

As Introduced

**131st General Assembly
Regular Session
2015-2016**

H. B. No. 617

Representative LaTourette

A BILL

To amend sections 109.572, 119.06, 121.22, 122.071, 1
125.22, 2135.01, 2305.113, 3313.608, 3701.83, 2
4723.05, 4725.01, 4725.02, 4725.09, 4725.091, 3
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4732.141, 4732.142, 4732.151, 4732.16, 4732.17, 15
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4743.05, 4745.02, 4747.04, 4747.05, 4747.06, 19
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4779.11, 4779.12, 4779.13, 4779.15, 4779.17,	52
4779.18, 4779.20, 4779.23, 4779.24, 4779.25,	53
4779.26, 4779.27, 4779.30, 4779.32, 4779.33,	54
4779.34, 4783.03, 4783.04, 4783.05, 4783.09,	55
4783.10, 4783.11, 4783.12, 4783.13, 5119.94,	56

5120.55, 5122.01, and 5123.46, to enact sections 57
125.92, 4729.021, 4744.02, 4744.04, 4744.041, 58
4744.06, 4744.10, 4744.12, 4744.14, 4744.16, 59
4744.18, 4744.20, 4744.24, 4744.28, 4744.30, 60
4744.36, 4744.40, 4744.48, 4744.50, 4744.54, 61
4745.021, 4747.051, 4753.061, 4758.242, 62
4759.011, and 4761.011, and to repeal sections 63
4725.03, 4725.04, 4725.05, 4725.06, 4725.07, 64
4725.08, 4725.42, 4725.43, 4725.45, 4725.46, 65
4725.47, 4732.02, 4732.021, 4732.03, 4732.05, 66
4732.06, 4732.07, 4732.08, 4747.03, 4753.03, 67
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4757.06, 4757.07, 4757.11, 4758.10, 4758.11, 69
4758.12, 4758.13, 4758.15, 4758.16, 4758.17, 70
4758.18, 4758.23, 4759.03, 4759.04, 4761.02, 71
4779.05, 4779.06, 4779.07, 4779.16, 4779.21, and 72
4779.22 of the Revised Code to require the 73
Director of Administrative Services to review 74
referred agency actions and determine whether 75
they are consistent with state and federal 76
antitrust law; to create the State Vision and 77
Hearing Professionals Board, the State 78
Behavioral Health Professionals Board, and the 79
State Physical Health Services Board; to abolish 80
the State Board of Optometry, the Ohio Optical 81
Dispensers Board, the Hearing Aid Dealers and 82
Fitters Licensing Board, and the Board of 83
Speech-Language Pathology and Audiology and 84
transfer those boards' duties to the State 85
Vision and Hearing Professionals Board; to 86
abolish the Chemical Dependency Professionals 87
Board, the Counselor, Social Worker, and 88

Marriage and Family Therapist Board, and the 89
State Board of Psychology and transfer those 90
boards' duties to the State Behavioral Health 91
Professionals Board; to abolish the Ohio 92
Occupational Therapy, Physical Therapy, and 93
Athletic Trainers Board and the State Board of 94
Orthotics, Prosthetics, and Pedorthics and 95
transfer those boards' duties to the State 96
Physical Health Services Board; to abolish the 97
Ohio Board of Dietetics and transfer its duties 98
to the State Medical Board; to abolish the Ohio 99
Respiratory Care Board and transfer its duties 100
to the State Board of Pharmacy and the State 101
Medical Board; to make other changes regarding 102
licensing and regulating certain health 103
professionals; and to make an appropriation. 104

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

Section 1. That sections 109.572, 119.06, 121.22, 122.071, 105
125.22, 2135.01, 2305.113, 3313.608, 3701.83, 4723.05, 4725.01, 106
4725.02, 4725.09, 4725.091, 4725.092, 4725.10, 4725.11, 4725.12, 107
4725.121, 4725.13, 4725.15, 4725.16, 4725.17, 4725.171, 4725.18, 108
4725.19, 4725.20, 4725.21, 4725.22, 4725.23, 4725.24, 4725.26, 109
4725.27, 4725.28, 4725.29, 4725.31, 4725.33, 4725.34, 4725.40, 110
4725.41, 4725.411, 4725.44, 4725.48, 4725.49, 4725.50, 4725.501, 111
4725.51, 4725.52, 4725.53, 4725.531, 4725.54, 4725.55, 4725.57, 112
4725.61, 4729.85, 4731.051, 4731.07, 4731.071, 4731.224, 113
4731.24, 4731.25, 4732.01, 4732.09, 4732.091, 4732.10, 4732.11, 114
4732.12, 4732.13, 4732.14, 4732.141, 4732.142, 4732.151, 115

4732.16, 4732.17, 4732.171, 4732.172, 4732.173, 4732.18,	116
4732.21, 4732.22, 4732.221, 4732.24, 4732.25, 4732.26, 4732.27,	117
4732.28, 4732.31, 4732.32, 4732.33, 4743.05, 4745.02, 4747.04,	118
4747.05, 4747.06, 4747.07, 4747.08, 4747.10, 4747.11, 4747.12,	119
4747.13, 4747.14, 4747.16, 4747.17, 4752.01, 4752.03, 4752.04,	120
4752.05, 4752.06, 4752.08, 4752.09, 4752.11, 4752.12, 4752.13,	121
4752.14, 4752.15, 4752.17, 4752.18, 4752.19, 4752.20, 4753.05,	122
4753.06, 4753.07, 4753.071, 4753.072, 4753.073, 4753.08,	123
4753.09, 4753.091, 4753.10, 4753.101, 4753.11, 4753.12, 4753.15,	124
4753.16, 4755.02, 4755.03, 4755.031, 4755.06, 4755.061, 4755.07,	125
4755.08, 4755.09, 4755.10, 4755.11, 4755.111, 4755.12, 4755.41,	126
4755.411, 4755.412, 4755.42, 4755.421, 4755.43, 4755.431,	127
4755.44, 4755.441, 4755.45, 4755.451, 4755.46, 4755.47,	128
4755.471, 4755.482, 4755.51, 4755.511, 4755.52, 4755.53,	129
4755.61, 4755.62, 4755.63, 4755.64, 4755.65, 4755.66, 4755.70,	130
4755.71, 4755.99, 4757.10, 4757.101, 4757.13, 4757.15, 4757.16,	131
4757.17, 4757.18, 4757.19, 4757.22, 4757.23, 4757.27, 4757.28,	132
4757.29, 4757.30, 4757.301, 4757.31, 4757.32, 4757.321, 4757.33,	133
4757.34, 4757.36, 4757.361, 4757.37, 4757.38, 4757.39, 4757.40,	134
4757.41, 4757.44, 4757.45, 4758.20, 4758.21, 4758.22, 4758.221,	135
4758.24, 4758.241, 4758.25, 4758.26, 4758.27, 4758.28, 4758.29,	136
4758.30, 4758.31, 4758.32, 4758.35, 4758.36, 4758.47, 4758.51,	137
4758.52, 4758.72, 4759.02, 4759.05, 4759.06, 4759.061, 4759.07,	138
4759.08, 4759.09, 4759.10, 4759.11, 4759.12, 4761.03, 4761.031,	139
4761.04, 4761.05, 4761.051, 4761.06, 4761.07, 4761.08, 4761.09,	140
4761.10, 4761.11, 4761.12, 4761.13, 4761.14, 4761.18, 4776.01,	141
4779.02, 4779.08, 4779.09, 4779.091, 4779.10, 4779.11, 4779.12,	142
4779.13, 4779.15, 4779.17, 4779.18, 4779.20, 4779.23, 4779.24,	143
4779.25, 4779.26, 4779.27, 4779.30, 4779.32, 4779.33, 4779.34,	144
4783.03, 4783.04, 4783.05, 4783.09, 4783.10, 4783.11, 4783.12,	145
4783.13, 5119.94, 5120.55, 5122.01, and 5123.46 be amended and	146
sections 125.92, 4729.021, 4744.02, 4744.04, 4744.041, 4744.06,	147

4744.10, 4744.12, 4744.14, 4744.16, 4744.18, 4744.20, 4744.24, 148
4744.28, 4744.30, 4744.36, 4744.40, 4744.48, 4744.50, 4744.54, 149
4745.021, 4747.051, 4753.061, 4758.242, 4759.011, and 4761.011 150
of the Revised Code be enacted to read as follows: 151

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 152
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 153
Code, a completed form prescribed pursuant to division (C) (1) of 154
this section, and a set of fingerprint impressions obtained in 155
the manner described in division (C) (2) of this section, the 156
superintendent of the bureau of criminal identification and 157
investigation shall conduct a criminal records check in the 158
manner described in division (B) of this section to determine 159
whether any information exists that indicates that the person 160
who is the subject of the request previously has been convicted 161
of or pleaded guilty to any of the following: 162

(a) A violation of section 2903.01, 2903.02, 2903.03, 163
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 164
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 165
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 166
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 167
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 168
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 169
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 170
sexual penetration in violation of former section 2907.12 of the 171
Revised Code, a violation of section 2905.04 of the Revised Code 172
as it existed prior to July 1, 1996, a violation of section 173
2919.23 of the Revised Code that would have been a violation of 174
section 2905.04 of the Revised Code as it existed prior to July 175
1, 1996, had the violation been committed prior to that date, or 176
a violation of section 2925.11 of the Revised Code that is not a 177
minor drug possession offense; 178

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

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

(2) On receipt of a request pursuant to section 3712.09 or 3721.121 of the Revised Code, a completed form prescribed pursuant to division (C) (1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C) (2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person who has applied for employment in a position for which a criminal records check is required by those sections. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

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

(b) An existing or former law of this state, any other 209
state, or the United States that is substantially equivalent to 210
any of the offenses listed in division (A) (2) (a) of this 211
section. 212

(3) On receipt of a request pursuant to section 173.27, 213
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 214
5123.081, or 5123.169 of the Revised Code, a completed form 215
prescribed pursuant to division (C) (1) of this section, and a 216
set of fingerprint impressions obtained in the manner described 217
in division (C) (2) of this section, the superintendent of the 218
bureau of criminal identification and investigation shall 219
conduct a criminal records check of the person for whom the 220
request is made. The superintendent shall conduct the criminal 221
records check in the manner described in division (B) of this 222
section to determine whether any information exists that 223
indicates that the person who is the subject of the request 224
previously has been convicted of, has pleaded guilty to, or 225
(except in the case of a request pursuant to section 5164.34, 226
5164.341, or 5164.342 of the Revised Code) has been found 227
eligible for intervention in lieu of conviction for any of the 228
following, regardless of the date of the conviction, the date of 229
entry of the guilty plea, or (except in the case of a request 230
pursuant to section 5164.34, 5164.341, or 5164.342 of the 231
Revised Code) the date the person was found eligible for 232
intervention in lieu of conviction: 233

(a) A violation of section 959.13, 959.131, 2903.01, 234
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 235
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 236
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 237
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 238
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 239

2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02,	240
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02,	241
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05,	242
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42,	243
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48,	244
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12,	245
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03,	246
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321,	247
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123,	248
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02,	249
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11,	250
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36,	251
2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;	252
(b) Felonious sexual penetration in violation of former	253
section 2907.12 of the Revised Code;	254
(c) A violation of section 2905.04 of the Revised Code as	255
it existed prior to July 1, 1996;	256
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	257
the Revised Code when the underlying offense that is the object	258
of the conspiracy, attempt, or complicity is one of the offenses	259
listed in divisions (A) (3) (a) to (c) of this section;	260
(e) A violation of an existing or former municipal	261
ordinance or law of this state, any other state, or the United	262
States that is substantially equivalent to any of the offenses	263
listed in divisions (A) (3) (a) to (d) of this section.	264
(4) On receipt of a request pursuant to section 2151.86 of	265
the Revised Code, a completed form prescribed pursuant to	266
division (C) (1) of this section, and a set of fingerprint	267
impressions obtained in the manner described in division (C) (2)	268

of this section, the superintendent of the bureau of criminal 269
identification and investigation shall conduct a criminal 270
records check in the manner described in division (B) of this 271
section to determine whether any information exists that 272
indicates that the person who is the subject of the request 273
previously has been convicted of or pleaded guilty to any of the 274
following: 275

(a) A violation of section 959.13, 2903.01, 2903.02, 276
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 277
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 278
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 279
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 280
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 281
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 282
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 283
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 284
2927.12, or 3716.11 of the Revised Code, a violation of section 285
2905.04 of the Revised Code as it existed prior to July 1, 1996, 286
a violation of section 2919.23 of the Revised Code that would 287
have been a violation of section 2905.04 of the Revised Code as 288
it existed prior to July 1, 1996, had the violation been 289
committed prior to that date, a violation of section 2925.11 of 290
the Revised Code that is not a minor drug possession offense, 291
two or more OVI or OVUAC violations committed within the three 292
years immediately preceding the submission of the application or 293
petition that is the basis of the request, or felonious sexual 294
penetration in violation of former section 2907.12 of the 295
Revised Code; 296

(b) A violation of an existing or former law of this 297
state, any other state, or the United States that is 298
substantially equivalent to any of the offenses listed in 299

division (A) (4) (a) of this section. 300

(5) Upon receipt of a request pursuant to section 5104.013 301
of the Revised Code, a completed form prescribed pursuant to 302
division (C) (1) of this section, and a set of fingerprint 303
impressions obtained in the manner described in division (C) (2) 304
of this section, the superintendent of the bureau of criminal 305
identification and investigation shall conduct a criminal 306
records check in the manner described in division (B) of this 307
section to determine whether any information exists that 308
indicates that the person who is the subject of the request has 309
been convicted of or pleaded guilty to any of the following: 310

(a) A violation of section 2151.421, 2903.01, 2903.02, 311
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 312
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 313
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 314
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 315
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 316
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 317
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 318
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 319
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 320
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 321
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 322
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 323
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 324
3716.11 of the Revised Code, felonious sexual penetration in 325
violation of former section 2907.12 of the Revised Code, a 326
violation of section 2905.04 of the Revised Code as it existed 327
prior to July 1, 1996, a violation of section 2919.23 of the 328
Revised Code that would have been a violation of section 2905.04 329
of the Revised Code as it existed prior to July 1, 1996, had the 330

violation been committed prior to that date, a violation of 331
section 2925.11 of the Revised Code that is not a minor drug 332
possession offense, a violation of section 2923.02 or 2923.03 of 333
the Revised Code that relates to a crime specified in this 334
division, or a second violation of section 4511.19 of the 335
Revised Code within five years of the date of application for 336
licensure or certification. 337

(b) A violation of an existing or former law of this 338
state, any other state, or the United States that is 339
substantially equivalent to any of the offenses or violations 340
described in division (A) (5) (a) of this section. 341

(6) Upon receipt of a request pursuant to section 5153.111 342
of the Revised Code, a completed form prescribed pursuant to 343
division (C) (1) of this section, and a set of fingerprint 344
impressions obtained in the manner described in division (C) (2) 345
of this section, the superintendent of the bureau of criminal 346
identification and investigation shall conduct a criminal 347
records check in the manner described in division (B) of this 348
section to determine whether any information exists that 349
indicates that the person who is the subject of the request 350
previously has been convicted of or pleaded guilty to any of the 351
following: 352

(a) A violation of section 2903.01, 2903.02, 2903.03, 353
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 354
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 355
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 356
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 357
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 358
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 359
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 360

Code, felonious sexual penetration in violation of former 361
section 2907.12 of the Revised Code, a violation of section 362
2905.04 of the Revised Code as it existed prior to July 1, 1996, 363
a violation of section 2919.23 of the Revised Code that would 364
have been a violation of section 2905.04 of the Revised Code as 365
it existed prior to July 1, 1996, had the violation been 366
committed prior to that date, or a violation of section 2925.11 367
of the Revised Code that is not a minor drug possession offense; 368

(b) A violation of an existing or former law of this 369
state, any other state, or the United States that is 370
substantially equivalent to any of the offenses listed in 371
division (A) (6) (a) of this section. 372

(7) On receipt of a request for a criminal records check 373
from an individual pursuant to section 4749.03 or 4749.06 of the 374
Revised Code, accompanied by a completed copy of the form 375
prescribed in division (C) (1) of this section and a set of 376
fingerprint impressions obtained in a manner described in 377
division (C) (2) of this section, the superintendent of the 378
bureau of criminal identification and investigation shall 379
conduct a criminal records check in the manner described in 380
division (B) of this section to determine whether any 381
information exists indicating that the person who is the subject 382
of the request has been convicted of or pleaded guilty to a 383
felony in this state or in any other state. If the individual 384
indicates that a firearm will be carried in the course of 385
business, the superintendent shall require information from the 386
federal bureau of investigation as described in division (B) (2) 387
of this section. Subject to division (F) of this section, the 388
superintendent shall report the findings of the criminal records 389
check and any information the federal bureau of investigation 390
provides to the director of public safety. 391

(8) On receipt of a request pursuant to section 1321.37, 392
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 393
Code, a completed form prescribed pursuant to division (C) (1) of 394
this section, and a set of fingerprint impressions obtained in 395
the manner described in division (C) (2) of this section, the 396
superintendent of the bureau of criminal identification and 397
investigation shall conduct a criminal records check with 398
respect to any person who has applied for a license, permit, or 399
certification from the department of commerce or a division in 400
the department. The superintendent shall conduct the criminal 401
records check in the manner described in division (B) of this 402
section to determine whether any information exists that 403
indicates that the person who is the subject of the request 404
previously has been convicted of or pleaded guilty to any of the 405
following: a violation of section 2913.02, 2913.11, 2913.31, 406
2913.51, or 2925.03 of the Revised Code; any other criminal 407
offense involving theft, receiving stolen property, 408
embezzlement, forgery, fraud, passing bad checks, money 409
laundering, or drug trafficking, or any criminal offense 410
involving money or securities, as set forth in Chapters 2909., 411
2911., 2913., 2915., 2921., 2923., and 2925. of the Revised 412
Code; or any existing or former law of this state, any other 413
state, or the United States that is substantially equivalent to 414
those offenses. 415

(9) On receipt of a request for a criminal records check 416
from the treasurer of state under section 113.041 of the Revised 417
Code or from an individual under section 4701.08, 4715.101, 418
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 419
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 420
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 421
4747.051, 4753.061, 4755.70, 4757.101, 4758.242, 4759.061, 422

4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4776.021, 423
4779.091, or 4783.04 of the Revised Code, accompanied by a 424
completed form prescribed under division (C)(1) of this section 425
and a set of fingerprint impressions obtained in the manner 426
described in division (C)(2) of this section, the superintendent 427
of the bureau of criminal identification and investigation shall 428
conduct a criminal records check in the manner described in 429
division (B) of this section to determine whether any 430
information exists that indicates that the person who is the 431
subject of the request has been convicted of or pleaded guilty 432
to any criminal offense in this state or any other state. 433
Subject to division (F) of this section, the superintendent 434
shall send the results of a check requested under section 435
113.041 of the Revised Code to the treasurer of state and shall 436
send the results of a check requested under any of the other 437
listed sections to the licensing board specified by the 438
individual in the request. 439

(10) On receipt of a request pursuant to section 1121.23, 440
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 441
Code, a completed form prescribed pursuant to division (C)(1) of 442
this section, and a set of fingerprint impressions obtained in 443
the manner described in division (C)(2) of this section, the 444
superintendent of the bureau of criminal identification and 445
investigation shall conduct a criminal records check in the 446
manner described in division (B) of this section to determine 447
whether any information exists that indicates that the person 448
who is the subject of the request previously has been convicted 449
of or pleaded guilty to any criminal offense under any existing 450
or former law of this state, any other state, or the United 451
States. 452

(11) On receipt of a request for a criminal records check 453

from an appointing or licensing authority under section 3772.07 454
of the Revised Code, a completed form prescribed under division 455
(C) (1) of this section, and a set of fingerprint impressions 456
obtained in the manner prescribed in division (C) (2) of this 457
section, the superintendent of the bureau of criminal 458
identification and investigation shall conduct a criminal 459
records check in the manner described in division (B) of this 460
section to determine whether any information exists that 461
indicates that the person who is the subject of the request 462
previously has been convicted of or pleaded guilty or no contest 463
to any offense under any existing or former law of this state, 464
any other state, or the United States that is a disqualifying 465
offense as defined in section 3772.07 of the Revised Code or 466
substantially equivalent to such an offense. 467

(12) On receipt of a request pursuant to section 2151.33 468
or 2151.412 of the Revised Code, a completed form prescribed 469
pursuant to division (C) (1) of this section, and a set of 470
fingerprint impressions obtained in the manner described in 471
division (C) (2) of this section, the superintendent of the 472
bureau of criminal identification and investigation shall 473
conduct a criminal records check with respect to any person for 474
whom a criminal records check is required under that section. 475
The superintendent shall conduct the criminal records check in 476
the manner described in division (B) of this section to 477
determine whether any information exists that indicates that the 478
person who is the subject of the request previously has been 479
convicted of or pleaded guilty to any of the following: 480

(a) A violation of section 2903.01, 2903.02, 2903.03, 481
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 482
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 483
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 484

2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 485
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 486
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 487
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 488
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 489

(b) An existing or former law of this state, any other 490
state, or the United States that is substantially equivalent to 491
any of the offenses listed in division (A) (12) (a) of this 492
section. 493

(13) On receipt of a request pursuant to section 3796.12 494
of the Revised Code, a completed form prescribed pursuant to 495
division (C) (1) of this section, and a set of fingerprint 496
impressions obtained in a manner described in division (C) (2) of 497
this section, the superintendent of the bureau of criminal 498
identification and investigation shall conduct a criminal 499
records check in the manner described in division (B) of this 500
section to determine whether any information exists that 501
indicates that the person who is the subject of the request 502
previously has been convicted of or pleaded guilty to the 503
following: 504

(a) A disqualifying offense as specified in rules adopted 505
under division (B) (2) (b) of section 3796.03 of the Revised Code 506
if the person who is the subject of the request is an 507
administrator or other person responsible for the daily 508
operation of, or an owner or prospective owner, officer or 509
prospective officer, or board member or prospective board member 510
of, an entity seeking a license from the department of commerce 511
under Chapter 3796. of the Revised Code; 512

(b) A disqualifying offense as specified in rules adopted 513
under division (B) (2) (b) of section 3796.04 of the Revised Code 514

if the person who is the subject of the request is an 515
administrator or other person responsible for the daily 516
operation of, or an owner or prospective owner, officer or 517
prospective officer, or board member or prospective board member 518
of, an entity seeking a license from the state board of pharmacy 519
under Chapter 3796. of the Revised Code. 520

(14) On receipt of a request required by section 3796.13 521
of the Revised Code, a completed form prescribed pursuant to 522
division (C)(1) of this section, and a set of fingerprint 523
impressions obtained in a manner described in division (C)(2) of 524
this section, the superintendent of the bureau of criminal 525
identification and investigation shall conduct a criminal 526
records check in the manner described in division (B) of this 527
section to determine whether any information exists that 528
indicates that the person who is the subject of the request 529
previously has been convicted of or pleaded guilty to the 530
following: 531

(a) A disqualifying offense as specified in rules adopted 532
under division (B)(8)(a) of section 3796.03 of the Revised Code 533
if the person who is the subject of the request is seeking 534
employment with an entity licensed by the department of commerce 535
under Chapter 3796. of the Revised Code; 536

(b) A disqualifying offense as specified in rules adopted 537
under division (B)(14)(a) of section 3796.04 of the Revised Code 538
if the person who is the subject of the request is seeking 539
employment with an entity licensed by the state board of 540
pharmacy under Chapter 3796. of the Revised Code. 541

(B) Subject to division (F) of this section, the 542
superintendent shall conduct any criminal records check to be 543
conducted under this section as follows: 544

(1) The superintendent shall review or cause to be reviewed any relevant information gathered and compiled by the bureau under division (A) of section 109.57 of the Revised Code that relates to the person who is the subject of the criminal records check, including, if the criminal records check was requested under section 113.041, 121.08, 173.27, 173.38, 173.381, 1121.23, 1155.03, 1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 3796.12, 4749.03, 4749.06, 4763.05, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 5153.111 of the Revised Code, any relevant information contained in records that have been sealed under section 2953.32 of the Revised Code;

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

(3) The superintendent or the superintendent's designee may request criminal history records from other states or the federal government pursuant to the national crime prevention and

privacy compact set forth in section 109.571 of the Revised 576
Code. 577

(4) The superintendent shall include in the results of the 578
criminal records check a list or description of the offenses 579
listed or described in division (A) (1), (2), (3), (4), (5), (6), 580
(7), (8), (9), (10), (11), (12), (13), or (14) of this section, 581
whichever division requires the superintendent to conduct the 582
criminal records check. The superintendent shall exclude from 583
the results any information the dissemination of which is 584
prohibited by federal law. 585

(5) The superintendent shall send the results of the 586
criminal records check to the person to whom it is to be sent 587
not later than the following number of days after the date the 588
superintendent receives the request for the criminal records 589
check, the completed form prescribed under division (C) (1) of 590
this section, and the set of fingerprint impressions obtained in 591
the manner described in division (C) (2) of this section: 592

(a) If the superintendent is required by division (A) of 593
this section (other than division (A) (3) of this section) to 594
conduct the criminal records check, thirty; 595

(b) If the superintendent is required by division (A) (3) 596
of this section to conduct the criminal records check, sixty. 597

(C) (1) The superintendent shall prescribe a form to obtain 598
the information necessary to conduct a criminal records check 599
from any person for whom a criminal records check is to be 600
conducted under this section. The form that the superintendent 601
prescribes pursuant to this division may be in a tangible 602
format, in an electronic format, or in both tangible and 603
electronic formats. 604

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

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

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

(D) The results of a criminal records check conducted under this section, other than a criminal records check specified in division (A)(7) of this section, are valid for the person who is the subject of the criminal records check for a

period of one year from the date upon which the superintendent 635
completes the criminal records check. If during that period the 636
superintendent receives another request for a criminal records 637
check to be conducted under this section for that person, the 638
superintendent shall provide the results from the previous 639
criminal records check of the person at a lower fee than the fee 640
prescribed for the initial criminal records check. 641

(E) When the superintendent receives a request for 642
information from a registered private provider, the 643
superintendent shall proceed as if the request was received from 644
a school district board of education under section 3319.39 of 645
the Revised Code. The superintendent shall apply division (A)(1) 646
(c) of this section to any such request for an applicant who is 647
a teacher. 648

(F)(1) All information regarding the results of a criminal 649
records check conducted under this section that the 650
superintendent reports or sends under division (A)(7) or (9) of 651
this section to the director of public safety, the treasurer of 652
state, or the person, board, or entity that made the request for 653
the criminal records check shall relate to the conviction of the 654
subject person, or the subject person's plea of guilty to, a 655
criminal offense. 656

(2) Division (F)(1) of this section does not limit, 657
restrict, or preclude the superintendent's release of 658
information that relates to the arrest of a person who is 659
eighteen years of age or older, to an adjudication of a child as 660
a delinquent child, or to a criminal conviction of a person 661
under eighteen years of age in circumstances in which a release 662
of that nature is authorized under division (E)(2), (3), or (4) 663
of section 109.57 of the Revised Code pursuant to a rule adopted 664

under division (E) (1) of that section. 665

(G) As used in this section: 666

(1) "Criminal records check" means any criminal records 667
check conducted by the superintendent of the bureau of criminal 668
identification and investigation in accordance with division (B) 669
of this section. 670

(2) "Minor drug possession offense" has the same meaning 671
as in section 2925.01 of the Revised Code. 672

(3) "OVI or OVUAC violation" means a violation of section 673
4511.19 of the Revised Code or a violation of an existing or 674
former law of this state, any other state, or the United States 675
that is substantially equivalent to section 4511.19 of the 676
Revised Code. 677

(4) "Registered private provider" means a nonpublic school 678
or entity registered with the superintendent of public 679
instruction under section 3310.41 of the Revised Code to 680
participate in the autism scholarship program or section 3310.58 681
of the Revised Code to participate in the Jon Peterson special 682
needs scholarship program. 683

Sec. 119.06. No adjudication order of an agency shall be 684
valid unless the agency is specifically authorized by law to 685
make such order. 686

