course in 19096
physical therapy education for more than one year without 19097
obtaining a license as a physical therapist from the physical 19098
therapy section, and the section shall not require that person 19099
to obtain a license in accordance with Chapter 4796. of the 19100
Revised Code to teach as described in this division. 19101

(C) A person who is registered or licensed as a physical 19102
therapist under the laws of a foreign country and is not 19103
registered or licensed as a physical therapist in any state who 19104
wishes to teach a physical therapy theory and procedures course 19105
in physical therapy education in this state, or an institution 19106
that wishes the person to teach such a course at the 19107
institution, may apply to the physical therapy section to 19108
request authorization for the person to teach such a course for 19109
a period of not more than one year. Any member of the physical 19110
therapy section may approve the person's or institution's 19111
application. No person described in this division shall teach 19112
such a course for longer than one year without obtaining a 19113
license from the physical therapy section. 19114

(D) The physical therapy section may investigate any 19115
person who allegedly has violated this section. The physical 19116
therapy section has the same powers to investigate an alleged 19117
violation of this section as those powers specified in section 19118
4755.02 of the Revised Code. If, after investigation, the 19119
physical therapy section determines that reasonable evidence 19120
exists that a person has violated this section, within seven 19121
days after that determination, the physical therapy section 19122

shall send a written notice to that person in the same manner as 19123
prescribed in section 119.07 of the Revised Code for licensees, 19124
except that the notice shall specify that a hearing will be held 19125
and specify the date, time, and place of the hearing. 19126

The physical therapy section shall hold a hearing 19127
regarding the alleged violation in the same manner prescribed 19128
for an adjudication hearing under section 119.09 of the Revised 19129
Code. If the physical therapy section, after the hearing, 19130
determines a violation has occurred, the physical therapy 19131
section may discipline the person in the same manner as the 19132
physical therapy section disciplines licensees under section 19133
4755.47 of the Revised Code. The physical therapy section's 19134
determination is an order that the person may appeal in 19135
accordance with section 119.12 of the Revised Code. 19136

If a person who allegedly committed a violation of this 19137
section fails to appear for a hearing, the physical therapy 19138
section may request the court of common pleas of the county 19139
where the alleged violation occurred to compel the person to 19140
appear before the physical therapy section for a hearing. If the 19141
physical therapy section assesses a person a civil penalty for a 19142
violation of this section and the person fails to pay that civil 19143
penalty within the time period prescribed by the physical 19144
therapy section, the physical therapy section shall forward to 19145
the attorney general the name of the person and the amount of 19146
the civil penalty for the purpose of collecting that civil 19147
penalty. In addition to the civil penalty assessed pursuant to 19148
this section, the person also shall pay any fee assessed by the 19149
attorney general for collection of the civil penalty. 19150

Sec. 4755.62. (A) No person shall claim to the public to 19151
be an athletic trainer or imply by words, actions, or letters 19152

that the person is an athletic trainer, or otherwise engage in 19153
the practice of athletic training, unless the person is licensed 19154
as an athletic trainer pursuant to this chapter. 19155

(B) Except as otherwise provided in division (B) of 19156
section 4755.65 of the Revised Code, no educational institution, 19157
partnership, association, or corporation shall advertise or 19158
otherwise offer to provide or convey the impression that it is 19159
providing athletic training unless an individual licensed as an 19160
athletic trainer pursuant to this chapter is employed by, or 19161
under contract to, the educational institution, partnership, 19162
association, or corporation and will be performing the athletic 19163
training services to which reference is made. 19164

(C) To qualify for an athletic trainers license, a person 19165
shall: 19166

(1) Have satisfactorily completed an application for 19167
licensure in accordance with rules adopted by the athletic 19168
trainers section of the Ohio occupational therapy, physical 19169
therapy, and athletic trainers board under section 4755.61 of 19170
the Revised Code; 19171

(2) Have paid the examination fee required under this 19172
section; 19173

(3) Have shown, to the satisfaction of the athletic 19174
trainers section, that the applicant has received a 19175
baccalaureate or higher degree from an institution of higher 19176
education, approved by the athletic trainers section of the 19177
board and the federal regional accreditation agency and 19178
recognized by the council on postsecondary accreditation, and 19179
has satisfactorily completed the educational course work 19180
requirements established by rule of the athletic trainers 19181

section under section 4755.61 of the Revised Code. 19182

(4) In addition to educational course work requirements, 19183
have obtained supervised clinical experience that meets the 19184
requirements established in rules adopted by the athletic 19185
trainers section under section 4755.61 of the Revised Code; 19186

(5) Have passed an examination adopted by the athletic 19187
trainers section under division (A) (8) of section 4755.61 of the 19188
Revised Code. Each applicant for licensure shall pay, at the 19189
time of application, the nonrefundable examination fee set by 19190
the athletic trainers section. 19191

(D) ~~The section may waive the requirements of division (C)~~ 19192
~~of this section for any applicant who presents proof of current~~ 19193
~~licensure shall issue a license to engage in the practice of~~ 19194
athletic training in accordance with Chapter 4796. of the 19195
Revised Code to an applicant who holds a license in another 19196
state whose standards for licensure, as determined by the 19197
section, are equal to or greater than those in effect in this 19198
state on the date of application or to an applicant who has 19199
satisfactory work experience, a government certification, or a 19200
private certification as described in that chapter as an 19201
athletic trainer in a state that does not issue that license. 19202

(E) The section shall issue a license to every applicant 19203
who complies with the requirements of division (C) of this 19204
section, files the required application form, and pays the fees 19205
required by section 4755.61 of the Revised Code. Each licensee 19206
shall display the licensee's license in a conspicuous place at 19207
the licensee's principal place of employment. 19208

A license issued under this section entitles the holder to 19209
engage in the practice of athletic training, to claim to the 19210

public to be an athletic trainer, or to imply by words or 19211
letters that the licensee is an athletic trainer. A license 19212
issued under this section does not entitle the holder to 19213
provide, offer to provide, or represent that the holder is 19214
qualified to provide any care or services for which the holder 19215
lacks the education, training, or experience to provide or is 19216
prohibited by law from providing. 19217

Sec. 4755.65. (A) Nothing in sections 4755.61 to 4755.64 19218
of the Revised Code shall be construed to prevent or restrict 19219
the practice, services, or activities of any person who: 19220

(1) Is an individual authorized under Chapter 4731. of the 19221
Revised Code to practice medicine and surgery, osteopathic 19222
medicine and surgery, or podiatry, a dentist licensed under 19223
Chapter 4715. of the Revised Code, a chiropractor licensed under 19224
Chapter 4734. of the Revised Code, a dietitian licensed under 19225
Chapter 4759. of the Revised Code, a physical therapist licensed 19226
under this chapter, or a qualified member of any other 19227
occupation or profession practicing within the scope of the 19228
person's license or profession and who does not claim to the 19229
public to be an athletic trainer; 19230

(2) Is employed as an athletic trainer by an agency of the 19231
United States government and provides athletic training solely 19232
under the direction or control of the agency by which the person 19233
is employed; 19234

(3) Is a student in an athletic training education program 19235
approved by the athletic trainers section leading to a 19236
baccalaureate or higher degree from an accredited college or 19237
university and is performing duties that are a part of a 19238
supervised course of study; 19239

(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 19270
practicing within the scope of the person's license, by a person 19271
authorized under Chapter 4731. of the Revised Code to practice 19272
podiatry, by a person authorized under Chapter 4731. of the 19273
Revised Code to practice medicine and surgery or osteopathic 19274
medicine and surgery, by a person licensed under Chapter 4734. 19275
of the Revised Code to practice chiropractic, or by a person 19276
licensed under Chapter 4759. of the Revised Code to practice 19277
dietetics. 19278

(C) Nothing in this chapter shall be construed as 19279
authorizing a licensed athletic trainer to practice medicine and 19280
surgery, osteopathic medicine and surgery, podiatry, or 19281
chiropractic. 19282

(D) The athletic trainer section of the occupational 19283
therapy, physical therapy, and athletic trainers board shall not 19284
require a nonresident individual licensed as an athletic trainer 19285
in another state to obtain a license in accordance with Chapter 19286
4796. of the Revised Code to practice or offer to practice 19287
athletic training in the manner described under division (A) (4) 19288
of this section. 19289

Sec. 4757.18. ~~The counselor, social worker, and marriage 19290~~
~~and family therapist board may enter into a reciprocal agreement 19291~~
~~with any state that regulates individuals practicing in the same 19292~~
~~capacities as those regulated under this chapter if the board 19293~~
~~finds that the state has requirements substantially equivalent 19294~~
~~to the requirements this state has for receipt of a license or 19295~~
~~certificate of registration under this chapter. In a reciprocal 19296~~
~~agreement, the board agrees to issue the appropriate license or 19297~~
~~certificate of registration to any resident of the other state 19298~~
~~whose practice is currently authorized by that state if that 19299~~

~~state's regulatory body agrees to authorize the appropriate
practice of any resident of this state who holds a valid license
or certificate of registration issued under this chapter.~~ 19300
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~~Subject to section 4757.25 of the Revised Code, the The
professional standards committees of the counselor, social
worker, and marriage and family therapist board may shall, by
endorsement, issue the appropriate license, temporary license,
or certificate of registration in accordance with Chapter 4796.
of the Revised Code to a resident of a state with which the
board does not have a reciprocal agreement, if the person
submits proof satisfactory to the committee of currently being
licensed, certified, registered, or otherwise authorized to
practice by that state an applicant if either of the following
applies:~~ 19303
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~~(A) The applicant holds a license or certificate of
registration in another state.~~ 19314
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~~(B) The applicant has satisfactory work experience, a
government certification, or a private certification as
described in that chapter in a state that does not issue the
license, temporary license, or certificate of registration for
which the applicant is applying.~~ 19316
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Sec. 4758.25. ~~(A) The chemical dependency professionals
board may enter into a reciprocal agreement with any state that
regulates individuals practicing in the same capacities as those
regulated under this chapter if the board finds that the state
has requirements substantially equivalent to the requirements of
this state to receive a license or certificate under this
chapter.~~ 19321
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~~The board may become a member of a national reciprocity~~ 19328

~~organization that requires its members to have requirements-~~ 19329
~~substantially equivalent to the requirements of this state to-~~ 19330
~~receive a license or certificate to practice in the same-~~ 19331
~~capacities as those regulated under this chapter. If the board-~~ 19332
~~becomes a member of such an organization, the board shall-~~ 19333
~~consider itself to have a reciprocal agreement with the other-~~ 19334
~~states that are also members of the organization.~~ 19335

~~(B) The board may, by endorsement, shall issue the-~~ 19336
~~appropriate a license or, certificate, or endorsement in~~ 19337
~~accordance with Chapter 4796. of the Revised Code to a resident-~~ 19338
~~of a an applicant if either of the following applies:~~ 19339

~~(1) The applicant holds a license, certificate, or~~ 19340
~~endorsement in another state with which the board does not have-~~ 19341
~~a reciprocal agreement if both of the following apply:~~ 19342

~~(1) The board finds that the state has requirements-~~ 19343
~~substantially equivalent to the requirements of this state for-~~ 19344
~~receipt of a license or certificate under this chapter.~~ 19345

~~(2) The individual submits proof satisfactory to the board-~~ 19346
~~of being currently authorized to practice by that state~~ 19347

~~(2) The applicant has satisfactory work experience, a~~ 19348
~~government certification, or a private certification as~~ 19349
~~described in that chapter in a state that does not issue the~~ 19350
~~license, certificate, or endorsement for which the applicant is~~ 19351
~~applying.~~ 19352

~~(C)-(B) A license or certificate obtained by reciprocity-~~ 19353
~~or endorsement under this section may be renewed or restored~~ 19354
~~under section 4758.26 of the Revised Code if the individual~~ 19355
~~holding the license or certificate satisfies the renewal or~~ 19356
~~restoration requirements established by that section. An~~ 19357

individual holding a license or certificate obtained by ~~by~~ 19358
~~reciprocity or endorsement~~ under this section may obtain, under 19359
section 4758.24 of the Revised Code, a different license or 19360
certificate available under this chapter if the individual meets 19361
all of the requirements as specified in that section for the 19362
license or certificate the individual seeks. 19363

Sec. 4759.05. (A) ~~The~~ Except as provided in division (E) 19364
of this section, the state medical board shall adopt, amend, or 19365
rescind rules pursuant to Chapter 119. of the Revised Code to 19366
carry out the provisions of this chapter, including rules 19367
governing the following: 19368

(1) Selection and approval of a dietitian licensure 19369
examination offered by the commission on dietetic registration 19370
or any other examination; 19371

(2) The examination of applicants for licensure as a 19372
dietitian, as required under division (A) of section 4759.06 of 19373
the Revised Code; 19374

(3) Requirements for pre-professional dietetic experience 19375
of applicants for licensure as a dietitian that are at least 19376
equivalent to the requirements adopted by the commission on 19377
dietetic registration; 19378

(4) Requirements for a person holding a limited permit 19379
under division (G) of section 4759.06 of the Revised Code, 19380
including the duration of validity of a limited permit and 19381
procedures for renewal; 19382

(5) Continuing education requirements for renewal of a 19383
license, including rules providing for pro rata reductions by 19384
month of the number of hours of continuing education that must 19385
be completed for license holders who have been disabled by 19386

illness or accident or have been absent from the country. Rules 19387
adopted under this division shall be consistent with the 19388
continuing education requirements adopted by the commission on 19389
dietetic registration. 19390

(6) Any additional education requirements the board 19391
considers necessary, for applicants who have not practiced 19392
dietetics within five years of the initial date of application 19393
for licensure; 19394

(7) Standards of professional responsibility and practice 19395
for persons licensed under this chapter that are consistent with 19396
those standards of professional responsibility and practice 19397
adopted by the academy of nutrition and dietetics; 19398

(8) Formulation of an application form for licensure or 19399
license renewal; 19400

(9) Procedures for license renewal; 19401

(10) Requirements for criminal records checks of 19402
applicants under section 4776.03 of the Revised Code. 19403

(B) (1) The board shall investigate evidence that appears 19404
to show that a person has violated any provision of this chapter 19405
or any rule adopted under it. Any person may report to the board 19406
in a signed writing any information that the person may have 19407
that appears to show a violation of any provision of this 19408
chapter or any rule adopted under it. In the absence of bad 19409
faith, any person who reports information of that nature or who 19410
testifies before the board in any adjudication conducted under 19411
Chapter 119. of the Revised Code shall not be liable in damages 19412
in a civil action as a result of the report or testimony. Each 19413
complaint or allegation of a violation received by the board 19414
shall be assigned a case number and shall be recorded by the 19415

board. 19416

(2) Investigations of alleged violations of this chapter 19417
or any rule adopted under it shall be supervised by the 19418
supervising member elected by the board in accordance with 19419
section 4731.02 of the Revised Code and by the secretary as 19420
provided in section 4759.012 of the Revised Code. The president 19421
may designate another member of the board to supervise the 19422
investigation in place of the supervising member. No member of 19423
the board who supervises the investigation of a case shall 19424
participate in further adjudication of the case. 19425

(3) In investigating a possible violation of this chapter 19426
or any rule adopted under this chapter, the board may issue 19427
subpoenas, question witnesses, conduct interviews, administer 19428
oaths, order the taking of depositions, inspect and copy any 19429
books, accounts, papers, records, or documents, and compel the 19430
attendance of witnesses and the production of books, accounts, 19431
papers, records, documents, and testimony, except that a 19432
subpoena for patient record information shall not be issued 19433
without consultation with the attorney general's office and 19434
approval of the secretary and supervising member of the board. 19435

Before issuance of a subpoena for patient record 19436
information, the secretary and supervising member shall 19437
determine whether there is probable cause to believe that the 19438
complaint filed alleges a violation of this chapter or any rule 19439
adopted under it and that the records sought are relevant to the 19440
alleged violation and material to the investigation. The 19441
subpoena may apply only to records that cover a reasonable 19442
period of time surrounding the alleged violation. 19443

On failure to comply with any subpoena issued by the board 19444
and after reasonable notice to the person being subpoenaed, the 19445

board may move for an order compelling the production of persons 19446
or records pursuant to the Rules of Civil Procedure. 19447

A subpoena issued by the board may be served by a sheriff, 19448
the sheriff's deputy, or a board employee or agent designated by 19449
the board. Service of a subpoena issued by the board may be made 19450
by delivering a copy of the subpoena to the person named 19451
therein, reading it to the person, or leaving it at the person's 19452
usual place of residence, usual place of business, or address on 19453
file with the board. When serving a subpoena to an applicant for 19454
or the holder of a license or limited permit issued under this 19455
chapter, service of the subpoena may be made by certified mail, 19456
return receipt requested, and the subpoena shall be deemed 19457
served on the date delivery is made or the date the person 19458
refuses to accept delivery. If the person being served refuses 19459
to accept the subpoena or is not located, service may be made to 19460
an attorney who notifies the board that the attorney is 19461
representing the person. 19462

A sheriff's deputy who serves a subpoena shall receive the 19463
same fees as a sheriff. Each witness who appears before the 19464
board in obedience to a subpoena shall receive the fees and 19465
mileage provided for under section 119.094 of the Revised Code. 19466

(4) All hearings, investigations, and inspections of the 19467
board shall be considered civil actions for the purposes of 19468
section 2305.252 of the Revised Code. 19469

(5) A report required to be submitted to the board under 19470
this chapter, a complaint, or information received by the board 19471
pursuant to an investigation is confidential and not subject to 19472
discovery in any civil action. 19473