No adjudication order shall be valid unless an opportunity 687
for a hearing is afforded in accordance with sections 119.01 to 688
119.13 of the Revised Code. Such opportunity for a hearing shall 689
be given before making the adjudication order except in those 690
situations where this section provides otherwise. 691

The following adjudication orders shall be effective 692

without a hearing: 693

(A) Orders revoking a license in cases where an agency is 694
required by statute to revoke a license pursuant to the judgment 695
of a court; 696

(B) Orders suspending a license where a statute 697
specifically permits the suspension of a license without a 698
hearing; 699

(C) Orders or decisions of an authority within an agency 700
if the rules of the agency or the statutes pertaining to such 701
agency specifically give a right of appeal to a higher authority 702
within such agency, to another agency, or to the board of tax 703
appeals, and also give the appellant a right to a hearing on 704
such appeal. 705

When a statute permits the suspension of a license without 706
a prior hearing, any agency issuing an order pursuant to such 707
statute shall afford the person to whom the order is issued a 708
hearing upon request. 709

Whenever an agency claims that a person is required by 710
statute to obtain a license, it shall afford a hearing upon the 711
request of a person who claims that the law does not impose such 712
a requirement. 713

Every agency shall afford a hearing upon the request of 714
any person who has been refused admission to an examination 715
where such examination is a prerequisite to the issuance of a 716
license unless a hearing was held prior to such refusal. 717

Unless a hearing was held prior to the refusal to issue 718
the license, every agency shall afford a hearing upon the 719
request of a person whose application for a license has been 720
rejected and to whom the agency has refused to issue a license, 721

whether it is a renewal or a new license, except that the 722
following are not required to afford a hearing to a person to 723
whom a new license has been refused because the person failed a 724
licensing examination: the state medical board, state 725
chiropractic board, architects board, Ohio landscape architects 726
board, and ~~any section of the Ohio occupational therapy,~~ 727
~~physical therapy, and athletic trainers board~~ the state physical 728
health services board with respect to licenses issued under 729
Chapter 4755. of the Revised Code. 730

When periodic registration of licenses is required by law, 731
the agency shall afford a hearing upon the request of any 732
licensee whose registration has been denied, unless a hearing 733
was held prior to such denial. 734

When periodic registration of licenses or renewal of 735
licenses is required by law, a licensee who has filed an 736
application for registration or renewal within the time and in 737
the manner provided by statute or rule of the agency shall not 738
be required to discontinue a licensed business or profession 739
merely because of the failure of the agency to act on the 740
licensee's application. Action of an agency rejecting any such 741
application shall not be effective prior to fifteen days after 742
notice of the rejection is mailed to the licensee. 743

Sec. 121.22. (A) This section shall be liberally construed 744
to require public officials to take official action and to 745
conduct all deliberations upon official business only in open 746
meetings unless the subject matter is specifically excepted by 747
law. 748

(B) As used in this section: 749

(1) "Public body" means any of the following: 750

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

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

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

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

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

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

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

(4) "Public office" has the same meaning as in section 149.011 of the Revised Code.	780 781
(C) All meetings of any public body are declared to be public meetings open to the public at all times. A member of a public body shall be present in person at a meeting open to the public to be considered present or to vote at the meeting and for purposes of determining whether a quorum is present at the meeting.	782 783 784 785 786 787
The minutes of a regular or special meeting of any public body shall be promptly prepared, filed, and maintained and shall be open to public inspection. The minutes need only reflect the general subject matter of discussions in executive sessions authorized under division (G) or (J) of this section.	788 789 790 791 792
(D) This section does not apply to any of the following:	793
(1) A grand jury;	794
(2) An audit conference conducted by the auditor of state or independent certified public accountants with officials of the public office that is the subject of the audit;	795 796 797
(3) The adult parole authority when its hearings are conducted at a correctional institution for the sole purpose of interviewing inmates to determine parole or pardon;	798 799 800
(4) The organized crime investigations commission established under section 177.01 of the Revised Code;	801 802
(5) Meetings of a child fatality review board established under section 307.621 of the Revised Code, meetings related to a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, and meetings conducted pursuant to sections 5153.171 to 5153.173	803 804 805 806 807

of the Revised Code;	808
(6) The state medical board when determining whether to	809
suspend a certificate without a prior hearing pursuant to	810
division (G) of either section 4730.25 or 4731.22 of the Revised	811
Code;	812
(7) The board of nursing when determining whether to	813
suspend a license or certificate without a prior hearing	814
pursuant to division (B) of section 4723.281 of the Revised	815
Code;	816
(8) The state board of pharmacy when determining whether	817
to suspend a license without a prior hearing pursuant to	818
division (D) of section 4729.16 of the Revised Code;	819
(9) The state chiropractic board when determining whether	820
to suspend a license without a hearing pursuant to section	821
4734.37 of the Revised Code;	822
(10) The executive committee of the emergency response	823
commission when determining whether to issue an enforcement	824
order or request that a civil action, civil penalty action, or	825
criminal action be brought to enforce Chapter 3750. of the	826
Revised Code;	827
(11) The board of directors of the nonprofit corporation	828
formed under section 187.01 of the Revised Code or any committee	829
thereof, and the board of directors of any subsidiary of that	830
corporation or a committee thereof;	831
(12) An audit conference conducted by the audit staff of	832
the department of job and family services with officials of the	833
public office that is the subject of that audit under section	834
5101.37 of the Revised Code;	835

~~(13) The occupational therapy section of the occupational therapy, physical therapy, and athletic trainers state physical health services board when determining whether to suspend a license or limited permit without a hearing pursuant to division (D) of section 4755.11, division (E) of section 4755.47, or division (D) of section 4755.64 of the Revised Code;~~ 836
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~~(14) The physical therapy section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license without a hearing pursuant to division (E) of section 4755.47 of the Revised Code;~~ 842
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~~(15) The athletic trainers section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license without a hearing pursuant to division (D) of section 4755.64 of the Revised Code.~~ 846
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(E) The controlling board, the tax credit authority, or the minority development financing advisory board, when meeting to consider granting assistance pursuant to Chapter 122. or 166. of the Revised Code, in order to protect the interest of the applicant or the possible investment of public funds, by unanimous vote of all board or authority members present, may close the meeting during consideration of the following information confidentially received by the authority or board from the applicant: 850
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(1) Marketing plans; 859

(2) Specific business strategy; 860

(3) Production techniques and trade secrets; 861

(4) Financial projections; 862

(5) Personal financial statements of the applicant or 863

members of the applicant's immediate family, including, but not 864
limited to, tax records or other similar information not open to 865
public inspection. 866

The vote by the authority or board to accept or reject the 867
application, as well as all proceedings of the authority or 868
board not subject to this division, shall be open to the public 869
and governed by this section. 870

(F) Every public body, by rule, shall establish a 871
reasonable method whereby any person may determine the time and 872
place of all regularly scheduled meetings and the time, place, 873
and purpose of all special meetings. A public body shall not 874
hold a special meeting unless it gives at least twenty-four 875
hours' advance notice to the news media that have requested 876
notification, except in the event of an emergency requiring 877
immediate official action. In the event of an emergency, the 878
member or members calling the meeting shall notify the news 879
media that have requested notification immediately of the time, 880
place, and purpose of the meeting. 881

The rule shall provide that any person, upon request and 882
payment of a reasonable fee, may obtain reasonable advance 883
notification of all meetings at which any specific type of 884
public business is to be discussed. Provisions for advance 885
notification may include, but are not limited to, mailing the 886
agenda of meetings to all subscribers on a mailing list or 887
mailing notices in self-addressed, stamped envelopes provided by 888
the person. 889

(G) Except as provided in divisions (G) (8) and (J) of this 890
section, the members of a public body may hold an executive 891
session only after a majority of a quorum of the public body 892
determines, by a roll call vote, to hold an executive session 893

and only at a regular or special meeting for the sole purpose of 894
the consideration of any of the following matters: 895

(1) To consider the appointment, employment, dismissal, 896
discipline, promotion, demotion, or compensation of a public 897
employee or official, or the investigation of charges or 898
complaints against a public employee, official, licensee, or 899
regulated individual, unless the public employee, official, 900
licensee, or regulated individual requests a public hearing. 901
Except as otherwise provided by law, no public body shall hold 902
an executive session for the discipline of an elected official 903
for conduct related to the performance of the elected official's 904
official duties or for the elected official's removal from 905
office. If a public body holds an executive session pursuant to 906
division (G) (1) of this section, the motion and vote to hold 907
that executive session shall state which one or more of the 908
approved purposes listed in division (G) (1) of this section are 909
the purposes for which the executive session is to be held, but 910
need not include the name of any person to be considered at the 911
meeting. 912

(2) To consider the purchase of property for public 913
purposes, the sale of property at competitive bidding, or the 914
sale or other disposition of unneeded, obsolete, or unfit-for- 915
use property in accordance with section 505.10 of the Revised 916
Code, if premature disclosure of information would give an 917
unfair competitive or bargaining advantage to a person whose 918
personal, private interest is adverse to the general public 919
interest. No member of a public body shall use division (G) (2) 920
of this section as a subterfuge for providing covert information 921
to prospective buyers or sellers. A purchase or sale of public 922
property is void if the seller or buyer of the public property 923
has received covert information from a member of a public body 924

that has not been disclosed to the general public in sufficient 925
time for other prospective buyers and sellers to prepare and 926
submit offers. 927

If the minutes of the public body show that all meetings 928
and deliberations of the public body have been conducted in 929
compliance with this section, any instrument executed by the 930
public body purporting to convey, lease, or otherwise dispose of 931
any right, title, or interest in any public property shall be 932
conclusively presumed to have been executed in compliance with 933
this section insofar as title or other interest of any bona fide 934
purchasers, lessees, or transferees of the property is 935
concerned. 936

(3) Conferences with an attorney for the public body 937
concerning disputes involving the public body that are the 938
subject of pending or imminent court action; 939

(4) Preparing for, conducting, or reviewing negotiations 940
or bargaining sessions with public employees concerning their 941
compensation or other terms and conditions of their employment; 942

(5) Matters required to be kept confidential by federal 943
law or regulations or state statutes; 944

(6) Details relative to the security arrangements and 945
emergency response protocols for a public body or a public 946
office, if disclosure of the matters discussed could reasonably 947
be expected to jeopardize the security of the public body or 948
public office; 949

(7) In the case of a county hospital operated pursuant to 950
Chapter 339. of the Revised Code, a joint township hospital 951
operated pursuant to Chapter 513. of the Revised Code, or a 952
municipal hospital operated pursuant to Chapter 749. of the 953

Revised Code, to consider trade secrets, as defined in section 954
1333.61 of the Revised Code; 955

(8) To consider confidential information related to the 956
marketing plans, specific business strategy, production 957
techniques, trade secrets, or personal financial statements of 958
an applicant for economic development assistance, or to 959
negotiations with other political subdivisions respecting 960
requests for economic development assistance, provided that both 961
of the following conditions apply: 962

(a) The information is directly related to a request for 963
economic development assistance that is to be provided or 964
administered under any provision of Chapter 715., 725., 1724., 965
or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 966
5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 967
5709.81 of the Revised Code, or that involves public 968
infrastructure improvements or the extension of utility services 969
that are directly related to an economic development project. 970

(b) A unanimous quorum of the public body determines, by a 971
roll call vote, that the executive session is necessary to 972
protect the interests of the applicant or the possible 973
investment or expenditure of public funds to be made in 974
connection with the economic development project. 975

If a public body holds an executive session to consider 976
any of the matters listed in divisions (G)(2) to (8) of this 977
section, the motion and vote to hold that executive session 978
shall state which one or more of the approved matters listed in 979
those divisions are to be considered at the executive session. 980

A public body specified in division (B)(1)(c) of this 981
section shall not hold an executive session when meeting for the 982

purposes specified in that division. 983

(H) A resolution, rule, or formal action of any kind is 984
invalid unless adopted in an open meeting of the public body. A 985
resolution, rule, or formal action adopted in an open meeting 986
that results from deliberations in a meeting not open to the 987
public is invalid unless the deliberations were for a purpose 988
specifically authorized in division (G) or (J) of this section 989
and conducted at an executive session held in compliance with 990
this section. A resolution, rule, or formal action adopted in an 991
open meeting is invalid if the public body that adopted the 992
resolution, rule, or formal action violated division (F) of this 993
section. 994

(I) (1) Any person may bring an action to enforce this 995
section. An action under division (I) (1) of this section shall 996
be brought within two years after the date of the alleged 997
violation or threatened violation. Upon proof of a violation or 998
threatened violation of this section in an action brought by any 999
person, the court of common pleas shall issue an injunction to 1000
compel the members of the public body to comply with its 1001
provisions. 1002

(2) (a) If the court of common pleas issues an injunction 1003
pursuant to division (I) (1) of this section, the court shall 1004
order the public body that it enjoins to pay a civil forfeiture 1005
of five hundred dollars to the party that sought the injunction 1006
and shall award to that party all court costs and, subject to 1007
reduction as described in division (I) (2) of this section, 1008
reasonable attorney's fees. The court, in its discretion, may 1009
reduce an award of attorney's fees to the party that sought the 1010
injunction or not award attorney's fees to that party if the 1011
court determines both of the following: 1012

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

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

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

(3) Irreparable harm and prejudice to the party that sought the injunction shall be conclusively and irrebuttably presumed upon proof of a violation or threatened violation of this section.

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

(J) (1) Pursuant to division (C) of section 5901.09 of the Revised Code, a veterans service commission shall hold an

executive session for one or more of the following purposes 1042
unless an applicant requests a public hearing: 1043

(a) Interviewing an applicant for financial assistance 1044
under sections 5901.01 to 5901.15 of the Revised Code; 1045

(b) Discussing applications, statements, and other 1046
documents described in division (B) of section 5901.09 of the 1047
Revised Code; 1048

(c) Reviewing matters relating to an applicant's request 1049
for financial assistance under sections 5901.01 to 5901.15 of 1050
the Revised Code. 1051

(2) A veterans service commission shall not exclude an 1052
applicant for, recipient of, or former recipient of financial 1053
assistance under sections 5901.01 to 5901.15 of the Revised 1054
Code, and shall not exclude representatives selected by the 1055
applicant, recipient, or former recipient, from a meeting that 1056
the commission conducts as an executive session that pertains to 1057
the applicant's, recipient's, or former recipient's application 1058
for financial assistance. 1059

(3) A veterans service commission shall vote on the grant 1060
or denial of financial assistance under sections 5901.01 to 1061
5901.15 of the Revised Code only in an open meeting of the 1062
commission. The minutes of the meeting shall indicate the name, 1063
address, and occupation of the applicant, whether the assistance 1064
was granted or denied, the amount of the assistance if 1065
assistance is granted, and the votes for and against the 1066
granting of assistance. 1067

Sec. 122.071. (A) The TourismOhio advisory board is hereby 1068
established to advise the director of development services and 1069
the director of the office of TourismOhio on strategies for 1070

promoting tourism in this state. The board shall consist of the 1071
chief investment officer of the nonprofit corporation formed 1072
under section 187.01 of the Revised Code or the chief investment 1073
officer's designee, the director of the office of TourismOhio, 1074
and nine members to be appointed by the governor as provided in 1075
division (B) of this section. All members of the board, except 1076
the director of the office of TourismOhio, shall be voting 1077
members. 1078

(B) (1) The governor shall, within sixty days after ~~the~~ 1079
~~effective date of this section~~ September 28, 2012, appoint to 1080
the TourismOhio advisory board one individual who is a 1081
representative of convention and visitors' bureaus, one 1082
individual who is a representative of the lodging industry, one 1083
individual who is a representative of the restaurant industry, 1084
one individual who is a representative of attractions, one 1085
individual who is a representative of special events and 1086
festivals, one individual who is a representative of 1087
agritourism, and three individuals who are representatives of 1088
the tourism industry. Of the initial appointments, two 1089
individuals shall serve a term of one year, three individuals 1090
shall serve a term of two years, and the remainder shall serve a 1091
term of three years. Thereafter, terms of office shall be for 1092
three years. Each individual appointed to the board shall be a 1093
United States citizen. 1094

(2) For purposes of division (B) (1) of this section, an 1095
individual is a "representative of the tourism industry" if the 1096
individual possesses five years or more executive-level 1097
experience in the attractions, lodging, restaurant, 1098
transportation, or retail industry or five years or more 1099
executive-level experience with a destination marketing 1100
organization. 1101

(C) (1) Each member of the TourismOhio advisory board shall 1102
hold office from the date of the member's appointment until the 1103
end of the term for which the member is appointed. Vacancies 1104
that occur on the board shall be filled in the manner prescribed 1105
for regular appointments to the board. A member appointed to 1106
fill a vacancy occurring prior to the expiration of the term for 1107
which the member's predecessor was appointed shall hold office 1108
for the remainder of that predecessor's term. A member shall 1109
continue in office subsequent to the expiration date of the 1110
member's term until the member's successor takes office or until 1111
sixty days have elapsed, whichever occurs first. Any member 1112
appointed to the board is eligible for reappointment. 1113

(2) The governor shall designate one member of the board 1114
as chairperson. 1115

(3) Members appointed to the board may be reimbursed for 1116
actual and necessary expenses incurred in connection with their 1117
official duties. 1118

Sec. 125.22. (A) The department of administrative services 1119
shall establish the central service agency to perform routine 1120
support for the following boards and commissions: 1121

(1) Architects board; 1122

(2) Barber board; 1123

(3) State chiropractic board; 1124

(4) State board of cosmetology; 1125

(5) Accountancy board; 1126

(6) State dental board; 1127

(7) ~~State board of optometry;~~ 1128

(8) Ohio occupational therapy, physical therapy, and athletic trainers board;	1129
	1130
(9) State board of registration for professional engineers and surveyors;	1131
	1132
(10) (8) State board of sanitarian registration;	1133
(11) (9) Board of embalmers and funeral directors;	1134
(12) State board of psychology;	1135
(13) Ohio optical dispensers board;	1136
(14) Board of speech pathology and audiology;	1137
(15) Counselor, social worker, and marriage and family therapist board;	1138
	1139
(16) (10) State veterinary medical licensing board;	1140
(17) Ohio board of dietetics;	1141
(18) (11) Commission on Hispanic-Latino affairs;	1142
(19) Ohio respiratory care board;	1143
(20) (12) Ohio commission on African-American males;	1144
(21) Chemical dependency professionals board	1145
<u>(13) State vision and hearing professionals board;</u>	1146
<u>(14) State behavioral health professionals board;</u>	1147
<u>(15) State physical health services board.</u>	1148
(B) (1) Notwithstanding any other section of the Revised Code, the agency shall perform the following routine support services for the boards and commissions named in division (A) of this section unless the controlling board exempts a board or	1149
	1150
	1151
	1152

commission from this requirement on the recommendation of the	1153
director of administrative services:	1154
(a) Preparing and processing payroll and other personnel	1155
documents;	1156
(b) Preparing and processing vouchers, purchase orders,	1157
encumbrances, and other accounting documents;	1158
(c) Maintaining ledgers of accounts and balances;	1159
(d) Preparing and monitoring budgets and allotment plans	1160
in consultation with the boards and commissions;	1161
(e) Other routine support services that the director of	1162
administrative services considers appropriate to achieve	1163
efficiency.	1164
(2) The agency may perform other services which a board or	1165
commission named in division (A) of this section delegates to	1166
the agency and the agency accepts.	1167
(3) The agency may perform any service for any	1168
professional or occupational licensing board not named in	1169
division (A) of this section or any commission if the board or	1170
commission requests such service and the agency accepts.	1171
(C) The director of administrative services shall be the	1172
appointing authority for the agency.	1173
(D) The agency shall determine the fees to be charged to	1174
the boards and commissions, which shall be in proportion to the	1175
services performed for each board or commission.	1176
(E) Each board or commission named in division (A) of this	1177
section and any other board or commission requesting services	1178
from the agency shall pay these fees to the agency from the	1179

general revenue fund maintenance account of the board or 1180
commission or from such other fund as the operating expenses of 1181
the board or commission are paid. Any amounts set aside for a 1182
fiscal year by a board or commission to allow for the payment of 1183
fees shall be used only for the services performed by the agency 1184
in that fiscal year. All receipts collected by the agency shall 1185
be deposited in the state treasury to the credit of the central 1186
service agency fund, which is hereby created. All expenses 1187
incurred by the agency in performing services for the boards or 1188
commissions shall be paid from the fund. 1189

(F) Nothing in this section shall be construed as a grant 1190
of authority for the central service agency to initiate or deny 1191
personnel or fiscal actions for the boards and commissions. 1192

Sec. 125.92. (A) As used in this section, "board or 1193
commission" means any of the following: 1194

(1) The accountancy board; 1195

(2) The architects board; 1196

(3) The barber board; 1197

(4) The board of embalmers and funeral directors; 1198

(5) The board of executives of long-term services and 1199
supports; 1200

(6) The crematory review board; 1201

(7) The manufactured homes commission; 1202

(8) The motor vehicle dealers board; 1203

(9) The motor vehicle repair board; 1204

(10) The motor vehicle salvage dealer's licensing board; 1205

<u>(11) The Ohio athletic commission;</u>	1206
<u>(12) The Ohio construction industry licensing board;</u>	1207
<u>(13) The Ohio landscape architects board;</u>	1208
<u>(14) The Ohio real estate commission;</u>	1209
<u>(15) The real estate appraiser board;</u>	1210
<u>(16) The state auctioneers commission;</u>	1211
<u>(17) The state behavioral health professionals board;</u>	1212
<u>(18) The state board of cosmetology;</u>	1213
<u>(19) The state board of career colleges and schools;</u>	1214
<u>(20) The state board of education;</u>	1215
<u>(21) The state board of emergency medical, fire, and transportation services;</u>	1216 1217
<u>(22) The board of nursing;</u>	1218
<u>(23) The state board of pharmacy;</u>	1219
<u>(24) The state board of registration for professional engineers and surveyors;</u>	1220 1221
<u>(25) The state board of sanitarian registration;</u>	1222
<u>(26) The state physical health services board;</u>	1223
<u>(27) The state chiropractic board;</u>	1224
<u>(28) The state dental board;</u>	1225
<u>(29) The state medical board;</u>	1226
<u>(30) The state veterinary medical licensing board;</u>	1227
<u>(31) The state vision and hearing professionals board;</u>	1228

(32) Any other multi-member body created under state law 1229
that licenses or otherwise regulates an occupation or industry 1230
to which one or more members of the body belongs. 1231

(B) The director of administrative services shall review 1232
an action taken by a board or commission that is subject to 1233
review under this section and that is referred to the director 1234
pursuant to division (C) of this section. 1235

(1) The following actions are subject to review under this 1236
section: 1237

(a) Any action that directly or indirectly has an effect 1238
of any of the following: 1239

(i) Fixing prices, limiting price competition, or 1240
increasing prices in this state for the goods or services that 1241
are provided by the occupation or industry regulated by the 1242
board or commission; 1243

(ii) Dividing, allocating, or assigning customers, 1244
potential customers, or geographic markets in this state among 1245
members of the occupation or industry regulated by the board or 1246
commission; 1247

(iii) Excluding present or potential competitors from the 1248
occupation or industry regulated by the board or commission; 1249

(iv) Limiting the output or supply in this state of any 1250
good or service provided by the members of the occupation or 1251
industry regulated by the board or commission. 1252

(b) Any other activity that could be subject to state or 1253
federal antitrust law if the action were undertaken by a private 1254
person or combination of private persons. 1255

(2) The following actions are not subject to review under 1256

<u>this section:</u>	1257
<u>(a) Adopting reasonable minimum standards or</u>	1258
<u>qualifications for persons entering the industry or occupation</u>	1259
<u>or seeking admittance to the industry or occupation regulated by</u>	1260
<u>the board or commission;</u>	1261
<u>(b) Taking disciplinary action against an individual</u>	1262
<u>member of the occupation or industry regulated by the board or</u>	1263
<u>commission for malpractice, violations of law, violations of</u>	1264
<u>ethical standards applicable to the occupation or industry,</u>	1265
<u>engaging in substance abuse to the extent that the abuse</u>	1266
<u>negatively impacts the member's work in the industry or</u>	1267
<u>occupation, or public complaints against the member;</u>	1268
<u>(c) Engaging in any other activity that would not be</u>	1269
<u>subject to state or federal antitrust law if the action were</u>	1270
<u>undertaken by a private person or combination of private</u>	1271
<u>persons.</u>	1272
<u>(C) (1) The following persons or entities may refer an</u>	1273
<u>action to the director for review under this section:</u>	1274
<u>(a) A board or commission that has taken or is proposing</u>	1275
<u>to take an action;</u>	1276
<u>(b) A person who is affected by an action taken by a board</u>	1277
<u>or commission or is likely to be affected by an action proposed</u>	1278
<u>by a board or commission;</u>	1279
<u>(c) A person who has been granted a stay pursuant to</u>	1280
<u>division (H) of this section.</u>	1281
<u>(2) A board or commission or person who refers an action</u>	1282
<u>to the director shall prepare a brief statement explaining the</u>	1283
<u>action and its consistency or inconsistency with state or</u>	1284

federal antitrust law and file the statement with the director. 1285
If the action is in writing, the board or commission or person 1286
shall attach a copy of it to the statement. The person shall 1287
transmit a copy of the statement to the board or commission. 1288

(3) The referral of an action by a board or commission for 1289
review by the director does not constitute an admission that the 1290
action violates any state or federal law. 1291

(D) The director shall determine whether an action 1292
referred to the director under this section is supported by, and 1293
consistent with, a clearly articulated state policy as expressed 1294
in the statutes creating the board or commission or the statutes 1295
and rules setting forth the board's or commission's powers, 1296
authority, and duties. If the director finds this to be the 1297
case, the director shall determine whether the clearly 1298
articulated state policy is merely a pretext by which the board 1299
or commission enables the members of an occupation or industry 1300
the board or commission regulates to engage in anticompetitive 1301
conduct that could be subject to state or federal antitrust law 1302
if the action were taken by a private person or combination of 1303
private persons. 1304

(E) After making the determinations required under 1305
division (D) of this section, the director shall take one of the 1306
following actions: 1307

(1) Approve the board or commission action if the director 1308
determines that the action is pursuant to a clearly articulated 1309
state policy and that the policy is not a pretext as described 1310
in division (D) of this section. If the director approves the 1311
board's or commission's action, the board or commission may 1312
proceed to take or may continue the action. 1313

(2) Disapprove the board or commission action if the 1314
director determines that the action is not pursuant to a clearly 1315
articulated state policy or that if it is pursuant to a clearly 1316
articulated state policy, that policy is a pretext as described 1317
in division (D) of this section. If the director disapproves the 1318
board's or commission's action, the action is void. 1319

(F) The director shall prepare a memorandum that explains 1320
the director's approval or disapproval. The director shall 1321
transmit a copy of the memorandum to the person and the board or 1322
commission or to the board or commission if only the board or 1323
commission is involved. The director shall post the memorandum 1324
on the web site maintained by the department of administrative 1325
services. 1326

(G) A board or commission or person who is adversely 1327
affected by an action taken by the director under this section 1328
may appeal the director's action to the court of common pleas of 1329
Franklin county. 1330

(H) A person having standing to commence and prosecute a 1331
state or federal antitrust action against a board or commission 1332
shall exhaust the remedies provided by this section before 1333
commencing such an action. The state, a board or commission, or 1334
a member of a board or commission in the member's official 1335
capacity, may request a stay as a matter of right of any lawsuit 1336
alleging that a board or commission engaged in anticompetitive 1337
conduct by taking an action that falls within the scope of this 1338
section and that has not been previously reviewed by the 1339
director under this section. The stay will continue in effect 1340
until the director has prepared and transmitted the memorandum 1341
required under division (F) of this section. 1342

(I) The director shall adopt rules under Chapter 119. of 1343

the Revised Code that are necessary for the implementation and 1344
administration of this section. 1345

Sec. 2135.01. As used in sections 2135.01 to 2135.14 of 1346
the Revised Code: 1347