The board shall conduct all investigations or inspections 19474

and proceedings in a manner that protects the confidentiality of 19475
patients and persons who file complaints with the board. The 19476
board shall not make public the names or any other identifying 19477
information about patients or complainants unless proper consent 19478
is given. 19479

The board may share any information it receives pursuant 19480
to an investigation or inspection, including patient records and 19481
patient record information, with law enforcement agencies, other 19482
licensing boards, and other governmental agencies that are 19483
prosecuting, adjudicating, or investigating alleged violations 19484
of statutes or administrative rules. An agency or board that 19485
receives the information shall comply with the same requirements 19486
regarding confidentiality as those with which the state medical 19487
board must comply, notwithstanding any conflicting provision of 19488
the Revised Code or procedure of the agency or board that 19489
applies when it is dealing with other information in its 19490
possession. In a judicial proceeding, the information may be 19491
admitted into evidence only in accordance with the Rules of 19492
Evidence, but the court shall require that appropriate measures 19493
are taken to ensure that confidentiality is maintained with 19494
respect to any part of the information that contains names or 19495
other identifying information about patients or complainants 19496
whose confidentiality was protected by the state medical board 19497
when the information was in the board's possession. Measures to 19498
ensure confidentiality that may be taken by the court include 19499
sealing its records or deleting specific information from its 19500
records. 19501

(6) On a quarterly basis, the board shall prepare a report 19502
that documents the disposition of all cases during the preceding 19503
three months. The report shall contain the following information 19504
for each case with which the board has completed its activities: 19505

(a) The case number assigned to the complaint or alleged violation; 19506
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(b) The type of license, if any, held by the individual against whom the complaint is directed; 19508
19509

(c) A description of the allegations contained in the complaint; 19510
19511

(d) The disposition of the case. 19512

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. 19513
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(C) The board shall keep records as are necessary to carry out the provisions of this chapter. 19517
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(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. 19519
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(E) The board shall issue a license or limited permit to practice dietetics in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following apply: 19522
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(1) The applicant holds a license or permit in another state. 19525
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(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a dietitian in a state that does not issue that license. 19527
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Sec. 4759.06. (A) The-Except as provided in section 4759.05 of the Revised Code, the state medical board shall issue 19531
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a license to practice dietetics to an applicant who meets all of 19533
the following requirements: 19534

(1) Has satisfactorily completed an application for 19535
licensure in accordance with rules adopted under division (A) of 19536
section 4759.05 of the Revised Code; 19537

(2) Has paid the fee required under division (A) of 19538
section 4759.08 of the Revised Code; 19539

(3) Has received a baccalaureate or higher degree from an 19540
institution of higher education that is approved by the board or 19541
a regional accreditation agency that is recognized by the 19542
council on postsecondary accreditation, and has completed a 19543
program consistent with the academic standards for dietitians 19544
established by the academy of nutrition and dietetics; 19545

(4) Has successfully completed a pre-professional dietetic 19546
experience approved by the academy of nutrition and dietetics, 19547
or experience approved by the board under division (A) (3) of 19548
section 4759.05 of the Revised Code; 19549

(5) Has passed the examination approved by the board under 19550
division (A) (1) of section 4759.05 of the Revised Code. 19551

(B) The board shall waive the requirements of divisions 19552
(A) (3), (4), and (5) of this section and any rules adopted under 19553
division (A) (6) of section 4759.05 of the Revised Code if the 19554
applicant presents satisfactory evidence to the board of current 19555
registration as a registered dietitian with the commission on 19556
dietetic registration. 19557

(C) (1) The board shall issue a license to practice 19558
dietetics to an applicant who meets the requirements of division 19559
(A) of this section. A license shall be valid for a two-year 19560
period unless revoked or suspended by the board and shall expire 19561

on the date that is two years after the date of issuance. A 19562
license may be renewed for additional two-year periods. 19563

(2) The board shall renew an applicant's license if the 19564
applicant has paid the license renewal fee specified in section 19565
4759.08 of the Revised Code and certifies to the board that the 19566
applicant has met the continuing education requirements adopted 19567
under division (A) (5) of section 4759.05 of the Revised Code. 19568
The renewal shall be pursuant to the standard renewal procedure 19569
of sections 4745.01 to 4745.03 of the Revised Code. 19570

At least one month before a license expires, the board 19571
shall provide a renewal notice. Failure of any person to receive 19572
a notice of renewal from the board shall not excuse the person 19573
from the requirements contained in this section. Each person 19574
holding a license shall give notice to the board of a change in 19575
the license holder's residence address, business address, or 19576
electronic mail address not later than thirty days after the 19577
change occurs. 19578

(D) Any person licensed to practice dietetics by the 19579
former Ohio board of dietetics before January 21, 2018, may 19580
continue to practice dietetics in this state under that license 19581
if the person continues to meet the requirements to renew a 19582
license under this chapter and renews the license through the 19583
state medical board. 19584

The state medical board may take any of the following 19585
actions, as provided in section 4759.07 of the Revised Code, 19586
against the holder of a license to practice dietetics issued 19587
before January 21, 2018, by the former Ohio board of dietetics: 19588

(1) Limit, revoke, or suspend the holder's license; 19589

(2) Refuse to renew or reinstate the holder's license; 19590

(3) Reprimand the holder or place the holder on probation. 19591

(E) The board may require a random sample of dietitians to 19592
submit materials documenting that the continuing education 19593
requirements adopted under division (A) (5) of section 4759.05 of 19594
the Revised Code have been met. 19595

This division does not limit the board's authority to 19596
conduct investigations pursuant to section 4759.07 of the 19597
Revised Code. 19598

(F) (1) If, through a random sample conducted under 19599
division (E) of this section or any other means, the board finds 19600
that an individual who certified completion of the number of 19601
hours and type of continuing education required to renew, 19602
reinstate, or restore a license to practice did not complete the 19603
requisite continuing education, the board may do either of the 19604
following: 19605

(a) Take disciplinary action against the individual under 19606
section 4759.07 of the Revised Code, impose a civil penalty, or 19607
both; 19608

(b) Permit the individual to agree in writing to complete 19609
the continuing education and pay a civil penalty. 19610

(2) The board's finding in any disciplinary action taken 19611
under division (F) (1) (a) of this section shall be made pursuant 19612
to an adjudication under Chapter 119. of the Revised Code and by 19613
an affirmative vote of not fewer than six of its members. 19614

(3) A civil penalty imposed under division (F) (1) (a) of 19615
this section or paid under division (F) (1) (b) of this section 19616
shall be in an amount specified by the board of not more than 19617
five thousand dollars. The board shall deposit civil penalties 19618
in accordance with section 4731.24 of the Revised Code. 19619

(G) (1) ~~The~~ Except as provided in section 4759.05 of the 19620
Revised Code, the board may grant a limited permit to a person 19621
who has completed the education and pre-professional 19622
requirements of divisions (A) (3) and (4) of this section and who 19623
presents evidence to the board of having applied to take the 19624
examination approved by the board under division (A) (1) of 19625
section 4759.05 of the Revised Code. An application for a 19626
limited permit shall be made on forms that the board shall 19627
furnish and shall be accompanied by the limited permit fee 19628
specified in section 4759.08 of the Revised Code. 19629

(2) If no grounds apply under section 4759.07 of the 19630
Revised Code for denying a license to the applicant and the 19631
applicant meets the requirements of division (G) (1) of this 19632
section, the board shall issue a limited permit to the 19633
applicant. 19634

A limited permit expires in accordance with rules adopted 19635
under section 4759.05 of the Revised Code. A limited permit may 19636
be renewed in accordance with those rules. 19637

(3) A person holding a limited permit who has failed the 19638
examination shall practice only under the direct supervision of 19639
a licensed dietitian. 19640

(4) The board may revoke a limited permit on proof 19641
satisfactory to the board that the permit holder has engaged in 19642
practice in this state outside the scope of the permit, that the 19643
holder has engaged in unethical conduct, or that grounds for 19644
action against the holder exist under section 4759.07 of the 19645
Revised Code. 19646

Sec. 4760.03. (A) ~~An~~ Except as provided in division (D) of 19647
this section, an individual seeking a license to practice as an 19648

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:

(1) Evidence satisfactory to the board that the applicant is at least twenty-one years of age;

(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;

(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;

(4) Any other information the board considers necessary to process the application and evaluate the applicant's qualifications.

(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.

(2) An applicant seeking a license under division (D) of this section shall pay the fee required under Chapter 4796. of the Revised Code.

(C) The board shall review all applications received under this section. Not later than sixty days after receiving a complete application, the board shall determine whether an

applicant meets the requirements to receive a license. ~~The~~ 19678
Except as provided in division (D) of this section, the board 19679
shall not issue a license to an applicant unless the applicant 19680
is certified by the national commission for certification of 19681
anesthesiologist assistants or a successor organization that is 19682
recognized by the board. 19683

(D) The board shall issue a license to practice as an 19684
anesthesiologist assistant in accordance with Chapter 4796. of 19685
the Revised Code to an applicant if either of the following 19686
applies: 19687

(1) The applicant holds a license in another state. 19688

(2) The applicant has satisfactory work experience, a 19689
government certification, or a private certification as 19690
described in that chapter as an anesthesiologist assistant in a 19691
state that does not issue that license. 19692

Sec. 4760.031. ~~As~~ Except for a license issued under 19693
division (D) of section 4760.03 of the Revised Code, as a 19694
condition of being eligible to receive a license to practice as 19695
an anesthesiologist assistant, an individual must successfully 19696
complete the following training requirements: 19697

(A) A baccalaureate or higher degree program at an 19698
institution of higher education accredited by an organization 19699
recognized by the department of higher education. The program 19700
must have included courses in the following areas of study: 19701

(1) General biology; 19702

(2) General chemistry; 19703

(3) Organic chemistry; 19704

(4) Physics; 19705

(5) Calculus.	19706
(B) A training program conducted for the purpose of preparing individuals to practice as anesthesiologist assistants. If the program was completed prior to May 31, 2000, the program must have been completed at case western reserve university or emory university in Atlanta, Georgia. If the program is completed on or after May 31, 2000, the program must be a graduate-level program accredited by the commission on accreditation of allied health education programs or any of the commission's successor organizations. In either case, the training program must have included at least all of the following components:	19707 19708 19709 19710 19711 19712 19713 19714 19715 19716 19717
(1) Basic sciences of anesthesia: physiology, pathophysiology, anatomy, and biochemistry. The courses must be presented as a continuum of didactic courses designed to teach students the foundations of human biological existence on which clinical correlations to anesthesia practice are based.	19718 19719 19720 19721 19722
(2) Pharmacology for the anesthetic sciences. The course must include instruction in the anesthetic principles of pharmacology, pharmacodynamics, pharmacokinetics, uptake and distribution, intravenous anesthetics and narcotics, and volatile anesthetics.	19723 19724 19725 19726 19727
(3) Physics in anesthesia.	19728
(4) Fundamentals of anesthetic sciences, presented as a continuum of courses covering a series of topics in basic medical sciences with special emphasis on the effects of anesthetics on normal physiology and pathophysiology.	19729 19730 19731 19732
(5) Patient instrumentation and monitoring, presented as a continuum of courses focusing on the design of, proper	19733 19734

preparation of, and proper methods of resolving problems that 19735
arise with anesthesia equipment. The courses must provide a 19736
balance between the engineering concepts used in anesthesia 19737
instruments and the clinical application of anesthesia 19738
instruments. 19739

(6) Clinically based conferences in which techniques of 19740
anesthetic management, quality assurance issues, and current 19741
professional literature are reviewed from the perspective of 19742
practice improvement. 19743

(7) Clinical experience consisting of at least two 19744
thousand hours of direct patient contact, presented as a 19745
continuum of courses throughout the entirety of the program, 19746
beginning with a gradual introduction of the techniques for the 19747
anesthetic management of patients and culminating in the 19748
assimilation of the graduate of the program into the work force. 19749
Areas of instruction must include the following: 19750

(a) Preoperative patient assessment; 19751

(b) Indwelling vascular catheter placement, including 19752
intravenous and arterial catheters; 19753

(c) Airway management, including mask airway and 19754
orotracheal intubation; 19755

(d) Intraoperative charting; 19756

(e) Administration and maintenance of anesthetic agents, 19757
narcotics, hypnotics, and muscle relaxants; 19758

(f) Administration and maintenance of volatile 19759
anesthetics; 19760

(g) Administration of blood products and fluid therapy; 19761

(h) Patient monitoring;	19762
(i) Postoperative management of patients;	19763
(j) Regional anesthesia techniques;	19764
(k) Administration of vasoactive substances for treatment of unacceptable patient hemodynamic status;	19765 19766
(l) Specific clinical training in all the subspecialties of anesthesia, including pediatrics, neurosurgery, cardiovascular surgery, trauma, obstetrics, orthopedics, and vascular surgery.	19767 19768 19769 19770
(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.	19771 19772 19773 19774 19775
(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.	19776 19777 19778 19779 19780 19781
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:	19782 19783 19784 19785 19786
(1) That the person has successfully completed the requirements of an educational program approved by the board that includes instruction in the biological and physical	19787 19788 19789

sciences, pharmacology, respiratory care theory, procedures, and 19790
clinical practice, and cardiopulmonary rehabilitation 19791
techniques; 19792

(2) That the person has passed an examination approved 19793
under rules adopted by the board that tests the applicant's 19794
knowledge of the basic and clinical sciences relating to 19795
respiratory care theory and practice, professional skills and 19796
judgment in the utilization of respiratory care techniques, and 19797
such other subjects as the board considers useful in determining 19798
fitness to practice. 19799

(B) Any person licensed to practice respiratory care by 19800
the former Ohio respiratory care board before January 21, 2018, 19801
may continue to practice respiratory care in this state under 19802
that license if the person continues to meet the requirements to 19803
renew a license under this chapter and renews the license 19804
through the state medical board. 19805

The state medical board may take any of the following 19806
actions, as provided in section 4761.09 of the Revised Code, 19807
against the holder of a license to practice respiratory care 19808
issued before January 21, 2018, by the former Ohio respiratory 19809
care board: 19810

(1) Limit, revoke, or suspend the holder's license; 19811

(2) Refuse to renew or reinstate the holder's license; 19812

(3) Reprimand the holder or place the holder on probation. 19813

(C) The board shall issue a license to act as a 19814
respiratory care professional in accordance with Chapter 4796. 19815
of the Revised Code to an applicant if either of the following 19816
apply: 19817

(1) The applicant holds a license in another state. 19818

(2) The applicant has satisfactory work experience, a 19819
government certification, or a private certification as 19820
described in that chapter as a respiratory care professional in 19821
a state that does not issue that license. 19822

Sec. 4761.05. (A) The Except as provided in division (C) 19823
of section 4761.04 of the Revised Code, the state medical board 19824
shall issue a license to any applicant who complies with the 19825
requirements of section 4761.04 of the Revised Code, files the 19826
prescribed application form, and pays the fee or fees required 19827
under section 4761.07 of the Revised Code. The license entitles 19828
the holder to practice respiratory care. 19829

(B) (1) The Except as provided in division (D) of this 19830
section, the board shall issue a limited permit to any applicant 19831
who files an application on a form furnished by the board, pays 19832
the fee required under section 4761.07 of the Revised Code, and 19833
meets either of the following requirements: 19834

(a) Is enrolled in and is in good standing in a 19835
respiratory care educational program approved by the board that 19836
meets the requirements of division (A) (1) of section 4761.04 of 19837
the Revised Code leading to a degree or certificate of 19838
completion or is a graduate of the program; 19839

(b) Is employed as a provider of respiratory care in this 19840
state and was employed as a provider of respiratory care in this 19841
state prior to March 14, 1989. 19842

(2) If no grounds apply under section 4761.09 of the 19843
Revised Code for denying a limited permit to the applicant and 19844
the applicant meets the requirements of division (B) of this 19845
section, the board shall issue a limited permit to the 19846

applicant. 19847

The limited permit authorizes the holder to provide 19848
respiratory care under the supervision of a respiratory care 19849
professional. A person issued a limited permit under division 19850
(B) (1) (a) of this section may practice respiratory care under 19851
the limited permit for not more than three years after the date 19852
the limited permit is issued, except that the limited permit 19853
shall cease to be valid one year following the date of receipt 19854
of a certificate of completion from a board-approved respiratory 19855
care education program or immediately if the holder discontinues 19856
participation in the educational program. 19857

The holder shall notify the board as soon as practicable 19858
when the holder completes a board-approved respiratory care 19859
education program or discontinues participation in the 19860
educational program. 19861

This division does not require a student enrolled in an 19862
educational program leading to a degree or certificate of 19863
completion in respiratory care approved by the board to obtain a 19864
limited permit to perform any duties that are part of the 19865
required course of study. 19866

(3) A person issued a limited permit under division (B) (1) 19867
(b) of this section may practice under a limited permit for not 19868
more than three years, except that this restriction does not 19869
apply to a permit holder who, on March 14, 1989, has been 19870
employed as a provider of respiratory care for an average of not 19871
less than twenty-five hours per week for a period of not less 19872
than five years by a hospital. 19873

(4) During the three-year period in which a person may 19874
practice under a limited permit, the person shall apply for 19875

renewal on an annual basis in accordance with section 4761.06 of the Revised Code. 19876
19877

(5) The board may revoke a limited permit upon proof 19878
satisfactory to the board that the permit holder has engaged in 19879
practice in this state outside the scope of the permit, that the 19880
holder has engaged in unethical conduct, or that there are 19881
grounds for action against the holder under section 4761.09 of 19882
the Revised Code. 19883