(A) "Adult" means a person who is eighteen years of age or 1348
older. 1349

(B) "Capacity to consent to mental health treatment 1350
decisions" means the functional ability to understand 1351
information about the risks of, benefits of, and alternatives to 1352
the proposed mental health treatment, to rationally use that 1353
information, to appreciate how that information applies to the 1354
declarant, and to express a choice about the proposed treatment. 1355

(C) "Declarant" means an adult who has executed a 1356
declaration for mental health treatment in accordance with this 1357
chapter. 1358

(D) "Declaration for mental health treatment" or 1359
"declaration" means a written document declaring preferences or 1360
instructions regarding mental health treatment executed in 1361
accordance with this chapter. 1362

(E) "Designated physician" means the physician the 1363
declarant has named in a declaration for mental health treatment 1364
and has assigned the primary responsibility for the declarant's 1365
mental health treatment or, if the declarant has not so named a 1366
physician, the physician who has accepted that responsibility. 1367

(F) "Guardian" means a person appointed by a probate court 1368
pursuant to Chapter 2111. of the Revised Code to have the care 1369
and management of the person of an incompetent. 1370

(G) "Health care" means any care, treatment, service, or 1371

procedure to maintain, diagnose, or treat an individual's 1372
physical or mental condition or physical or mental health. 1373

(H) "Health care facility" has the same meaning as in 1374
section 1337.11 of the Revised Code. 1375

(I) "Incompetent" has the same meaning as in section 1376
2111.01 of the Revised Code. 1377

(J) "Informed consent" means consent voluntarily given by 1378
a person after a sufficient explanation and disclosure of the 1379
subject matter involved to enable that person to have a general 1380
understanding of the nature, purpose, and goal of the treatment 1381
or procedures, including the substantial risks and hazards 1382
inherent in the proposed treatment or procedures and any 1383
alternative treatment or procedures, and to make a knowing 1384
health care decision without coercion or undue influence. 1385

(K) "Medical record" means any document or combination of 1386
documents that pertains to a declarant's medical history, 1387
diagnosis, prognosis, or medical condition and that is generated 1388
and maintained in the process of the declarant's health care. 1389

(L) "Mental health treatment" means any care, treatment, 1390
service, or procedure to maintain, diagnose, or treat an 1391
individual's mental condition or mental health, including, but 1392
not limited to, electroconvulsive or other convulsive treatment, 1393
treatment of mental illness with medication, and admission to 1394
and retention in a health care facility. 1395

(M) "Mental health treatment decision" means informed 1396
consent, refusal to give informed consent, or withdrawal of 1397
informed consent to mental health treatment. 1398

(N) "Mental health treatment provider" means physicians, 1399
physician assistants, psychologists, licensed independent social 1400

workers, licensed professional clinical counselors, and 1401
psychiatric nurses. 1402

(O) "Physician" means a person who is authorized under 1403
Chapter 4731. of the Revised Code to practice medicine and 1404
surgery or osteopathic medicine and surgery. 1405

(P) "Professional disciplinary action" means action taken 1406
by the board or other entity that regulates the professional 1407
conduct of health care personnel, including, but not limited to, 1408
the state medical board, the state behavioral health 1409
professionals board ~~of psychology~~, and the state board of 1410
nursing. 1411

(Q) "Proxy" means an adult designated to make mental 1412
health treatment decisions for a declarant under a valid 1413
declaration for mental health treatment. 1414

(R) "Psychiatric nurse" means a registered nurse who holds 1415
a master's degree or doctorate in nursing with a specialization 1416
in psychiatric nursing. 1417

(S) "Psychiatrist" has the same meaning as in section 1418
5122.01 of the Revised Code. 1419

(T) "Psychologist" has the same meaning as in section 1420
4732.01 of the Revised Code. 1421

(U) "Registered nurse" has the same meaning as in section 1422
4723.01 of the Revised Code. 1423

(V) "Tort action" means a civil action for damages for 1424
injury, death, or loss to person or property, other than a civil 1425
action for damages for a breach of contract or another agreement 1426
between persons. 1427

Sec. 2305.113. (A) Except as otherwise provided in this 1428

section, an action upon a medical, dental, optometric, or 1429
chiropractic claim shall be commenced within one year after the 1430
cause of action accrued. 1431

(B) (1) If prior to the expiration of the one-year period 1432
specified in division (A) of this section, a claimant who 1433
allegedly possesses a medical, dental, optometric, or 1434
chiropractic claim gives to the person who is the subject of 1435
that claim written notice that the claimant is considering 1436
bringing an action upon that claim, that action may be commenced 1437
against the person notified at any time within one hundred 1438
eighty days after the notice is so given. 1439

(2) An insurance company shall not consider the existence 1440
or nonexistence of a written notice described in division (B) (1) 1441
of this section in setting the liability insurance premium rates 1442
that the company may charge the company's insured person who is 1443
notified by that written notice. 1444

(C) Except as to persons within the age of minority or of 1445
unsound mind as provided by section 2305.16 of the Revised Code, 1446
and except as provided in division (D) of this section, both of 1447
the following apply: 1448

(1) No action upon a medical, dental, optometric, or 1449
chiropractic claim shall be commenced more than four years after 1450
the occurrence of the act or omission constituting the alleged 1451
basis of the medical, dental, optometric, or chiropractic claim. 1452

(2) If an action upon a medical, dental, optometric, or 1453
chiropractic claim is not commenced within four years after the 1454
occurrence of the act or omission constituting the alleged basis 1455
of the medical, dental, optometric, or chiropractic claim, then, 1456
any action upon that claim is barred. 1457

(D) (1) If a person making a medical claim, dental claim, 1458
optometric claim, or chiropractic claim, in the exercise of 1459
reasonable care and diligence, could not have discovered the 1460
injury resulting from the act or omission constituting the 1461
alleged basis of the claim within three years after the 1462
occurrence of the act or omission, but, in the exercise of 1463
reasonable care and diligence, discovers the injury resulting 1464
from that act or omission before the expiration of the four-year 1465
period specified in division (C) (1) of this section, the person 1466
may commence an action upon the claim not later than one year 1467
after the person discovers the injury resulting from that act or 1468
omission. 1469

(2) If the alleged basis of a medical claim, dental claim, 1470
optometric claim, or chiropractic claim is the occurrence of an 1471
act or omission that involves a foreign object that is left in 1472
the body of the person making the claim, the person may commence 1473
an action upon the claim not later than one year after the 1474
person discovered the foreign object or not later than one year 1475
after the person, with reasonable care and diligence, should 1476
have discovered the foreign object. 1477

(3) A person who commences an action upon a medical claim, 1478
dental claim, optometric claim, or chiropractic claim under the 1479
circumstances described in division (D) (1) or (2) of this 1480
section has the affirmative burden of proving, by clear and 1481
convincing evidence, that the person, with reasonable care and 1482
diligence, could not have discovered the injury resulting from 1483
the act or omission constituting the alleged basis of the claim 1484
within the three-year period described in division (D) (1) of 1485
this section or within the one-year period described in division 1486
(D) (2) of this section, whichever is applicable. 1487

(E) As used in this section:	1488
(1) "Hospital" includes any person, corporation,	1489
association, board, or authority that is responsible for the	1490
operation of any hospital licensed or registered in the state,	1491
including, but not limited to, those that are owned or operated	1492
by the state, political subdivisions, any person, any	1493
corporation, or any combination of the state, political	1494
subdivisions, persons, and corporations. "Hospital" also	1495
includes any person, corporation, association, board, entity, or	1496
authority that is responsible for the operation of any clinic	1497
that employs a full-time staff of physicians practicing in more	1498
than one recognized medical specialty and rendering advice,	1499
diagnosis, care, and treatment to individuals. "Hospital" does	1500
not include any hospital operated by the government of the	1501
United States or any of its branches.	1502
(2) "Physician" means a person who is licensed to practice	1503
medicine and surgery or osteopathic medicine and surgery by the	1504
state medical board or a person who otherwise is authorized to	1505
practice medicine and surgery or osteopathic medicine and	1506
surgery in this state.	1507
(3) "Medical claim" means any claim that is asserted in	1508
any civil action against a physician, podiatrist, hospital,	1509
home, or residential facility, against any employee or agent of	1510
a physician, podiatrist, hospital, home, or residential	1511
facility, or against a licensed practical nurse, registered	1512
nurse, advanced practice registered nurse, physical therapist,	1513
physician assistant, emergency medical technician-basic,	1514
emergency medical technician-intermediate, or emergency medical	1515
technician-paramedic, and that arises out of the medical	1516
diagnosis, care, or treatment of any person. "Medical claim"	1517

includes the following:	1518
(a) Derivative claims for relief that arise from the plan	1519
of care, medical diagnosis, or treatment of a person;	1520
(b) Claims that arise out of the plan of care, medical	1521
diagnosis, or treatment of any person and to which either of the	1522
following applies:	1523
(i) The claim results from acts or omissions in providing	1524
medical care.	1525
(ii) The claim results from the hiring, training,	1526
supervision, retention, or termination of caregivers providing	1527
medical diagnosis, care, or treatment.	1528
(c) Claims that arise out of the plan of care, medical	1529
diagnosis, or treatment of any person and that are brought under	1530
section 3721.17 of the Revised Code;	1531
(d) Claims that arise out of skilled nursing care or	1532
personal care services provided in a home pursuant to the plan	1533
of care, medical diagnosis, or treatment.	1534
(4) "Podiatrist" means any person who is licensed to	1535
practice podiatric medicine and surgery by the state medical	1536
board.	1537
(5) "Dentist" means any person who is licensed to practice	1538
dentistry by the state dental board.	1539
(6) "Dental claim" means any claim that is asserted in any	1540
civil action against a dentist, or against any employee or agent	1541
of a dentist, and that arises out of a dental operation or the	1542
dental diagnosis, care, or treatment of any person. "Dental	1543
claim" includes derivative claims for relief that arise from a	1544
dental operation or the dental diagnosis, care, or treatment of	1545

a person. 1546

(7) "Derivative claims for relief" include, but are not 1547
limited to, claims of a parent, guardian, custodian, or spouse 1548
of an individual who was the subject of any medical diagnosis, 1549
care, or treatment, dental diagnosis, care, or treatment, dental 1550
operation, optometric diagnosis, care, or treatment, or 1551
chiropractic diagnosis, care, or treatment, that arise from that 1552
diagnosis, care, treatment, or operation, and that seek the 1553
recovery of damages for any of the following: 1554

(a) Loss of society, consortium, companionship, care, 1555
assistance, attention, protection, advice, guidance, counsel, 1556
instruction, training, or education, or any other intangible 1557
loss that was sustained by the parent, guardian, custodian, or 1558
spouse; 1559

(b) Expenditures of the parent, guardian, custodian, or 1560
spouse for medical, dental, optometric, or chiropractic care or 1561
treatment, for rehabilitation services, or for other care, 1562
treatment, services, products, or accommodations provided to the 1563
individual who was the subject of the medical diagnosis, care, 1564
or treatment, the dental diagnosis, care, or treatment, the 1565
dental operation, the optometric diagnosis, care, or treatment, 1566
or the chiropractic diagnosis, care, or treatment. 1567

(8) "Registered nurse" means any person who is licensed to 1568
practice nursing as a registered nurse by the board of nursing. 1569

(9) "Chiropractic claim" means any claim that is asserted 1570
in any civil action against a chiropractor, or against any 1571
employee or agent of a chiropractor, and that arises out of the 1572
chiropractic diagnosis, care, or treatment of any person. 1573
"Chiropractic claim" includes derivative claims for relief that 1574

arise from the chiropractic diagnosis, care, or treatment of a person. 1575
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(10) "Chiropractor" means any person who is licensed to practice chiropractic by the state chiropractic board. 1577
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(11) "Optometric claim" means any claim that is asserted in any civil action against an optometrist, or against any employee or agent of an optometrist, and that arises out of the optometric diagnosis, care, or treatment of any person. 1579
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"Optometric claim" includes derivative claims for relief that arise from the optometric diagnosis, care, or treatment of a person. 1583
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(12) "Optometrist" means any person licensed to practice optometry by the state ~~board of optometry~~ vision and hearing professionals board. 1586
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(13) "Physical therapist" means any person who is licensed to practice physical therapy under Chapter 4755. of the Revised Code. 1589
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(14) "Home" has the same meaning as in section 3721.10 of the Revised Code. 1592
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(15) "Residential facility" means a facility licensed under section 5123.19 of the Revised Code. 1594
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(16) "Advanced practice registered nurse" means any certified nurse practitioner, clinical nurse specialist, certified registered nurse anesthetist, or certified nurse-midwife who holds a certificate of authority issued by the board of nursing under Chapter 4723. of the Revised Code. 1596
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(17) "Licensed practical nurse" means any person who is licensed to practice nursing as a licensed practical nurse by 1601
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the board of nursing pursuant to Chapter 4723. of the Revised Code. 1603
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(18) "Physician assistant" means any person who is licensed as a physician assistant under Chapter 4730. of the Revised Code. 1605
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(19) "Emergency medical technician-basic," "emergency medical technician-intermediate," and "emergency medical technician-paramedic" means any person who is certified under Chapter 4765. of the Revised Code as an emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic, whichever is applicable. 1608
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(20) "Skilled nursing care" and "personal care services" have the same meanings as in section 3721.01 of the Revised Code. 1614
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Sec. 3313.608. (A) (1) Beginning with students who enter third grade in the school year that starts July 1, 2009, and until June 30, 2013, unless the student is excused under division (C) of section 3301.0711 of the Revised Code from taking the assessment described in this section, for any student who does not attain at least the equivalent level of achievement designated under division (A) (3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected at the end of third grade, each school district, in accordance with the policy adopted under section 3313.609 of the Revised Code, shall do one of the following: 1617
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(a) Promote the student to fourth grade if the student's principal and reading teacher agree that other evaluations of the student's skill in reading demonstrate that the student is 1629
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academically prepared to be promoted to fourth grade; 1632

(b) Promote the student to fourth grade but provide the 1633
student with intensive intervention services in fourth grade; 1634

(c) Retain the student in third grade. 1635

(2) Beginning with students who enter third grade in the 1636
2013-2014 school year, unless the student is excused under 1637
division (C) of section 3301.0711 of the Revised Code from 1638
taking the assessment described in this section, no school 1639
district shall promote to fourth grade any student who does not 1640
attain at least the equivalent level of achievement designated 1641
under division (A) (3) of section 3301.0710 of the Revised Code 1642
on the assessment prescribed under that section to measure skill 1643
in English language arts expected at the end of third grade, 1644
unless one of the following applies: 1645

(a) The student is a limited English proficient student 1646
who has been enrolled in United States schools for less than 1647
three full school years and has had less than three years of 1648
instruction in an English as a second language program. 1649

(b) The student is a child with a disability entitled to 1650
special education and related services under Chapter 3323. of 1651
the Revised Code and the student's individualized education 1652
program exempts the student from retention under this division. 1653

(c) The student demonstrates an acceptable level of 1654
performance on an alternative standardized reading assessment as 1655
determined by the department of education. 1656

(d) All of the following apply: 1657

(i) The student is a child with a disability entitled to 1658
special education and related services under Chapter 3323. of 1659

the Revised Code. 1660

(ii) The student has taken the third grade English 1661
language arts achievement assessment prescribed under section 1662
3301.0710 of the Revised Code. 1663

(iii) The student's individualized education program or 1664
plan under section 504 of the "Rehabilitation Act of 1973," 87 1665
Stat. 355, 29 U.S.C. 794, as amended, shows that the student has 1666
received intensive remediation in reading for two school years 1667
but still demonstrates a deficiency in reading. 1668

(iv) The student previously was retained in any of grades 1669
kindergarten to three. 1670

(e) (i) The student received intensive remediation for 1671
reading for two school years but still demonstrates a deficiency 1672
in reading and was previously retained in any of grades 1673
kindergarten to three. 1674

(ii) A student who is promoted under division (A) (2) (e) (i) 1675
of this section shall continue to receive intensive reading 1676
instruction in grade four. The instruction shall include an 1677
altered instructional day that includes specialized diagnostic 1678
information and specific research-based reading strategies for 1679
the student that have been successful in improving reading among 1680
low-performing readers. 1681

(B) (1) Beginning in the 2012-2013 school year, to assist 1682
students in meeting the third grade guarantee established by 1683
this section, each school district board of education shall 1684
adopt policies and procedures with which it annually shall 1685
assess the reading skills of each student, except those students 1686
with significant cognitive disabilities or other disabilities as 1687
authorized by the department on a case-by-case basis, enrolled 1688

in kindergarten to third grade and shall identify students who 1689
are reading below their grade level. The reading skills 1690
assessment shall be completed by the thirtieth day of September 1691
for students in grades one to three, and by the first day of 1692
November for students in kindergarten. Each district shall use 1693
the diagnostic assessment to measure reading ability for the 1694
appropriate grade level adopted under section 3301.079 of the 1695
Revised Code, or a comparable tool approved by the department of 1696
education, to identify such students. The policies and 1697
procedures shall require the students' classroom teachers to be 1698
involved in the assessment and the identification of students 1699
reading below grade level. The assessment may be administered 1700
electronically using live, two-way video and audio connections 1701
whereby the teacher administering the assessment may be in a 1702
separate location from the student. 1703

(2) For each student identified by the diagnostic 1704
assessment prescribed under this section as having reading 1705
skills below grade level, the district shall do both of the 1706
following: 1707

(a) Provide to the student's parent or guardian, in 1708
writing, all of the following: 1709

(i) Notification that the student has been identified as 1710
having a substantial deficiency in reading; 1711

(ii) A description of the current services that are 1712
provided to the student; 1713

(iii) A description of the proposed supplemental 1714
instructional services and supports that will be provided to the 1715
student that are designed to remediate the identified areas of 1716
reading deficiency; 1717

(iv) Notification that if the student attains a score in 1718
the range designated under division (A) (3) of section 3301.0710 1719
of the Revised Code on the assessment prescribed under that 1720
section to measure skill in English language arts expected at 1721
the end of third grade, the student shall be retained unless the 1722
student is exempt under division (A) of this section. The 1723
notification shall specify that the assessment under section 1724
3301.0710 of the Revised Code is not the sole determinant of 1725
promotion and that additional evaluations and assessments are 1726
available to the student to assist parents and the district in 1727
knowing when a student is reading at or above grade level and 1728
ready for promotion. 1729

(b) Provide intensive reading instruction services and 1730
regular diagnostic assessments to the student immediately 1731
following identification of a reading deficiency until the 1732
development of the reading improvement and monitoring plan 1733
required by division (C) of this section. These intervention 1734
services shall include research-based reading strategies that 1735
have been shown to be successful in improving reading among low- 1736
performing readers and instruction targeted at the student's 1737
identified reading deficiencies. 1738

(3) For each student retained under division (A) of this 1739
section, the district shall do all of the following: 1740

(a) Provide intense remediation services until the student 1741
is able to read at grade level. The remediation services shall 1742
include intensive interventions in reading that address the 1743
areas of deficiencies identified under this section including, 1744
but not limited to, not less than ninety minutes of reading 1745
instruction per day, and may include any of the following: 1746

(i) Small group instruction; 1747

(ii) Reduced teacher-student ratios;	1748
(iii) More frequent progress monitoring;	1749
(iv) Tutoring or mentoring;	1750
(v) Transition classes containing third and fourth grade students;	1751 1752
(vi) Extended school day, week, or year;	1753
(vii) Summer reading camps.	1754
(b) Establish a policy for the mid-year promotion of a student retained under division (A) of this section who demonstrates that the student is reading at or above grade level;	1755 1756 1757 1758
(c) Provide each student with a teacher who satisfies one or more of the criteria set forth in division (H) of this section.	1759 1760 1761
The district shall offer the option for students to receive applicable services from one or more providers other than the district. Providers shall be screened and approved by the district or the department of education. If the student participates in the remediation services and demonstrates reading proficiency in accordance with standards adopted by the department prior to the start of fourth grade, the district shall promote the student to that grade.	1762 1763 1764 1765 1766 1767 1768 1769
(4) For each student retained under division (A) of this section who has demonstrated proficiency in a specific academic ability field, each district shall provide instruction commensurate with student achievement levels in that specific academic ability field.	1770 1771 1772 1773 1774

As used in this division, "specific academic ability field" has the same meaning as in section 3324.01 of the Revised Code. 1775
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(C) For each student required to be provided intervention services under this section, the district shall develop a reading improvement and monitoring plan within sixty days after receiving the student's results on the diagnostic assessment or comparable tool administered under division (B)(1) of this section. The district shall involve the student's parent or guardian and classroom teacher in developing the plan. The plan shall include all of the following: 1778
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(1) Identification of the student's specific reading deficiencies; 1786
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(2) A description of the additional instructional services and support that will be provided to the student to remediate the identified reading deficiencies; 1788
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(3) Opportunities for the student's parent or guardian to be involved in the instructional services and support described in division (C)(2) of this section; 1791
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(4) A process for monitoring the extent to which the student receives the instructional services and support described in division (C)(2) of this section; 1794
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(5) A reading curriculum during regular school hours that does all of the following: 1797
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(a) Assists students to read at grade level; 1799

(b) Provides scientifically based and reliable assessment; 1800

(c) Provides initial and ongoing analysis of each student's reading progress. 1801
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(6) A statement that if the student does not attain at least the equivalent level of achievement designated under division (A) (3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected by the end of third grade, the student may be retained in third grade.

Each student with a reading improvement and monitoring plan under this division who enters third grade after July 1, 2013, shall be assigned to a teacher who satisfies one or more of the criteria set forth in division (H) of this section.

The district shall report any information requested by the department about the reading improvement monitoring plans developed under this division in the manner required by the department.

(D) Each school district shall report annually to the department on its implementation and compliance with this section using guidelines prescribed by the superintendent of public instruction. The superintendent of public instruction annually shall report to the governor and general assembly the number and percentage of students in grades kindergarten through four reading below grade level based on the diagnostic assessments administered under division (B) of this section and the achievement assessments administered under divisions (A) (1) (a) and (b) of section 3301.0710 of the Revised Code in English language arts, aggregated by school district and building; the types of intervention services provided to students; and, if available, an evaluation of the efficacy of the intervention services provided.

(E) Any summer remediation services funded in whole or in part by the state and offered by school districts to students

under this section shall meet the following conditions: 1833

(1) The remediation methods are based on reliable 1834
educational research. 1835

(2) The school districts conduct assessment before and 1836
after students participate in the program to facilitate 1837
monitoring results of the remediation services. 1838

(3) The parents of participating students are involved in 1839
programming decisions. 1840

(F) Any intervention or remediation services required by 1841
this section shall include intensive, explicit, and systematic 1842
instruction. 1843

(G) This section does not create a new cause of action or 1844
a substantive legal right for any person. 1845

(H) (1) Except as provided under divisions (H) (2), (3), and 1846
(4) of this section, each student described in division (B) (3) 1847
or (C) of this section who enters third grade for the first time 1848
on or after July 1, 2013, shall be assigned a teacher who has at 1849
least one year of teaching experience and who satisfies one or 1850
more of the following criteria: 1851

(a) The teacher holds a reading endorsement on the 1852
teacher's license and has attained a passing score on the 1853
corresponding assessment for that endorsement, as applicable. 1854

(b) The teacher has completed a master's degree program 1855
with a major in reading. 1856

(c) The teacher was rated "most effective" for reading 1857
instruction consecutively for the most recent two years based on 1858
assessments of student growth measures developed by a vendor and 1859
that is on the list of student assessments approved by the state 1860

board under division (B) (2) of section 3319.112 of the Revised Code. 1861
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(d) The teacher was rated "above expected value added," in reading instruction, as determined by criteria established by the department, for the most recent, consecutive two years. 1863
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(e) The teacher has earned a passing score on a rigorous test of principles of scientifically research-based reading instruction as approved by the state board. 1866
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(f) The teacher holds an educator license for teaching grades pre-kindergarten through three or four through nine issued on or after July 1, 2017. 1869
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(2) Notwithstanding division (H) (1) of this section, a student described in division (B) (3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, may be assigned to a teacher with less than one year of teaching experience provided that the teacher meets one or more of the criteria described in divisions (H) (1) (a) to (f) of this section and that teacher is assigned a teacher mentor who meets the qualifications of division (H) (1) of this section. 1872
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(3) Notwithstanding division (H) (1) of this section, a student described in division (B) (3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, but prior to July 1, 2016, may be assigned to a teacher who holds an alternative credential approved by the department or who has successfully completed training that is based on principles of scientifically research-based reading instruction that has been approved by the department. Beginning on July 1, 2014, the alternative credentials and training described in division (H) (3) of this section shall be aligned with the 1880
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reading competencies adopted by the state board of education 1890
under section 3301.077 of the Revised Code. 1891

(4) Notwithstanding division (H) (1) of this section, a 1892
student described in division (B) (3) or (C) of this section who 1893
enters third grade for the first time on or after July 1, 2013, 1894
may receive reading intervention or remediation services under 1895
this section from an individual employed as a speech-language 1896
pathologist who holds a license issued by the state vision and 1897
hearing professionals board of speech language pathology and 1898
audiology under Chapter 4753. of the Revised Code and a 1899
professional pupil services license as a school speech-language 1900
pathologist issued by the state board of education. 1901

(5) A teacher, other than a student's teacher of record, 1902
may provide any services required under this section, so long as 1903
that other teacher meets the requirements of division (H) of 1904
this section and the teacher of record and the school principal 1905
agree to the assignment. Any such assignment shall be documented 1906
in the student's reading improvement and monitoring plan. 1907

As used in this division, "teacher of record" means the 1908
classroom teacher to whom a student is assigned. 1909

(I) Notwithstanding division (H) of this section, a 1910
teacher may teach reading to any student who is an English 1911
language learner, and has been in the United States for three 1912
years or less, or to a student who has an individualized 1913
education program developed under Chapter 3323. of the Revised 1914
Code if that teacher holds an alternative credential approved by 1915
the department or has successfully completed training that is 1916
based on principles of scientifically research-based reading 1917
instruction that has been approved by the department. Beginning 1918
on July 1, 2014, the alternative credentials and training 1919

described in this division shall be aligned with the reading 1920
competencies adopted by the state board of education under 1921
section 3301.077 of the Revised Code. 1922

(J) If, on or after June 4, 2013, a school district or 1923
community school cannot furnish the number of teachers needed 1924
who satisfy one or more of the criteria set forth in division 1925
(H) of this section for the 2013-2014 school year, the school 1926
district or community school shall develop and submit a staffing 1927
plan by June 30, 2013. The staffing plan shall include criteria 1928
that will be used to assign a student described in division (B) 1929
(3) or (C) of this section to a teacher, credentials or training 1930
held by teachers currently teaching at the school, and how the 1931
school district or community school will meet the requirements 1932
of this section. The school district or community school shall 1933
post the staffing plan on its web site for the applicable school 1934
year. 1935

Not later than March 1, 2014, and on the first day of 1936
March in each year thereafter, a school district or community 1937
school that has submitted a plan under this division shall 1938
submit to the department a detailed report of the progress the 1939
district or school has made in meeting the requirements under 1940
this section. 1941

A school district or community school may request an 1942
extension of a staffing plan beyond the 2013-2014 school year. 1943
Extension requests must be submitted to the department not later 1944
than the thirtieth day of April prior to the start of the 1945
applicable school year. The department may grant extensions 1946
valid through the 2015-2016 school year. 1947

Until June 30, 2015, the department annually shall review 1948
all staffing plans and report to the state board not later than 1949

the thirtieth day of June of each year the progress of school 1950
districts and community schools in meeting the requirements of 1951
this section. 1952

(K) The department of education shall designate one or 1953
more staff members to provide guidance and assistance to school 1954
districts and community schools in implementing the third grade 1955
guarantee established by this section, including any standards 1956
or requirements adopted to implement the guarantee and to 1957
provide information and support for reading instruction and 1958
achievement. 1959

Sec. 3701.83. There is hereby created in the state 1960
treasury the general operations fund. Moneys in the fund shall 1961
be used for the purposes specified in sections 3701.04, 1962
3701.344, 3702.20, 3710.15, 3711.16, 3717.45, 3718.06, 3721.02, 1963
3721.022, 3729.07, 3733.43, 3748.04, 3748.05, 3748.07, 3748.12, 1964
3748.13, 3749.04, 3749.07, ~~4747.04~~, and 4769.09 of the Revised 1965
Code. 1966

Sec. 4723.05. The board of nursing shall appoint an 1967
executive director, ~~who shall be a registered nurse of this~~ 1968
~~state with at least five years experience in the practice of~~ 1969
~~nursing as a registered nurse,~~ shall be a resident of this state 1970
during the term of appointment, and shall not be a member of the 1971
board at the time of appointment or during the term of 1972
appointment. The board shall meet at such times and places as it 1973
may direct and provide in its rules. The president may call 1974
special meetings, and the executive director shall call special 1975
meetings upon the written request of two or more board members. 1976
The board shall provide itself with a seal. The president and 1977
executive director may administer oaths. The executive director 1978
is the chief administrative officer of the board and shall serve 1979

as a full time employee of the board and shall be entitled to 1980
attend all meetings of the board except meetings concerning the 1981
appointment and terms of employment of the executive director. 1982

The term of the executive director shall be one year 1983
commencing on the first day of January. The executive director 1984
shall receive necessary expenses in addition to salary. The 1985
executive director shall give a surety bond to the state in such 1986
sum as the board requires, and conditioned upon the faithful 1987
performance of the duties of executive director. 1988

The executive director is an appointing authority as 1989
defined in section 124.01 of the Revised Code, and may appoint 1990
such nursing education consultants, nursing practice 1991
consultants, investigative personnel, and any additional 1992
employees for professional, clerical, and special work necessary 1993
to carry out the board's functions and with the board's 1994
approval, may establish standards for the conduct of employees. 1995

Sec. 4725.01. As used in this chapter: 1996

(A) (1) The "practice of optometry" means the application 1997
of optical principles, through technical methods and devices, in 1998
the examination of human eyes for the purpose of ascertaining 1999
departures from the normal, measuring their functional powers, 2000
adapting optical accessories for the aid thereof, and detecting 2001
ocular abnormalities that may be evidence of disease, pathology, 2002
or injury. 2003

(2) In the case of a licensed optometrist who holds a 2004
topical ocular pharmaceutical agents certificate, the "practice 2005
of optometry" has the same meaning as in division (A) (1) of this 2006
section, except that it also includes administering topical 2007
ocular pharmaceutical agents. 2008

(3) In the case of a licensed optometrist who holds a therapeutic pharmaceutical agents certificate, the "practice of optometry" has the same meaning as in division (A) (1) of this section, except that it also includes all of the following:

(a) Employing, applying, administering, and prescribing instruments, devices, and procedures, other than invasive procedures, for purpose of examination, investigation, diagnosis, treatment, or prevention of any disease, injury, or other abnormal condition of the visual system;

(b) Employing, applying, administering, and prescribing topical ocular pharmaceutical agents;

(c) Employing, applying, administering, and prescribing therapeutic pharmaceutical agents;

(d) Assisting an individual in determining the individual's blood glucose level by using a commercially available glucose-monitoring device. Nothing in this section precludes a licensed optometrist who holds a therapeutic pharmaceutical agents certificate from using any particular type of commercially available glucose-monitoring device.

(B) "Topical ocular pharmaceutical agent" means a drug or dangerous drug that is a topical drug and used in the practice of optometry as follows:

(1) In the case of a licensed optometrist who holds a topical ocular pharmaceutical agents certificate, for evaluative purposes in the practice of optometry as set forth in division (A) (1) of this section;

(2) In the case of a licensed optometrist who holds a therapeutic pharmaceutical agents certificate, for purposes of examination, investigation, diagnosis, treatment, or prevention

of any disease, injury, or other abnormal condition of the 2038
visual system. 2039

(C) "Therapeutic pharmaceutical agent" means a drug or 2040
dangerous drug that is used for examination, investigation, 2041
diagnosis, treatment, or prevention of any disease, injury, or 2042
other abnormal condition of the visual system in the practice of 2043
optometry by a licensed optometrist who holds a therapeutic 2044
pharmaceutical agents certificate, and is any of the following: 2045

(1) An oral drug or dangerous drug in one of the following 2046
classifications: 2047

(a) Anti-infectives, including antibiotics, antivirals, 2048
antimicrobials, and antifungals; 2049

(b) Anti-allergy agents; 2050

(c) Antiglaucoma agents; 2051

(d) Analgesics, including only analgesic drugs that are 2052
available without a prescription, analgesic drugs or dangerous 2053
drugs that require a prescription but are not controlled 2054
substances, and, to the extent authorized by the state ~~board of~~ 2055
~~optometry vision and hearing professionals board~~ in rules 2056
adopted under section 4725.091 of the Revised Code, analgesic 2057
controlled substances; 2058

(e) Anti-inflammatories, excluding all drugs or dangerous 2059
drugs classified as oral steroids other than methylpredisolone, 2060
except that methylpredisolone may be used under a therapeutic 2061
pharmaceutical agents certificate only if it is prescribed under 2062
all of the following conditions: 2063

(i) For use in allergy cases; 2064

(ii) For use by an individual who is eighteen years of age 2065

or older;	2066
(iii) On the basis of an individual's particular episode of illness;	2067 2068
(iv) In an amount that does not exceed the amount packaged for a single course of therapy.	2069 2070
(2) Epinephrine administered by injection to individuals in emergency situations to counteract anaphylaxis or anaphylactic shock. Notwithstanding any provision of this section to the contrary, administration of epinephrine in this manner does not constitute performance of an invasive procedure.	2071 2072 2073 2074 2075
(3) An oral drug or dangerous drug that is not included under division (C) (1) of this section, if the drug or dangerous drug is approved, exempt from approval, certified, or exempt from certification by the federal food and drug administration for ophthalmic purposes and the drug or dangerous drug is specified in rules adopted by the state board of optometry under section 4725.09 of the Revised Code.	2076 2077 2078 2079 2080 2081 2082
(D) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.	2083 2084
(E) "Drug" and "dangerous drug" have the same meanings as in section 4729.01 of the Revised Code.	2085 2086
(F) "Invasive procedure" means any procedure that involves cutting or otherwise infiltrating human tissue by mechanical means including surgery, laser surgery, ionizing radiation, therapeutic ultrasound, administering medication by injection, or the removal of intraocular foreign bodies.	2087 2088 2089 2090 2091
(G) "Visual system" means the human eye and its accessory or subordinate anatomical parts.	2092 2093

(H) "Certificate of licensure" means a certificate issued 2094
by the ~~state board of optometry~~ under section 4725.13 of the 2095
Revised Code authorizing the holder to practice optometry as 2096
provided in division (A) (1) of this section. 2097

(I) "Topical ocular pharmaceutical agents certificate" 2098
means a certificate issued by the ~~state board of optometry~~ under 2099
section 4725.13 of the Revised Code authorizing the holder to 2100
practice optometry as provided in division (A) (2) of this 2101
section. 2102

(J) "Therapeutic pharmaceutical agents certificate" means 2103
a certificate issued by the ~~state board of optometry~~ under 2104
division (A) (3) or (4) of section 4725.13 of the Revised Code 2105
authorizing the holder to practice optometry as provided in 2106
division (A) (3) of this section. 2107

Sec. 4725.02. (A) Except as provided in section 4725.26 of 2108
the Revised Code, no person shall engage in the practice of 2109
optometry, including the determination of the kind of procedure, 2110
treatment, or optical accessories needed by a person or the 2111
examination of the eyes of any person for the purpose of fitting 2112
the same with optical accessories, unless the person holds a 2113
current, valid certificate of licensure from the ~~state board of~~ 2114
~~optometry~~ vision and hearing professionals board. No person 2115
shall claim to be the lawful holder of a certificate of 2116
licensure when in fact the person is not such lawful holder, or 2117
impersonate any licensed optometrist. 2118

(B) No optometrist shall administer topical ocular 2119
pharmaceutical agents unless the optometrist holds a valid 2120
topical ocular pharmaceutical agents certificate or therapeutic 2121
pharmaceutical agents certificate and fulfills the other 2122
requirements of this chapter. 2123

(C) No optometrist shall practice optometry as described 2124
in division (A) (3) of section 4725.01 of the Revised Code unless 2125
the optometrist holds a valid therapeutic pharmaceutical agents 2126
certificate. 2127

(D) No optometrist shall personally furnish a therapeutic 2128
pharmaceutical agent to any person, except that a licensed 2129
optometrist who holds a therapeutic pharmaceutical agents 2130
certificate may personally furnish a therapeutic pharmaceutical 2131
agent to a patient if no charge is imposed for the agent or for 2132
furnishing it and the amount furnished does not exceed a 2133
seventy-two hour supply, except that if the minimum available 2134
quantity of the agent is greater than a seventy-two hour supply, 2135
the optometrist may furnish the minimum available quantity. 2136

Sec. 4725.09. (A) The state ~~board of optometry-vision and~~ 2137
hearing professionals board shall adopt rules as it considers 2138
necessary to govern the practice of optometry and to administer 2139
and enforce sections 4725.01 to 4725.34 of the Revised Code. All 2140
rules adopted under those sections shall be adopted in 2141
accordance with Chapter 119. of the Revised Code. 2142

(B) The board, in consultation with the state board of 2143
pharmacy, shall adopt rules specifying any oral drugs or 2144
dangerous drugs that are therapeutic pharmaceutical agents under 2145
division (C) (3) of section 4725.01 of the Revised Code. 2146

(C) The board shall adopt rules that establish standards 2147
to be met and procedures to be followed with respect to the 2148
delegation by an optometrist of the performance of an optometric 2149
task to a person who is not licensed or otherwise specifically 2150
authorized by the Revised Code to perform the task. The rules 2151
shall permit an optometrist who holds a topical ocular 2152
pharmaceutical agents certificate or therapeutic pharmaceutical 2153

agents certificate to delegate the administration of drugs 2154
included in the optometrist's scope of practice. 2155

The rules adopted under this division shall provide for 2156
all of the following: 2157

(1) On-site supervision when the delegation occurs in an 2158
institution or other facility that is used primarily for the 2159
purpose of providing health care, unless the board established a 2160
specific exception to the on-site supervision requirement with 2161
respect to routine administration of a topical drug; 2162

(2) Evaluation of whether delegation is appropriate 2163
according to the acuity of the patient involved; 2164

(3) Training and competency requirements that must be met 2165
by the person administering the drugs; 2166

(4) Other standards and procedures the board considers 2167
relevant. 2168

(D) The ~~state board of optometry~~ shall adopt rules 2169
establishing criminal records checks requirements for applicants 2170
under section 4776.03 of the Revised Code. 2171

Sec. 4725.091. (A) The state ~~board of optometry~~ vision and 2172
hearing professionals board shall adopt rules governing the 2173
authority of licensed optometrists practicing under therapeutic 2174
pharmaceutical agents certificates to employ, apply, administer, 2175
and prescribe analgesic controlled substances. The rules shall 2176
be adopted in accordance with Chapter 119. of the Revised Code 2177
and in consultation with the state board of pharmacy. 2178

(B) All of the following apply to the state vision and 2179
hearing professionals board ~~of optometry~~ in the adoption of 2180
rules under this section: 2181

(1) The board shall not permit an optometrist to employ, 2182
apply, administer, or prescribe an analgesic controlled 2183
substance other than a drug product that is used for the 2184
treatment of pain and meets one of the following conditions: 2185

(a) The product is a preparation that contains an amount 2186
of codeine per dosage unit, as specified by the board, and also 2187
contains other active, nonnarcotic ingredients, such as 2188
acetaminophen or aspirin, in a therapeutic amount. 2189

(b) The product is a preparation that contains an amount 2190
of hydrocodone per dosage unit, as specified by the board, and 2191
also contains other active, nonnarcotic ingredients, such as 2192
acetaminophen, aspirin, or ibuprofen, in a therapeutic amount. 2193

(c) The product contains or consists of a drug or 2194
dangerous drug that was an analgesic included in the practice of 2195
optometry under a therapeutic pharmaceutical agents certificate 2196
immediately prior to ~~the effective date of this amendment~~ March 2197
23, 2015, was not a controlled substance at that time, and 2198
subsequently becomes a schedule II, III, IV, or V controlled 2199
substance. 2200

(2) The board shall limit the analgesic controlled 2201
substances that optometrists may employ, apply, administer, or 2202
prescribe to the drugs that the board determines are appropriate 2203
for use in the practice of optometry under a therapeutic 2204
pharmaceutical agents certificate. 2205

(3) With regard to the prescribing of analgesic controlled 2206
substances, the board shall establish prescribing standards to 2207
be followed by optometrists who hold therapeutic pharmaceutical 2208
agents certificates. The board shall take into account the 2209
prescribing standards that exist within the health care 2210

marketplace. 2211

(4) The board shall establish standards and procedures for 2212
employing, applying, administering, and prescribing analgesic 2213
controlled substances under a therapeutic pharmaceutical agents 2214
certificate by taking into consideration and examining issues 2215
that include the appropriate length of drug therapy, appropriate 2216
standards for drug treatment, necessary monitoring systems, and 2217
any other factors the board considers relevant. 2218

Sec. 4725.092. (A) As used in this section, "drug 2219
database" means the database established and maintained by the 2220
state board of pharmacy pursuant to section 4729.75 of the 2221
Revised Code. 2222

(B) The state ~~board of optometry vision and hearing~~ 2223
professionals board shall adopt rules that establish standards 2224
and procedures to be followed by an optometrist who holds a 2225
therapeutic pharmaceutical agents certificate regarding the 2226
review of patient information available through the drug 2227
database under division (A) (5) of section 4729.80 of the Revised 2228
Code. The rules shall be adopted in accordance with Chapter 119. 2229
of the Revised Code. 2230

(C) This section and the rules adopted under it do not 2231
apply if the state board of pharmacy no longer maintains the 2232
drug database. 2233

Sec. 4725.10. (A) The state ~~board of optometry vision and~~ 2234
hearing professionals board shall evaluate schools of optometry 2235
and grant its approval to schools that adequately prepare their 2236
graduates for the practice of optometry in this state. Approval 2237
shall be granted only by an affirmative vote of a majority of 2238
the members of the board. 2239

(B) To be approved by the board, a school of optometry 2240
shall meet at least the following conditions: 2241

(1) Be accredited by a professional optometric accrediting 2242
agency recognized by the board; 2243

(2) Require as a prerequisite to admission to the school's 2244
courses in optometry at least two academic years of study with 2245
credits of at least sixty semester hours or ninety quarter hours 2246
in a college of arts and sciences accredited by a post-secondary 2247
education accrediting organization recognized by the board; 2248

(3) Require a course of study of at least four academic 2249
years with credits of at least one hundred thirty-four semester 2250
hours or two hundred quarter hours. 2251

(C) The board may establish standards for the approval of 2252
schools of optometry that are higher than the standards 2253
specified in division (B) of this section. 2254

Sec. 4725.11. (A) The state ~~board of optometry vision and~~ 2255
hearing professionals board shall accept as the examination that 2256
must be passed to receive a license to practice optometry in 2257
this state the examination prepared, administered, and graded by 2258
the national board of examiners in optometry or an examination 2259
prepared, administered, and graded by another professional 2260
testing organization recognized by the board as being qualified 2261
to examine applicants for licenses to practice optometry in this 2262
state. The board shall periodically review its acceptance of a 2263
licensing examination under this section to determine if the 2264
examination and the organization offering it continue to meet 2265
standards the board considers appropriate. 2266

(B) The licensing examination accepted by the board under 2267
this section may be divided into parts and offered as follows: 2268

(1) Part one: Tests in basic science, human biology,	2269
ocular and visual biology, theoretical ophthalmic, physiological	2270
optics, and physiological psychology;	2271
(2) Part two: Tests in clinical science, systemic	2272
conditions, the treatment and management of ocular disease,	2273
refractive oculomotor, sensory integrative conditions,	2274
perceptual conditions, public health, the legal issues regarding	2275
the clinical practice of optometry, and pharmacology;	2276
(3) Part three: Tests in patient care and management,	2277
clinical skills, and the visual recognition and interpretation	2278
of clinical signs.	2279
(C) The licensing examination accepted by the board may be	2280
offered in a manner other than the manner specified in division	2281
(B) of this section, but if offered in another manner, the	2282
examination must test the person sitting for the examination in	2283
the areas specified in division (B) of this section and may test	2284
the person in other areas.	2285
The board may require as a condition of its acceptance of	2286
an examination that the examination cover subject matters in	2287
addition to those specified in division (B) of this section, if	2288
the schools of optometry it approves under section 4725.10 of	2289
the Revised Code include the additional subject matters in their	2290
prescribed curriculum.	2291
(D) The board shall accept direct delivery of the results	2292
of the licensing examination from the testing organization	2293
administering the examination. The results shall be kept as a	2294
permanent part of the board's records maintained pursuant to	2295
section 4725.07 <u>4744.12</u> of the Revised Code.	2296
(E) On request of any person seeking to practice optometry	2297

in this state, the board shall provide information on the 2298
licensing examination accepted by the board, including 2299
requirements that must be met to be eligible to sit for the 2300
examination and the dates the examination is offered. 2301

Sec. 4725.12. (A) Each person who desires to commence the 2302
practice of optometry in the state shall file with the executive 2303
director of the state ~~board of optometry a written vision and~~ 2304
hearing professionals board an application for a certificate of 2305
licensure and a therapeutic pharmaceutical agents certificate. 2306
The application shall be accompanied by the fees specified under 2307
section 4725.34 of the Revised Code and shall contain all 2308
information the board considers necessary to determine whether 2309
an applicant is qualified to receive the certificates. The 2310
application shall be made upon the form prescribed by the board 2311
and shall be verified by the oath of the applicant. 2312

(B) To receive a certificate of licensure and a 2313
therapeutic pharmaceutical agents certificate, an applicant must 2314
meet all of the following conditions: 2315

(1) Be at least eighteen years of age; 2316

(2) Be of good moral character; 2317

(3) Complete satisfactorily a course of study of at least 2318
six college years; 2319

(4) Graduate from a school of optometry approved by the 2320
board under section 4725.10 of the Revised Code; 2321

(5) Pass the licensing examination accepted by the board 2322
under section 4725.11 of the Revised Code. 2323

Sec. 4725.121. (A) As used in this section, "license" and 2324
"applicant for an initial license" have the same meanings as in 2325

section 4776.01 of the Revised Code, except that "license" as 2326
used in both of those terms refers to the types of 2327
authorizations otherwise issued or conferred under this chapter. 2328

(B) In addition to any other eligibility requirement set 2329
forth in this chapter, each applicant for an initial license 2330
shall comply with sections 4776.01 to 4776.04 of the Revised 2331
Code. The state ~~board of optometry-vision and hearing~~ 2332
professionals board shall not grant a license to an applicant 2333
for an initial license unless the applicant complies with 2334
sections 4776.01 to 4776.04 of the Revised Code and the board, 2335
in its discretion, decides that the results of the criminal 2336
records check do not make the applicant ineligible for a license 2337
issued pursuant to section 4725.13 or 4725.18 of the Revised 2338
Code. 2339

Sec. 4725.13. (A) The state ~~board of optometry-vision and~~ 2340
hearing professionals board, by an affirmative vote of a 2341
majority of its members, shall issue certificates under its seal 2342
as follows: 2343

(1) Every applicant who, prior to May 19, 1992, passed the 2344
licensing examination then in effect, and who otherwise complies 2345
with sections 4725.01 to 4725.34 of the Revised Code shall 2346
receive from the board a certificate of licensure authorizing 2347
the holder to engage in the practice of optometry as provided in 2348
division (A) (1) of section 4725.01 of the Revised Code. 2349

(2) Every applicant who, prior to May 19, 1992, passed the 2350
general and ocular pharmacology examination then in effect, and 2351
who otherwise complies with sections 4725.01 to 4725.34 of the 2352
Revised Code, shall receive from the board a separate topical 2353
ocular pharmaceutical agents certificate authorizing the holder 2354
to administer topical ocular pharmaceutical agents as provided 2355

in division (A) (2) of section 4725.01 of the Revised Code and in 2356
accordance with sections 4725.01 to 4725.34 of the Revised Code. 2357

(3) Every applicant who holds a valid certificate of 2358
licensure issued prior to May 19, 1992, and meets the 2359
requirements of section 4725.14 of the Revised Code shall 2360
receive from the board a separate therapeutic pharmaceutical 2361
agents certificate authorizing the holder to engage in the 2362
practice of optometry as provided in division (A) (3) of section 2363
4725.01 of the Revised Code. 2364

(4) Every applicant who, on or after May 19, 1992, passes 2365
all parts of the licensing examination accepted by the board 2366
under section 4725.11 of the Revised Code and otherwise complies 2367
with the requirements of sections 4725.01 to 4725.34 of the 2368
Revised Code shall receive from the board a certificate of 2369
licensure authorizing the holder to engage in the practice of 2370
optometry as provided in division (A) (1) of section 4725.01 of 2371
the Revised Code and a separate therapeutic pharmaceutical 2372
agents certificate authorizing the holder to engage in the 2373
practice of optometry as provided in division (A) (3) of that 2374
section. 2375

(B) Each person to whom a certificate is issued pursuant 2376
to this section by the board shall keep the certificate 2377
displayed in a conspicuous place in the location at which that 2378
person practices optometry and shall whenever required exhibit 2379
the certificate to any member or agent of the board. If an 2380
optometrist practices outside of or away from the location at 2381
which the optometrist's certificate of licensure is displayed, 2382
the optometrist shall deliver to each person examined or fitted 2383
with optical accessories by the optometrist, a receipt signed by 2384
the optometrist in which the optometrist shall set forth the 2385

amounts charged, the optometrist's post-office address, and the 2386
number assigned to the optometrist's certificate of licensure. 2387
The information may be provided as part of a prescription given 2388
to the person. 2389

(C) A person who, on May 19, 1992, holds a valid 2390
certificate of licensure or topical ocular pharmaceutical agents 2391
certificate issued by the board may continue to engage in the 2392
practice of optometry as provided by the certificate of 2393
licensure or topical ocular pharmaceutical agents certificate if 2394
the person continues to comply with sections 4725.01 to 4725.34 2395
of the Revised Code as required by the certificate of licensure 2396
or topical ocular pharmaceutical agents certificate. 2397

Sec. 4725.15. If the state ~~board of optometry vision and~~ 2398
hearing professionals board receives notice under division (D) 2399
of section 4725.11 of the Revised Code that an applicant has 2400
failed four times the licensing examination or part of the 2401
examination that must be passed pursuant to section 4725.12 or 2402
4725.14 of the Revised Code, the board shall not give further 2403
consideration to the application until the applicant completes 2404
thirty hours of remedial training approved by the board in the 2405
specific subject area or areas covered by the examination or 2406
part of the examination that was failed. 2407

Sec. 4725.16. (A) (1) Each certificate of licensure for the 2408
practice of optometry, topical ocular pharmaceutical agents 2409
certificate, and therapeutic pharmaceutical agents certificate 2410
issued by the state ~~board of optometry vision and hearing~~ 2411
professionals board shall expire annually on the last day of 2412
December, and may be renewed in accordance with this section and 2413
the standard renewal procedure established under Chapter 4745. 2414
of the Revised Code. 2415

(2) An optometrist seeking to continue to practice 2416
optometry shall file with the board an application for license 2417
renewal. The application shall be in such form and require such 2418
pertinent professional biographical data as the board may 2419
require. 2420

(3) (a) Except as provided in division (A) (3) (b) of this 2421
section, in the case of an optometrist seeking renewal who holds 2422
a therapeutic pharmaceutical agents certificate and who 2423
prescribes or personally furnishes analgesic controlled 2424
substances authorized pursuant to section 4725.091 of the 2425
Revised Code that are opioid analgesics, as defined in section 2426
3719.01 of the Revised Code, the optometrist shall certify to 2427
the board whether the optometrist has been granted access to the 2428
drug database established and maintained by the state board of 2429
pharmacy pursuant to section 4729.75 of the Revised Code. 2430

(b) The requirement in division (A) (3) (a) of this section 2431
does not apply if any of the following is the case: 2432

(i) The state board of pharmacy notifies the state ~~board~~ 2433
~~of optometry vision and hearing professionals board~~ pursuant to 2434
section 4729.861 of the Revised Code that the certificate holder 2435
has been restricted from obtaining further information from the 2436
drug database. 2437

(ii) The state board of pharmacy no longer maintains the 2438
drug database. 2439

(iii) The certificate holder does not practice optometry 2440
in this state. 2441

(c) If an optometrist certifies to the state ~~board of~~ 2442
~~optometry vision and hearing professionals board~~ that the 2443
optometrist has been granted access to the drug database and the 2444

board finds through an audit or other means that the optometrist 2445
has not been granted access, the board may take action under 2446
section 4725.19 of the Revised Code. 2447

(B) All licensed optometrists shall annually complete 2448
continuing education in subjects relating to the practice of 2449
optometry, to the end that the utilization and application of 2450
new techniques, scientific and clinical advances, and the 2451
achievements of research will assure comprehensive care to the 2452
public. The board shall prescribe by rule the continuing 2453
optometric education that licensed optometrists must complete. 2454
The length of study shall be twenty-five clock hours each year, 2455
including ten clock hours of instruction in pharmacology to be 2456
completed by all licensed optometrists. 2457

Unless the continuing education required under this 2458
division is waived or deferred under division (D) of this 2459
section, the continuing education must be completed during the 2460
twelve-month period beginning on the first day of October and 2461
ending on the last day of September. If the board receives 2462
notice from a continuing education program indicating that an 2463
optometrist completed the program after the last day of 2464
September, and the optometrist wants to use the continuing 2465
education completed after that day to renew the license that 2466
expires on the last day of December of that year, the 2467
optometrist shall pay the penalty specified under section 2468
4725.34 of the Revised Code for late completion of continuing 2469
education. 2470

At least once annually, the board shall post on its web 2471
site and shall mail, or send by electronic mail, to each 2472
licensed optometrist a list of courses approved in accordance 2473
with standards prescribed by board rule. Upon the request of a 2474

licensed optometrist, the executive director of the board shall 2475
supply a list of additional courses that the board has approved 2476
subsequent to the most recent web site posting, electronic mail 2477
transmission, or mailing of the list of approved courses. 2478

(C) (1) Annually, not later than the first day of November, 2479
the board shall mail or send by electronic mail a notice 2480
regarding license renewal to each licensed optometrist who may 2481
be eligible for renewal. The notice shall be sent to the 2482
optometrist's most recent electronic mail or mailing address 2483
shown in the board's records. If the board knows that the 2484
optometrist has completed the required continuing optometric 2485
education for the year, the board may include with the notice an 2486
application for license renewal. 2487

(2) Filing a license renewal application with the board 2488
shall serve as notice by the optometrist that the continuing 2489
optometric education requirement has been successfully 2490
completed. If the board finds that an optometrist has not 2491
completed the required continuing optometric education, the 2492
board shall disapprove the optometrist's application. The 2493
board's disapproval of renewal is effective without a hearing, 2494
unless a hearing is requested pursuant to Chapter 119. of the 2495
Revised Code. 2496

(3) The board shall refuse to accept an application for 2497
renewal from any applicant whose license is not in good standing 2498
or who is under disciplinary review pursuant to section 4725.19 2499
of the Revised Code. 2500

(4) Notice of an applicant's failure to qualify for 2501
renewal shall be served upon the applicant by mail. The notice 2502
shall be sent not later than the fifteenth day of November to 2503
the applicant's last address shown in the board's records. 2504

(D) In cases of certified illness or undue hardship, the board may waive or defer for up to twelve months the requirement of continuing optometric education, except that in such cases the board may not waive or defer the continuing education in pharmacology required to be completed by optometrists who hold topical ocular pharmaceutical agents certificates or therapeutic pharmaceutical agents certificates. The board shall waive the requirement of continuing optometric education for any optometrist who is serving on active duty in the armed forces of the United States or a reserve component of the armed forces of the United States, including the Ohio national guard or the national guard of any other state or who has received an initial certificate of licensure during the nine-month period which ended on the last day of September.