(C) The holder of a license or limited permit issued under 19884
this section shall either provide verification of licensure or 19885
permit status from the board's internet web site on request or 19886
prominently display a wall certificate in the license holder's 19887
office or place where the majority of the holder's practice is 19888
conducted. 19889

(D) The board shall issue a limited permit to practice 19890
respiratory care in accordance with Chapter 4796. of the Revised 19891
Code to an applicant if either of the following applies: 19892

(1) The applicant holds a license or permit in another 19893
state. 19894

(2) The applicant has satisfactory work experience, a 19895
government certification, or a private certification as 19896
described in that chapter as a provider of respiratory care in a 19897
state that does not issue that license or permit. 19898

Sec. 4762.03. (A) ~~An~~ Except as provided in division (D) of 19899
this section, an individual seeking a license to practice as an 19900
oriental medicine practitioner or license to practice as an 19901
acupuncturist shall file with the state medical board a written 19902
application on a form prescribed and supplied by the board. 19903

(B) ~~To~~ Except as provided in division (D) of this section, 19904

to be eligible for the license, an applicant shall meet all of 19905
the following conditions, as applicable: 19906

(1) The applicant shall submit evidence satisfactory to 19907
the board that the applicant is at least eighteen years of age. 19908

(2) In the case of an applicant seeking a license to 19909
practice as an oriental medicine practitioner, the applicant 19910
shall submit evidence satisfactory to the board of both of the 19911
following: 19912

(a) That the applicant holds a current and active 19913
designation from the national certification commission for 19914
acupuncture and oriental medicine as either a diplomate in 19915
oriental medicine or diplomate of acupuncture and Chinese 19916
herbology; 19917

(b) That the applicant has successfully completed, in the 19918
two-year period immediately preceding application for the 19919
license to practice, one course approved by the commission on 19920
federal food and drug administration dispensary and compounding 19921
guidelines and procedures. 19922

(3) In the case of an applicant seeking a license to 19923
practice as an acupuncturist, the applicant shall submit 19924
evidence satisfactory to the board that the applicant holds a 19925
current and active designation from the national certification 19926
commission for acupuncture and oriental medicine as a diplomate 19927
in acupuncture. 19928

(4) The applicant shall demonstrate to the board 19929
proficiency in spoken English by satisfying one of the following 19930
requirements: 19931

(a) Passing the examination described in section 4731.142 19932
of the Revised Code; 19933

(b) Submitting evidence satisfactory to the board that the applicant was required to demonstrate proficiency in spoken English as a condition of obtaining designation from the national certification commission for acupuncture and oriental medicine as a diplomate in oriental medicine, diplomate of acupuncture and Chinese herbology, or diplomate in acupuncture;

(c) Submitting evidence satisfactory to the board that the applicant, in seeking a designation from the national certification commission for acupuncture and oriental medicine as a diplomate of oriental medicine, diplomate of acupuncture and Chinese herbology, or diplomate of acupuncture, has successfully completed in English the examination required for such a designation by the national certification commission for acupuncture and oriental medicine;

(d) In the case of an applicant seeking a license to practice as an oriental medicine practitioner, submitting evidence satisfactory to the board that the applicant has previously held a license to practice as an acupuncturist issued under section 4762.04 of the Revised Code.

(5) The applicant shall submit to the board any other information the board requires.

(6) The applicant shall pay to the board a fee of one hundred dollars, no part of which may be returned to the applicant.

(C) The board shall review all applications received under this section. The board shall determine whether an applicant meets the requirements to receive a license not later than sixty days after receiving a complete application.

(D) The board shall issue a license to practice as an

oriental medicine practitioner or acupuncturist in accordance 19963
with Chapter 4796. of the Revised Code to an applicant if either 19964
of the following applies: 19965

(1) The applicant holds a license in another state. 19966

(2) The applicant has satisfactory work experience, a 19967
government certification, or a private certification as 19968
described in that chapter as an oriental medicine practitioner 19969
or acupuncturist in a state that does not issue that license. 19970

Sec. 4763.05. (A) (1) (a) A person shall make application 19971
for an initial state-certified general real estate appraiser 19972
certificate, an initial state-certified residential real estate 19973
appraiser certificate, an initial state-licensed residential 19974
real estate appraiser license, or an initial state-registered 19975
real estate appraiser assistant registration in writing to the 19976
superintendent of real estate on a form the superintendent 19977
prescribes. The application shall include the address of the 19978
applicant's principal place of business and all other addresses 19979
at which the applicant currently engages in the business of 19980
performing real estate appraisals and the address of the 19981
applicant's current residence. The superintendent shall retain 19982
the applicant's current residence address in a separate record 19983
which does not constitute a public record for purposes of 19984
section 149.43 of the Revised Code. The application shall 19985
indicate whether the applicant seeks certification as a general 19986
real estate appraiser or as a residential real estate appraiser, 19987
licensure as a residential real estate appraiser, or 19988
registration as a real estate appraiser assistant and be 19989
accompanied by the prescribed examination and certification, 19990
registration, or licensure fees set forth in section 4763.09 of 19991
the Revised Code. The application also shall include a pledge, 19992

signed by the applicant, that the applicant will comply with the standards set forth in this chapter; and a statement that the applicant understands the types of misconduct for which disciplinary proceedings may be initiated against the applicant pursuant to this chapter.

(b) Upon the filing of an application and payment of any examination and certification, registration, or licensure fees, the superintendent of real estate shall request the superintendent of the bureau of criminal identification and investigation, or a vendor approved by the bureau, to conduct a criminal records check based on the applicant's fingerprints in accordance with section 109.572 of the Revised Code. Notwithstanding division (K) of section 121.08 of the Revised Code, the superintendent of real estate shall request that criminal record information from the federal bureau of investigation be obtained as part of the criminal records check. Any fee required under division (C) (3) of section 109.572 of the Revised Code shall be paid by the applicant.

(2) For purposes of providing funding for the real estate appraiser recovery fund established by section 4763.16 of the Revised Code, the real estate appraiser board shall levy an assessment against each person issued an initial certificate, registration, or license and against current licensees, registrants, and certificate holders, as required by board rule. 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, 20024
registration, or license, and for current certificate holders, 20025
registrants, and licensees, at the time of renewal. 20026

(B) An applicant for an initial general real estate 20027
appraiser certificate, residential real estate appraiser 20028
certificate, or residential real estate appraiser license shall 20029
possess experience in real estate appraisal as the board 20030
prescribes by rule. In addition to any other information 20031
required by the board, the applicant shall furnish, under oath, 20032
a detailed listing of the appraisal reports or file memoranda 20033
for each year for which experience is claimed and, upon request 20034
of the superintendent or the board, shall make available for 20035
examination a sample of the appraisal reports prepared by the 20036
applicant in the course of the applicant's practice. 20037

(C) An applicant for an initial certificate, registration, 20038
or license shall be at least eighteen years of age, honest, and 20039
truthful and shall present satisfactory evidence to the 20040
superintendent that the applicant has successfully completed any 20041
education requirements the board prescribes by rule. 20042

(D) An applicant for an initial general real estate 20043
appraiser or residential real estate appraiser certificate or 20044
residential real estate appraiser license shall take and 20045
successfully complete a written examination in order to qualify 20046
for the certificate or license. 20047

The board shall prescribe the examination requirements by 20048
rule. 20049

(E) (1) ~~A person who has obtained~~ The board shall issue a 20050
residential real estate appraiser license, a residential real 20051
estate appraiser certificate, real estate appraiser assistant 20052

~~registration, or a general real estate appraiser certificate 20053
from another state may apply to obtain a license or certificate- 20054
issued under this chapter provided the state that issued the- 20055
license or certificate has requirements that meet or exceed the- 20056
requirements found in this chapter. The board shall adopt rules- 20057
relating to this division. The application for obtaining a- 20058
license or certificate under this division may include any of- 20059
the following: 20060~~

~~(a) A pledge, signed by the applicant, that the applicant- 20061
will comply with the standards set forth in this chapter; 20062~~

~~(b) A statement that the applicant understands the types- 20063
of misconduct for which disciplinary proceedings may be- 20064
initiated against the applicant pursuant to this chapter; 20065~~

~~(c) A consent to service of process in accordance with 20066
Chapter 4796. of the Revised Code to an applicant if either of 20067
the following applies: 20068~~

~~(a) The applicant holds a certificate, license, or 20069
registration in another state. 20070~~

~~(b) The applicant has satisfactory work experience, a 20071
government certification, or a private certification as 20072
described in that chapter as a residential real estate 20073
appraiser, real estate appraiser assistant, or general real 20074
estate appraiser in a state that does not issue that 20075
certificate, license, or registration. 20076~~

(2) (a) The board shall recognize on a temporary basis a 20077
certification or license issued in another state and shall 20078
register on a temporary basis an appraiser who is certified or 20079
licensed in another state if all of the following apply: 20080

(i) The temporary registration is to perform an appraisal 20081

assignment that is part of a federally related transaction. 20082

(ii) The appraiser's business in this state is of a 20083
temporary nature. 20084

(iii) The appraiser registers with the board pursuant to 20085
this division. 20086

(b) An appraiser who is certified or licensed in another 20087
state shall register with the board for temporary practice 20088
before performing an appraisal assignment in this state in 20089
connection with a federally related transaction. 20090

(c) The board shall adopt rules relating to registration 20091
for the temporary recognition of certification and licensure of 20092
appraisers from another state. The registration for temporary 20093
recognition of certified or licensed appraisers from another 20094
state shall not authorize completion of more than one appraisal 20095
assignment in this state. The board shall not issue more than 20096
two registrations for temporary practice to any one applicant in 20097
any calendar year. The application for obtaining a registration 20098
under this division may include any of the following: 20099

(i) A pledge, signed by the applicant, that the applicant 20100
will comply with the standards set forth in this chapter; 20101

(ii) A statement that the applicant understands the types 20102
of misconduct for which disciplinary proceedings may be 20103
initiated against the applicant pursuant to this chapter; 20104

(iii) A consent to service of process. 20105

~~(3) The board may enter into reciprocal agreements with~~ 20106
~~other states. The board shall prescribe reciprocal agreement~~ 20107
~~requirements by rule.~~ (d) A nonresident appraiser whose 20108
certification or license has been recognized by the board on a 20109

temporary basis and who is acting in accordance with this 20110
section and the board's rules is not required to obtain a 20111
license in accordance with Chapter 4796. of the Revised Code. 20112

(F) The superintendent shall not issue a certificate, 20113
registration, or license to, or recognize on a temporary basis 20114
an appraiser from another state that is a corporation, 20115
partnership, or association. This prohibition shall not be 20116
construed to prevent a certificate holder or licensee from 20117
signing an appraisal report on behalf of a corporation, 20118
partnership, or association. 20119

(G) Every person licensed, registered, or certified under 20120
this chapter shall notify the superintendent, on a form provided 20121
by the superintendent, of a change in the address of the 20122
licensee's, registrant's, or certificate holder's principal 20123
place of business or residence within thirty days of the change. 20124
If a licensee's, registrant's, or certificate holder's license, 20125
registration, or certificate is revoked or not renewed, the 20126
licensee, registrant, or certificate holder immediately shall 20127
return the annual and any renewal certificate, registration, or 20128
license to the superintendent. 20129

(H) (1) The superintendent shall not issue a certificate, 20130
registration, or license to any person, or recognize on a 20131
temporary basis an appraiser from another state, who does not 20132
meet applicable minimum criteria for state certification, 20133
registration, or licensure prescribed by federal law or rule. 20134

(2) The superintendent shall not refuse to issue a general 20135
real estate appraiser certificate, residential real estate 20136
appraiser certificate, residential real estate appraiser 20137
license, or real estate appraiser assistant registration to any 20138
person because of a conviction of or plea of guilty to any 20139

criminal offense unless the refusal is in accordance with 20140
section 9.79 of the Revised Code. 20141

Sec. 4764.10. (A) The superintendent of real estate and 20142
professional licensing may issue a home inspector license to an 20143
applicant who holds a license, registration, or certification as 20144
a home inspector in another jurisdiction other than another 20145
state if that applicant submits an application on a form the 20146
superintendent provides, pays the fee the Ohio home inspector 20147
board prescribes, and satisfies all of the following 20148
requirements: 20149

~~(A)~~ (1) The applicant is licensed, registered, or 20150
certified as a home inspector in a jurisdiction that the board 20151
determines grants the same privileges to persons licensed under 20152
this chapter as this state grants to persons in that 20153
jurisdiction. 20154

~~(B)~~ (2) That other jurisdiction has licensing, 20155
registration, or certification requirements that are 20156
substantially similar to, or exceed, those of this state. 20157

~~(C)~~ (3) The applicant attests that the applicant is 20158
familiar with and will abide by this chapter. 20159

~~(D)~~ (4) The applicant attests to all of the following in a 20160
written statement that the applicant submits to the 20161
superintendent: 20162

~~(1)~~ (a) To provide the superintendent the name and address 20163
of an agent to receive service of process in this state or that 20164
the applicant authorizes the superintendent to act as agent for 20165
that applicant; 20166

~~(2)~~ (b) That service of process in accordance with the 20167
Revised Code is proper and the applicant is subject to the 20168

jurisdiction of the courts of this state; 20169

~~(3)~~ (c) That any cause of action arising out of the 20170
conduct of the applicant's business in this state shall be filed 20171
in the county in which the events that gave rise to that cause 20172
of action occurred. 20173

(B) The board shall issue a home inspector license in 20174
accordance with Chapter 4796. of the Revised Code to an 20175
applicant if either of the following applies: 20176

(1) The applicant holds a license in another state. 20177

(2) The applicant has satisfactory work experience, a 20178
government certification, or a private certification as 20179
described in that chapter as a home inspector in a state that 20180
does not issue that license. 20181

Sec. 4765.10. (A) The state board of emergency medical, 20182
fire, and transportation services shall do all of the following: 20183

(1) Administer and enforce the provisions of this chapter 20184
and the rules adopted under it; 20185

(2) Approve, in accordance with procedures established in 20186
rules adopted under section 4765.11 of the Revised Code, 20187
examinations that demonstrate competence to have a certificate 20188
to practice renewed without completing a continuing education 20189
program; 20190

(3) Advise applicants for state or federal emergency 20191
medical services funds, review and comment on applications for 20192
these funds, and approve the use of all state and federal funds 20193
designated solely for emergency medical service programs unless 20194
federal law requires another state agency to approve the use of 20195
all such federal funds; 20196

(4) Serve as a statewide clearinghouse for discussion, inquiry, and complaints concerning emergency medical services;	20197 20198
(5) Make recommendations to the general assembly on legislation to improve the delivery of emergency medical services;	20199 20200 20201
(6) Maintain a toll-free long distance telephone number through which it shall respond to questions about emergency medical services;	20202 20203 20204
(7) Work with appropriate state offices in coordinating the training of firefighters and emergency medical service personnel. Other state offices that are involved in the training of firefighters or emergency medical service personnel shall cooperate with the board and its committees and subcommittees to achieve this goal.	20205 20206 20207 20208 20209 20210
(8) Provide a liaison to the state emergency operation center during those periods when a disaster, as defined in section 5502.21 of the Revised Code, has occurred in this state and the governor has declared an emergency as defined in that section.	20211 20212 20213 20214 20215
(B) The board may do any of the following:	20216
(1) Investigate complaints concerning emergency medical services and emergency medical service organizations as it determines necessary;	20217 20218 20219
(2) Enter into reciprocal agreements with other states that have standards for accreditation of emergency medical services training programs and for certification of first responders, EMTs basic, EMTs I, paramedics, firefighters, or fire safety inspectors that are substantially similar to those established under this chapter and the rules adopted under it;	20220 20221 20222 20223 20224 20225

(3) —Establish a statewide public information system and public education programs regarding emergency medical services;	20226 20227
(4) — <u>(3)</u> Establish an injury prevention program.	20228
(C) The state board of emergency medical, fire, and transportation services shall not regulate any profession that otherwise is regulated by another board, commission, or similar regulatory entity.	20229 20230 20231 20232
Sec. 4765.11. (A) The state board of emergency medical, fire, and transportation services shall adopt, and may amend and rescind, rules in accordance with Chapter 119. of the Revised Code and division (C) of this section that establish all of the following:	20233 20234 20235 20236 20237
(1) Procedures for its governance and the control of its actions and business affairs;	20238 20239
(2) Standards for the performance of emergency medical services by first responders, emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic;	20240 20241 20242 20243
(3) Application fees for certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice, which shall be deposited into the trauma and emergency medical services fund created in section 4513.263 of the Revised Code;	20244 20245 20246 20247 20248
(4) Criteria for determining when the application or renewal fee for a certificate to practice may be waived because an applicant cannot afford to pay the fee;	20249 20250 20251
(5) Procedures for issuance and renewal of certificates of accreditation, certificates of approval, certificates to teach,	20252 20253

and certificates to practice, including any measures necessary 20254
to implement section 9.79 of the Revised Code and any procedures 20255
necessary to ensure that adequate notice of renewal is provided 20256
in accordance with division ~~(D)~~ (E) of section 4765.30 of the 20257
Revised Code; 20258

(6) Procedures for suspending or revoking certificates of 20259
accreditation, certificates of approval, certificates to teach, 20260
and certificates to practice; 20261

(7) Grounds for suspension or revocation of a certificate 20262
to practice issued under section 4765.30 of the Revised Code and 20263
for taking any other disciplinary action against a first 20264
responder, EMT-basic, EMT-I, or paramedic; 20265

(8) Procedures for taking disciplinary action against a 20266
first responder, EMT-basic, EMT-I, or paramedic; 20267

(9) Standards for certificates of accreditation and 20268
certificates of approval; 20269