(E) An optometrist whose renewal application has been approved may renew each certificate held by paying to the treasurer of state the fees for renewal specified under section 4725.34 of the Revised Code. On payment of all applicable fees, the board shall issue a renewal of the optometrist's certificate of licensure, topical ocular pharmaceutical agents certificate, and therapeutic pharmaceutical agents certificate, as appropriate.

(F) Not later than the fifteenth day of December, the board shall mail or send by electronic mail a second notice regarding license renewal to each licensed optometrist who may be eligible for renewal but did not respond to the notice sent under division (C) (1) of this section. The notice shall be sent to the optometrist's most recent electronic mail or mailing address shown in the board's records. If an optometrist fails to file a renewal application after the second notice is sent, the board shall send a third notice regarding license renewal prior

to any action under division (I) of this section to classify the 2536
optometrist's certificates as delinquent. 2537

(G) The failure of an optometrist to apply for license 2538
renewal or the failure to pay the applicable annual renewal fees 2539
on or before the date of expiration, shall automatically work a 2540
forfeiture of the optometrist's authority to practice optometry 2541
in this state. 2542

(H) The board shall accept renewal applications and 2543
renewal fees that are submitted from the first day of January to 2544
the last day of April of the year next succeeding the date of 2545
expiration. An individual who submits such a late renewal 2546
application or fee shall pay the late renewal fee specified in 2547
section 4725.34 of the Revised Code. 2548

(I) (1) If the certificates issued by the board to an 2549
individual have expired and the individual has not filed a 2550
complete application during the late renewal period, the 2551
individual's certificates shall be classified in the board's 2552
records as delinquent. 2553

(2) Any optometrist subject to delinquent classification 2554
may submit ~~a written~~ an application to the board for 2555
reinstatement. For reinstatement to occur, the applicant must 2556
meet all of the following conditions: 2557

(a) Submit to the board evidence of compliance with board 2558
rules requiring continuing optometric education in a sufficient 2559
number of hours to make up for any delinquent compliance; 2560

(b) Pay the renewal fees for the year in which application 2561
for reinstatement is made and the reinstatement fee specified 2562
under division (A) (8) of section 4725.34 of the Revised Code; 2563

(c) Pass all or part of the licensing examination accepted 2564

by the board under section 4725.11 of the Revised Code as the 2565
board considers appropriate to determine whether the application 2566
for reinstatement should be approved; 2567

(d) If the applicant has been practicing optometry in 2568
another state or country, submit evidence that the applicant's 2569
license to practice optometry in the other state or country is 2570
in good standing. 2571

(3) The board shall approve an application for 2572
reinstatement if the conditions specified in division (I) (2) of 2573
this section are met. An optometrist who receives reinstatement 2574
is subject to the continuing education requirements specified 2575
under division (B) of this section for the year in which 2576
reinstatement occurs. 2577

Sec. 4725.17. (A) An optometrist who intends not to 2578
continue practicing optometry in this state due to retirement or 2579
a decision to practice in another state or country may apply to 2580
the state ~~board of optometry~~ vision and hearing professionals 2581
board to have the certificates issued to the optometrist placed 2582
on inactive status. Application for inactive status shall 2583
consist of a written notice to the board of the optometrist's 2584
intention to no longer practice in this state. The board may not 2585
accept an application submitted after the applicant's 2586
certificate of licensure and any other certificates have 2587
expired. The board may approve an application for placement on 2588
inactive status only if the applicant's certificates are in good 2589
standing and the applicant is not under disciplinary review 2590
pursuant to section 4725.19 of the Revised Code. 2591

(B) An individual whose certificates have been placed on 2592
inactive status may submit a written application to the board 2593
for reinstatement. For reinstatement to occur, the applicant 2594

must meet all of the following conditions: 2595

(1) Pay the renewal fees for the year in which application 2596
for reinstatement is made and the reinstatement fee specified 2597
under division (A) (9) of section 4725.34 of the Revised Code; 2598

(2) Pass all or part of the licensing examination accepted 2599
by the board under section 4725.11 of the Revised Code as the 2600
board considers appropriate, if the board considers examination 2601
necessary to determine whether the application for reinstatement 2602
should be approved; 2603

(3) If the applicant has been practicing optometry in 2604
another state or country, submit evidence of being in the active 2605
practice of optometry in the other state or country and evidence 2606
that the applicant's license to practice in the other state or 2607
country is in good standing. 2608

(C) The board shall approve an application for 2609
reinstatement if the conditions specified in division (B) of 2610
this section are met. An optometrist who receives reinstatement 2611
is subject to the continuing education requirements specified 2612
under section 4725.16 of the Revised Code for the year in which 2613
reinstatement occurs. 2614

Sec. 4725.171. (A) An optometrist who discontinued 2615
practicing optometry in this state due to retirement or a 2616
decision to practice in another state or country before the 2617
state ~~board of optometry-vision and hearing professionals board~~ 2618
accepted applications for placement of certificates to practice 2619
on inactive status pursuant to section 4725.17 of the Revised 2620
Code may apply to the board to have the optometrist's 2621
certificates reinstated. The board may accept an application for 2622
reinstatement only if, at the time the optometrist's 2623

certificates expired, the certificates were in good standing and 2624
the optometrist was not under disciplinary review by the board. 2625

(B) For reinstatement to occur, the applicant must meet 2626
all of the following conditions: 2627

(1) Pay the renewal fees for the year in which application 2628
for reinstatement is made and the reinstatement fee specified 2629
under division (A) (10) of section 4725.34 of the Revised Code; 2630

(2) Pass all or part of the licensing examination accepted 2631
by the board under section 4725.11 of the Revised Code as the 2632
board considers appropriate, if the board considers examination 2633
necessary to determine whether the application for reinstatement 2634
should be approved; 2635

(3) If the applicant has been practicing optometry in 2636
another state or country, submit evidence of being in the active 2637
practice of optometry in the other state or country and evidence 2638
that the applicant's license to practice in the other state or 2639
country is in good standing. 2640

(C) The board shall approve an application for 2641
reinstatement if the conditions specified in division (B) of 2642
this section are met. An optometrist who receives reinstatement 2643
is subject to the continuing education requirements specified 2644
under section 4725.16 of the Revised Code for the year in which 2645
reinstatement occurs. 2646

Sec. 4725.18. (A) The state ~~board of optometry vision and~~ 2647
hearing professionals board may issue a certificate of licensure 2648
and therapeutic pharmaceutical agents certificate by endorsement 2649
to an individual licensed as an optometrist by another state or 2650
a Canadian province if the board determines that the other state 2651
or province has standards for the practice of optometry that are 2652

at least as stringent as the standards established under 2653
sections 4725.01 to 4725.34 of the Revised Code and the 2654
individual meets the conditions specified in division (B) of 2655
this section. The certificates may be issued only by an 2656
affirmative vote of a majority of the board's members. 2657

(B) An individual seeking a certificate of licensure and 2658
therapeutic pharmaceutical agents certificate pursuant to this 2659
section shall submit an application to the board. To receive the 2660
certificates, an applicant must meet all of the following 2661
conditions: 2662

(1) Meet the same qualifications that an individual must 2663
meet under divisions (B)(1) to (4) of section 4725.12 of the 2664
Revised Code to receive a certificate of licensure and 2665
therapeutic pharmaceutical agents certificate under that 2666
section; 2667

(2) Be licensed to practice optometry by a state or 2668
province that requires passage of a written, entry-level 2669
examination at the time of initial licensure; 2670

(3) Be licensed in good standing by the optometry 2671
licensing agency of the other state or province, evidenced by 2672
submission of a letter from the licensing agency of the other 2673
state or province attesting to the applicant's good standing; 2674

(4) Provide the board with certified reports from the 2675
optometry licensing agencies of all states and provinces in 2676
which the applicant is licensed or has been licensed to practice 2677
optometry describing all past and pending actions taken by those 2678
agencies with respect to the applicant's authority to practice 2679
optometry in those jurisdictions, including such actions as 2680
investigations, entering into consent agreements, suspensions, 2681

revocations, and refusals to issue or renew a license;	2682
(5) Have been actively engaged in the practice of	2683
optometry, including the use of therapeutic pharmaceutical	2684
agents, for at least three years immediately preceding making	2685
application under this section;	2686
(6) Pay the nonrefundable application fees established	2687
under section 4725.34 of the Revised Code for a certificate of	2688
licensure and therapeutic pharmaceutical agents certificate;	2689
(7) Submit all transcripts, reports, or other information	2690
the board requires;	2691
(8) Participate in a two-hour instruction session provided	2692
by the board on the optometry statutes and rules of this state	2693
or pass an Ohio optometry jurisprudence test administered by the	2694
board;	2695
(9) Pass all or part of the licensing examination accepted	2696
by the board under section 4725.11 of the Revised Code, if the	2697
board determines that testing is necessary to determine whether	2698
the applicant's qualifications are sufficient for issuance of a	2699
certificate of licensure and therapeutic pharmaceutical agents	2700
certificate under this section;	2701
(10) Not have been previously denied issuance of a	2702
certificate by the board.	2703
Sec. 4725.19. (A) In accordance with Chapter 119. of the	2704
Revised Code and by an affirmative vote of a majority of its	2705
members, the state board of optometry vision and hearing	2706
<u>professionals board</u> , for any of the reasons specified in	2707
division (B) of this section, shall refuse to grant a	2708
certificate of licensure <u>to practice optometry</u> to an applicant	2709
and may, with respect to a licensed optometrist, do one or more	2710

of the following:	2711
(1) Suspend the operation of any certificate of licensure, topical ocular pharmaceutical agents certificate, or therapeutic pharmaceutical agents certificate, or all certificates granted by it to the optometrist;	2712 2713 2714 2715
(2) Permanently revoke any or all of the certificates;	2716
(3) Limit or otherwise place restrictions on any or all of the certificates;	2717 2718
(4) Reprimand the optometrist;	2719
(5) Impose a monetary penalty. If the reason for which the board is imposing the penalty involves a criminal offense that carries a fine under the Revised Code, the penalty shall not exceed the maximum fine that may be imposed for the criminal offense. In any other case, the penalty imposed by the board shall not exceed five hundred dollars.	2720 2721 2722 2723 2724 2725
(6) Require the optometrist to take corrective action courses.	2726 2727
The amount and content of corrective action courses shall be established by the board in rules adopted under section 4725.09 of the Revised Code.	2728 2729 2730
(B) The sanctions specified in division (A) of this section may be taken by the board for any of the following reasons:	2731 2732 2733
(1) Committing fraud in passing the licensing examination or making false or purposely misleading statements in an application for a certificate of licensure;	2734 2735 2736
(2) Being at any time guilty of immorality, regardless of	2737

the jurisdiction in which the act was committed;	2738
(3) Being guilty of dishonesty or unprofessional conduct	2739
in the practice of optometry;	2740
(4) Being at any time guilty of a felony, regardless of	2741
the jurisdiction in which the act was committed;	2742
(5) Being at any time guilty of a misdemeanor committed in	2743
the course of practice, regardless of the jurisdiction in which	2744
the act was committed;	2745
(6) Violating the conditions of any limitation or other	2746
restriction placed by the board on any certificate issued by the	2747
board;	2748
(7) Engaging in the practice of optometry as provided in	2749
division (A) (1), (2), or (3) of section 4725.01 of the Revised	2750
Code when the certificate authorizing that practice is under	2751
suspension, in which case the board shall permanently revoke the	2752
certificate;	2753
(8) Being denied a license to practice optometry in	2754
another state or country or being subject to any other sanction	2755
by the optometric licensing authority of another state or	2756
country, other than sanctions imposed for the nonpayment of	2757
fees;	2758
(9) Departing from or failing to conform to acceptable and	2759
prevailing standards of care in the practice of optometry as	2760
followed by similar practitioners under the same or similar	2761
circumstances, regardless of whether actual injury to a patient	2762
is established;	2763
(10) Failing to maintain comprehensive patient records;	2764
(11) Advertising a price of optical accessories, eye	2765

examinations, or other products or services by any means that 2766
would deceive or mislead the public; 2767

(12) Being addicted to the use of alcohol, stimulants, 2768
narcotics, or any other substance which impairs the intellect 2769
and judgment to such an extent as to hinder or diminish the 2770
performance of the duties included in the person's practice of 2771
optometry; 2772

(13) Engaging in the practice of optometry as provided in 2773
division (A) (2) or (3) of section 4725.01 of the Revised Code 2774
without authority to do so or, if authorized, in a manner 2775
inconsistent with the authority granted; 2776

(14) Failing to make a report to the board as required by 2777
division (A) of section 4725.21 or section 4725.31 of the 2778
Revised Code; 2779

(15) Soliciting patients from door to door or establishing 2780
temporary offices, in which case the board shall suspend all 2781
certificates held by the optometrist; 2782

(16) Except as provided in division (D) of this section: 2783

(a) Waiving the payment of all or any part of a deductible 2784
or copayment that a patient, pursuant to a health insurance or 2785
health care policy, contract, or plan that covers optometric 2786
services, would otherwise be required to pay if the waiver is 2787
used as an enticement to a patient or group of patients to 2788
receive health care services from that optometrist. 2789

(b) Advertising that the optometrist will waive the 2790
payment of all or any part of a deductible or copayment that a 2791
patient, pursuant to a health insurance or health care policy, 2792
contract, or plan that covers optometric services, would 2793
otherwise be required to pay. 2794

(17) Failing to comply with the requirements in section 2795
3719.061 of the Revised Code before issuing for a minor a 2796
prescription for an analgesic controlled substance authorized 2797
pursuant to section 4725.091 of the Revised Code that is an 2798
opioid analgesic, as defined in section 3719.01 of the Revised 2799
Code; 2800

(18) Violating the rules adopted under section 4744.50 of 2801
the Revised Code. 2802

(C) Any person who is the holder of a certificate of 2803
licensure, or who is an applicant for a certificate of licensure 2804
against whom is preferred any charges, shall be furnished by the 2805
board with a copy of the complaint and shall have a hearing 2806
before the board in accordance with Chapter 119. of the Revised 2807
Code. 2808

(D) Sanctions shall not be imposed under division (B) (17) 2809
of this section against any optometrist who waives deductibles 2810
and copayments: 2811

(1) In compliance with the health benefit plan that 2812
expressly allows such a practice. Waiver of the deductibles or 2813
copayments shall be made only with the full knowledge and 2814
consent of the plan purchaser, payer, and third-party 2815
administrator. Documentation of the consent shall be made 2816
available to the board upon request. 2817

(2) For professional services rendered to any other 2818
optometrist licensed by the board, to the extent allowed by 2819
sections 4725.01 to 4725.34 of the Revised Code and the rules of 2820
the board. 2821

Sec. 4725.20. On receipt of a notice pursuant to section 2822
3123.43 of the Revised Code, the state ~~board of optometry vision~~ 2823

and hearing professionals board shall comply with sections 2824
3123.41 to 3123.50 of the Revised Code and any applicable rules 2825
adopted under section 3123.63 of the Revised Code with respect 2826
to a license or certificate issued by the board under this 2827
chapter. 2828

Sec. 4725.21. (A) If an optometrist licensed by the state 2829
~~board of optometry-vision and hearing professionals board~~ has 2830
reason to believe that another optometrist licensed currently or 2831
previously by the board has engaged in any course of treatment 2832
or other services to a patient that constitutes unprofessional 2833
conduct under section 4725.19 of the Revised Code, or has an 2834
addiction subject to board action under section 4725.19 of the 2835
Revised Code, the optometrist shall make a report to the board. 2836

(B) Any person may report to the board in a signed writing 2837
any information that the person may have that appears to show a 2838
violation of any provision of sections 4725.01 to 4725.34 of the 2839
Revised Code or the rules adopted under those sections. 2840

(C) Each complaint or allegation of a violation received 2841
by the board shall be assigned a case number and shall be 2842
recorded by the board. 2843

(D) In the absence of fraud or bad faith, no person who 2844
reports to the board under this section or testifies in any 2845
adjudication conducted under Chapter 119. of the Revised Code 2846
shall be liable to any person for damages in a civil action as a 2847
result of the report or testimony. 2848

Sec. 4725.22. (A) Each insurer providing professional 2849
liability insurance to an optometrist licensed under this 2850
chapter, or any other entity that seeks to indemnify the 2851
professional liability of an optometrist licensed under this 2852

chapter, shall notify the state ~~board of optometry vision and~~ 2853
hearing professionals board within thirty days after the final 2854
disposition of a claim for damages. The notice shall contain the 2855
following information: 2856

(1) The name and address of the person submitting the 2857
notification; 2858

(2) The name and address of the insured who is the subject 2859
of the claim; 2860

(3) The name of the person filing the written claim; 2861

(4) The date of final disposition; 2862

(5) If applicable, the identity of the court in which the 2863
final disposition of the claim took place. 2864

(B) Each optometrist licensed under this chapter shall 2865
notify the board within thirty days of receipt of the final 2866
disposition of a claim for damages or any action involving 2867
malpractice. The optometrist shall notify the board by 2868
registered mail and shall provide all reports and other 2869
information required by the board. 2870

(C) Information received under this section is not a 2871
public record for purposes of section 149.43 of the Revised Code 2872
and shall not be released except as otherwise required by law or 2873
a court of competent jurisdiction. 2874

Sec. 4725.23. (A) The state ~~board of optometry vision and~~ 2875
hearing professionals board shall investigate evidence that 2876
appears to show that a person has violated any provision of 2877
sections 4725.01 to 4725.34 of the Revised Code or any rule 2878
adopted under those sections. Investigations of alleged 2879
violations shall be supervised by the member of the board 2880

appointed by the board to act as the supervising member of 2881
investigations. The supervising member shall not participate in 2882
the final vote that occurs in an adjudication of the case. 2883

(B) In investigating a possible violation, the board may 2884
administer oaths, order the taking of depositions, issue 2885
subpoenas, and compel the attendance of witnesses and production 2886
of books, accounts, papers, records, documents, and testimony. A 2887
subpoena for patient record information shall not be issued 2888
without consultation with the attorney general's office and 2889
approval of the secretary of the board and the board's 2890
supervising member of investigations. Before issuance of a 2891
subpoena for patient record information, the secretary and 2892
supervising member shall determine whether there is probable 2893
cause to believe that the complaint filed alleges a violation of 2894
sections 4725.01 to 4725.34 of the Revised Code or any rule 2895
adopted under those sections and that the records sought are 2896
relevant to the alleged violation and material to the 2897
investigation. The subpoena may apply only to records that cover 2898
a reasonable period of time surrounding the alleged violation. 2899

On failure to comply with any subpoena issued by the board 2900
and after reasonable notice to the person being subpoenaed, the 2901
board may move for an order compelling the production of persons 2902
or records pursuant to the Rules of Civil Procedure. 2903

A subpoena issued by the board may be served by a sheriff, 2904
the sheriff's deputy, or a board employee designated by the 2905
board. Service of a subpoena issued by the board may be made by 2906
delivering a copy of the subpoena to the person named therein, 2907
reading it to the person, or leaving it at the person's usual 2908
place of residence. When the person being served is an 2909
optometrist licensed under this chapter, service of the subpoena 2910

may be made by certified mail, restricted delivery, return 2911
receipt requested, and the subpoena shall be deemed served on 2912
the date delivery is made or the date the optometrist refuses to 2913
accept delivery. 2914

Each witness who appears before the board in obedience to 2915
a subpoena shall receive the fees and mileage provided for under 2916
section 119.094 of the Revised Code. 2917

(C) Information received by the board pursuant to an 2918
investigation is confidential and not subject to discovery in 2919
any civil action. 2920

The board shall conduct all investigations and proceedings 2921
in a manner that protects the confidentiality of patients and 2922
persons who file complaints with the board. The board shall not 2923
make public the names or any other identifying information about 2924
patients or complainants unless proper consent is given. 2925

The board may share any information it receives pursuant 2926
to an investigation, including patient records and patient 2927
record information, with other licensing boards and governmental 2928
agencies that are investigating alleged professional misconduct 2929
and with law enforcement agencies and other governmental 2930
agencies that are investigating or prosecuting alleged criminal 2931
offenses. A board or agency that receives the information shall 2932
comply with the same requirements regarding confidentiality as 2933
those with which the state ~~board of optometry vision and hearing~~ 2934
professionals board must comply, notwithstanding any conflicting 2935
provision of the Revised Code or procedure of the board or 2936
agency that applies when the board or agency is dealing with 2937
other information in its possession. The information may be 2938
admitted into evidence in a criminal trial in accordance with 2939
the Rules of Evidence, but the court shall require that 2940

appropriate measures are taken to ensure that confidentiality is 2941
maintained with respect to any part of the information that 2942
contains names or other identifying information about persons 2943
whose confidentiality was protected by the state ~~board of~~ 2944
~~optometry vision and hearing professionals board~~ when the 2945
information was in the board's possession. Measures to ensure 2946
confidentiality that may be taken by the court include sealing 2947
its records or deleting specific information from its records. 2948

Sec. 4725.24. If the secretary of the state ~~board of~~ 2949
~~optometry vision and hearing professionals board~~ and the board's 2950
supervising member of investigations determine that there is 2951
clear and convincing evidence that an optometrist has violated 2952
division (B) of section 4725.19 of the Revised Code and that the 2953
optometrist's continued practice presents a danger of immediate 2954
and serious harm to the public, they may recommend that the 2955
board suspend without a prior hearing the optometrist's 2956
certificate of licensure and any other certificates held by the 2957
optometrist. Written allegations shall be prepared for 2958
consideration by the full board. 2959

The board, upon review of those allegations and by an 2960
affirmative vote of three members other than the secretary and 2961
supervising member may order the suspension without a prior 2962
hearing. A telephone conference call may be utilized for 2963
reviewing the allegations and taking the vote on the summary 2964
suspension. 2965

The board shall issue a written order of suspension by 2966
certified mail or in person in accordance with section 119.07 of 2967
the Revised Code. The order shall not be subject to suspension 2968
by the court during pendency of any appeal filed under section 2969
119.12 of the Revised Code. If the individual subject to the 2970

summary suspension requests an adjudicatory hearing by the 2971
board, the date set for the hearing shall be within fifteen 2972
days, but not earlier than seven days, after the individual 2973
requests the hearing, unless otherwise agreed to by both the 2974
board and the individual. 2975

Any summary suspension imposed under this division shall 2976
remain in effect, unless reversed on appeal, until a final 2977
adjudicative order issued by the board pursuant to section 2978
4725.19 of the Revised Code and Chapter 119. of the Revised Code 2979
becomes effective. The board shall issue its final adjudicative 2980
order within sixty days after completion of its hearing. A 2981
failure to issue the order within sixty days shall result in 2982
dissolution of the summary suspension order but shall not 2983
invalidate any subsequent, final adjudicative order. 2984

Sec. 4725.26. Division (A) of section 4725.02 of the 2985
Revised Code does not apply to the following: 2986

(A) Physicians authorized to practice medicine and surgery 2987
or osteopathic medicine and surgery under Chapter 4731. of the 2988
Revised Code; 2989

(B) Persons who sell optical accessories but do not assume 2990
to adapt them to the eye, and neither practice nor profess to 2991
practice optometry; 2992

(C) An instructor in a school of optometry that is located 2993
in this state and approved by the state ~~board of optometry~~ 2994
vision and hearing professionals board under section 4725.10 of 2995
the Revised Code who holds a valid current license to practice 2996
optometry from a licensing body in another jurisdiction and 2997
limits the practice of optometry to the instruction of students 2998
enrolled in the school. 2999

(D) A student enrolled in a school of optometry, located 3000
in this or another state and approved by the board under section 3001
4725.10 of the Revised Code, while the student is participating 3002
in this state in an optometry training program provided or 3003
sponsored by the school, if the student acts under the direct, 3004
personal supervision and control of an optometrist licensed by 3005
the board or authorized to practice pursuant to division (C) of 3006
this section. 3007

(E) An individual who is licensed or otherwise 3008
specifically authorized by the Revised Code to engage in an 3009
activity that is included in the practice of optometry. 3010

(F) An individual who is not licensed or otherwise 3011
specifically authorized by the Revised Code to engage in an 3012
activity that is included in the practice of optometry, but is 3013
acting pursuant to the rules for delegation of optometric tasks 3014
adopted under section 4725.09 of the Revised Code. 3015

Sec. 4725.27. The testimony and reports of an optometrist 3016
licensed by the state ~~board of optometry-vision and hearing~~ 3017
professionals board under this chapter shall be received by any 3018
state, county, municipal, school district, or other public 3019
board, body, agency, institution, or official and by any private 3020
educational or other institution receiving public funds as 3021
competent evidence with respect to any matter within the scope 3022
of the practice of optometry. No such board, body, agency, 3023
official, or institution shall interfere with any individual's 3024
right to a free choice of receiving services from either an 3025
optometrist or a physician. No such board, body, agency, 3026
official, or institution shall discriminate against an 3027
optometrist performing procedures that are included in the 3028
practice of optometry as provided in division (A) (2) or (3) of 3029

section 4725.01 of the Revised Code if the optometrist is 3030
licensed under this chapter to perform those procedures. 3031

Sec. 4725.28. (A) As used in this section, "supplier" 3032
means any person who prepares or sells optical accessories or 3033
other vision correcting items, devices, or procedures. 3034

(B) A licensed optometrist, on completion of a vision 3035
examination and diagnosis, shall give each patient for whom the 3036
optometrist prescribes any vision correcting item, device, or 3037
procedure, one copy of the prescription, without additional 3038
charge to the patient. The prescription shall include the 3039
following: 3040

(1) The date of its issuance; 3041

(2) Sufficient information to enable the patient to obtain 3042
from the supplier of the patient's choice, the optical accessory 3043
or other vision correcting item, device, or procedure that has 3044
been prescribed; 3045

(3) In the case of contact lenses, all information 3046
specified as part of a contact lens prescription, as defined in 3047
the "Fairness to Contact Lens Consumers Act," 117 Stat. 2024 3048
(2003), 15 U.S.C. 7610. 3049

(C) Any supplier who fills a prescription for contact 3050
lenses furnished by an optometrist shall furnish the patient 3051
with written recommendations to return to the prescribing 3052
optometrist for evaluation of the contact lens fitting. 3053

(D) Any supplier, including an optometrist who is a 3054
supplier, may advertise to inform the general public of the 3055
price that the supplier charges for any vision correcting item, 3056
device, or procedure. Any such advertisement shall specify the 3057
following: 3058

(1) Whether the advertised item includes an eye examination; 3059
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(2) In the case of lenses, whether the price applies to single-vision or multifocal lenses; 3061
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(3) In the case of contact lenses, whether the price applies to rigid or soft lenses and whether there is an additional charge related to the fitting and determination of the type of contact lenses to be worn that is not included in the price of the eye examination. 3063
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(E) The state ~~board of optometry-vision and hearing~~ professionals board shall not adopt any rule that restricts the right to advertise as permitted by division (D) of this section. 3068
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(F) Any municipal corporation code, ordinance, or regulation or any township resolution that conflicts with a supplier's right to advertise as permitted by division (D) of this section is superseded by division (D) of this section and is invalid. A municipal corporation code, ordinance, or regulation or a township resolution conflicts with division (D) of this section if it restricts a supplier's right to advertise as permitted by division (D) of this section. 3071
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Sec. 4725.29. (A) As used in this section: 3079

(1) "Regional advertisement" means an advertisement published in more than one metropolitan statistical area in this state or broadcast by radio or television stations in more than one metropolitan statistical area in this state. 3080
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(2) "National advertisement" means an advertisement published in one or more periodicals or broadcast by one or more radio or television stations in this state and also published in one or more periodicals or broadcast by one or more radio or 3084
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television stations in another state. 3088

(B) The state ~~board of optometry~~ vision and hearing 3089
professionals board shall not require any person who sells 3090
optical accessories at more than one location to list in any 3091
regional or national advertisement the name of the licensed 3092
optometrist practicing at a particular location, provided that 3093
in addition to the requirement in division (B) of section 3094
4725.13 of the Revised Code, the name of the optometrist is 3095
prominently displayed at the location. 3096