(10) Qualifications for certificates to teach; 20270

(11) Requirements for a certificate to practice; 20271

(12) The curricula, number of hours of instruction and 20272
training, and instructional materials to be used in adult and 20273
pediatric emergency medical services training programs and adult 20274
and pediatric emergency medical services continuing education 20275
programs; 20276

(13) Procedures for conducting courses in recognizing 20277
symptoms of life-threatening allergic reactions and in 20278
calculating proper dosage levels and administering injections of 20279
epinephrine to adult and pediatric patients who suffer life- 20280
threatening allergic reactions; 20281

(14) Examinations for certificates to practice;	20282
(15) Procedures for administering examinations for certificates to practice;	20283 20284
(16) Procedures for approving examinations that demonstrate competence to have a certificate to practice renewed without completing an emergency medical services continuing education program;	20285 20286 20287 20288
(17) Procedures for granting extensions and exemptions of emergency medical services continuing education requirements;	20289 20290
(18) Procedures for approving the additional emergency medical services first responders are authorized by division (C) of section 4765.35 of the Revised Code to perform, EMTs-basic are authorized by division (C) of section 4765.37 of the Revised Code to perform, EMTs-I are authorized by division (B) (5) of section 4765.38 of the Revised Code to perform, and paramedics are authorized by division (B) (6) of section 4765.39 of the Revised Code to perform;	20291 20292 20293 20294 20295 20296 20297 20298
(19) Standards and procedures for implementing the requirements of section 4765.06 of the Revised Code, including designations of the persons who are required to report information to the board and the types of information to be reported;	20299 20300 20301 20302 20303
(20) Procedures for administering the emergency medical services grant program established under section 4765.07 of the Revised Code;	20304 20305 20306
(21) Procedures consistent with Chapter 119. of the Revised Code for appealing decisions of the board;	20307 20308
(22) Minimum qualifications and peer review and quality	20309

improvement requirements for persons who provide medical 20310
direction to emergency medical service personnel; 20311

(23) The manner in which a patient, or a patient's parent, 20312
guardian, or custodian may consent to the board releasing 20313
identifying information about the patient under division (D) of 20314
section 4765.102 of the Revised Code; 20315

(24) Circumstances under which a training program or 20316
continuing education program, or portion of either type of 20317
program, may be taught by a person who does not hold a 20318
certificate to teach issued under section 4765.23 of the Revised 20319
Code; 20320

(25) Certification cycles for certificates issued under 20321
sections 4765.23 and 4765.30 of the Revised Code and 20322
certificates issued by the executive director of the state board 20323
of emergency medical, fire, and transportation services under 20324
section 4765.55 of the Revised Code that establish a common 20325
expiration date for all certificates. 20326

(B) The board may adopt, and may amend and rescind, rules 20327
in accordance with Chapter 119. of the Revised Code and division 20328
(C) of this section that establish the following: 20329

(1) Specifications of information that may be collected 20330
under the trauma system registry and incidence reporting system 20331
created under section 4765.06 of the Revised Code; 20332

(2) Standards and procedures for implementing any of the 20333
recommendations made by any committees of the board or under 20334
section 4765.04 of the Revised Code; 20335

(3) Requirements that a person must meet to receive a 20336
certificate to practice as a first responder pursuant to 20337
division (A) (2) of section 4765.30 of the Revised Code; 20338

(4) Any other rules necessary to implement this chapter. 20339

(C) In developing and administering rules adopted under 20340
this chapter, the state board of emergency medical, fire, and 20341
transportation services shall consult with regional directors 20342
and regional physician advisory boards created by section 20343
4765.05 of the Revised Code and emphasize the special needs of 20344
pediatric and geriatric patients. 20345

(D) Except as otherwise provided in this division, before 20346
adopting, amending, or rescinding any rule under this chapter, 20347
the board shall submit the proposed rule to the director of 20348
public safety for review. The director may review the proposed 20349
rule for not more than sixty days after the date it is 20350
submitted. If, within this sixty-day period, the director 20351
approves the proposed rule or does not notify the board that the 20352
rule is disapproved, the board may adopt, amend, or rescind the 20353
rule as proposed. If, within this sixty-day period, the director 20354
notifies the board that the proposed rule is disapproved, the 20355
board shall not adopt, amend, or rescind the rule as proposed 20356
unless at least twelve members of the board vote to adopt, 20357
amend, or rescind it. 20358

This division does not apply to an emergency rule adopted 20359
in accordance with section 119.03 of the Revised Code. 20360

(E) Notwithstanding any requirement for a certificate 20361
issued in accordance with rules adopted by the board under this 20362
section, the board, in accordance with Chapter 4796. of the 20363
Revised Code, shall issue a certificate that is a license as 20364
defined in section 4796.01 of the Revised Code to an individual 20365
if either of the following applies: 20366

(1) The individual holds a license or certificate in 20367

another state. 20368

(2) The individual has satisfactory work experience, a 20369
government certification, or a private certification as 20370
described in that chapter as a first responder, emergency 20371
medical technician-basic, emergency medical technician- 20372
intermediate, or emergency medical technician-paramedic in a 20373
state that does not issue that license or certificate. 20374

Sec. 4765.30. (A) (1) The state board of emergency medical, 20375
fire, and transportation services shall issue a certificate to 20376
practice as a first responder to an applicant who meets all of 20377
the following conditions: 20378

(a) Except as provided in division (A) (2) of this section, 20379
is a volunteer for a nonprofit emergency medical service 20380
organization or a nonprofit fire department; 20381

(b) Holds the appropriate certificate of completion issued 20382
in accordance with section 4765.24 of the Revised Code; 20383

(c) Passes the appropriate examination conducted under 20384
section 4765.29 of the Revised Code; 20385

(d) Is not in violation of any provision of this chapter 20386
or the rules adopted under it; 20387

(e) Meets any other certification requirements established 20388
in rules adopted under section 4765.11 of the Revised Code. 20389

(2) The board may waive the requirement to be a volunteer 20390
for a nonprofit entity if the applicant meets other requirements 20391
established in rules adopted under division (B) (3) of section 20392
4765.11 of the Revised Code relative to a person's eligibility 20393
to practice as a first responder. 20394

(B) The state board of emergency medical, fire, and 20395

transportation services shall issue a certificate to practice as 20396
an emergency medical technician-basic to an applicant who meets 20397
all of the following conditions: 20398

(1) Holds a certificate of completion in emergency medical 20399
services training-basic issued in accordance with section 20400
4765.24 of the Revised Code; 20401

(2) Passes the examination for emergency medical 20402
technicians-basic conducted under section 4765.29 of the Revised 20403
Code; 20404

(3) Is not in violation of any provision of this chapter 20405
or the rules adopted under it; 20406

(4) Meets any other certification requirements established 20407
in rules adopted under section 4765.11 of the Revised Code. 20408

(C) The state board of emergency medical, fire, and 20409
transportation services shall issue a certificate to practice as 20410
an emergency medical technician-intermediate or emergency 20411
medical technician-paramedic to an applicant who meets all of 20412
the following conditions: 20413

(1) Holds a certificate to practice as an emergency 20414
medical technician-basic; 20415

(2) Holds the appropriate certificate of completion issued 20416
in accordance with section 4765.24 of the Revised Code; 20417

(3) Passes the appropriate examination conducted under 20418
section 4765.29 of the Revised Code; 20419

(4) Is not in violation of any provision of this chapter 20420
or the rules adopted under it; 20421

(5) Meets any other certification requirements established 20422

in rules adopted under section 4765.11 of the Revised Code. 20423

(D) Notwithstanding any requirement for a certificate to 20424
practice issued under this section, the board shall issue a 20425
certificate in accordance with Chapter 4796. of the Revised Code 20426
to an individual if either of the following applies: 20427

(1) The individual holds a license or certificate in 20428
another state. 20429

(2) The individual has satisfactory work experience, a 20430
government certification, or a private certification as 20431
described in that chapter as a first responder in a state that 20432
does not issue that license or certificate. 20433

(E) A certificate to practice shall have a certification 20434
cycle established by the board and may be renewed by the board 20435
pursuant to rules adopted under section 4765.11 of the Revised 20436
Code. Not later than sixty days prior to the expiration date of 20437
an individual's certificate to practice, the board shall notify 20438
the individual of the scheduled expiration. 20439

An application for renewal shall be accompanied by the 20440
appropriate renewal fee established in rules adopted under 20441
section 4765.11 of the Revised Code, unless the board waives the 20442
fee on determining pursuant to those rules that the applicant 20443
cannot afford to pay the fee. Except as provided in division (B) 20444
of section 4765.31 of the Revised Code, the application shall 20445
include evidence of either of the following: 20446

(1) That the applicant received a certificate of 20447
completion from the appropriate emergency medical services 20448
continuing education program pursuant to section 4765.24 of the 20449
Revised Code; 20450

(2) That the applicant has successfully passed an 20451

examination that demonstrates the competence to have a 20452
certificate renewed without completing an emergency medical 20453
services continuing education program. The board shall approve 20454
such examinations in accordance with rules adopted under section 20455
4765.11 of the Revised Code. 20456

~~(E)~~ (F) The board shall not require an applicant for 20457
renewal of a certificate to practice to take an examination as a 20458
condition of renewing the certificate. This division does not 20459
preclude the use of examinations by operators of approved 20460
emergency medical services continuing education programs as a 20461
condition for issuance of a certificate of completion in 20462
emergency medical services continuing education. 20463

Sec. 4765.55. (A) The executive director of the state 20464
board of emergency medical, fire, and transportation services, 20465
with the advice and counsel of the firefighter and fire safety 20466
inspector training committee of the state board of emergency 20467
medical, fire, and transportation services, shall assist in the 20468
establishment and maintenance by any state agency, or any 20469
county, township, city, village, school district, or educational 20470
service center of a fire service training program for the 20471
training of all persons in positions of any fire training 20472
certification level approved by the executive director, 20473
including full-time paid firefighters, part-time paid 20474
firefighters, volunteer firefighters, and fire safety inspectors 20475
in this state. The executive director, with the advice and 20476
counsel of the committee, shall adopt rules to regulate those 20477
firefighter and fire safety inspector training programs, and 20478
other training programs approved by the executive director. The 20479
rules may include, but need not be limited to, training 20480
curriculum, certification examinations, training schedules, 20481
minimum hours of instruction, attendance requirements, required 20482

equipment and facilities, basic physical requirements, and 20483
methods of training for all persons in positions of any fire 20484
training certification level approved by the executive director, 20485
including full-time paid firefighters, part-time paid 20486
firefighters, volunteer firefighters, and fire safety 20487
inspectors. The rules adopted to regulate training programs for 20488
volunteer firefighters shall not require more than thirty-six 20489
hours of training. 20490

The executive director, with the advice and counsel of the 20491
committee, shall provide for the classification and chartering 20492
of fire service training programs in accordance with rules 20493
adopted under division (B) of this section, and may take action 20494
against any chartered training program or applicant, in 20495
accordance with rules adopted under divisions (B) (4) and (5) of 20496
this section, for failure to meet standards set by the adopted 20497
rules. 20498

(B) The executive director, with the advice and counsel of 20499
the firefighter and fire safety inspector training committee of 20500
the state board of emergency medical, fire, and transportation 20501
services, shall adopt, and may amend or rescind, rules under 20502
Chapter 119. of the Revised Code that establish all of the 20503
following: 20504

(1) Requirements for, and procedures for chartering, the 20505
training programs regulated by this section; 20506

(2) Requirements for, and requirements and procedures for 20507
obtaining and renewing, an instructor certificate to teach the 20508
training programs and continuing education classes regulated by 20509
this section; 20510

(3) Requirements for, and requirements and procedures for 20511

obtaining and renewing, any of the fire training certificates regulated by this section;	20512 20513
(4) Grounds and procedures for suspending, revoking, restricting, or refusing to issue or renew any of the certificates or charters regulated by this section, which grounds shall be limited to one of the following:	20514 20515 20516 20517
(a) Failure to satisfy the education or training requirements of this section;	20518 20519
(b) Conviction of a felony offense;	20520
(c) Conviction of a misdemeanor involving moral turpitude;	20521
(d) Conviction of a misdemeanor committed in the course of practice;	20522 20523
(e) In the case of a chartered training program or applicant, failure to meet standards set by the rules adopted under this division.	20524 20525 20526
(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;	20527 20528 20529 20530 20531 20532 20533
(6) Continuing education requirements for certificate holders, including a requirement that credit shall be granted for in-service training programs conducted by local entities;	20534 20535 20536
(7) Procedures for considering the granting of an extension or exemption of fire service continuing education requirements;	20537 20538 20539

(8) Certification cycles for which the certificates and 20540
charters regulated by this section are valid. 20541

(C) The executive director, with the advice and counsel of 20542
the firefighter and fire safety inspector training committee of 20543
the state board of emergency medical, fire, and transportation 20544
services, shall issue or renew an instructor certificate to 20545
teach the training programs and continuing education classes 20546
regulated by this section to any applicant that the executive 20547
director determines meets the qualifications established in 20548
rules adopted under division (B) of this section, and may take 20549
disciplinary action against an instructor certificate holder or 20550
applicant in accordance with rules adopted under division (B) of 20551
this section. The executive director, with the advice and 20552
counsel of the committee, shall charter or renew the charter of 20553
any training program that the executive director determines 20554
meets the qualifications established in rules adopted under 20555
division (B) of this section, and may take disciplinary action 20556
against the holder of a charter in accordance with rules adopted 20557
under division (B) of this section. 20558

(D) The executive director shall issue or renew a fire 20559
training certificate for a firefighter, a fire safety inspector, 20560
or another position of any fire training certification level 20561
approved by the executive director, to any applicant that the 20562
executive director determines meets the qualifications 20563
established in rules adopted under division (B) of this section 20564
and may take disciplinary actions against a certificate holder 20565
or applicant in accordance with rules adopted under division (B) 20566
of this section. 20567

(E) Certificates issued under this section shall be on a 20568
form prescribed by the executive director, with the advice and 20569

counsel of the firefighter and fire safety inspector training 20570
committee of the state board of emergency medical, fire, and 20571
transportation services. 20572

(F) (1) The executive director, with the advice and counsel 20573
of the firefighter and fire safety inspector training committee 20574
of the state board of emergency medical, fire, and 20575
transportation services, shall establish criteria for evaluating 20576
the standards maintained by ~~other states and~~ the branches of the 20577
United States military for firefighter, fire safety inspector, 20578
and fire instructor training programs, and other training 20579
programs recognized by the executive director, to determine 20580
whether the standards are equivalent to those established under 20581
this section and shall establish requirements and procedures for 20582
issuing a certificate to each person who presents proof to the 20583
executive director of having satisfactorily completed a training 20584
program that meets those standards. 20585

(2) The executive director, with the committee's advice 20586
and counsel, shall adopt rules establishing requirements and 20587
procedures for issuing a fire training certificate in lieu of 20588
completing a chartered training program. 20589

(G) Notwithstanding any requirement for a certificate 20590
issued under this section, the executive director shall issue a 20591
certificate in accordance with Chapter 4796. of the Revised Code 20592
to an individual if either of the following applies: 20593

(1) The individual holds a license or certificate in 20594
another state. 20595

(2) The individual has satisfactory work experience, a 20596
government certification, or a private certification as 20597
described in that chapter as a firefighter or fire safety 20598

inspector in a state that does not issue that license or 20599
certificate. 20600

(H) Nothing in this section invalidates any other section 20601
of the Revised Code relating to the fire training academy. 20602
Section 4765.11 of the Revised Code does not affect any powers 20603
and duties granted to the executive director under this section. 20604

~~(H)~~ (I) Notwithstanding any provision of division (B) (4) 20605
of this section to the contrary, the executive director shall 20606
not adopt rules for refusing to issue any of the certificates or 20607
charters regulated by this section to an applicant because of a 20608
criminal conviction unless the rules establishing grounds and 20609
procedures for refusal are in accordance with section 9.79 of 20610
the Revised Code. 20611

Sec. 4767.031. (A) The owner or the person responsible for 20612
the operation of each cemetery required to register under 20613
section 4767.03 of the Revised Code shall provide the division 20614
of real estate in the department of commerce, on a form 20615
prescribed by the division, at the same time the owner or other 20616
person applies for registration or renewal of registration as 20617
required by section 4767.03 of the Revised Code, a list of the 20618
names and residence addresses of all persons employed or 20619
otherwise engaged by the cemetery to sell interment rights. The 20620
provision of this information constitutes the registration of 20621
these persons to sell interment rights. 20622

In order for an independent contractor to sell interment 20623
rights for a cemetery, the cemetery shall sponsor and register 20624
the independent contractor with the division. More than one 20625
cemetery may sponsor and register the same independent 20626
contractor. The division shall register an independent 20627
contractor in accordance with Chapter 4796. of the Revised Code 20628

if either of the following applies: 20629

(1) The individual is licensed or registered in another state. 20630
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(2) The individual has satisfactory work experience, a government certification, or a private certification as described in that chapter as an independent contractor selling interment rights for a cemetery in a state that does not issue that license or registration. 20632
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(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 January, April, July, and October. 20637
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Sec. 4771.08. (A) Upon receipt of all the materials required for application for registration under section 4771.07 of the Revised Code, the Ohio athletic commission shall evaluate the information provided and issue a certificate of registration to the applicant, unless the commission finds that the applicant or an employee or representative of the applicant has committed any of the acts described in division (A) of section 4771.18 of the Revised Code. 20648
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Notwithstanding the requirements for a certificate of registration under this chapter, the commission shall issue a 20656
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certificate of registration in accordance with Chapter 4796. of 20658
the Revised Code to an applicant if either of the following 20659
applies: 20660

(1) The applicant is registered in another state. 20661

(2) The applicant has satisfactory work experience, a 20662
government certification, or a private certification as 20663
described in that chapter as an athlete agent in a state that 20664
does not issue that certificate of registration. 20665

(B) The commission may issue a temporary certificate of 20666
registration, effective for a period of up to ninety days after 20667
the issuance of the temporary registration, to ~~an a nonresident~~ 20668
athlete agent who is registered as an athlete agent in another 20669
state, or to a person who has not submitted all the material 20670
required under section 4771.07 of the Revised Code, but who the 20671
commission determines to have submitted sufficient material to 20672
warrant the issuance of a temporary certificate. Chapter 4796. 20673
of the Revised Code does not apply to a temporary certificate of 20674
registration issued under this division. 20675

(C) The registration of an athlete agent with the 20676
commission is valid for a period of two years after the date the 20677
certificate of registration is issued. An athlete agent shall 20678
file an application for the renewal of a registration with the 20679
commission at least thirty days prior to the expiration of the 20680
registration of the athlete agent. An application for renewal 20681
shall be accompanied by a renewal fee in an amount determined by 20682
the commission pursuant to division (F) of section 4771.05 of 20683
the Revised Code. 20684

(D) Each certificate of registration issued by the 20685
commission to an athlete agent shall contain all the following 20686

information: 20687

(1) The name of the athlete agent; 20688

(2) The address of the primary location in which the athlete agent is authorized to conduct business as an athlete agent; 20689
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(3) A registration number for the athlete agent and the date of issuance of the registration. 20692
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(E) No registration or certificate of registration is valid for any individual other than the athlete agent to whom it is issued. 20694
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(F) The commission is not liable for the acts of an athlete agent who is registered with the commission. 20697
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Sec. 4773.03. (A) ~~Each~~ Except as provided in division (G) of this section, each individual seeking a license to practice as a general x-ray machine operator, radiographer, radiation therapy technologist, or nuclear medicine technologist shall apply to the department of health on a form the department shall prescribe and provide. The application shall be accompanied by the appropriate license application fee established in rules adopted under section 4773.08 of the Revised Code. 20699
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(B) ~~The~~ Except as provided in division (G) of this section, the department shall review all applications received and issue the appropriate general x-ray machine operator, radiographer, radiation therapy technologist, or nuclear medicine technologist license to each applicant who meets all of the following requirements: 20707
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(1) Is eighteen years of age or older; 20713

(2) Except as provided in division (C) of this section, 20714

passes the examination administered under section 4773.04 of the Revised Code for the applicant's area of practice;

(3) Complies with any other licensing standards established in rules adopted under section 4773.08 of the Revised Code.