Sec. 4725.31. An optometrist licensed by the state ~~board~~ 3097
~~of optometry~~ vision and hearing professionals board shall 3098
promptly report to the board any instance of a clinically 3099
significant drug-induced side effect in a patient due to the 3100
optometrist's administering, employing, applying, or prescribing 3101
a topical ocular or therapeutic pharmaceutical agent to or for 3102
the patient. The board, by rule adopted in accordance with 3103
Chapter 119. of the Revised Code, shall establish reporting 3104
procedures and specify the types of side effects to be reported. 3105
The information provided to the board shall not include the name 3106
of or any identifying information about the patient. 3107

Sec. 4725.33. (A) An individual whom the state ~~board of~~ 3108
~~optometry~~ vision and hearing professionals board licenses to 3109
engage in the practice of optometry may render the professional 3110
services of an optometrist within this state through a 3111
corporation formed under division (B) of section 1701.03 of the 3112
Revised Code, a limited liability company formed under Chapter 3113
1705. of the Revised Code, a partnership, or a professional 3114
association formed under Chapter 1785. of the Revised Code. This 3115
division does not preclude an optometrist from rendering 3116
professional services as an optometrist through another form of 3117

business entity, including, but not limited to, a nonprofit 3118
corporation or foundation, or in another manner that is 3119
authorized by or in accordance with this chapter, another 3120
chapter of the Revised Code, or rules of the state ~~board of~~ 3121
~~optometry vision and hearing professionals board~~ adopted 3122
pursuant to this chapter. 3123

(B) A corporation, limited liability company, partnership, 3124
or professional association described in division (A) of this 3125
section may be formed for the purpose of providing a combination 3126
of the professional services of the following individuals who 3127
are licensed, certificated, or otherwise legally authorized to 3128
practice their respective professions: 3129

(1) Optometrists who are authorized to practice optometry 3130
under Chapter 4725. of the Revised Code; 3131

(2) Chiropractors who are authorized to practice 3132
chiropractic or acupuncture under Chapter 4734. of the Revised 3133
Code; 3134

(3) Psychologists who are authorized to practice 3135
psychology under Chapter 4732. of the Revised Code; 3136

(4) Registered or licensed practical nurses who are 3137
authorized to practice nursing as registered nurses or as 3138
licensed practical nurses under Chapter 4723. of the Revised 3139
Code; 3140

(5) Pharmacists who are authorized to practice pharmacy 3141
under Chapter 4729. of the Revised Code; 3142

(6) Physical therapists who are authorized to practice 3143
physical therapy under sections 4755.40 to 4755.56 of the 3144
Revised Code; 3145

(7) Occupational therapists who are authorized to practice 3146
occupational therapy under sections 4755.04 to 4755.13 of the 3147
Revised Code; 3148

(8) Mechanotherapists who are authorized to practice 3149
mechanotherapy under section 4731.151 of the Revised Code; 3150

(9) Doctors of medicine and surgery, osteopathic medicine 3151
and surgery, or podiatric medicine and surgery who are 3152
authorized for their respective practices under Chapter 4731. of 3153
the Revised Code; 3154

(10) Licensed professional clinical counselors, licensed 3155
professional counselors, independent social workers, social 3156
workers, independent marriage and family therapists, or marriage 3157
and family therapists who are authorized for their respective 3158
practices under Chapter 4757. of the Revised Code. 3159

This division shall apply notwithstanding a provision of a 3160
code of ethics applicable to an optometrist that prohibits an 3161
optometrist from engaging in the practice of optometry in 3162
combination with a person who is licensed, certificated, or 3163
otherwise legally authorized to practice chiropractic, 3164
acupuncture through the state chiropractic board, psychology, 3165
nursing, pharmacy, physical therapy, occupational therapy, 3166
mechanotherapy, medicine and surgery, osteopathic medicine and 3167
surgery, podiatric medicine and surgery, professional 3168
counseling, social work, or marriage and family therapy, but who 3169
is not also licensed, certificated, or otherwise legally 3170
authorized to engage in the practice of optometry. 3171

Sec. 4725.34. (A) The state ~~board of optometry vision and~~ 3172
hearing professionals board shall charge the following 3173
nonrefundable fees: 3174

(1) One hundred thirty dollars for application for a certificate of licensure <u>to practice optometry</u> ;	3175 3176
(2) Forty-five dollars for application for a therapeutic pharmaceutical agents certificate, except when the certificate is to be issued pursuant to division (A) (3) of section 4725.13 of the Revised Code, in which case the fee shall be thirty-five dollars;	3177 3178 3179 3180 3181
(3) One hundred thirty dollars for renewal of a certificate of licensure <u>to practice optometry</u> ;	3182 3183
(4) Forty-five dollars for renewal of a topical ocular pharmaceutical agents certificate;	3184 3185
(5) Forty-five dollars for renewal of a therapeutic pharmaceutical agents certificate;	3186 3187
(6) One hundred twenty-five dollars for late completion or submission, or both, of continuing optometric education;	3188 3189
(7) One hundred twenty-five dollars for late renewal of one or more certificates that have expired;	3190 3191
(8) Seventy-five dollars for reinstatement of one or more certificates classified as delinquent under section 4725.16 of the Revised Code, multiplied by the number of years the one or more certificates have been classified as delinquent;	3192 3193 3194 3195
(9) Seventy-five dollars for reinstatement of one or more certificates placed on inactive status under section 4725.17 of the Revised Code;	3196 3197 3198
(10) Seventy-five dollars for reinstatement under section 4725.171 of the Revised Code of one or more expired certificates;	3199 3200 3201

(11) Additional fees to cover administrative costs 3202
incurred by the board, including fees for replacing licenses 3203
issued by the board and providing rosters of currently licensed 3204
optometrists. Such fees shall be established at a regular 3205
meeting of the board and shall comply with any applicable 3206
guidelines or policies set by the department of administrative 3207
services or the office of budget and management. 3208

(B) The board, subject to the approval of the controlling 3209
board, may establish fees in excess of the amounts specified in 3210
division (A) of this section if the fees do not exceed the 3211
amounts specified by more than fifty per cent. 3212

(C) All receipts of the board, from any source, shall be 3213
deposited in the state treasury to the credit of the 3214
occupational licensing and regulatory fund created in section 3215
4743.05 of the Revised Code. 3216

Sec. 4725.40. As used in sections 4725.40 to 4725.59 of 3217
the Revised Code: 3218

(A) "Optical aid" means both of the following: 3219

(1) Spectacles or other instruments or devices that are 3220
not contact lenses, if the spectacles or other instruments or 3221
devices may aid or correct human vision and have been prescribed 3222
by a physician or optometrist licensed by any state; 3223

(2) Contact lenses, regardless of whether they address 3224
visual function, if they are designed to fit over the cornea of 3225
the eye or are otherwise designed for use in or on the eye or 3226
orbit. 3227

All contact lenses shall be dispensed only in accordance 3228
with a valid written prescription designated for contact lenses, 3229
including the following: 3230

(a) Zero-powered plano contact lenses;	3231
(b) Cosmetic contact lenses;	3232
(c) Performance-enhancing contact lenses;	3233
(d) Any other contact devices determined by the Ohio	3234
optical dispensers <u>state vision and hearing professionals</u> board	3235
to be contact lenses.	3236
(B) "Optical dispensing" means interpreting but not	3237
altering a prescription of a licensed physician or optometrist	3238
and designing, adapting, fitting, or replacing the prescribed	3239
optical aids, pursuant to such prescription, to or for the	3240
intended wearer; duplicating lenses, other than contact lenses,	3241
accurately as to power without a prescription; and duplicating	3242
nonprescription eyewear and parts of eyewear. "Optical	3243
dispensing" does not include selecting frames, placing an order	3244
for the delivery of an optical aid, transacting a sale,	3245
transferring an optical aid to the wearer after an optician has	3246
completed fitting it, or providing instruction in the general	3247
care and use of an optical aid, including placement, removal,	3248
hygiene, or cleaning.	3249
(C) "Licensed dispensing optician" means a person holding	3250
a current, valid license issued under sections 4725.47-4725.48	3251
to 4725.51 of the Revised Code that authorizes the person to	3252
engage in optical dispensing. Nothing in this chapter shall be	3253
construed to permit a licensed dispensing optician to alter the	3254
specifications of a prescription.	3255
(D) "Licensed spectacle dispensing optician" means a	3256
licensed dispensing optician authorized to engage in both of the	3257
following:	3258
(1) The dispensing of optical aids other than contact	3259

lenses;	3260
(2) The dispensing of prepackaged soft contact lenses in accordance with section 4725.411 of the Revised Code.	3261 3262
(E) "Licensed contact lens dispensing optician" means a licensed dispensing optician authorized to engage only in the dispensing of contact lenses.	3263 3264 3265
(F) "Licensed spectacle-contact lens dispensing optician" means a licensed dispensing optician authorized to engage in the dispensing of any optical aid.	3266 3267 3268
(G) "Apprentice" means any person dispensing optical aids under the direct supervision of a licensed dispensing optician.	3269 3270
(H) "Prescription" means the written or verbal directions or instructions as specified by a physician or optometrist licensed by any state for preparing an optical aid for a patient.	3271 3272 3273 3274
(I) "Supervision" means the provision of direction and control through personal inspection and evaluation of work.	3275 3276
(J) "Licensed ocularist" means a person holding a current, valid license issued under sections 4725.48 to 4725.51 of the Revised Code to engage in the practice of designing, fabricating, and fitting artificial eyes or prostheses associated with the appearance or function of the human eye.	3277 3278 3279 3280 3281
Sec. 4725.41. Beginning one year after March 22, 1979, no <u>No person</u> shall engage in optical dispensing or hold himself <u>self</u> out as being engaged in optical dispensing, except as authorized under section 4725.47 of the Revised Code, unless he <u>the person</u> has fulfilled the requirements of sections 4725.48 to 4725.51 of the Revised Code and has been certified as a licensed	3282 3283 3284 3285 3286 3287

dispensing optician by the ~~Ohio optical dispensers~~ state vision
and hearing professionals board. 3288
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No person shall engage in the designing, fabricating, and 3290
fitting of an artificial eye or of prostheses associated with 3291
the appearance or function of the human eye unless ~~he~~ the person 3292
is licensed as an ocularist under ~~to~~ sections 4725.48 to 4725.51 3293
of the Revised Code. 3294

Sec. 4725.411. (A) Each licensed spectacle dispensing 3295
optician shall complete two hours of study in prepackaged soft 3296
contact lens dispensing approved by the ~~Ohio optical dispensers~~ 3297
state vision and hearing professionals board under section 3298
4725.51 of the Revised Code. The two hours of study shall be 3299
completed as follows: 3300

(1) Each licensed spectacle dispensing optician who holds 3301
the license on ~~the effective date of this amendment~~ September
29, 2015, shall complete the two hours of study not later than 3302
3303
December 31, 2015. 3304

(2) Each licensed spectacle dispensing optician who 3305
receives the license after ~~the effective date of this amendment~~ 3306
September 29, 2015, shall complete the two hours of study not 3307
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later than the thirty-first day of December of the year the 3309
license is issued.

(B) Beginning January 1, 2016, a licensed spectacle 3310
dispensing optician may dispense prepackaged soft contact lenses 3311
if both of the following are the case: 3312

(1) The licensed spectacle dispensing optician has 3313
completed two hours of study in prepackaged soft contact lens 3314
dispensing in accordance with division (A) of this section. 3315

(2) The only action necessary is to match the description 3316

of the contact lenses that is on the packaging to a written 3317
prescription. 3318

Sec. 4725.44. (A) ~~The Ohio optical dispensers~~ state vision 3319
and hearing professionals board shall be responsible for the 3320
administration of sections 4725.40 to 4725.59 of the Revised 3321
Code and, in particular, shall process applications for 3322
licensure as licensed dispensing opticians and ocularists; 3323
schedule, administer, and supervise the qualifying examinations 3324
for licensure or contract with a testing service to schedule, 3325
administer, and supervise the qualifying examination for 3326
licensure; issue licenses to qualified individuals; and revoke 3327
and suspend licenses; ~~and maintain adequate records with respect~~ 3328
~~to its operations and responsibilities.~~ 3329

(B) The board shall adopt, amend, or rescind rules, 3330
pursuant to Chapter 119. of the Revised Code, for the licensure 3331
of dispensing opticians and ocularists, and such other rules as 3332
are required by or necessary to carry out the responsibilities 3333
imposed by sections 4725.40 to 4725.59 of the Revised Code, 3334
including rules establishing criminal records check requirements 3335
under section 4776.03 of the Revised Code and rules establishing 3336
disqualifying offenses for licensure as a dispensing optician or 3337
certification as an apprentice dispensing optician pursuant to 3338
sections 4725.48, 4725.52, 4725.53, and 4776.10 of the Revised 3339
Code. 3340

(C) The board shall have no authority to adopt rules 3341
governing the employment of dispensing opticians, the location 3342
or number of optical stores, advertising of optical products or 3343
services, or the manner in which optical products can be 3344
displayed. 3345

Sec. 4725.48. (A) Any person who desires to engage in 3346

optical dispensing, ~~except as provided in section 4725.47 of the~~ 3347
~~Revised Code,~~ shall file a properly completed written 3348
application for an examination with the ~~Ohio optical dispensers-~~ 3349
state vision and hearing professionals board or with the testing 3350
service the board has contracted with pursuant to section 3351
4725.49 of the Revised Code. The application for examination 3352
shall be made on a form provided by the board or testing service 3353
and shall be accompanied by an examination fee the board shall 3354
establish by rule. Applicants must return the application to the 3355
board or testing service at least sixty days prior to the date 3356
the examination is scheduled to be administered. 3357

(B) ~~Except as provided in section 4725.47 of the Revised~~ 3358
~~Code, any~~ Any person who desires to engage in optical dispensing 3359
shall file a properly completed written application for a 3360
license with the board with a licensure application fee of fifty 3361
dollars. 3362

No person shall be eligible to apply for a license under 3363
this division, unless the person is at least eighteen years of 3364
age, is free of contagious or infectious disease, has received a 3365
passing score, as determined by the board, on the examination 3366
administered under division (A) of this section, is a graduate 3367
of an accredited high school of any state, or has received an 3368
equivalent education and has successfully completed either of 3369
the following: 3370

(1) Two years of supervised experience under a licensed 3371
dispensing optician, optometrist, or physician engaged in the 3372
practice of ophthalmology, up to one year of which may be 3373
continuous experience of not less than thirty hours a week in an 3374
optical laboratory; 3375

(2) A two-year college level program in optical dispensing 3376

that has been approved by the board and that includes, but is 3377
not limited to, courses of study in mathematics, science, 3378
English, anatomy and physiology of the eye, applied optics, 3379
ophthalmic optics, measurement and inspection of lenses, lens 3380
grinding and edging, ophthalmic lens design, keratometry, and 3381
the fitting and adjusting of spectacle lenses and frames and 3382
contact lenses, including methods of fitting contact lenses and 3383
post-fitting care. 3384

(C) Any person who desires to obtain a license to practice 3385
as an ocularist shall file a properly completed written 3386
application with the board accompanied by the appropriate fee 3387
and proof that the applicant has met the requirements for 3388
licensure. The board shall establish, by rule, the application 3389
fee and the minimum requirements for licensure, including 3390
education, examination, or experience standards recognized by 3391
the board as national standards for ocularists. The board shall 3392
issue a license to practice as an ocularist to an applicant who 3393
satisfies the requirements of this division and rules adopted 3394
pursuant to this division. 3395

(D) (1) Subject to divisions (D) (2), (3), and (4) of this 3396
section, the board shall not adopt, maintain, renew, or enforce 3397
any rule that precludes an individual from receiving or renewing 3398
a license as a dispensing optician issued under sections 4725.40 3399
to 4725.59 of the Revised Code due to any past criminal activity 3400
or interpretation of moral character, unless the individual has 3401
committed a crime of moral turpitude or a disqualifying offense 3402
as those terms are defined in section 4776.10 of the Revised 3403
Code. If the board denies an individual a license or license 3404
renewal, the reasons for such denial shall be put in writing. 3405

(2) Except as otherwise provided in this division, if an 3406

individual applying for a license has been convicted of or 3407
pleaded guilty to a misdemeanor that is not a crime of moral 3408
turpitude or a disqualifying offense less than one year prior to 3409
making the application, the board may use its discretion in 3410
granting or denying the individual a license. Except as 3411
otherwise provided in this division, if an individual applying 3412
for a license has been convicted of or pleaded guilty to a 3413
felony that is not a crime of moral turpitude or a disqualifying 3414
offense less than three years prior to making the application, 3415
the board may use its discretion in granting or denying the 3416
individual a license. The provisions in this paragraph do not 3417
apply with respect to any offense unless the board, prior to ~~the~~ 3418
~~effective date of this amendment~~ September 28, 2012, was 3419
required or authorized to deny the application based on that 3420
offense. 3421

In all other circumstances, the board shall follow the 3422
procedures it adopts by rule that conform to division (D)(1) of 3423
this section. 3424

(3) In considering a renewal of an individual's license, 3425
the board shall not consider any conviction or plea of guilty 3426
prior to the initial licensing. However, the board may consider 3427
a conviction or plea of guilty if it occurred after the 3428
individual was initially licensed, or after the most recent 3429
license renewal. 3430

(4) The board may grant an individual a conditional 3431
license that lasts for one year. After the one-year period has 3432
expired, the license is no longer considered conditional, and 3433
the individual shall be considered fully licensed. 3434

(E) The board, subject to the approval of the controlling 3435
board, may establish examination fees in excess of the amount 3436

established by rule pursuant to this section, provided that such 3437
fees do not exceed those amounts established in rule by more 3438
than fifty per cent. 3439

Sec. 4725.49. (A) ~~The Ohio optical dispensers~~ state vision 3440
and hearing professionals board may provide for the examination 3441
of applicants by designing, preparing, and administering the 3442
qualifying examinations or by contracting with a testing service 3443
that is nationally recognized as being capable of determining 3444
competence to dispense optical aids as a licensed spectacle 3445
dispensing optician, a licensed contact lens dispensing 3446
optician, or a licensed spectacle-contact lens dispensing 3447
optician. Any examination used shall be designed to measure 3448
specific performance requirements, be professionally constructed 3449
and validated, and be independently and objectively administered 3450
and scored in order to determine the applicant's competence to 3451
dispense optical aids. 3452

(B) The board shall ensure that it, or the testing service 3453
it contracts with, does all of the following: 3454

(1) Provides public notice as to the date, time, and place 3455
for each examination at least ninety days prior to the 3456
examination; 3457

(2) Offers each qualifying examination at least twice each 3458
year in Columbus, except as provided in division (C) of this 3459
section; 3460

(3) Provides to each applicant all forms necessary to 3461
apply for examination; 3462

(4) Provides all materials and equipment necessary for the 3463
applicant to take the examination. 3464

(C) If the number of applicants for any qualifying 3465

examination is less than ten, the examination may be postponed. 3466
The board or testing service shall provide the applicant with 3467
written notification of the postponement and of the next date 3468
the examination is scheduled to be administered. 3469

(D) No limitation shall be placed upon the number of times 3470
that an applicant may repeat any qualifying examination, except 3471
that, if an applicant fails an examination for a third time, the 3472
board may require that the applicant, prior to retaking the 3473
examination, undergo additional study in the areas of the 3474
examination in which the applicant experienced difficulty. 3475

Sec. 4725.50. (A) Except for a person who qualifies for 3476
licensure as an ocularist, each person who qualifies for 3477
licensure under sections 4725.40 to 4725.59 of the Revised Code 3478
shall receive from the ~~Ohio optical dispensers~~ state vision and 3479
hearing professionals board, under its seal, a certificate of 3480
licensure entitling the person to practice as a licensed 3481
spectacle dispensing optician, licensed contact lens dispensing 3482
optician, or a licensed spectacle-contact lens dispensing 3483
optician. The appropriate certificate of licensure shall be 3484
issued by the board no later than sixty days after it has 3485
notified the applicant of the applicant's approval for 3486
licensure. 3487

(B) Each licensed dispensing optician shall display the 3488
licensed dispensing optician's certificate of licensure in a 3489
conspicuous place in the licensed dispensing optician's office 3490
or place of business. If a licensed dispensing optician 3491
maintains more than one office or place of business, the 3492
licensed dispensing optician shall display a duplicate copy of 3493
such certificate at each location. The board shall issue 3494
duplicate copies of the appropriate certificate of licensure for 3495

this purpose upon the filing of an application form therefor and 3496
the payment of a five-dollar fee for each duplicate copy. 3497

Sec. 4725.501. (A) As used in this section, "license" and 3498
"applicant for an initial license" have the same meanings as in 3499
section 4776.01 of the Revised Code, except that "license" as 3500
used in both of those terms refers to the types of 3501
authorizations otherwise issued or conferred under this chapter. 3502

(B) In addition to any other eligibility requirement set 3503
forth in this chapter, each applicant for an initial license 3504
shall comply with sections 4776.01 to 4776.04 of the Revised 3505
Code. The ~~Ohio optical dispensers~~ state vision and hearing 3506
professionals board shall not grant a license to an applicant 3507
for an initial license unless the applicant complies with 3508
sections 4776.01 to 4776.04 of the Revised Code and the board, 3509
in its discretion, decides that the results of the criminal 3510
records check do not make the applicant ineligible for a license 3511
issued pursuant to section 4725.50 or 4725.57 of the Revised 3512
Code. 3513

Sec. 4725.51. (A) (1) Each license issued under sections 3514
4725.40 to 4725.59 of the Revised Code shall expire on the first 3515
day of January in the year after it was issued. Each person 3516
holding a valid, current license may apply to the ~~Ohio optical~~ 3517
~~dispensers~~ state vision and hearing professionals board for the 3518
extension of the license under the standard renewal procedures 3519
of Chapter 4745. of the Revised Code. Each application for 3520
renewal shall be accompanied by a renewal fee the board shall 3521
establish by rule. In addition, except as provided in division 3522
(A) (2) of this section, the application shall contain evidence 3523
that the applicant has completed continuing education within the 3524
immediately preceding one-year period as follows: 3525

(a) Licensed spectacle dispensing opticians shall have	3526
pursued both of the following, approved by the board:	3527
(i) Four hours of study in spectacle dispensing;	3528
(ii) Two hours of study in contact lens dispensing.	3529
(b) Licensed contact lens dispensing opticians shall have	3530
pursued eight hours of study in contact lens dispensing,	3531
approved by the board.	3532
(c) Licensed spectacle-contact lens dispensing opticians	3533
shall have pursued both of the following, approved by the board:	3534
(i) Four hours of study in spectacle dispensing;	3535
(ii) Eight hours of study in contact lens dispensing.	3536
(d) Licensed ocularists shall have pursued courses of	3537
study as prescribed by rule of the board.	3538
(2) An application for the initial renewal of a license	3539
issued under sections 4725.40 to 4725.55 of the Revised Code is	3540
not required to contain evidence that the applicant has	3541
completed the continuing education requirements of division (A)	3542
(1) of this section.	3543
(B) No person who fails to renew the person's license	3544
under division (A) of this section shall be required to take a	3545
qualifying examination under section 4725.48 of the Revised Code	3546
as a condition of renewal, provided that the application for	3547
renewal and proof of the requisite continuing education hours	3548
are submitted within ninety days from the date the license	3549
expired and the applicant pays the annual renewal fee and a	3550
penalty of seventy-five dollars. The board may provide, by rule,	3551
for an extension of the grace period for licensed dispensing	3552
opticians who are serving in the armed forces of the United	3553

States or a reserve component of the armed forces of the United States, including the Ohio national guard or the national guard of any other state and for waiver of the continuing education requirements or the penalty in cases of hardship or illness.

(C) The board shall approve continuing education programs and shall adopt rules as necessary for approving the programs. The rules shall permit programs to be conducted either in person or through electronic or other self-study means. Approved programs shall be scheduled, sponsored, and conducted in accordance with the board's rules.

(D) Any license given a grandfathered issuance or renewal between March 22, 1979, and March 22, 1980, shall be renewed in accordance with this section.

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

To serve as an apprentice, a person shall register with the ~~Ohio optical dispensers~~ state vision and hearing professionals board either on a form provided by the board or in the form of a statement giving the name and address of the supervising licensed dispensing optician, the location at which the apprentice will be employed, and any other information required by the board. For the duration of the apprenticeship, the apprentice shall register annually on the form provided by the board or in the form of a statement.

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

dollars. 3583

The board shall not deny registration as an apprentice 3584
under this section to any individual based on the individual's 3585
past criminal history or an interpretation of moral character 3586
unless the individual has committed a disqualifying offense or 3587
crime of moral turpitude as those terms are defined in section 3588
4776.10 of the Revised Code. Except as otherwise provided in 3589
this division, if an individual applying for a registration has 3590
been convicted of or pleaded guilty to a misdemeanor that is not 3591
a crime of moral turpitude or a disqualifying offense less than 3592
one year prior to making the application, the board may use its 3593
discretion in granting or denying the individual a registration. 3594
Except as otherwise provided in this division, if an individual 3595
applying for a registration has been convicted of or pleaded 3596
guilty to a felony that is not a crime of moral turpitude or a 3597
disqualifying offense less than three years prior to making the 3598
application, the board may use its discretion in granting or 3599
denying the individual a registration. The provisions in this 3600
paragraph do not apply with respect to any offense unless the 3601
board, prior to ~~the effective date of this amendment~~ September 3602
28, 2012, was required or authorized to deny the registration 3603
based on that offense. 3604

In all other circumstances, the board shall follow the 3605
procedures it adopts by rule that conform to this section. In 3606
considering a renewal of an individual's registration, the board 3607
shall not consider any conviction or plea of guilty prior to the 3608
initial registration. However, the board may consider a 3609
conviction or plea of guilty if it occurred after the individual 3610
was initially registered, or after the most recent registration 3611
renewal. If the board denies an individual for a registration or 3612
registration renewal, the reasons for such denial shall be put 3613

in writing. Additionally, the board may grant an individual a 3614
conditional registration that lasts for one year. After the one- 3615
year period has expired, the registration is no longer 3616
considered conditional, and the individual shall be considered 3617
fully registered. 3618

A person who is gaining experience under the supervision 3619
of a licensed optometrist or ophthalmologist that would qualify 3620
the person under division (B) (1) of section 4725.48 of the 3621
Revised Code to take the examination for optical dispensing is 3622
not required to register with the board. 3623

Sec. 4725.53. (A) The Ohio optical dispensers state vision 3624
and hearing professionals board, by a majority vote of its 3625
members, may refuse to grant a license and, in accordance with 3626
Chapter 119. of the Revised Code, may suspend or revoke the 3627
license of a licensed dispensing optician or impose a fine or 3628
order restitution pursuant to division (B) of this section on 3629
any of the following grounds: 3630

(1) Conviction of a crime involving moral turpitude or a 3631
disqualifying offense as those terms are defined in section 3632
4776.10 of the Revised Code; 3633

(2) Obtaining or attempting to obtain a license by fraud 3634
or deception; 3635

(3) Obtaining any fee or making any sale of an optical aid 3636
by means of fraud or misrepresentation; 3637

(4) Habitual indulgence in the use of controlled 3638
substances or other habit-forming drugs, or in the use of 3639
alcoholic liquors to an extent that affects professional 3640
competency; 3641

(5) Finding by a court of competent jurisdiction that the 3642

applicant or licensee is incompetent by reason of mental illness 3643
and no subsequent finding by the court of competency; 3644

(6) Finding by a court of law that the licensee is guilty 3645
of incompetence or negligence in the dispensing of optical aids; 3646

(7) Knowingly permitting or employing a person whose 3647
license has been suspended or revoked or an unlicensed person to 3648
engage in optical dispensing; 3649

(8) Permitting another person to use the licensee's 3650
license; 3651

(9) Engaging in optical dispensing not pursuant to the 3652
prescription of a licensed physician or licensed optometrist, 3653
but nothing in this section shall prohibit the duplication or 3654
replacement of previously prepared optical aids, except contact 3655
lenses shall not be duplicated or replaced without a written 3656
prescription; 3657

(10) Violation of sections 4725.40 to 4725.59 of the 3658
Revised Code; 3659

(11) Waiving the payment of all or any part of a 3660
deductible or copayment that a patient, pursuant to a health 3661
insurance or health care policy, contract, or plan that covers 3662
optical dispensing services, would otherwise be required to pay 3663
if the waiver is used as an enticement to a patient or group of 3664
patients to receive health care services from that provider; 3665

(12) Advertising that the licensee will waive the payment 3666
of all or any part of a deductible or copayment that a patient, 3667
pursuant to a health insurance or health care policy, contract, 3668
or plan that covers optical dispensing services, would otherwise 3669
be required to pay; 3670

(13) Violating the code of ethical conduct adopted under 3671
section 4744.50 of the Revised Code. 3672

(B) The board may impose a fine of not more than five 3673
hundred dollars for a first occurrence of an action that is 3674
grounds for discipline under this section and of not less than 3675
five hundred nor more than one thousand dollars for a subsequent 3676
occurrence, or may order the licensee to make restitution to a 3677
person who has suffered a financial loss as a result of the 3678
licensee's failure to comply with sections 4725.40 to 4725.59 of 3679
the Revised Code. 3680

(C) Notwithstanding divisions (A) (11) and (12) of this 3681
section, sanctions shall not be imposed against any licensee who 3682
waives deductibles and copayments: 3683

(1) In compliance with the health benefit plan that 3684
expressly allows such a practice. Waiver of the deductibles or 3685
copays shall be made only with the full knowledge and consent of 3686
the plan purchaser, payer, and third-party administrator. Such 3687
consent shall be made available to the board upon request. 3688

(2) For professional services rendered to any other person 3689
licensed pursuant to this chapter to the extent allowed by this 3690
chapter and the rules of the board. 3691

Sec. 4725.531. On receipt of a notice pursuant to section 3692
3123.43 of the Revised Code, the ~~Ohio optical dispensers state~~ 3693
vision and hearing professionals board shall comply with 3694
sections 3123.41 to 3123.50 of the Revised Code and any 3695
applicable rules adopted under section 3123.63 of the Revised 3696
Code with respect to a license issued by the board pursuant to 3697
this chapter. 3698

Sec. 4725.54. (A) Any person having knowledge of a 3699

violation of sections 4725.40 to 4725.59 of the Revised Code by 3700
a licensed dispensing optician or an apprentice, or of any other 3701
ground specified in section 4725.53 of the Revised Code for 3702
denying, suspending, or revoking a license, may submit a written 3703
complaint, specifying the precise violations or grounds, to the 3704
~~Ohio optical dispensers~~ state vision and hearing professionals 3705
board. If the board determines, in accordance with the 3706
procedures of Chapter 119. of the Revised Code, that the charges 3707
are sustained by the evidence presented, it may suspend or 3708
revoke the license of the person against whom the charges were 3709
preferred. 3710

(B) If the board discovers or is informed that any person 3711
is or has been engaged in optical dispensing without having 3712
received a license under sections 4725.40 to 4725.59 of the 3713
Revised Code, it shall inform the prosecuting attorney for the 3714
county in which the alleged unlicensed activity took place. The 3715
prosecuting attorney shall take all legal action necessary to 3716
terminate such illegal practice of optical dispensing and to 3717
prosecute the offender under section 4725.41 of the Revised 3718
Code. 3719

(C) In addition to other remedies provided in this 3720
chapter, the board may request the attorney general or the 3721
prosecuting attorney of a county in which a violation of 3722
sections 4725.40 to 4725.59 of the Revised Code occurs to apply 3723
to the court of common pleas of the county for an injunction to 3724
restrain the activity that constitutes a violation. 3725

Sec. 4725.55. No person shall do any of the following: 3726

(A) Sell or barter, or offer to sell or barter, a 3727
certificate of licensure as a dispensing optician issued under 3728
sections 4725.40 to 4725.59 of the Revised Code; 3729

(B) Use, or attempt to use, a license which is illegally 3730
purchased or acquired under division (A) of this section, 3731
obtained by fraud or deception, counterfeited, materially 3732
altered or otherwise modified without prior approval of the ~~Ohio-~~ 3733
~~optical dispensers-~~state vision and hearing professionals board, 3734
or suspended or revoked under section 4725.53 or 4725.54 of the 3735
Revised Code; 3736

(C) Materially alter or otherwise modify a license in any 3737
manner, unless authorized by the ~~Ohio-optical dispensers-~~state 3738
vision and hearing professionals board; 3739

(D) Willfully and knowingly make any false statement in an 3740
application required under sections 4725.40 to 4725.59 of the 3741
Revised Code. 3742

Sec. 4725.57. An applicant for licensure as a licensed 3743
dispensing optician who is licensed or registered in another 3744
state shall be accorded the full privileges of practice within 3745
this state, upon the payment of a fifty-dollar fee and the 3746
submission of a certified copy of the license or certificate 3747
issued by such other state, without the necessity of 3748
examination, if the state vision and hearing professionals board 3749
determines that the applicant meets the remaining requirements 3750
of division (B) of section 4725.48 of the Revised Code. The 3751
board may require that the applicant have received a passing 3752
score, as determined by the board, on an examination that is 3753
substantially the same as the examination described in division 3754
(A) of section 4725.48 of the Revised Code. 3755

Sec. 4725.61. The state ~~board of optometry and the Ohio-~~ 3756
~~optical dispensers-~~vision and hearing professionals board shall 3757
comply with section 4776.20 of the Revised Code. 3758

Sec. 4729.021. The state board of pharmacy shall license 3759
and register home medical equipment services providers under 3760
Chapter 4752. of the Revised Code and shall administer and 3761
enforce that chapter. 3762

Sec. 4729.85. If the state board of pharmacy establishes 3763
and maintains a drug database pursuant to section 4729.75 of the 3764
Revised Code, the board shall prepare reports regarding the 3765
database and present or submit them in accordance with both of 3766
the following: 3767

(A) The board shall present a biennial report to the 3768
standing committees of the house of representatives and the 3769
senate that are primarily responsible for considering health and 3770
human services issues. Each report shall include all of the 3771
following: 3772

(1) The cost to the state of establishing and maintaining 3773
the database; 3774

(2) Information from the board, terminal distributors of 3775
dangerous drugs, prescribers, and retail dispensaries licensed 3776
under Chapter 3796. of the Revised Code regarding the board's 3777
effectiveness in providing information from the database; 3778

(3) The board's timeliness in transmitting information 3779
from the database. 3780

(B) The board shall submit a semiannual report to the 3781
governor, the president of the senate, the speaker of the house 3782
of representatives, the attorney general, the chairpersons of 3783
the standing committees of the house of representatives and the 3784
senate that are primarily responsible for considering health and 3785
human services issues, the department of public safety, the 3786
state dental board, the board of nursing, the state ~~board of~~ 3787

~~optometry vision and hearing professionals board~~, the state 3788
medical board, and the state veterinary medical licensing board. 3789
The state board of pharmacy shall make the report available to 3790
the public on its internet web site. Each report submitted shall 3791
include all of the following for the period covered by the 3792
report: 3793

(1) An aggregate of the information submitted to the board 3794
under section 4729.77 of the Revised Code regarding 3795
prescriptions for controlled substances containing opioids, 3796
including all of the following: 3797

(a) The number of prescribers who issued the 3798
prescriptions; 3799

(b) The number of patients to whom the controlled 3800
substances were dispensed; 3801

(c) The average quantity of the controlled substances 3802
dispensed per prescription; 3803

(d) The average daily morphine equivalent dose of the 3804
controlled substances dispensed per prescription. 3805

(2) An aggregate of the information submitted to the board 3806
under section 4729.79 of the Revised Code regarding controlled 3807
substances containing opioids that have been personally 3808
furnished to a patient by a prescriber, other than a prescriber 3809
who is a veterinarian, including all of the following: 3810

(a) The number of prescribers who personally furnished the 3811
controlled substances; 3812

(b) The number of patients to whom the controlled 3813
substances were personally furnished; 3814

(c) The average quantity of the controlled substances that 3815

were furnished at one time; 3816

(d) The average daily morphine equivalent dose of the 3817
controlled substances that were furnished at one time. 3818

(3) An aggregate of the information submitted to the board 3819
under section 4729.771 of the Revised Code regarding medical 3820
marijuana. 3821

Sec. 4731.051. The state medical board shall adopt rules 3822
in accordance with Chapter 119. of the Revised Code establishing 3823
universal blood and body fluid precautions that shall be used by 3824
each person who performs exposure prone invasive procedures and 3825
is authorized to practice by this chapter or Chapter 4730., 3826
4759., 4760., 4761., 4762., or 4774. of the Revised Code. The 3827
rules shall define and establish requirements for universal 3828
blood and body fluid precautions that include the following: 3829

(A) Appropriate use of hand washing; 3830

(B) Disinfection and sterilization of equipment; 3831

(C) Handling and disposal of needles and other sharp 3832
instruments; 3833

(D) Wearing and disposal of gloves and other protective 3834
garments and devices. 3835

Sec. 4731.07. (A) The state medical board shall keep a 3836
record of its proceedings. The minutes of a meeting of the board 3837
shall, on approval by the board, constitute an official record 3838
of its proceedings. 3839

(B) The board shall keep a register of applicants for 3840
certificates to practice issued under this chapter and Chapters 3841
4760., 4762., and 4774. of the Revised Code and licenses issued 3842
under Chapters 4730., 4759., 4761., and 4778. of the Revised 3843

Code. The register shall show the name of the applicant and 3844
whether the applicant was granted or refused a certificate or 3845
license. With respect to applicants to practice medicine and 3846
surgery or osteopathic medicine and surgery, the register shall 3847
show the name of the institution that granted the applicant the 3848
degree of doctor of medicine or osteopathic medicine. With 3849
respect to applicants to practice respiratory care, the register 3850
shall show the addresses of the person's last known place of 3851
business and residence, the effective date and identification 3852
number of the license, the name and location of the institution 3853
that granted the person's degree or certificate of completion of 3854
respiratory care educational requirements, and the date the 3855
degree or certificate was issued. The books and records of the 3856
board shall be prima-facie evidence of matters therein 3857
contained. 3858

Sec. 4731.071. The state medical board shall develop and 3859
publish on its internet web site a directory containing the 3860
names of, and contact information for, all persons who hold 3861
current, valid certificates or licenses issued by the board 3862
under this chapter or Chapter 4730., 4759., 4760., 4761., 4762., 3863
4774., or 4778. of the Revised Code. Except as provided in 3864
section 4731.10 of the Revised Code, the directory shall be the 3865
sole source for verifying that a person holds a current, valid 3866
certificate or license issued by the board. 3867

Sec. 4731.224. (A) Within sixty days after the imposition 3868
of any formal disciplinary action taken by any health care 3869
facility, including a hospital, health care facility operated by 3870
a health insuring corporation, ambulatory surgical center, or 3871
similar facility, against any individual holding a valid 3872
certificate to practice issued pursuant to this chapter, the 3873
chief administrator or executive officer of the facility shall 3874

report to the state medical board the name of the individual, 3875
the action taken by the facility, and a summary of the 3876
underlying facts leading to the action taken. Upon request, the 3877
board shall be provided certified copies of the patient records 3878
that were the basis for the facility's action. Prior to release 3879
to the board, the summary shall be approved by the peer review 3880
committee that reviewed the case or by the governing board of 3881
the facility. As used in this division, "formal disciplinary 3882
action" means any action resulting in the revocation, 3883
restriction, reduction, or termination of clinical privileges 3884
for violations of professional ethics, or for reasons of medical 3885
incompetence, medical malpractice, or drug or alcohol abuse. 3886
"Formal disciplinary action" includes a summary action, an 3887
action that takes effect notwithstanding any appeal rights that 3888
may exist, and an action that results in an individual 3889
surrendering clinical privileges while under investigation and 3890
during proceedings regarding the action being taken or in return 3891
for not being investigated or having proceedings held. "Formal 3892
disciplinary action" does not include any action taken for the 3893
sole reason of failure to maintain records on a timely basis or 3894
failure to attend staff or section meetings. 3895

The filing or nonfiling of a report with the board, 3896
investigation by the board, or any disciplinary action taken by 3897
the board, shall not preclude any action by a health care 3898
facility to suspend, restrict, or revoke the individual's 3899
clinical privileges. 3900

In the absence of fraud or bad faith, no individual or 3901
entity that provides patient records to the board shall be 3902
liable in damages to any person as a result of providing the 3903
records. 3904

(B) If any individual authorized to practice under this 3905
chapter or any professional association or society of such 3906
individuals believes that a violation of any provision of this 3907
chapter, Chapter 4730., 4759., 4760., 4761., 4762., 4774., or 3908
4778. of the Revised Code, or any rule of the board has 3909
occurred, the individual, association, or society shall report 3910
to the board the information upon which the belief is based. 3911
This division does not require any treatment provider approved 3912
by the board under section 4731.25 of the Revised Code or any 3913
employee, agent, or representative of such a provider to make 3914
reports with respect to an impaired practitioner participating 3915
in treatment or aftercare for substance abuse as long as the 3916
practitioner maintains participation in accordance with the 3917
requirements of section 4731.25 of the Revised Code, and as long 3918
as the treatment provider or employee, agent, or representative 3919
of the provider has no reason to believe that the practitioner 3920
has violated any provision of this chapter or any rule adopted 3921
under it, other than the provisions of division (B) (26) of 3922
section 4731.22 of the Revised Code. This division does not 3923
require reporting by any member of an impaired practitioner 3924
committee established by a health care facility or by any 3925
representative or agent of a committee or program sponsored by a 3926
professional association or society of individuals authorized to 3927
practice under this chapter to provide peer assistance to 3928
practitioners with substance abuse problems with respect to a 3929
practitioner who has been referred for examination to a 3930
treatment program approved by the board under section 4731.25 of 3931
the Revised Code if the practitioner cooperates with the 3932
referral for examination and with any determination that the 3933
practitioner should enter treatment and as long as the committee 3934
member, representative, or agent has no reason to believe that 3935
the practitioner has ceased to participate in the treatment 3936

program in accordance with section 4731.25 of the Revised Code 3937
or has violated any provision of this chapter or any rule 3938
adopted under it, other than the provisions of division (B) (26) 3939
of section 4731.22 of the Revised Code. 3940

(C) Any professional association or society composed 3941
primarily of doctors of medicine and surgery, doctors of 3942
osteopathic medicine and surgery, doctors of podiatric medicine 3943
and surgery, or practitioners of limited branches of medicine 3944
that suspends or revokes an individual's membership for 3945
violations of professional ethics, or for reasons of 3946
professional incompetence or professional malpractice, within 3947
sixty days after a final decision shall report to the board, on 3948
forms prescribed and provided by the board, the name of the 3949
individual, the action taken by the professional organization, 3950
and a summary of the underlying facts leading to the action 3951
taken. 3952

The filing of a report with the board or decision not to 3953
file a report, investigation by the board, or any disciplinary 3954
action taken by the board, does not preclude a professional 3955
organization from taking disciplinary action against an 3956
individual. 3957

(D) Any insurer providing professional liability insurance 3958
to an individual authorized to practice under this chapter, or 3959
any other entity that seeks to indemnify the professional 3960
liability of such an individual, shall notify the board within 3961
thirty days after the final disposition of any written claim for 3962
damages where such disposition results in a payment exceeding 3963
twenty-five thousand dollars. The notice shall contain the 3964
following information: 3965

(1) The name and address of the person submitting the 3966

notification; 3967

(2) The name and address of the insured who is the subject 3968
of the claim; 3969

(3) The name of the person filing the written claim; 3970

(4) The date of final disposition; 3971

(5) If applicable, the identity of the court in which the 3972
final disposition of the claim took place. 3973

(E) The board may investigate possible violations of this 3974
chapter or the rules adopted under it that are brought to its 3975
attention as a result of the reporting requirements of this 3976
section, except that the board shall conduct an investigation if 3977
a possible violation involves repeated malpractice. As used in 3978
this division, "repeated malpractice" means three or more claims 3979
for medical malpractice within the previous five-year period, 3980
each resulting in a judgment or settlement in excess of twenty- 3981
five thousand dollars in favor of the claimant, and each 3982
involving negligent conduct by the practicing individual. 3983

(F) All summaries, reports, and records received and 3984
maintained by the board pursuant to this section shall be held 3985
in confidence and shall not be subject to discovery or 3986
introduction in evidence in any federal or state civil action 3987
involving a health care professional or facility arising out of 3988
matters that are the subject of the reporting required by this 3989
section. The board may use the information obtained only as the 3990
basis for an investigation, as evidence in a disciplinary 3991
hearing against an individual whose practice is regulated under 3992
this chapter, or in any subsequent trial or appeal of a board 3993
action or order. 3994

The board may disclose the summaries and reports it 3995

receives under this section only to health care facility 3996
committees within or outside this state that are involved in 3997
credentialing or recredentialing the individual or in reviewing 3998
the individual's clinical privileges. The board shall indicate 3999
whether or not the information has been verified. Information 4000
transmitted by the board shall be subject to the same 4001
confidentiality provisions as when maintained by the board. 4002

(G) Except for reports filed by an individual pursuant to 4003
division (B) of this section, the board shall send a copy of any 4004
reports or summaries it receives pursuant to this section to the 4005
individual who is the subject of the reports or summaries. The 4006
individual shall have the right to file a statement with the 4007
board concerning the correctness or relevance of the 4008
information. The statement shall at all times accompany that 4009
part of the record in contention. 4010

(H) An individual or entity that, pursuant to this 4011
section, reports to the board or refers an impaired practitioner 4012
to a treatment provider approved by the board under section 4013
4731.25 of the Revised Code shall not be subject to suit for 4014
civil damages as a result of the report, referral, or provision 4015
of the information. 4016

(I) In the absence of fraud or bad faith, no professional 4017
association or society of individuals authorized to practice 4018
under this chapter that sponsors a committee or program to 4019
provide peer assistance to practitioners with substance abuse 4020
problems, no representative or agent of such a committee or 4021
program, and no member of the state medical board shall be held 4022
liable in damages to any person by reason of actions taken to 4023
refer a practitioner to a treatment provider approved under 4024
section 4731.25 of the Revised Code for examination or 4025

treatment. 4026

Sec. 4731.24. Except as provided in sections 4731.281 and 4027
4731.40 of the Revised Code, all receipts of the state medical 4028
board, from any source, shall be deposited in the state 4029
treasury. The funds shall be deposited to the credit of the 4030
state medical board operating fund, which is hereby created. 4031
Except as provided in sections 4730.252, 4731.225, 4731.24, 4032
4760.133, 4762.133, 4774.133, and 4778.141 of the Revised Code, 4033
all funds deposited into the state treasury under this section 4034
shall be used solely for the administration and enforcement of 4035
this chapter and Chapters 4730., 4759., 4760., 4761., 4762., 4036
4774., and 4778. of the Revised Code by the board. 4037

Sec. 4731.25. The state medical board, in accordance with 4038
Chapter 119. of the Revised Code, shall adopt and may amend and 4039
rescind rules establishing standards for approval of physicians 4040
and facilities as treatment providers for impaired practitioners 4041
who are regulated under this chapter or Chapter 4730., 4759., 4042
4760., 4761., 4762., 4774., or 4778. of the Revised Code. The 4043
rules shall include standards for both inpatient and outpatient 4044
treatment. The rules shall provide that in order to be approved, 4045
a treatment provider must have the capability of making an 4046
initial examination to determine what type of treatment an 4047
impaired practitioner requires. Subject to the rules, the board 4048
shall review and approve treatment providers on a regular basis. 4049
The board, at its discretion, may withdraw or deny approval 4050
subject to the rules. 4051

An approved impaired practitioner treatment provider 4052
shall: 4053

(A) Report to the board the name of any practitioner 4054
suffering or showing evidence of suffering impairment as 4055

described in division (B) (5) of section 4730.25 of the Revised Code, division (B) (26) of section 4731.22 of the Revised Code, division (A) (4) of section 4759.07 of the Revised Code, division (B) (6) of section 4760.13 of the Revised Code, division (B) (6) of section 4762.13 of the Revised Code, division (B) (6) of section 4774.13 of the Revised Code, or division (B) (6) of section 4778.14 of the Revised Code who fails to comply within one week with a referral for examination;

(B) Report to the board the name of any impaired practitioner who fails to enter treatment within forty-eight hours following the provider's determination that the practitioner needs treatment;

(C) Require every practitioner who enters treatment to agree to a treatment contract establishing the terms of treatment and aftercare, including any required supervision or restrictions of practice during treatment or aftercare;

(D) Require a practitioner to suspend practice upon entry into any required inpatient treatment;

(E) Report to the board any failure by an impaired practitioner to comply with the terms of the treatment contract during inpatient or outpatient treatment or aftercare;

(F) Report to the board the resumption of practice of any impaired practitioner before the treatment provider has made a clear determination that the practitioner is capable of practicing according to acceptable and prevailing standards of care;

(G) Require a practitioner who resumes practice after completion of treatment to comply with an aftercare contract that meets the requirements of rules adopted by the board for

approval of treatment providers; 4085

(H) Report the identity of any practitioner practicing 4086
under the terms of an aftercare contract to hospital 4087
administrators, medical chiefs of staff, and chairpersons of 4088
impaired practitioner committees of all health care institutions 4089
at which the practitioner holds clinical privileges or otherwise 4090
practices. If the practitioner does not hold clinical privileges 4091
at any health care institution, the treatment provider shall 4092
report the practitioner's identity to the impaired practitioner 4093
committee of the county medical society, osteopathic academy, or 4094
podiatric medical association in every county in which the 4095
practitioner practices. If there are no impaired practitioner 4096
committees in the county, the treatment provider shall report 4097
the practitioner's identity to the president or other designated 4098
member of the county medical society, osteopathic academy, or 4099
podiatric medical association. 4100

(I) Report to the board the identity of any practitioner 4101
who suffers a relapse at any time during or following aftercare. 4102

Any individual authorized to practice under this chapter 4103
who enters into treatment by an approved treatment provider 4104
shall be deemed to have waived any confidentiality requirements 4105
that would otherwise prevent the treatment provider from making 4106
reports required under this section. 4107

In the absence of fraud or bad faith, no person or 4108
organization that conducts an approved impaired practitioner 4109
treatment program, no member of such an organization, and no 4110
employee, representative, or agent of the treatment provider 4111
shall be held liable in damages to any person by reason of 4112
actions taken or recommendations made by the treatment provider 4113
or its employees, representatives, or agents. 4114

Sec. 4732.01. As used in this chapter: 4115

(A) "Psychologist" means any person who holds self out to 4116
the public by any title or description of services incorporating 4117
the words "psychologic," "psychological," "psychologist," 4118
"psychology," or any other terms that imply the person is 4119
trained, experienced, or an expert in the field of psychology. 4120

(B) "The practice of psychology" means rendering or 4121
offering to render to individuals, groups, organizations, or the 4122
public any service involving the application of psychological 4123
procedures to assessment, diagnosis, prevention, treatment, or 4124
amelioration of psychological problems or emotional or mental 4125
disorders of individuals or groups; or to the assessment or 4126
improvement of psychological adjustment or functioning of 4127
individuals or groups, whether or not there is a diagnosable 4128
pre-existing psychological problem. Practice of psychology 4129
includes the practice of school psychology. For purposes of this 4130
chapter, teaching or research shall not be regarded as the 4131
practice of psychology, even when dealing with psychological 4132
subject matter, provided it does not otherwise involve the 4133
professional practice of psychology in which an individual's 4134
welfare is directly affected by the application of psychological 4135
procedures. 4136

(C) "Psychological procedures" include but are not 4137
restricted to application of principles, methods, or procedures 4138
of understanding, predicting, or influencing behavior, such as 4139
the principles pertaining to learning, conditioning, perception, 4140
motivation, thinking, emotions, or interpersonal relationships; 4141
the methods or procedures of verbal interaction, interviewing, 4142
counseling, behavior modification, environmental manipulation, 4143
group process, psychological psychotherapy, or hypnosis; and the 4144

methods or procedures of administering or interpreting tests of 4145
mental abilities, aptitudes, interests, attitudes, personality 4146
characteristics, emotions, or motivation. 4147

(D) "School psychologist" means any person who holds self 4148
out to the public by any title or description of services 4149
incorporating the words "school psychologist" or "school 4150
psychology," or who holds self out to be trained, experienced, 4151
or an expert in the practice of school psychology. 4152

(E) "Practice of school psychology" means rendering or 4153
offering to render to individuals, groups, organizations, or the 4154
public any of the following services: 4155

(1) Evaluation, diagnosis, or test interpretation limited 4156
to assessment of intellectual ability, learning patterns, 4157
achievement, motivation, behavior, or personality factors 4158
directly related to learning problems; 4159

(2) Intervention services, including counseling, for 4160
children or adults for amelioration or prevention of 4161
educationally related learning problems, including emotional and 4162
behavioral aspects of such problems; 4163

(3) Psychological, educational, or vocational consultation 4164
or direct educational services. This does not include industrial 4165
consultation or counseling services to clients undergoing 4166
vocational rehabilitation. 4167

(F) "Licensed psychologist" means an individual holding a 4168
current, valid license to practice psychology issued under 4169
section 4732.12 or 4732.15 of the Revised Code. 4170

(G) "School psychologist licensed by the state behavioral 4171
health professionals board of psychology" means an individual 4172
holding a current, valid license to practice school psychology 4173

issued under section 4732.12 or 4732.15 of the Revised Code. 4174

(H) "School psychologist licensed by the state board of 4175
education" means an individual holding a current, valid school 4176
psychologist license issued under rules adopted under section 4177
3319.22 of the Revised Code. 4178

(I) "Mental health professional" and "mental health 4179
service" have the same meanings as in section 2305.51 of the 4180
Revised Code. 4181

(J) "Telepsychology" means the practice of psychology or 4182
school psychology by distance communication technology, 4183
including telephone, electronic mail, internet-based 4184
communications, and video conferencing. 4185

Sec. 4732.09. Each person who desires to practice 4186
psychology or school psychology shall file with the executive 4187
director of the state behavioral health professionals board of ~~of~~ 4188
~~psychology a written an~~ application, under oath, on a form 4189
prescribed by the board. 4190

Sec. 4732.091. (A) As used in this section, "license" and 4191
"applicant for an initial license" have the same meanings as in 4192
section 4776.01 of the Revised Code, except that "license" as 4193
used in both of those terms refers to the types of 4194
authorizations otherwise issued or conferred under this chapter. 4195

(B) In addition to any other eligibility requirement set 4196
forth in this chapter, each applicant for an initial license 4197
shall comply with sections 4776.01 to 4776.04 of the Revised 4198
Code. The state behavioral health professionals board of ~~of~~ 4199
~~psychology~~ shall not grant a license to an applicant for an 4200
initial license unless the applicant complies with sections 4201
4776.01 to 4776.04 of the Revised Code and the board, in its 4202

discretion, decides that the results of the criminal records 4203
check do not make the applicant ineligible for a license issued 4204
pursuant to section 4732.14 of the Revised Code. 4205

Sec. 4732.10. (A) The state behavioral health 4206
professionals board of psychology shall appoint an entrance 4207
examiner who shall determine the sufficiency of an applicant's 4208
qualifications for admission to the appropriate examination. A 4209
member of the board or the executive director may be appointed 4210
as the entrance examiner. 4211

(B) Requirements for admission to examination for a 4212
psychologist license shall be that the applicant: 4213

(1) Is at least twenty-one years of age; 4214

(2) Is of good moral character; 4215

(3) Meets one of the following requirements: 4216

(a) Received an earned doctoral degree from an institution 4217
accredited or recognized by a national or regional accrediting 4218
agency and a program accredited by any of the following: 4219

(i) The American psychological association, office of 4220
program consultation and accreditation; 4221

(ii) The accreditation office of the Canadian 4222
psychological association; 4223

(iii) A program listed by the association of state and 4224
provincial psychology boards/national register designation 4225
committee; 4226