(C) An applicant is not required to take a licensing examination if one of the following applies to the applicant:

(1) The individual is applying for a license as a general x-ray machine operator and holds certification in that area of practice from the American registry of radiologic technologists or the American chiropractic registry of radiologic technologists.

(2) The individual is applying for a license as a radiographer and holds certification in that area of practice from the American registry of radiologic technologists.

(3) The individual is applying for a license as a radiation therapy technologist and holds certification in that area of practice from the American registry of radiologic technologists.

(4) The individual is applying for a license as a nuclear medicine technologist and holds certification in that area of practice from the American registry of radiologic technologists or the nuclear medicine technology certification board.

(5) The individual holds a conditional license issued under section 4773.05 of the Revised Code and has completed the continuing education requirements established in rules adopted under section 4773.08 of the Revised Code.

~~(6) The individual holds a license, certificate, or other~~

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~~credential issued by another state that the department~~ 20743
~~determines uses standards for radiologic professions that are at~~ 20744
~~least equal to those established under this chapter.~~ 20745

(D) A license issued under this section expires biennially 20746
on the license holder's birthday, except for an initial license 20747
which expires on the license holder's birthday following two 20748
years after it is issued. For an initial license, the fee 20749
established in rules adopted under section 4773.08 of the 20750
Revised Code may be increased in proportion to the amount of 20751
time beyond two years that the license may be valid. 20752

A license may be renewed. To be eligible for renewal, the 20753
license holder must complete the continuing education 20754
requirements specified in rules adopted by the department under 20755
section 4773.08 of the Revised Code. Applications for license 20756
renewal shall be accompanied by the appropriate renewal fee 20757
established in rules adopted under section 4773.08 of the 20758
Revised Code. Renewals shall be made in accordance with the 20759
standard renewal procedure established under Chapter 4745. of 20760
the Revised Code. 20761

(E) (1) A license that has lapsed or otherwise become 20762
inactive may be reinstated. An individual seeking reinstatement 20763
of a license shall apply to the department on a form the 20764
department shall prescribe and provide. The application shall be 20765
accompanied by the appropriate reinstatement fee established in 20766
rules adopted under section 4773.08 of the Revised Code. 20767

(2) To be eligible for reinstatement, both of the 20768
following apply: 20769

(a) An applicant must continue to meet the conditions for 20770
receiving an initial license, including the examination or 20771

certification requirements specified in division (B) or (C) of 20772
this section. In the case of an applicant seeking reinstatement 20773
based on having passed an examination administered under section 20774
4773.04 of the Revised Code, the length of time that has elapsed 20775
since the examination was passed is not a consideration in 20776
determining whether the applicant is eligible for reinstatement. 20777

(b) The applicant must complete the continuing education 20778
requirements for reinstatement established in rules adopted 20779
under section 4773.08 of the Revised Code. 20780

(F) The department shall refuse to issue, renew, or 20781
reinstate and may suspend or revoke a general x-ray machine 20782
operator, radiographer, radiation therapy technologist, or 20783
nuclear medicine technologist license if the applicant or 20784
license holder does not comply with the applicable requirements 20785
of this chapter or rules adopted under it. 20786

(G) The department shall issue a general x-ray machine 20787
operator, radiographer, radiation therapy technologist, or 20788
nuclear medicine technologist license in accordance with Chapter 20789
4796. of the Revised Code to an applicant if either of the 20790
following applies: 20791

(1) The applicant holds a license in another state. 20792

(2) The applicant has satisfactory work experience, a 20793
government certification, or a private certification as 20794
described in that chapter as a general x-ray machine operator, 20795
radiographer, radiation therapy technologist, or nuclear 20796
medicine technologist in a state that does not issue that 20797
license. 20798

Sec. 4774.03. (A) ~~An~~ Except as provided in division (D) of 20799
this section, an individual seeking a license to practice as a 20800

radiologist assistant shall file with the state medical board a 20801
written application on a form prescribed and supplied by the 20802
board. The application shall include all the information the 20803
board considers necessary to process the application, including 20804
evidence satisfactory to the board that the applicant meets the 20805
requirements specified in division (B) of this section. 20806

At the time an application is submitted, the applicant 20807
shall pay the board the application fee specified by the board 20808
in rules adopted under section 4774.11 of the Revised Code. No 20809
part of the fee shall be returned. 20810

(B) ~~To~~ Except as provided in division (D) of this section, 20811
to be eligible to receive a license to practice as a radiologist 20812
assistant, an applicant shall meet all of the following 20813
requirements: 20814

(1) Be at least eighteen years of age; 20815

(2) Hold a current, valid license as a radiographer under 20816
Chapter 4773. of the Revised Code; 20817

(3) Have attained a baccalaureate degree or 20818
postbaccalaureate certificate from an advanced academic program 20819
encompassing a nationally recognized radiologist assistant 20820
curriculum that includes a radiologist-directed clinical 20821
preceptorship; 20822

(4) Hold current certification as a registered radiologist 20823
assistant from the American registry of radiologic technologists 20824
and have attained the certification by meeting the standard 20825
certification requirements established by the registry, 20826
including the registry's requirements for documenting clinical 20827
education in the form of a clinical portfolio and passing an 20828
examination to determine competence to practice; 20829

(5) Hold current certification in advanced cardiac life support. 20830
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(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. 20832
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(D) The board shall issue a license to practice as a radiologist assistant in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 20837
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(1) The applicant holds a license in another state. 20840

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a radiologist assistant in a state that does not issue that license. 20841
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Sec. 4775.07. (A) Any person required to be registered as a motor vehicle repair operator shall apply to the motor vehicle repair board upon forms prescribed by the board. The forms shall contain sufficient information to identify the applicant, including name, address, state tax identification number, and any other identifying data prescribed by rule of the board. If the applicant is a partnership, identifying data as prescribed by the board may be required for each partner. If the applicant is a corporation, identifying data may be required for each officer of the corporation and each person in charge of each place of the motor vehicle repair operator's business in this state. The applicant shall affirm the application by oath. The applicant shall include with the application the initial registration fee set forth in section 4775.08 of the Revised 20845
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Code and proof satisfactory to the board that the applicant has 20859
a current state and federal tax identification number, a valid 20860
vendor's license issued pursuant to section 5739.17 of the 20861
Revised Code, a United States environmental protection agency 20862
identification number issued under the "Resource Conservation 20863
and Recovery Act of 1976," 90 Stat. 2795, 42 U.S.C.A. 6901, as 20864
amended, and regulations adopted under that act, proof of 20865
possession of all permits required under Chapter 3704. of the 20866
Revised Code, general liability insurance and liability 20867
insurance that protects a person against liability for damage to 20868
motor vehicles in the applicant's care, custody, or control in 20869
an amount and form that conforms to the rules the board adopts 20870
under section 4775.04 of the Revised Code, and coverage under 20871
Chapters 4123. and 4141. of the Revised Code. In addition, the 20872
applicant shall affirm that the applicant is in compliance with 20873
all applicable federal and state statutes and rules and all 20874
local ordinances and resolutions, including all applicable 20875
zoning regulations. 20876

(B) Upon receipt of the completed application form and 20877
fees and after the board determines that the applicant meets the 20878
requirements for registration under division (A) of this 20879
section, the board shall direct the executive director to issue 20880
a registration certificate to the applicant for each place of 20881
business. The motor vehicle repair operator shall display the 20882
registration certificate in a conspicuous place on the premises 20883
of the business for which the registration is obtained. The 20884
board and director shall issue a registration certificate in 20885
accordance with Chapter 4796. of the Revised Code to an 20886
applicant if either of the following applies: 20887

(1) The applicant holds a license or registration 20888
certificate in another state. 20889

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter 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. If a motor vehicle repair operator fails to submit the written notification of a change in information or data within sixty days after the change in information or data, the operator's registration certificate is automatically suspended, except that the board may waive the suspension for good cause shown.

(E) Notwithstanding section 5703.21 of the Revised Code, the department of taxation may disclose to the board any information necessary for the board to verify the existence of an applicant's valid vendor's license and current state tax identification number.

Sec. 4778.03. (A) ~~An~~ Except as provided in division (D) of this section, an individual seeking a license to practice as a

genetic counselor shall file with the state medical board an 20920
application in a manner prescribed by the board. The application 20921
shall include all the information the board considers necessary 20922
to process the application, including evidence satisfactory to 20923
the board that the applicant meets the requirements specified in 20924
division (B) of this section. 20925

At the time an application is submitted, the applicant 20926
shall pay the board an application fee of two hundred dollars. 20927
No part of the fee shall be returned to the applicant or 20928
transferred for purposes of another application. 20929

(B) ~~To~~ Except as provided in division (D) of this section, 20930
to be eligible to receive a license to practice as a genetic 20931
counselor, an applicant shall demonstrate to the board that the 20932
applicant meets all of the following requirements: 20933

(1) Is at least eighteen years of age; 20934

(2) Has attained a master's degree or higher degree from a 20935
genetic counseling graduate program accredited by the American 20936
board of genetic counseling, inc.; 20937

(3) Is a certified genetic counselor; 20938

(4) Has satisfied any other requirements established by 20939
the board in rules adopted under section 4778.12 of the Revised 20940
Code. 20941

(C) The board shall review all applications received under 20942
this section. Not later than sixty days after receiving an 20943
application it considers complete, the board shall determine 20944
whether the applicant meets the requirements for a license to 20945
practice as a genetic counselor. 20946

(D) The board shall issue a license to practice as a 20947

genetic counselor in accordance with Chapter 4796. of the 20948
Revised Code to an applicant if either of the following applies: 20949

(1) The applicant holds a license in another state. 20950

(2) The applicant has satisfactory work experience, a 20951
government certification, or a private certification as 20952
described in that chapter as a genetic counselor in a state that 20953
does not issue that license. 20954

Sec. 4778.08. (A) The—Except as provided in division (C) 20955
of this section, the state medical board may issue to an 20956
applicant under section 4778.03 of the Revised Code a license to 20957
practice as a genetic counselor, designated as a supervised 20958
practice license, if both of the following apply: 20959

(1) The applicant meets the requirements specified in 20960
section 4778.03 of the Revised Code other than being a certified 20961
genetic counselor; 20962

(2) The applicant is in active candidate status with the 20963
American board of genetic counseling. 20964

(B) A supervised practice license authorizes the holder to 20965
engage in the activities authorized by section 4778.11 of the 20966
Revised Code while the holder is under the general supervision 20967
of a genetic counselor licensed under section 4778.05 of the 20968
Revised Code or a physician. General supervision does not 20969
require the supervising licensed genetic counselor or physician 20970
to be present while the holder engages in such activities, but 20971
does require the licensed genetic counselor or physician to have 20972
professional responsibility for the holder and be readily 20973
accessible to the holder for professional consultation and 20974
assistance. 20975

A supervised practice license is valid from the date of 20976

issuance until the earlier of one year from that date or the 20977
date a license is issued under section 4778.05 of the Revised 20978
Code. A supervised practice license may not be renewed. 20979

(C) The board shall issue a supervised practice license to 20980
practice as a genetic counselor in accordance with Chapter 4796. 20981
of the Revised Code to an applicant if either of the following 20982
applies: 20983

(1) The applicant holds a license in another state. 20984

(2) The applicant has satisfactory work experience, a 20985
government certification, or a private certification as 20986
described in that chapter as a supervised practice genetic 20987
counselor in a state that does not issue that license. 20988

Sec. 4778.09. (A) The state medical board may issue a 20989
license to practice as a genetic counselor, designated as a 20990
special activity license, to an individual from another state 20991
seeking to practice in this state genetic counseling associated 20992
with a rare disease. 20993

(B) An applicant for a special activity license shall 20994
submit to the board all of the following information: 20995

(1) Evidence that the applicant holds a current, 20996
unrestricted license to practice genetic counseling issued by 20997
another state or, if the applicant practices genetic counseling 20998
in another state that does not license genetic counselors, 20999
evidence that the applicant is a certified genetic counselor; 21000

(2) Evidence that the applicant has actively practiced 21001
genetic counseling within the two-year period immediately 21002
preceding application; 21003

(3) The name of the applicant's sponsoring institution or 21004

organization, a statement of need for genetic counseling from 21005
the sponsoring institution or organization, and the name of the 21006
rare disease for which the applicant will be practicing genetic 21007
counseling in this state. 21008

(C) At the time an application is submitted, the applicant 21009
shall pay a fee of twenty-five dollars. No part of the fee shall 21010
be returned to the applicant or transferred for purposes of 21011
another application. 21012

(D) The board shall not require the holder of a special 21013
activity license issued under this section to obtain a license 21014
under Chapter 4796. of the Revised Code. A special activity 21015
license is valid for the shorter of thirty days or the duration 21016
of the genetic counseling associated with the rare disease for 21017
which the license was issued. The license may not be renewed. 21018

(E) The holder of a special activity license may practice 21019
genetic counseling only to the extent that it is associated with 21020
the rare disease for which the license was issued. The license 21021
holder shall not bill a patient or any third party payer for 21022
genetic counseling provided in this state. 21023

(F) The board may revoke a special activity license on 21024
receiving proof satisfactory to the board that the holder of the 21025
license has engaged in practice in this state outside the scope 21026
of the license or that there are grounds for action against the 21027
license holder under section 4778.14 of the Revised Code. 21028

Sec. 4779.17. The Ohio occupational therapy, physical 21029
therapy, and athletic trainers board shall issue a license under 21030
section 4779.09 of the Revised Code to practice orthotics, 21031
prosthetics, orthotics and prosthetics, or pedorthics ~~without~~ 21032
~~examination to an applicant who meets all of the following~~ 21033

requirements:	21034
(A) Applies to the board in accordance with section 4779.09 of the Revised Code;	21035 21036
(B) Holds a license to practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics issued by the appropriate authority of another state;	21037 21038 21039
(C) One of the following applies:	21040
(1) In the case of an applicant for a license to practice orthotics, the applicant meets the requirements in divisions (A) (2) and (3) of section 4779.10 of the Revised Code.	21041 21042 21043
(2) In the case of an applicant for a license to practice prosthetics, the applicant meets the requirements in divisions (A) (2) and (3) of section 4779.11 of the Revised Code.	21044 21045 21046
(3) In the case of an applicant for a license to practice orthotics and prosthetics, the applicant meets the requirements in divisions (A) (2) and (3) of section 4779.12 of the Revised Code.	21047 21048 21049 21050
(4) 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.	21051 21052 21053
(D) All fees received by the board under this section shall be deposited in the state treasury to the credit of the occupational licensing and regulatory fund established in section 4743.05 <u>accordance with Chapter 4796.</u> of the Revised Code <u>to an applicant if either of the following applies:</u>	21054 21055 21056 21057 21058
(A) <u>The applicant holds a license in another state.</u>	21059
(B) <u>The applicant has satisfactory work experience, a</u>	21060

government certification, or a private certification as 21061
described in that chapter in orthotics, prosthetics, orthotics 21062
and prosthetics, or pedorthics in a state that does not issue 21063
that license. 21064

Sec. 4779.18. (A) The Ohio occupational therapy, physical 21065
therapy, and athletic trainers board shall issue a temporary 21066
license to an individual who meets all of the following 21067
requirements: 21068

(1) Applies to the board in accordance with rules adopted 21069
under section 4779.08 of the Revised Code and pays the 21070
application fee specified in the rules; 21071

(2) Is eighteen years of age or older; 21072

(3) One of the following applies: 21073

(a) In the case of an applicant for a license to practice 21074
orthotics, the applicant meets the requirements in divisions (A) 21075
(2) and (3) of section 4779.10 of the Revised Code. 21076

(b) In the case of an applicant for a license to practice 21077
prosthetics, the applicant meets the requirements in divisions 21078
(A) (2) and (3) of section 4779.11 of the Revised Code. 21079

(c) In the case of an applicant for a license to practice 21080
orthotics and prosthetics, the applicant meets the requirements 21081
in divisions (A) (2) and (3) of section 4779.12 of the Revised 21082
Code. 21083

(d) In the case of an applicant for a license to practice 21084
pedorthics, the applicant meets the requirements in divisions 21085
(B) and (C) of section 4779.13 of the Revised Code. 21086

(B) The board shall issue a temporary license in 21087
accordance with Chapter 4796. of the Revised Code to an 21088

applicant who holds a license in another state, a government certification, or a private certification as described in that chapter in a state that does not issue that license. 21089
21090
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(C) A temporary license ~~issued under this section~~ is valid 21092
for one year and may be renewed once in accordance with rules 21093
adopted by the board under section 4779.08 of the Revised Code. 21094

(D) An individual who holds a temporary license may 21095
practice orthotics, prosthetics, orthotics and prosthetics, or 21096
pedorthics only under the supervision of an individual who holds 21097
a license issued under section 4779.09 of the Revised Code in 21098
the same area of practice. 21099

~~(C)~~ (E) All fees received by the board under this section 21100
shall be deposited in the state treasury to the credit of the 21101
occupational licensing and regulatory fund established in 21102
section 4743.05 of the Revised Code. 21103

Sec. 4781.07. (A) Pursuant to rules the division of 21104
industrial compliance adopts, the division may certify 21105
municipal, township, and county building departments and the 21106
personnel of those departments, or any private third party, to 21107
exercise the division's enforcement authority, accept and 21108
approve plans and specifications for foundations, support 21109
systems and installations, and inspect manufactured housing 21110
foundations, support systems, and manufactured housing 21111
installations. Any certification is effective for three years. 21112

(B) Following an investigation and finding of facts that 21113
support its action, the division of industrial compliance may 21114
revoke or suspend certification. The division may initiate an 21115
investigation on the division's own motion or the petition of a 21116
person affected by the enforcement or approval of plans. 21117

(C) (1) If a township, municipal corporation, or county
does not have a building department that is certified pursuant
to this section, it may designate by resolution or ordinance
another building department that has been certified pursuant to
this section to exercise the division's enforcement authority,
accept and approve plans and specifications for foundations,
support systems and installations, and inspect manufactured
housing foundations, support systems, and manufactured housing
installations. The designation is effective upon acceptance by
the designee.

(2) An owner of a manufactured home or an operator of a
manufactured home park may request an inspection and obtain an
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 Chapter 4796. 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 chapter 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. 21148

Sec. 4781.08. (A) The division of industrial compliance 21149
shall issue a manufactured housing installer license to any 21150
applicant who is at least eighteen years of age and meets all of 21151
the following requirements: 21152

(1) Submits an application to the division on a form the 21153
division prescribes and pays the fee the division requires; 21154

(2) Completes all training requirements the division 21155
prescribes; 21156

(3) Meets the experience requirements the division 21157
prescribes by rule; 21158

(4) Has at least one year of experience installing 21159
manufactured housing under the supervision of a licensed 21160
manufactured home installer if applying for licensure after 21161
January 1, 2006; 21162

(5) Has completed an installation training course the 21163
division approves, which may be offered by the Ohio manufactured 21164
homes association or other entity; 21165

(6) Receives a passing score on the licensure examination 21166
the division administers; 21167

(7) Provides information the division requires to 21168
demonstrate compliance with this chapter and the rules the 21169
division adopts; 21170

(8) Provides the division with three references from 21171
persons who are retailers, manufacturers, or manufactured home 21172
park operators familiar with the person's installation work 21173
experience and competency, with at least two of the three 21174
references provided after January 1, 2006, being from persons 21175

who are licensed manufactured housing installers; 21176

(9) Has liability insurance or a surety bond that is 21177
issued by an insurance or surety company authorized to transact 21178
business in Ohio, in the amount the division specifies, and 21179
containing the terms and conditions the division requires; 21180

(10) Is in compliance with section 4123.35 of the Revised 21181
Code. 21182

(B) The division of industrial compliance shall not grant 21183
a license to any person who the division finds has engaged in 21184
actions during the previous two years that constitute a ground 21185
for denial, suspension, or revocation of a license or who has 21186
had a license revoked or disciplinary action imposed by the 21187
licensing or certification board of another state or 21188
jurisdiction during the previous two years in connection with 21189
the installation of manufactured housing. 21190

(C) Any person who is licensed, certified, or otherwise 21191
approved under the laws of another state to perform functions 21192
substantially similar to those of a manufactured housing 21193
installer may apply to the division for licensure on a form the 21194
division prescribes. The division shall issue a license ~~if the~~ 21195
~~standards for licensure, certification, or approval in the state~~ 21196
~~in which the applicant is licensed, certified, or approved are~~ 21197
~~substantially similar to or exceed the requirements set forth in~~ 21198
~~this chapter and the rules adopted pursuant to it~~ in accordance 21199
with Chapter 4796. of the Revised Code to an applicant if either 21200
of the following applies: 21201

(1) The applicant holds a license in another state. 21202

(2) The applicant has satisfactory work experience, a 21203
government certification, or a private certification as 21204

~~described in that chapter as a manufactured housing installer in~~ 21205
~~a state that does not issue that license. The division may~~ 21206
~~require the applicant to pass the division's licensure~~ 21207
~~examination.~~ 21208

(D) Any license issued pursuant to this section shall bear 21209
the licensee's name and post-office address, the issue date, a 21210
serial number the division designates, and the signature of the 21211
person the division designates pursuant to rules. 21212

(E) A manufactured housing installer license expires two 21213
years after it is issued. The division of industrial compliance 21214
shall renew a license if the applicant does all of the 21215
following: 21216

(1) Meets the requirements of division (A) of this 21217
section; 21218

(2) Demonstrates compliance with the requirements of this 21219
chapter and the rules adopted pursuant to it; 21220

(3) Meets the division's continuing education 21221
requirements. 21222

(F) No manufactured housing installer license may be 21223
transferred to another person. 21224

Sec. 4781.17. (A) Each person applying for a manufactured 21225
housing dealer's license or manufactured housing broker's 21226
license shall complete and deliver to the department of 21227
commerce, division of real estate, before the first day of 21228
April, a separate application for license for each county in 21229
which the business of selling or brokering manufactured or 21230
mobile homes is to be conducted. The application shall be in the 21231
form prescribed by the division of real estate and accompanied 21232
by the fee established by the division of real estate. The 21233

applicant shall sign and swear to the application that shall 21234
include all of the following: 21235

(1) Name of applicant and location of principal place of 21236
business; 21237

(2) Name or style under which business is to be conducted 21238
and, if a corporation, the state of incorporation; 21239

(3) Name and address of each owner or partner and, if a 21240
corporation, the names of the officers and directors; 21241

(4) The county in which the business is to be conducted 21242
and the address of each place of business therein; 21243

(5) A statement of the previous history, record, and 21244
association of the applicant and of each owner, partner, 21245
officer, and director, that is sufficient to establish to the 21246
satisfaction of the division of real estate the reputation in 21247
business of the applicant; 21248

(6) A statement showing whether the applicant has 21249
previously applied for a manufactured housing dealer's license, 21250
manufactured housing broker's license, manufactured housing 21251
salesperson's license, or, prior to July 1, 2010, a motor 21252
vehicle dealer's license, manufactured home broker's license, or 21253
motor vehicle salesperson's license, and the result of the 21254
application, and whether the applicant has ever been the holder 21255
of any such license that was revoked or suspended; 21256

(7) If the applicant is a corporation or partnership, a 21257
statement showing whether any partner, employee, officer, or 21258
director has been refused a manufactured housing dealer's 21259
license, manufactured housing broker's license, manufactured 21260
housing salesperson's license, or, prior to July 1, 2010, a 21261
motor vehicle dealer's license, manufactured home broker's 21262

license, or motor vehicle salesperson's license, or has been the holder of any such license that was revoked or suspended; 21263
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(8) Any other information required by the division of real estate. 21265
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(B) Each person applying for a manufactured housing salesperson's license shall complete and deliver to the division of real estate before the first day of July an application for license. The application shall be in the form prescribed by the division of real estate and shall be accompanied by the fee established by the division. The applicant shall sign and swear to the application that shall include all of the following: 21267
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(1) Name and post-office address of the applicant; 21274

(2) Name and post-office address of the manufactured housing dealer or manufactured housing broker for whom the applicant intends to act as salesperson; 21275
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(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; 21278
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(4) A statement as to whether the applicant intends to engage in any occupation or business other than that of a manufactured housing salesperson; 21282
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(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; 21285
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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;

(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;

(8) Any other information required by the division of real estate.

(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 business operated, or to be operated, by the applicant.

(D) The division of real estate shall deposit all license fees into the state treasury to the credit of the manufactured homes regulatory fund.

(E) Notwithstanding any provision of this chapter to the contrary, the division shall issue a manufactured housing dealer's license or manufactured housing broker's license in accordance with Chapter 4796. 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 chapter as a manufactured housing dealer or manufactured housing broker in a state that does not issue that license.

Sec. 4783.04. (A) An individual seeking a certificate to 21319
practice as a certified Ohio behavior analyst shall file with 21320
the state board of psychology a written application on a form 21321
prescribed and supplied by the board. To be eligible for a 21322
certificate, the individual shall do all of the following: 21323

(1) Demonstrate that the applicant conducts the 21324
applicant's professional activities in accordance with accepted 21325
professional and ethical standards; 21326

(2) Comply with sections 4776.01 to 4776.04 of the Revised 21327
Code; 21328

(3) Demonstrate an understanding of the law regarding 21329
behavioral health practice; 21330

(4) Demonstrate current certification as a board certified 21331
behavior analyst by the behavior analyst certification board or 21332
its successor organization or demonstrate completion of 21333
equivalent requirements and passage of a psychometrically valid 21334
examination administered by a nationally accredited 21335
credentialing organization; 21336

(5) Pay the fee established by the state board of 21337
psychology. 21338

(B) The state board of psychology shall review all 21339
applications received under this section. The state board of 21340
psychology shall not grant a certificate to an applicant for an 21341
initial certificate unless the applicant complies with sections 21342
4776.01 to 4776.04 of the Revised Code. If the state board of 21343
psychology determines that an applicant satisfies the 21344
requirements for a certificate to practice as a certified Ohio 21345
behavior analyst, the state board of psychology shall issue the 21346
applicant a certificate. 21347

(C) The board shall issue a certificate to practice as a certified Ohio behavior analyst in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 21348
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(1) The applicant holds a certificate or license in another state. 21352
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(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a behavior analyst in a state that does not issue that certificate or license. 21354
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Sec. 5123.161. A person or government entity that seeks to provide supported living shall apply to the director of developmental disabilities for a supported living certificate. 21358
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Except as provided in sections 5123.166 and 5123.169 of the Revised Code, the director shall issue to the person or government entity a supported living certificate if the person or government entity follows the application process established in rules adopted under section 5123.1611 of the Revised Code, meets the applicable certification standards established in those rules, and pays the certification fee established in those rules. The director shall issue a supported living certificate in accordance with Chapter 4796. of the Revised Code to a person if either of the following applies: 21361
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(A) The person holds a supported living certificate issued by another state. 21371
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(B) The person has satisfactory work experience, a government certification, or a private certification as described in that chapter as a person providing supported living in a state that does not issue that certificate. 21373
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Sec. 5123.45. (A) The department of developmental 21377
disabilities shall establish a program under which the 21378
department issues certificates to the following: 21379

(1) Developmental disabilities personnel, for purposes of 21380
meeting the requirement of division (D)(1) of section 5123.42 of 21381
the Revised Code to obtain a certificate or certificates to 21382
administer medications and perform health-related activities 21383
pursuant to the authority granted under division (C) of that 21384
section; 21385

(2) Registered nurses, for purposes of meeting the 21386
requirement of division (B) of section 5123.441 of the Revised 21387
Code to obtain a certificate or certificates to provide the 21388
developmental disabilities personnel training courses developed 21389
under section 5123.43 of the Revised Code. 21390

(B) To receive a certificate issued under this section, 21391
developmental disabilities personnel and registered nurses shall 21392
successfully complete the applicable training course or courses 21393
and meet all other applicable requirements established in rules 21394
adopted pursuant to this section. The department shall issue the 21395
appropriate certificate or certificates to developmental 21396
disabilities personnel and registered nurses who meet the 21397
requirements for the certificate or certificates. The department 21398
shall issue the appropriate certificate or certificates in 21399
accordance with Chapter 4796. of the Revised Code to an 21400
applicant if either of the following applies: 21401

(1) The applicant holds a certificate or certificates 21402
issued by another state. 21403

(2) The applicant has satisfactory work experience, a 21404
government certification, or a private certification as 21405

described in that chapter as developmental disabilities 21406
personnel in a state that does not issue that certificate. 21407

(C) Certificates issued to developmental disabilities 21408
personnel are valid for one year and may be renewed. 21409
Certificates issued to registered nurses are valid for two years 21410
and may be renewed. 21411

To be eligible for renewal, developmental disabilities 21412
personnel and registered nurses shall meet the applicable 21413
continued competency requirements and continuing education 21414
requirements specified in rules adopted under division (D) of 21415
this section. In the case of registered nurses, continuing 21416
nursing education completed in compliance with the license 21417
renewal requirements established under Chapter 4723. of the 21418
Revised Code may be counted toward meeting the continuing 21419
education requirements established in the rules adopted under 21420
division (D) of this section. 21421

(D) In accordance with section 5123.46 of the Revised 21422
Code, the department shall adopt rules that establish all of the 21423
following: 21424

(1) Requirements that developmental disabilities personnel 21425
and registered nurses must meet to be eligible to take a 21426
training course, including having sufficient written and oral 21427
English skills to communicate effectively and reliably with 21428
patients, their families, and other medical professionals; 21429

(2) Standards that must be met to receive a certificate, 21430
including requirements pertaining to an applicant's criminal 21431
background; 21432

(3) Procedures to be followed in applying for a 21433
certificate and issuing a certificate; 21434

(4) Standards and procedures for renewing a certificate, 21435
including requirements for continuing education and, in the case 21436
of developmental disabilities personnel who administer 21437
prescribed medications, standards that require successful 21438
demonstration of proficiency in administering prescribed 21439
medications; 21440

(5) Any other standards or procedures the department 21441
considers necessary to administer the certification program. 21442

Sec. 5126.25. (A) The director of developmental 21443
disabilities shall adopt rules under division (C) of this 21444
section establishing uniform standards and procedures for the 21445
certification and registration of persons, other than the 21446
persons described in division (I) of this section, who are 21447
seeking employment with or are employed by either of the 21448
following: 21449

(1) A county board of developmental disabilities; 21450

(2) An entity that contracts with a county board to 21451
operate programs and services for individuals with developmental 21452
disabilities. 21453

(B) No person shall be employed in a position for which 21454
certification or registration is required pursuant to the rules 21455
adopted under this section without the certification or 21456
registration that is required for that position. The person 21457
shall not be employed or shall not continue to be employed if 21458
the required certification or registration is denied, revoked, 21459
or not renewed. 21460

(C) The director shall adopt rules in accordance with 21461
Chapter 119. of the Revised Code as the director considers 21462
necessary to implement and administer this section, including 21463

rules establishing all of the following: 21464

(1) Positions of employment that are subject to this 21465
section and, for each position, whether a person must receive 21466
certification or receive registration to be employed in that 21467
position; 21468

(2) Requirements that must be met to receive the 21469
certification or registration required to be employed in a 21470
particular position, including standards regarding education, 21471
specialized training, and experience, taking into account the 21472
needs of individuals with developmental disabilities and the 21473
specialized techniques needed to serve them, except that the 21474
rules shall not require a person designated as a service 21475
employee under section 5126.22 of the Revised Code to have or 21476
obtain a bachelor's or higher degree; 21477

(3) Procedures to be followed in applying for initial 21478
certification or registration and for renewing the certification 21479
or registration. 21480

(4) Requirements that must be met for renewal of 21481
certification or registration, which may include continuing 21482
education and professional training requirements; 21483

(5) Subject to section 5126.23 of the Revised Code, 21484
grounds for which certification or registration may be denied, 21485
suspended, or revoked and procedures for appealing the denial, 21486
suspension, or revocation. 21487

(D) Each person seeking certification or registration for 21488
employment shall apply in the manner established in rules 21489
adopted under this section. 21490

(E) (1) Except as provided in division (E) (2) of this 21491
section, the superintendent of each county board is responsible 21492

for taking all actions regarding certification and registration 21493
of employees, other than the position of superintendent, early 21494
intervention supervisor, early intervention specialist, or 21495
investigative agent. For the position of superintendent, early 21496
intervention supervisor, early intervention specialist, or 21497
investigative agent, the director of developmental disabilities 21498
is responsible for taking all such actions. 21499

Actions that may be taken by the superintendent or 21500
director include issuing, renewing, denying, suspending, and 21501
revoking certification and registration. All actions shall be 21502
taken in accordance with the rules adopted under this section. 21503

The superintendent may charge a fee to persons applying 21504
for certification or registration. The superintendent shall 21505
establish the amount of the fee according to the costs the 21506
county board incurs in administering its program for 21507
certification and registration of employees. 21508

A person subject to the denial, suspension, or revocation 21509
of certification or registration may appeal the decision. The 21510
appeal shall be made in accordance with the rules adopted under 21511
this section. 21512

(2) Pursuant to division (C) of section 5126.05 of the 21513
Revised Code, the superintendent may enter into a contract with 21514
any other entity under which the entity is given authority to 21515
carry out all or part of the superintendent's responsibilities 21516
under division (E) (1) of this section. 21517

(F) A person with valid certification or registration 21518
under this section on the effective date of any rules adopted 21519
under this section that increase the standards applicable to the 21520
certification or registration shall have such period as the 21521

rules prescribe, but not less than one year after the effective 21522
date of the rules, to meet the new certification or registration 21523
standards. 21524

(G) A person with valid certification or registration is 21525
qualified to be employed according to that certification or 21526
registration by any county board or entity contracting with a 21527
county board. 21528

(H) The director shall monitor county boards to ensure 21529
that their employees and the employees of their contracting 21530
entities have the applicable certification or registration 21531
required under this section and that the employees are 21532
performing only those functions they are authorized to perform 21533
under the certification or registration. The superintendent of 21534
each county board or the superintendent's designee shall 21535
maintain in appropriate personnel files evidence acceptable to 21536
the director that the employees have met the requirements. On 21537
request, representatives of the department of developmental 21538
disabilities shall be given access to the evidence. 21539

(I) The certification and registration requirements of 21540
this section and the rules adopted under it do not apply to 21541
either of the following: 21542

(1) A person who holds a valid license issued or 21543
certificate issued under Chapter 3319. of the Revised Code and 21544
performs no duties other than teaching or supervision of a 21545
teaching program; 21546

(2) A person who holds a valid license or certificate 21547
issued under Title XLVII of the Revised Code and performs only 21548
those duties governed by the license or certificate. 21549

(J) The director shall issue a certification or 21550

registration in accordance with Chapter 4796. of the Revised 21551
Code to a person if either of the following applies: 21552

(1) The person holds a license, certification, or 21553
registration in another state. 21554

(2) The person has satisfactory work experience, a 21555
government certification, or a private certification as 21556
described in that chapter in a state that does not issue that 21557
license, certification, or registration. 21558

Sec. 5902.02. The duties of the director of veterans 21559
services shall include the following: 21560

(A) Furnishing the veterans service commissions of all 21561
counties of the state copies of the state laws, rules, and 21562
legislation relating to the operation of the commissions and 21563
their offices; 21564

(B) Upon application, assisting the general public in 21565
obtaining records of vital statistics pertaining to veterans or 21566
their dependents; 21567

(C) Adopting rules pursuant to Chapter 119. of the Revised 21568
Code pertaining to minimum qualifications for hiring, 21569
certifying, and accrediting county veterans service officers, 21570
pertaining to their required duties, and pertaining to 21571
revocation of the certification of county veterans service 21572
officers; 21573

(D) Adopting rules pursuant to Chapter 119. of the Revised 21574
Code for the education, training, certification, and duties of 21575
veterans service commissioners and for the revocation of the 21576
certification of a veterans service commissioner; 21577

(E) Developing and monitoring programs and agreements 21578

enhancing employment and training for veterans in single or 21579
multiple county areas; 21580

(F) Developing and monitoring programs and agreements to 21581
enable county veterans service commissions to address 21582
homelessness, indigency, and other veteran-related issues 21583
individually or jointly; 21584

(G) Developing and monitoring programs and agreements to 21585
enable state agencies, individually or jointly, that provide 21586
services to veterans, including the veterans' homes operated 21587
under Chapter 5907. of the Revised Code and the director of job 21588
and family services, to address homelessness, indigency, 21589
employment, and other veteran-related issues; 21590

(H) Establishing and providing statistical reporting 21591
formats and procedures for county veterans service commissions; 21592

(I) Publishing electronically a listing of county veterans 21593
service offices and county veterans service commissioners. The 21594
listing shall include the expiration dates of commission 21595
members' terms of office and the organizations they represent; 21596
the names, addresses, and telephone numbers of county veterans 21597
service offices; and the addresses and telephone numbers of the 21598
Ohio offices and headquarters of state and national veterans 21599
service organizations. 21600

(J) Establishing a veterans advisory committee to advise 21601
and assist the department of veterans services in its duties. 21602
Members shall include a member of the national guard association 21603
of the United States who is a resident of this state, a member 21604
of the military officers association of America who is a 21605
resident of this state, a state representative of 21606
congressionally chartered veterans organizations referred to in 21607

section 5901.02 of the Revised Code, a representative of any 21608
other congressionally chartered state veterans organization that 21609
has at least one veterans service commissioner in the state, 21610
three representatives of the Ohio state association of county 21611
veterans service commissioners, who shall have a combined vote 21612
of one, three representatives of the state association of county 21613
veterans service officers, who shall have a combined vote of 21614
one, one representative of the county commissioners association 21615
of Ohio, who shall be a county commissioner not from the same 21616
county as any of the other county representatives, a 21617
representative of the advisory committee on women veterans, a 21618
representative of a labor organization, and a representative of 21619
the office of the attorney general. The department of veterans 21620
services shall submit to the advisory committee proposed rules 21621
for the committee's operation. The committee may review and 21622
revise these proposed rules prior to submitting them to the 21623
joint committee on agency rule review. 21624

(K) Adopting, with the advice and assistance of the 21625
veterans advisory committee, policy and procedural guidelines 21626
that the veterans service commissions shall adhere to in the 21627
development and implementation of rules, policies, procedures, 21628
and guidelines for the administration of Chapter 5901. of the 21629
Revised Code. The department of veterans services shall adopt no 21630
guidelines or rules regulating the purposes, scope, duration, or 21631
amounts of financial assistance provided to applicants pursuant 21632
to sections 5901.01 to 5901.15 of the Revised Code. The director 21633
of veterans services may obtain opinions from the office of the 21634
attorney general regarding rules, policies, procedures, and 21635
guidelines of the veterans service commissions and may enforce 21636
compliance with Chapter 5901. of the Revised Code. 21637

(L) Receiving copies of form DD214 filed in accordance 21638

with the director's guidelines adopted under division (L) of 21639
this section from members of veterans service commissions 21640
appointed under section 5901.02 and from county veterans service 21641
officers employed under section 5901.07 of the Revised Code; 21642

(M) Developing and maintaining and improving a resource, 21643
such as a telephone answering point or a web site, by means of 21644
which veterans and their dependents, through a single portal, 21645
can access multiple sources of information and interaction with 21646
regard to the rights of, and the benefits available to, veterans 21647
and their dependents. The director of veterans services may 21648
enter into agreements with state and federal agencies, with 21649
agencies of political subdivisions, with state and local 21650
instrumentalities, and with private entities as necessary to 21651
make the resource as complete as is possible. 21652

(N) Planning, organizing, advertising, and conducting 21653
outreach efforts, such as conferences and fairs, at which 21654
veterans and their dependents may meet, learn about the 21655
organization and operation of the department of veterans 21656
services and of veterans service commissions, and obtain 21657
information about the rights of, and the benefits and services 21658
available to, veterans and their dependents; 21659

(O) Advertising, in print, on radio and television, and 21660
otherwise, the rights of, and the benefits and services 21661
available to, veterans and their dependents; 21662

(P) Developing and advocating improved benefits and 21663
services for, and improved delivery of benefits and services to, 21664
veterans and their dependents; 21665

(Q) Searching for, identifying, and reviewing statutory 21666
and administrative policies that relate to veterans and their 21667

dependents and reporting to the general assembly statutory and 21668
administrative policies that should be consolidated in whole or 21669
in part within the organization of the department of veterans 21670
services to unify funding, delivery, and accounting of statutory 21671
and administrative policy expressions that relate particularly 21672
to veterans and their dependents; 21673

(R) Encouraging veterans service commissions to innovate 21674
and otherwise to improve efficiency in delivering benefits and 21675
services to veterans and their dependents and to report 21676
successful innovations and efficiencies to the director of 21677
veterans services; 21678

(S) Publishing and encouraging adoption of successful 21679
innovations and efficiencies veterans service commissions have 21680
achieved in delivering benefits and services to veterans and 21681
their dependents; 21682

(T) Establishing advisory committees, in addition to the 21683
veterans advisory committee established under division (K) of 21684
this section, on veterans issues; 21685

(U) Developing and maintaining a relationship with the 21686
United States department of veterans affairs, seeking optimal 21687
federal benefits and services for Ohio veterans and their 21688
dependents, and encouraging veterans service commissions to 21689
maximize the federal benefits and services to which veterans and 21690
their dependents are entitled; 21691

(V) Developing and maintaining relationships with the 21692
several veterans organizations, encouraging the organizations in 21693
their efforts at assisting veterans and their dependents, and 21694
advocating for adequate state subsidization of the 21695
organizations; 21696

(W) Requiring the several veterans organizations that	21697
receive funding from the state annually, not later than the	21698
thirtieth day of July, to report to the director of veterans	21699
services and prescribing the form and content of the report;	21700
(X) Reviewing the reports submitted to the director under	21701
division (W) of this section within thirty days of receipt and	21702
informing the veterans organization of any deficiencies that	21703
exist in the organization's report and that funding will not be	21704
released until the deficiencies have been corrected and a	21705
satisfactory report submitted;	21706
(Y) Releasing funds and processing payments to veterans	21707
organizations when a report submitted to the director under	21708
division (W) of this section has been reviewed and determined to	21709
be satisfactory;	21710
(Z) Furnishing copies of all reports that the director of	21711
veterans services has determined have been submitted	21712
satisfactorily under division (W) of this section to the	21713
chairperson of the finance committees of the general assembly;	21714
(AA) Investigating complaints against county veterans	21715
services commissioners and county veterans service officers if	21716
the director reasonably believes the investigation to be	21717
appropriate and necessary;	21718
(BB) Developing and maintaining a web site that is	21719
accessible by veterans and their dependents and provides a link	21720
to the web site of each state agency that issues a license,	21721
certificate, or other authorization permitting an individual to	21722
engage in an occupation or occupational activity;	21723
(CC) Encouraging state agencies to conduct outreach	21724
efforts through which veterans and their dependents can learn	21725

about available job and education benefits;	21726
(DD) Informing state agencies about changes in statutes and rules that affect veterans and their dependents;	21727 21728
(EE) Assisting licensing agencies in adopting rules under section 5903.03 of the Revised Code;	21729 21730
(FF) Administering the provision of grants from the military injury relief fund under section 5902.05 of the Revised Code;	21731 21732 21733
(GG) <u>Issuing a county veterans service officer certification or county veterans service commissioner certification in accordance with Chapter 4796. of the Revised Code to an applicant if the applicant holds a license or certification in another state or the applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a county veterans service officer or county veterans service commissioner, or in a position that is the equivalent to county veterans service officer or county veterans service commissioner, in a state that does not issue that license or certification;</u>	21734 21735 21736 21737 21738 21739 21740 21741 21742 21743 21744
(HH) Taking any other actions required by this chapter.	21745
Sec. 5903.04. Each licensing agency shall adopt rules under Chapter 119. of the Revised Code to establish and implement all of the following:	21746 21747 21748
(A) A process to obtain from each applicant documentation and additional information necessary to determine if the applicant is a service member or veteran, or the spouse or surviving spouse of a service member or veteran;	21749 21750 21751 21752
(B) A process to record, track, and monitor applications	21753

that have been received from a service member, veteran, or the spouse or surviving spouse of a service member or veteran; and

(C) A process to prioritize and expedite certification or licensing for each applicant who is a service member, veteran, or the spouse or a surviving spouse of a service member or veteran.

In establishing these processes, the licensing agency shall include any special accommodations that may be appropriate for applicants facing imminent deployment, and for applicants for a temporary license or certificate under division ~~(D)~~(C) of section 4743.04 of the Revised Code.

Sec. 6109.04. (A) The director of environmental protection shall administer and enforce this chapter and rules adopted under it.

(B) The director shall adopt, amend, and rescind such rules in accordance with Chapter 119. of the Revised Code as may be necessary or desirable to do both of the following:

(1) Govern public water systems in order to protect the public health;

(2) Govern public water systems to protect the public welfare, including rules governing contaminants in water that may adversely affect the suitability of the water for its intended uses or that may otherwise adversely affect the public health or welfare.

(C) The director may do any or all of the following:

(1) Adopt, amend, and rescind such rules in accordance with Chapter 119. of the Revised Code as may be necessary or desirable to do any or all of the following:

(a) Govern the granting of variances and exemptions from rules adopted under this chapter, subject to requirements of the Safe Drinking Water Act;	21782 21783 21784
(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;	21785 21786 21787 21788 21789 21790
(c) Carry out the powers and duties of the director under this chapter.	21791 21792
(2) Provide a program for the general supervision of operation and maintenance of public water systems;	21793 21794
(3) Maintain an inventory of public water systems;	21795
(4) Adopt and implement a program for conducting sanitary surveys of public water systems;	21796 21797
(5) Establish and maintain a system of record keeping and reporting of activities of the environmental protection agency under this chapter;	21798 21799 21800
(6) Establish and maintain a program for the certification of laboratories conducting analyses of drinking water;	21801 21802
(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.	21803 21804 21805 21806 21807
(D) Before adopting, amending, or rescinding a rule authorized by this chapter, the director shall do all of the	21808 21809

following: 21810

(1) Mail notice to each statewide organization that the 21811
director determines represents persons who would be affected by 21812
the proposed rule, amendment, or rescission at least thirty-five 21813
days before any public hearing thereon; 21814

(2) Mail a copy of each proposed rule, amendment, or 21815
rescission to any person who requests a copy, within five days 21816
after receipt of the request; 21817

(3) Consult with appropriate state and local government 21818
agencies or their representatives, including statewide 21819
organizations of local government officials, industrial 21820
representatives, and other interested persons. 21821

Although the director is expected to discharge these 21822
duties diligently, failure to mail any such notice or copy or to 21823
consult with any person does not invalidate any proceeding or 21824
action of the director. 21825

(E) The director shall issue a certification as an 21826
operator of a public water system in accordance with Chapter 21827
4796. of the Revised Code to an applicant if either of the 21828
following applies: 21829

(1) The applicant holds a certification or license in 21830
another state. 21831

(2) The applicant has satisfactory work experience, a 21832
government certification, or a private certification as 21833
described in that chapter as an operator of a public water 21834
system in a state that does not issue that certification or 21835
license. 21836

Sec. 6111.46. (A) The environmental protection agency 21837

shall exercise general supervision of the treatment and disposal 21838
of sewage and industrial wastes and the operation and 21839
maintenance of works or means installed for the collection, 21840
treatment, and disposal of sewage and industrial wastes. Such 21841
general supervision shall apply to all features of construction, 21842
operation, and maintenance of the works or means that do or may 21843
affect the proper treatment and disposal of sewage and 21844
industrial wastes. 21845

(B) (1) The agency shall investigate the works or means 21846
employed in the collection, treatment, and disposal of sewage 21847
and industrial wastes whenever considered necessary or whenever 21848
requested to do so by local health officials and may issue and 21849
enforce orders and shall adopt rules governing the operation and 21850
maintenance of the works or means of treatment and disposal of 21851
such sewage and industrial wastes. In adopting rules under this 21852
section, the agency shall establish standards governing the 21853
construction, operation, and maintenance of the works or means 21854
of collection, treatment, and disposal of sewage that is 21855
generated at recreational vehicle parks, recreation camps, 21856
combined park-camps, and temporary park-camps that are separate 21857
from such standards relative to manufactured home parks. 21858

(2) As used in division (B) (1) of this section: 21859

(a) "Manufactured home parks" has the same meaning as in 21860
section 4781.01 of the Revised Code. 21861

(b) "Recreational vehicle parks," "recreation camps," 21862
"combined park-camps," and "temporary park-camps" have the same 21863
meanings as in section 3729.01 of the Revised Code. 21864

(C) The agency may require the submission of records and 21865
data of construction, operation, and maintenance, including 21866

plans and descriptions of existing works or means of treatment 21867
and disposal of such sewage and industrial wastes. When the 21868
agency requires the submission of such records or information, 21869
the public officials or person, firm, or corporation having the 21870
works in charge shall comply promptly with that order. 21871

(D) If the agency issues a license pursuant to the 21872
authority granted under this section, the agency shall issue the 21873
license in accordance with Chapter 4796. of the Revised Code to 21874
an applicant if either of the following applies: 21875

(1) The applicant holds a license in another state. 21876

(2) The applicant has satisfactory work experience, a 21877
government certification, or a private certification as 21878
described in that chapter in a state that does not issue that 21879
license. 21880

Section 3. That existing sections 109.73, 109.77, 109.771, 21881
109.78, 109.804, 147.01, 147.63, 169.16, 173.21, 173.391, 21882
173.422, 503.41, 715.27, 903.07, 905.321, 917.09, 917.091, 21883
921.06, 921.11, 921.12, 921.24, 921.26, 926.30, 928.02, 943.09, 21884
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4729.901, 4729.921, 4730.10, 4731.151, 4731.19, 4731.291, 21909
4731.293, 4731.294, 4731.295, 4731.297, 4731.299, 4731.30, 21910
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4759.05, 4759.06, 4760.03, 4760.031, 4761.04, 4761.05, 4762.03, 21920
4763.05, 4764.10, 4765.10, 4765.11, 4765.30, 4765.55, 4767.031, 21921
4771.08, 4773.03, 4774.03, 4775.07, 4778.03, 4778.08, 4778.09, 21922
4779.17, 4779.18, 4781.07, 4781.08, 4781.17, 4783.04, 5123.161, 21923
5123.45, 5126.25, 5902.02, 5903.04, 6109.04, and 6111.46 of the 21924
Revised Code are hereby repealed. 21925

Section 4. That sections 921.08, 1322.24, 3905.081, 21926
4707.12, 4740.08, and 4757.25 of the Revised Code are hereby 21927

repealed. 21928

Section 5. That the version of section 3319.22 of the 21929
Revised Code that is scheduled to take effect April 12, 2023, be 21930
amended to read as follows: 21931

Sec. 3319.22. (A) (1) The state board of education shall 21932
issue the following educator licenses: 21933

(a) A resident educator license, which shall be valid for 21934
two years and shall be renewable for reasons specified by rules 21935
adopted by the state board pursuant to division (A) (3) of this 21936
section. The state board, on a case-by-case basis, may extend 21937
the license's duration as necessary to enable the license holder 21938
to complete the Ohio teacher residency program established under 21939
section 3319.223 of the Revised Code; 21940

(b) A professional educator license, which shall be valid 21941
for five years and shall be renewable; 21942

(c) A senior professional educator license, which shall be 21943
valid for five years and shall be renewable; 21944

(d) A lead professional educator license, which shall be 21945
valid for five years and shall be renewable. 21946

Licenses issued under division (A) (1) of this section on 21947
and after November 2, 2018, shall specify whether the educator 21948
is licensed to teach grades pre-kindergarten through five, 21949
grades four through nine, or grades seven through twelve. The 21950
changes to the grade band specifications under this amendment 21951
shall not apply to a person who holds a license under division 21952
(A) (1) of this section prior to November 2, 2018. Further, the 21953
changes to the grade band specifications under this amendment 21954
shall not apply to any license issued to teach in the area of 21955
computer information science, bilingual education, dance, drama 21956

or theater, world language, health, library or media, music, 21957
physical education, teaching English to speakers of other 21958
languages, career-technical education, or visual arts or to any 21959
license issued to an intervention specialist, including a gifted 21960
intervention specialist, or to any other license that does not 21961
align to the grade band specifications. 21962

(2) The state board may issue any additional educator 21963
licenses of categories, types, and levels the board elects to 21964
provide. 21965

(3) ~~The Except as provided in division (I) of this~~ 21966
~~section, the~~ state board shall adopt rules establishing the 21967
standards and requirements for obtaining each educator license 21968
issued under this section. The rules shall also include the 21969
reasons for which a resident educator license may be renewed 21970
under division (A) (1) (a) of this section. 21971

(B) ~~The Except as provided in division (I) of this~~ 21972
~~section, the~~ rules adopted under this section shall require at 21973
least the following standards and qualifications for the 21974
educator licenses described in division (A) (1) of this section: 21975

(1) An applicant for a resident educator license shall 21976
hold at least a bachelor's degree from an accredited teacher 21977
preparation program or be a participant in the teach for America 21978
program and meet the qualifications required under section 21979
3319.227 of the Revised Code. 21980

(2) An applicant for a professional educator license 21981
shall: 21982

(a) Hold at least a bachelor's degree from an institution 21983
of higher education accredited by a regional accrediting 21984
organization; 21985

(b) Have successfully completed the Ohio teacher residency program established under section 3319.223 of the Revised Code,	21986
if the applicant's current or most recently issued license is a	21987
resident educator license issued under this section or an	21988
alternative resident educator license issued under section	21989
3319.26 of the Revised Code.	21990
	21991
(3) An applicant for a senior professional educator	21992
license shall:	21993
(a) Hold at least a master's degree from an institution of	21994
higher education accredited by a regional accrediting	21995
organization;	21996
(b) Have previously held a professional educator license	21997
issued under this section or section 3319.222 or under former	21998
section 3319.22 of the Revised Code;	21999
(c) Meet the criteria for the accomplished or	22000
distinguished level of performance, as described in the	22001
standards for teachers adopted by the state board under section	22002
3319.61 of the Revised Code.	22003
(4) An applicant for a lead professional educator license	22004
shall:	22005
(a) Hold at least a master's degree from an institution of	22006
higher education accredited by a regional accrediting	22007
organization;	22008
(b) Have previously held a professional educator license	22009
or a senior professional educator license issued under this	22010
section or a professional educator license issued under section	22011
3319.222 or former section 3319.22 of the Revised Code;	22012
(c) Meet the criteria for the distinguished level of	22013

performance, as described in the standards for teachers adopted 22014
by the state board under section 3319.61 of the Revised Code; 22015

(d) Either hold a valid certificate issued by the national 22016
board for professional teaching standards or meet the criteria 22017
for a master teacher or other criteria for a lead teacher 22018
adopted by the educator standards board under division (F) (4) or 22019
(5) of section 3319.61 of the Revised Code. 22020

(C) The state board shall align the standards and 22021
qualifications for obtaining a principal license with the 22022
standards for principals adopted by the state board under 22023
section 3319.61 of the Revised Code. 22024

(D) If the state board requires any examinations for 22025
educator licensure, the department of education shall provide 22026
the results of such examinations received by the department to 22027
the chancellor of higher education, in the manner and to the 22028
extent permitted by state and federal law. 22029

(E) Any rules the state board of education adopts, amends, 22030
or rescinds for educator licenses under this section, division 22031
(D) of section 3301.07 of the Revised Code, or any other law 22032
shall be adopted, amended, or rescinded under Chapter 119. of 22033
the Revised Code except as follows: 22034

(1) Notwithstanding division (E) of section 119.03 and 22035
division (A) (1) of section 119.04 of the Revised Code, in the 22036
case of the adoption of any rule or the amendment or rescission 22037
of any rule that necessitates institutions' offering preparation 22038
programs for educators and other school personnel that are 22039
approved by the chancellor of higher education under section 22040
3333.048 of the Revised Code to revise the curriculum of those 22041
programs, the effective date shall not be as prescribed in 22042

division (E) of section 119.03 and division (A) (1) of section 22043
119.04 of the Revised Code. Instead, the effective date of such 22044
rules, or the amendment or rescission of such rules, shall be 22045
the date prescribed by section 3333.048 of the Revised Code. 22046

(2) Notwithstanding the authority to adopt, amend, or 22047
rescind emergency rules in division (G) of section 119.03 of the 22048
Revised Code, this authority shall not apply to the state board 22049
of education with regard to rules for educator licenses. 22050

(F) (1) The rules adopted under this section establishing 22051
standards requiring additional coursework for the renewal of any 22052
educator license shall require a school district and a chartered 22053
nonpublic school to establish local professional development 22054
committees. In a nonpublic school, the chief administrative 22055
officer shall establish the committees in any manner acceptable 22056
to such officer. The committees established under this division 22057
shall determine whether coursework that a district or chartered 22058
nonpublic school teacher proposes to complete meets the 22059
requirement of the rules. The department of education shall 22060
provide technical assistance and support to committees as the 22061
committees incorporate the professional development standards 22062
adopted by the state board of education pursuant to section 22063
3319.61 of the Revised Code into their review of coursework that 22064
is appropriate for license renewal. The rules shall establish a 22065
procedure by which a teacher may appeal the decision of a local 22066
professional development committee. 22067

(2) In any school district in which there is no exclusive 22068
representative established under Chapter 4117. of the Revised 22069
Code, the professional development committees shall be 22070
established as described in division (F) (2) of this section. 22071

Not later than the effective date of the rules adopted 22072

under this section, the board of education of each school 22073
district shall establish the structure for one or more local 22074
professional development committees to be operated by such 22075
school district. The committee structure so established by a 22076
district board shall remain in effect unless within thirty days 22077
prior to an anniversary of the date upon which the current 22078
committee structure was established, the board provides notice 22079
to all affected district employees that the committee structure 22080
is to be modified. Professional development committees may have 22081
a district-level or building-level scope of operations, and may 22082
be established with regard to particular grade or age levels for 22083
which an educator license is designated. 22084

Each professional development committee shall consist of 22085
at least three classroom teachers employed by the district, one 22086
principal employed by the district, and one other employee of 22087
the district appointed by the district superintendent. For 22088
committees with a building-level scope, the teacher and 22089
principal members shall be assigned to that building, and the 22090
teacher members shall be elected by majority vote of the 22091
classroom teachers assigned to that building. For committees 22092
with a district-level scope, the teacher members shall be 22093
elected by majority vote of the classroom teachers of the 22094
district, and the principal member shall be elected by a 22095
majority vote of the principals of the district, unless there 22096
are two or fewer principals employed by the district, in which 22097
case the one or two principals employed shall serve on the 22098
committee. If a committee has a particular grade or age level 22099
scope, the teacher members shall be licensed to teach such grade 22100
or age levels, and shall be elected by majority vote of the 22101
classroom teachers holding such a license and the principal 22102
shall be elected by all principals serving in buildings where 22103

any such teachers serve. The district superintendent shall 22104
appoint a replacement to fill any vacancy that occurs on a 22105
professional development committee, except in the case of 22106
vacancies among the elected classroom teacher members, which 22107
shall be filled by vote of the remaining members of the 22108
committee so selected. 22109

Terms of office on professional development committees 22110
shall be prescribed by the district board establishing the 22111
committees. The conduct of elections for members of professional 22112
development committees shall be prescribed by the district board 22113
establishing the committees. A professional development 22114
committee may include additional members, except that the 22115
majority of members on each such committee shall be classroom 22116
teachers employed by the district. Any member appointed to fill 22117
a vacancy occurring prior to the expiration date of the term for 22118
which a predecessor was appointed shall hold office as a member 22119
for the remainder of that term. 22120

The initial meeting of any professional development 22121
committee, upon election and appointment of all committee 22122
members, shall be called by a member designated by the district 22123
superintendent. At this initial meeting, the committee shall 22124
select a chairperson and such other officers the committee deems 22125
necessary, and shall adopt rules for the conduct of its 22126
meetings. Thereafter, the committee shall meet at the call of 22127
the chairperson or upon the filing of a petition with the 22128
district superintendent signed by a majority of the committee 22129
members calling for the committee to meet. 22130

(3) In the case of a school district in which an exclusive 22131
representative has been established pursuant to Chapter 4117. of 22132
the Revised Code, professional development committees shall be 22133

established in accordance with any collective bargaining 22134
agreement in effect in the district that includes provisions for 22135
such committees. 22136

If the collective bargaining agreement does not specify a 22137
different method for the selection of teacher members of the 22138
committees, the exclusive representative of the district's 22139
teachers shall select the teacher members. 22140

If the collective bargaining agreement does not specify a 22141
different structure for the committees, the board of education 22142
of the school district shall establish the structure, including 22143
the number of committees and the number of teacher and 22144
administrative members on each committee; the specific 22145
administrative members to be part of each committee; whether the 22146
scope of the committees will be district levels, building 22147
levels, or by type of grade or age levels for which educator 22148
licenses are designated; the lengths of terms for members; the 22149
manner of filling vacancies on the committees; and the frequency 22150
and time and place of meetings. However, in all cases, except as 22151
provided in division (F)(4) of this section, there shall be a 22152
majority of teacher members of any professional development 22153
committee, there shall be at least five total members of any 22154
professional development committee, and the exclusive 22155
representative shall designate replacement members in the case 22156
of vacancies among teacher members, unless the collective 22157
bargaining agreement specifies a different method of selecting 22158
such replacements. 22159

(4) Whenever an administrator's coursework plan is being 22160
discussed or voted upon, the local professional development 22161
committee shall, at the request of one of its administrative 22162
members, cause a majority of the committee to consist of 22163

administrative members by reducing the number of teacher members 22164
voting on the plan. 22165

(G) (1) The department of education, educational service 22166
centers, county boards of developmental disabilities, college 22167
and university departments of education, head start programs, 22168
and the Ohio education computer network may establish local 22169
professional development committees to determine whether the 22170
coursework proposed by their employees who are licensed or 22171
certificated under this section or section 3319.222 of the 22172
Revised Code, or under the former version of either section as 22173
it existed prior to October 16, 2009, meet the requirements of 22174
the rules adopted under this section. They may establish local 22175
professional development committees on their own or in 22176
collaboration with a school district or other agency having 22177
authority to establish them. 22178

Local professional development committees established by 22179
county boards of developmental disabilities shall be structured 22180
in a manner comparable to the structures prescribed for school 22181
districts in divisions (F) (2) and (3) of this section, as shall 22182
the committees established by any other entity specified in 22183
division (G) (1) of this section that provides educational 22184
services by employing or contracting for services of classroom 22185
teachers licensed or certificated under this section or section 22186
3319.222 of the Revised Code, or under the former version of 22187
either section as it existed prior to October 16, 2009. All 22188
other entities specified in division (G) (1) of this section 22189
shall structure their committees in accordance with guidelines 22190
which shall be issued by the state board. 22191

(2) Educational service centers may establish local 22192
professional development committees to serve educators who are 22193

not employed in schools in this state, including pupil services 22194
personnel who are licensed under this section. Local 22195
professional development committees shall be structured in a 22196
manner comparable to the structures prescribed for school 22197
districts in divisions (F) (2) and (3) of this section. 22198

These committees may agree to review the coursework, 22199
continuing education units, or other equivalent activities 22200
related to classroom teaching or the area of licensure that is 22201
proposed by an individual who satisfies both of the following 22202
conditions: 22203

(a) The individual is licensed or certificated under this 22204
section or under the former version of this section as it 22205
existed prior to October 16, 2009. 22206

(b) The individual is not currently employed as an 22207
educator or is not currently employed by an entity that operates 22208
a local professional development committee under this section. 22209

Any committee that agrees to work with such an individual 22210
shall work to determine whether the proposed coursework, 22211
continuing education units, or other equivalent activities meet 22212
the requirements of the rules adopted by the state board under 22213
this section. 22214

(3) Any public agency that is not specified in division 22215
(G) (1) or (2) of this section but provides educational services 22216
and employs or contracts for services of classroom teachers 22217
licensed or certificated under this section or section 3319.222 22218
of the Revised Code, or under the former version of either 22219
section as it existed prior to October 16, 2009, may establish a 22220
local professional development committee, subject to the 22221
approval of the department of education. The committee shall be 22222

structured in accordance with guidelines issued by the state 22223
board. 22224

(H) Not later than July 1, 2016, the state board, in 22225
accordance with Chapter 119. of the Revised Code, shall adopt 22226
rules pursuant to division (A) (3) of this section that do both 22227
of the following: 22228

(1) Exempt consistently high-performing teachers from the 22229
requirement to complete any additional coursework for the 22230
renewal of an educator license issued under this section or 22231
section 3319.26 of the Revised Code. The rules also shall 22232
specify that such teachers are exempt from any requirements 22233
prescribed by professional development committees established 22234
under divisions (F) and (G) of this section. 22235

(2) For purposes of division (H) (1) of this section, the 22236
state board shall define the term "consistently high-performing 22237
teacher." 22238

(I) The state board shall issue a resident educator 22239
license, professional educator license, senior professional 22240
educator license, lead professional educator license, or any 22241
other educator license in accordance with Chapter 4796. of the 22242
Revised Code to an applicant if either of the following applies: 22243

(1) The applicant holds a license in another state. 22244

(2) The applicant has satisfactory work experience, a 22245
government certification, or a private certification as 22246
described in that chapter as a resident educator, professional 22247
educator, senior professional educator, lead professional 22248
educator, or any other type of educator in a state that does not 22249
issue one or more of those licenses. 22250

Section 6. That the existing version of section 3319.22 of 22251

the Revised Code that is scheduled to take effect April 12, 22252
2023, is hereby repealed. 22253

Section 7. Sections 1, 2, 3, and 4 of this act, except for 22254
the enactment of section 4796.18 of the Revised Code in Section 22255
1 of this act, take effect ninety days after the effective date 22256
of this section. 22257

Sections 5 and 6 of this act take effect April 12, 2023. 22258

Section 8. The General Assembly, applying the principle 22259
stated in division (B) of section 1.52 of the Revised Code that 22260
amendments are to be harmonized if reasonably capable of 22261
simultaneous operation, finds that the the following sections, 22262
presented in this act as composites of the sections as amended 22263
by the acts indicated, are the resulting versions of the section 22264
in effect prior to the effective date of the sections as 22265
presented in this act: 22266

Section 109.73 of the Revised Code as amended by both H.B. 22267
24 and S.B. 68 of the 133rd General Assembly. 22268

Section 3319.22 of the Revised Code as amended by both 22269
H.B. 438 and S.B. 216 of the 132nd General Assembly. 22270

Section 3905.85 of the Revised Code as amended by both 22271
H.B. 263 and H.B. 339 of the 133rd General Assembly. 22272

Section 4701.06 of the Revised Code as amended by both 22273
H.B. 263 and H.B. 442 of the 133rd General Assembly. 22274

Section 4715.09 of the Revised Code as amended by both 22275
H.B. 541 and S.B. 259 of the 132nd General Assembly. 22276

Section 4731.19 of the Revised Code as amended by both 22277
H.B. 263 and H.B. 442 of the 133rd General Assembly. 22278

Section 4779.18 of the Revised Code as amended by both	22279
H.B. 263 and S.B. 68 of the 133rd General Assembly.	22280
Section 5123.45 of the Revised Code as amended by both	22281
H.B. 158 and H.B. 483 of the 131st General Assembly.	22282