(iv) The national association of school psychologists. 4227

(b) Received an earned doctoral degree in psychology or 4228
school psychology from an institution accredited or recognized 4229

by a national or regional accrediting agency but the program 4230
does not meet the program accreditation requirements of division 4231
(B) (3) (a) of this section; 4232

(c) Received from an academic institution outside of the 4233
United States or Canada a degree determined, under rules adopted 4234
by the board under division (E) of this section, to be 4235
equivalent to a doctoral degree in psychology from a program 4236
described in division (B) (3) (a) of this section; 4237

(d) Held a psychologist license, certificate, or 4238
registration required for practice in another United States or 4239
Canadian jurisdiction for a minimum of ten years and meets 4240
educational, experience, and professional requirements 4241
established under rules adopted by the board. 4242

(4) Has had at least two years of supervised professional 4243
experience in psychological work of a type satisfactory to the 4244
board, at least one year of which must be a predoctoral 4245
internship. The board shall adopt guidelines for the kind of 4246
supervised professional experience that fulfill this 4247
requirement. 4248

(5) If applying under division (B) (3) (b) or (c) of this 4249
section, has had at least two years of supervised professional 4250
experience in psychological work of a type satisfactory to the 4251
board, at least one year of which must be postdoctoral. The 4252
board shall adopt guidelines for the kind of supervised 4253
professional experience that fulfill this requirement. 4254

(C) Requirements for admission to examination for a school 4255
psychologist license shall be that the applicant: 4256

(1) Has received from an educational institution 4257
accredited or recognized by national or regional accrediting 4258

agencies as maintaining satisfactory standards, including those 4259
approved by the state board of education for the training of 4260
school psychologists, at least a master's degree in school 4261
psychology, or a degree considered equivalent by the board; 4262

(2) Is at least twenty-one years of age; 4263

(3) Is of good moral character; 4264

(4) Has completed at least sixty quarter hours, or the 4265
semester hours equivalent, at the graduate level, of accredited 4266
study in course work relevant to the study of school psychology; 4267

(5) Has completed an internship in an educational 4268
institution approved by the Ohio department of education for 4269
school psychology supervised experience or one year of other 4270
training experience acceptable to the board, such as supervised 4271
professional experience under the direction of a licensed 4272
psychologist or licensed school psychologist; 4273

(6) Furnishes proof of at least twenty-seven months, 4274
exclusive of internship, of full-time experience as a 4275
certificated school psychologist employed by a board of 4276
education or a private school meeting the standards prescribed 4277
by the state board of education, or of experience that the board 4278
deems equivalent. 4279

(D) If the entrance examiner finds that the applicant 4280
meets the requirements set forth in this section, the applicant 4281
shall be admitted to the appropriate examination. 4282

(E) The board shall adopt under Chapter 119. of the 4283
Revised Code rules for determining for the purposes of division 4284
(B) (3) (b) of this section whether a degree is equivalent to a 4285
degree in psychology from an institution in the United States. 4286

Sec. 4732.11. (A) (1) Each applicant for a license to 4287
practice as a psychologist shall be required to earn a score 4288
acceptable to the state behavioral health professionals board ~~of~~ 4289
~~psychology~~ on an examination selected by the board. The 4290
applicant shall follow all necessary procedures and pay all 4291
necessary fees for the examination. An applicant who fails to 4292
earn a score acceptable to the board may be admitted to a 4293
subsequent examination no less than thirty days after the 4294
initial examination. After failing to earn a passing score three 4295
consecutive times, an applicant may not be admitted to the 4296
examination for a period of six months following the third 4297
examination attempt. An applicant who fails to achieve an 4298
acceptable score in nine attempts is not eligible for additional 4299
admissions to the examination, and the application shall be 4300
permanently closed. 4301

An applicant who achieves an acceptable score on the 4302
examination selected by the board as a candidate in another 4303
state or Canadian province before or after submitting an 4304
application to the board must cause the score to be submitted 4305
directly to the board's executive director. 4306

(2) The board may also require that an applicant for a 4307
license to practice as a psychologist earn a passing score on an 4308
examination that covers one or more of the following: 4309

- (a) Chapter 4732. of the Revised Code; 4310
- (b) Rules promulgated under Chapter 4732. of the Revised 4311
Code; 4312
- (c) Related provisions of the Revised Code; 4313
- (d) Professional ethical principles; 4314
- (e) Professional standards of care. 4315

The examination may be administered orally or in writing 4316
in accordance with rules adopted by the board. 4317

(B) (1) Each applicant for a license to practice as a 4318
school psychologist licensed by the state behavioral health 4319
professionals board of psychology shall be required to earn a 4320
score acceptable to the board on an examination selected by the 4321
board. The applicant shall follow all necessary procedures and 4322
pay all necessary fees for the examination. 4323

(2) The board may also require that an applicant for a 4324
license to practice as a school psychologist licensed by the 4325
state behavioral health professionals board of psychology earn a 4326
passing score on an examination that covers one or more of the 4327
following: 4328

(a) Chapter 4732. of the Revised Code; 4329

(b) Rules promulgated under Chapter 4732. of the Revised 4330
Code; 4331

(c) Related provisions of the Revised Code; 4332

(d) Professional ethical principles; 4333

(e) Professional standards of care. 4334

The examination may be administered orally or in writing 4335
in accordance with rules adopted by the board. 4336

(C) The board may establish procedures designed to expose 4337
applicants to the subject matter of the examinations described 4338
in divisions (A) (2) and (B) (2) of this section. 4339

~~(D) The board shall appoint a school psychology 4340
examination committee responsible to the board. The committee 4341
shall consist of five school psychologists each of whom holds 4342~~

~~either of the following:~~ 4343

~~(1) A school psychologist license issued under this chapter;~~ 4344
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~~(2) A psychologist license issued under this chapter and a certificate or license issued by the state board of education.~~ 4346
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~~Committee members shall be appointed by the state board of psychology for staggered five-year terms, according to rules adopted by that board. The board may delegate to the committee authority to develop the examination described in division (B) (2) of this section and any procedures to be established under division (C) of this section.~~ 4348
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Sec. 4732.12. If an applicant for a license issued by the state behavioral health professionals 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. 4354
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Sec. 4732.13. A license issued under this chapter by the state behavioral health professionals board of psychology shall remain active until it expires pursuant to section 4732.14 of the Revised Code, or is suspended, revoked, or placed in retired status. An active psychologist license shall entitle the holder to practice psychology. An active school psychologist license shall entitle the holder to practice school psychology. 4361
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Sec. 4732.14. (A) On or before the thirty-first day of August of each even-numbered year, each person who holds an active license issued under this chapter by the state behavioral health professionals board of psychology shall register with the 4368
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board in a format and manner prescribed by the board, giving the 4372
person's name, address, license number, the continuing education 4373
information required by section 4732.141 of the Revised Code, 4374
and such other reasonable information as the board requires. The 4375
person shall pay to the board a biennial registration fee, as 4376
follows: 4377

(1) From the effective date of this amendment, March 20, 4378
2014, through June 30, 2016, three hundred fifty dollars; 4379

(2) From July 1, 2016, through June 30, 2020, three 4380
hundred sixty dollars; 4381

(3) July 1, 2020, and thereafter three hundred sixty-five 4382
dollars. 4383

A person licensed for the first time on or before the 4384
thirtieth day of September of an even-numbered year shall next 4385
be required to register on or before the thirtieth day of 4386
September of the next even-numbered year. 4387

(B) Before the first day of August of each even-numbered 4388
year, the board shall send a notice to each license holder, 4389
whether a resident or not, at the license holder's last provided 4390
official mailing address, that the license holder's continuing 4391
education compliance must be completed on or before the last day 4392
of August and the biennial registration form and fee are due on 4393
or before the last day of September. A license of any license 4394
holder shall automatically expire if any of the following are 4395
not received on or before the thirtieth day of September of a 4396
renewal year: 4397

(1) The biennial registration fee; 4398

(2) The registration form; 4399

(3) A report of compliance with continuing education requirements. 4400
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Within five years thereafter, the board may reinstate any expired license upon payment of the current registration fee and a penalty fee established by the board, not to exceed two hundred fifty dollars, and receipt of the registration form completed by the registrant in accordance with this section and section 4732.141 of the Revised Code or in accordance with any modifications authorized by the board under division (F) of section 4732.141 of the Revised Code. 4402
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The board may by rule waive the payment of the registration fee and completion of the continuing psychology education required by section 4732.141 of the Revised Code by a license holder when the license holder is on active duty in the armed forces of the United States or a reserve component of the armed forces of the United States, including the Ohio national guard or the national guard of any other state. 4410
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An individual who has had a license placed on retired status under section 4732.142 of the Revised Code may seek reinstatement of the license in accordance with rules adopted by the board. 4417
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(C) Each license holder shall notify the executive director of any change in the license holder's official mailing address, office address, or employment within sixty days of such change. 4421
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Sec. 4732.141. (A) (1) Except as provided in division (D) of this section, on or before the thirty-first day of August of each even-numbered year, each person who holds a license issued under this chapter by the state behavioral health professionals 4425
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board ~~of psychology~~ shall have completed, in the preceding two- 4429
year period, not less than twenty-three hours of continuing 4430
education in psychology, including not less than four hours of 4431
continuing education in one or more of the following: 4432

(a) Professional conduct; 4433

(b) Ethics; 4434

(c) The role of culture, ethnic identity, or both in the 4435
provision of psychological assessment, consultation, or 4436
psychological interventions, or a combination thereof. 4437

(2) Each license holder shall certify to the board, at the 4438
time of biennial registration pursuant to section 4732.14 of the 4439
Revised Code and on the registration form prescribed by the 4440
board under that section, that in the preceding two years the 4441
license holder has completed continuing psychology education in 4442
compliance with this section. The board shall adopt rules 4443
establishing the procedure for a license holder to certify to 4444
the board and for properly recording with the Ohio psychological 4445
association or the Ohio school psychologists association 4446
completion of the continuing education. 4447

(B) Continuing psychology education may be applied to meet 4448
the requirement of division (A) of this section if both of the 4449
following requirements are met: 4450

(1) It is obtained through a program or course approved by 4451
the state behavioral health professionals board ~~of psychology~~, 4452
the Ohio psychological association, the Ohio association of 4453
black psychologists, or the American psychological association 4454
or, in the case of a school psychologist who holds a license 4455
issued under this chapter or a licensed psychologist with a 4456
school psychology specialty, by the state board of education, 4457

the Ohio school psychologists association, or the national 4458
association of school psychologists; 4459

(2) Completion of the program or course is recorded with 4460
the Ohio psychological association or the Ohio school 4461
psychologists association in accordance with rules adopted by 4462
the state behavioral health professionals board of psychology in 4463
accordance with division (A) of this section. 4464

The state behavioral health professionals board of 4465
~~psychology~~ may disapprove any program or course that has been 4466
approved by the Ohio psychological association, Ohio association 4467
of black psychologists, American psychological association, 4468
state board of education, Ohio school psychologists association, 4469
or national association of school psychologists. Such program or 4470
course may not be applied to meet the requirement of division 4471
(A) of this section. 4472

(C) Each license holder shall be given a sufficient choice 4473
of continuing education programs or courses in psychology, 4474
including programs or courses on professional conduct and ethics 4475
when required under division (A) (2) of this section, to ensure 4476
that the license holder has had a reasonable opportunity to 4477
participate in programs or courses that are relevant to the 4478
license holder's practice in terms of subject matter and level. 4479

(D) The board shall adopt rules providing for reductions 4480
of the hours of continuing psychology education required by this 4481
section for license holders in their first registration period. 4482

(E) Each license holder shall retain in the license 4483
holder's records for at least three years the receipts, 4484
vouchers, or certificates necessary to document completion of 4485
continuing psychology education. Proof of continuing psychology 4486

education recorded with the Ohio psychological association or 4487
the Ohio school psychologists association in accordance with the 4488
procedures established pursuant to division (A) of this section 4489
shall serve as sufficient documentation of completion. With 4490
cause, the board may request the documentation from the license 4491
holder. The board may review any continuing psychology education 4492
records recorded by the Ohio psychological association or the 4493
Ohio school psychologists association. 4494

(F) The board may excuse license holders, as a group or as 4495
individuals, from all or any part of the requirements of this 4496
section because of an unusual circumstance, emergency, or 4497
special hardship. 4498

(G) The state behavioral health professionals board ~~of~~ 4499
~~psychology~~ shall approve one or more continuing education 4500
courses of study that assist psychologists and school 4501
psychologists in recognizing the signs of domestic violence and 4502
its relationship to child abuse. Psychologists and school 4503
psychologists are not required to take the courses. 4504

(H) The board may require a license holder to evidence 4505
completion of specific continuing education coursework as part 4506
of the process of registering or continuing to register a person 4507
working under the license holder's supervision under division 4508
(B) of section 4732.22 of the Revised Code and conducting 4509
psychological or psychological work or training supervision. 4510
Procedures for the completion, verification, and documentation 4511
of such continuing education shall be specified in rules adopted 4512
by the board. A license holder completing this continuing 4513
education may receive credit toward the four-hour requirement in 4514
division (A)(1) of this section during the next continuing 4515
education period following the completion of this continuing 4516

education. 4517

Sec. 4732.142. (A) The holder of a license issued under 4518
this chapter who retires from the practice of psychology or 4519
school psychology may request during the biennial license 4520
registration process that the license holder's license be placed 4521
in "licensed psychologist-retired" or "licensed school 4522
psychologist-retired" status. Once the license is placed in 4523
retired status, the license holder shall not practice psychology 4524
or school psychology in this state. A license holder selecting 4525
this status shall pay to the state behavioral health 4526
professionals board of psychology a fee of fifty dollars. 4527

(B) Procedures for reinstating a retired license shall be 4528
established in rules adopted by the board. 4529

Sec. 4732.151. The state behavioral health professionals 4530
board of psychology shall charge a fee of forty dollars to a 4531
license holder of a license issued under this chapter for the 4532
written verification of licensure status, including verification 4533
of the date of licensure, the presence or absence of a history 4534
of disciplinary action, and the expiration date of the license. 4535

Sec. 4732.16. (A) The state behavioral health 4536
professionals board of psychology shall investigate alleged 4537
violations of this chapter or the rules adopted under it. Each 4538
investigation shall be assigned by the executive director or 4539
designated investigator to one of the members of the board who 4540
shall serve as the supervising member of the investigation. 4541

As part of its conduct of investigations, the board may 4542
examine witnesses, administer oaths, and issue subpoenas, except 4543
that the board may not compel the attendance of the respondent 4544
in an investigation. A subpoena for patient record information 4545

may be issued only if the supervising member, executive 4546
director, secretary, and an attorney from the office of the 4547
attorney general determine that there is probable cause to 4548
believe that the complaint alleges a violation of this chapter 4549
and that the records sought are relevant to the alleged 4550
violation and material to the investigation. No member of the 4551
board who supervises the investigation or approves the issuance 4552
of a subpoena for patient records shall participate in further 4553
adjudication of the case. The subpoena may apply only to records 4554
that cover a reasonable period of time surrounding the alleged 4555
violation. On failure of a person to comply with a subpoena 4556
issued by the board and after reasonable notice to that person, 4557
the board may move for an order compelling the production of 4558
records or persons pursuant to the Rules of Civil Procedure. 4559

A subpoena issued by the board may be served by a sheriff, 4560
the sheriff's deputy, or a board employee designated by the 4561
board. Service of a subpoena issued by the board may be made by 4562
delivering a copy of the subpoena to the person named in the 4563
subpoena, reading it to the person, or leaving it at the 4564
person's usual place of residence. When the person being served 4565
is a person whose practice is authorized by this chapter, 4566
service of the subpoena may be made by certified mail, return 4567
receipt requested, and the subpoena shall be deemed served on 4568
the date delivery is made or the date the person refuses to 4569
accept delivery. 4570

A sheriff's deputy who serves a subpoena shall receive the 4571
same fees as a sheriff. Each witness who appears before the 4572
board in obedience to a subpoena shall receive the fees and 4573
mileage provided for witnesses under section 119.094 of the 4574
Revised Code. 4575

(B) (1) The board shall conduct all investigations and 4576
proceedings in a manner that protects the confidentiality of 4577
patients and persons who file complaints with the board. The 4578
board shall not make public the names or any other identifying 4579
information about patients or complainants unless proper consent 4580
is given or, in the case of a patient, the patient privilege has 4581
been waived by the patient. Information received by the board 4582
pursuant to an investigation is confidential and not subject to 4583
discovery in any civil action. 4584

(2) The board may share any information it receives 4585
pursuant to an investigation, including patient records and 4586
patient record information, with law enforcement agencies, other 4587
licensing boards, and other government agencies that are 4588
prosecuting, adjudicating, or investigating alleged violations 4589
of statutes or administrative rules. An agency or board that 4590
receives the information shall comply with the same requirements 4591
regarding confidentiality as the board must comply with under 4592
division (B) (1) of this section, notwithstanding any conflicting 4593
provision of the Revised Code or procedure of the agency or 4594
board that applies when it is dealing with other information in 4595
its possession. 4596

(3) In a judicial proceeding, any information the board 4597
receives pursuant to an investigation may be admitted into 4598
evidence only in accordance with the Ohio Rules of Evidence, but 4599
the court shall require that appropriate measures be taken to 4600
ensure that confidentiality is maintained with respect to any 4601
part of the information that contains names or other identifying 4602
information about patients or complainants whose confidentiality 4603
was protected by the board when the information was in the 4604
board's possession. Measures to ensure confidentiality that may 4605
be taken by the court include sealing its records or deleting 4606

specific information from its records. 4607

Sec. 4732.17. (A) Subject to division (F) of this section, 4608
the state behavioral health professionals board of ~~psychology~~ 4609
may take any of the actions specified in division (C) of this 4610
section against an applicant for or a person who holds a license 4611
issued under this chapter on any of the following grounds as 4612
applicable: 4613

(1) Conviction, including a plea of guilty or no contest, 4614
of a felony, or of any offense involving moral turpitude, in a 4615
court of this or any other state or in a federal court; 4616

(2) A judicial finding of eligibility for intervention in 4617
lieu of conviction for a felony or any offense involving moral 4618
turpitude in a court of this or any other state or in a federal 4619
court; 4620

(3) Using fraud or deceit in the procurement of the 4621
license to practice psychology or school psychology or knowingly 4622
assisting another in the procurement of such a license through 4623
fraud or deceit; 4624

(4) Accepting commissions or rebates or other forms of 4625
remuneration for referring persons to other professionals; 4626

(5) Willful, unauthorized communication of information 4627
received in professional confidence; 4628

(6) Being negligent in the practice of psychology or 4629
school psychology; 4630

(7) Inability to practice according to acceptable and 4631
prevailing standards of care by reason of a mental, emotional, 4632
physiological, or pharmacological condition or substance abuse; 4633

(8) Subject to section 4732.28 of the Revised Code, 4634

violating any rule of professional conduct promulgated by the 4635
board; 4636

(9) Practicing in an area of psychology for which the 4637
person is clearly untrained or incompetent; 4638

(10) An adjudication by a court, as provided in section 4639
5122.301 of the Revised Code, that the person is incompetent for 4640
the purpose of holding the license. Such person may have the 4641
person's license issued or restored only upon determination by a 4642
court that the person is competent for the purpose of holding 4643
the license and upon the decision by the board that such license 4644
be issued or restored. The board may require an examination 4645
prior to such issuance or restoration. 4646

(11) Waiving the payment of all or any part of a 4647
deductible or copayment that a patient, pursuant to a health 4648
insurance or health care policy, contract, or plan that covers 4649
psychological services, would otherwise be required to pay if 4650
the waiver is used as an enticement to a patient or group of 4651
patients to receive health care services from that provider; 4652

(12) Advertising that the person will waive the payment of 4653
all or any part of a deductible or copayment that a patient, 4654
pursuant to a health insurance or health care policy, contract, 4655
or plan that covers psychological services, would otherwise be 4656
required to pay; 4657

(13) Any of the following actions taken by the agency 4658
responsible for authorizing or certifying the person to practice 4659
or regulating the person's practice of a health care occupation 4660
or provision of health care services in this state or another 4661
jurisdiction, as evidenced by a certified copy of that agency's 4662
records and findings for any reason other than the nonpayment of 4663

fees:	4664
(a) Limitation, revocation, or suspension of the person's license to practice;	4665 4666
(b) Acceptance of the person's license surrender;	4667
(c) Denial of a license to the person;	4668
(d) Refuse to renew or reinstate the person's license;	4669
(e) Imposition of probation on the person;	4670
(f) Issuance of an order of censure or other reprimand against the person;	4671 4672
(g) Other negative action or finding against the person about which information is available to the public.	4673 4674
(14) Offering or rendering psychological services after a license issued under this chapter has expired due to a failure to timely register under section 4732.14 of the Revised Code or complete continuing education requirements;	4675 4676 4677 4678
(15) Offering or rendering psychological services after a license issued under this chapter has been placed in retired status pursuant to section 4732.142 of the Revised Code;	4679 4680 4681
(16) Unless the person is a school psychologist licensed by the state board of education:	4682 4683
(a) Offering or rendering school psychological services after a license issued under this chapter has expired due to a failure to timely register under section 4732.14 of the Revised Code or complete continuing education requirements;	4684 4685 4686 4687
(b) Offering or rendering school psychological services after a license issued under this chapter has been placed in retired status pursuant to section 4732.142 of the Revised Code.	4688 4689 4690

- (17) Violating any adjudication order or consent agreement adopted by the board; 4691
4692
- (18) Failure to submit to mental, cognitive, substance abuse, or medical evaluations, or a combination of these evaluations, ordered by the board under division (E) of this section. 4693
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- (B) Notwithstanding divisions (A) (11) and (12) of this section, sanctions shall not be imposed against any license holder who waives deductibles and copayments: 4697
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- (1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copays shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Such consent shall be made available to the board upon request. 4700
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- (2) For professional services rendered to any other person licensed pursuant to this chapter to the extent allowed by this chapter and the rules of the board. 4705
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- (C) For any of the reasons specified in division (A) of this section, the board may do one or more of the following: 4708
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- (1) Refuse to issue a license to an applicant; 4710
- (2) Issue a reprimand to a license holder; 4711
- (3) Suspend the license of a license holder; 4712
- (4) Revoke the license of a license holder; 4713
- (5) Limit or restrict the areas of practice of an applicant or a license holder; 4714
4715
- (6) Require mental, substance abuse, or physical evaluations, or any combination of these evaluations, of an 4716
4717

applicant or a license holder; 4718

(7) Require remedial education and training of an 4719
applicant or a license holder. 4720

(D) When it revokes the license of a license holder under 4721
division (C)(4) of this section, the board may specify that the 4722
revocation is permanent. An individual subject to permanent 4723
revocation is forever thereafter ineligible to hold a license, 4724
and the board shall not accept an application for reinstatement 4725
of the license or issuance of a new license. 4726

(E) When the board issues a notice of opportunity for a 4727
hearing on the basis of division (A)(7) of this section, the 4728
supervising member of the board, with cause and upon 4729
consultation with the board's executive director and the board's 4730
legal counsel, may compel the applicant or license holder to 4731
submit to mental, cognitive, substance abuse, or medical 4732
evaluations, or a combination of these evaluations, by a person 4733
or persons selected by the board. Notice shall be given to the 4734
applicant or license holder in writing signed by the supervising 4735
member, the executive director, and the board's legal counsel. 4736
The applicant or license holder is deemed to have given consent 4737
to submit to these evaluations and to have waived all objections 4738
to the admissibility of testimony or evaluation reports that 4739
constitute a privileged communication. The expense of the 4740
evaluation or evaluations shall be the responsibility of the 4741
applicant or license holder who is evaluated. 4742

(F) Before the board may take action under this section, 4743
written charges shall be filed with the board by the secretary 4744
and a hearing shall be had thereon in accordance with Chapter 4745
119. of the Revised Code, except as follows: 4746

(1) On receipt of a complaint that any of the grounds 4747
listed in division (A) of this section exist, the state 4748
behavioral health professionals board of psychology may suspend 4749
a license issued under this chapter prior to holding a hearing 4750
in accordance with Chapter 119. of the Revised Code if it 4751
determines, based on the complaint, that there is an immediate 4752
threat to the public. A telephone conference call may be used to 4753
conduct an emergency meeting for review of the matter by a 4754
quorum of the board, taking the vote, and memorializing the 4755
action in the minutes of the meeting. 4756

After suspending a license pursuant to division (F) (1) of 4757
this section, the board shall notify the license holder of the 4758
suspension in accordance with section 119.07 of the Revised 4759
Code. If the individual whose license is suspended fails to make 4760
a timely request for an adjudication under Chapter 119. of the 4761
Revised Code, the board shall enter a final order permanently 4762
revoking the license. 4763

(2) The board shall adopt rules establishing a case 4764
management schedule for pre-hearing procedures by the hearing 4765
examiner or presiding board member. The schedule shall include 4766
applicable deadlines related to the hearing process, including 4767
all of the following: 4768

(a) The date of the hearing; 4769

(b) The date for the disclosure of witnesses and exhibits; 4770

(c) The date for the disclosure of the identity of expert 4771
witnesses and the exchange of written reports; 4772

(d) The deadline for submitting a request for the issuance 4773
of a subpoena for the hearing as provided under Chapter 119. of 4774
the Revised Code and division (F) (4) of this section. 4775

(3) Either party to the hearing may submit a written 4776
request to the other party for a list of witnesses and copies of 4777
documents intended to be introduced at the hearing. The request 4778
shall be in writing and shall be served not less than thirty- 4779
seven days prior to the hearing, unless the hearing officer or 4780
presiding board member grants an extension of time to make the 4781
request. Not later than thirty days before the hearing, the 4782
responding party shall provide the requested list of witnesses, 4783
summary of their testimony, and copies of documents to the 4784
requesting party, unless the hearing officer or presiding board 4785
member grants an extension. Failure to timely provide a list or 4786
copies requested in accordance with this section may, at the 4787
discretion of the hearing officer or presiding board member, 4788
result in exclusion from the hearing of the witnesses, 4789
testimony, or documents. 4790

(4) In addition to subpoenas for the production of books, 4791
records, and papers requested under Chapter 119. of the Revised 4792
Code, either party may ask the board to issue a subpoena for the 4793
production of other tangible items. 4794

The person subject to a subpoena for the production of 4795
books, records, papers, or other tangible items shall respond to 4796
the subpoena at least twenty days prior to the date of the 4797
hearing. If a person fails to respond to a subpoena issued by 4798
the board, after providing reasonable notice to the person, the 4799
board, the hearing officer, or both may proceed with enforcement 4800
of the subpoena pursuant to section 119.09 of the Revised Code. 4801

Sec. 4732.171. (A) Except as provided in division (B) of 4802
this section, if, at the conclusion of a hearing required by 4803
section 4732.17 of the Revised Code, the state behavioral health 4804
professionals board of psychology determines that a licensed 4805

psychologist or school psychologist licensed by the state 4806
behavioral health professionals board of psychology has engaged 4807
in sexual conduct or had sexual contact with the license 4808
holder's patient or client in violation of any prohibition 4809
contained in Chapter 2907. of the Revised Code, the board shall 4810
do one of the following: 4811

(1) Suspend the license holder's license; 4812

(2) Permanently revoke the license holder's license. 4813

(B) If it determines at the conclusion of the hearing that 4814
neither of the sanctions described in division (A) of this 4815
section is appropriate, the board shall impose another sanction 4816
it considers appropriate and issue a written finding setting 4817
forth the reasons for the sanction imposed and the reason that 4818
neither of the sanctions described in division (A) of this 4819
section is appropriate. 4820

Sec. 4732.172. Any finding made, and the record of any 4821
sanction imposed, by the state behavioral health professionals 4822
board of psychology under section 4732.17 or 4732.171 of the 4823
Revised Code is a public record under section 149.43 of the 4824
Revised Code. 4825

Sec. 4732.173. (A) The state behavioral health 4826
professionals board of psychology may approve or establish a 4827
colleague assistance program for the purpose of affording 4828
holders of licenses issued under this chapter, license 4829
applicants, and persons subject to discipline pursuant to 4830
division (B) of section 4731.22 of the Revised Code access to 4831
all of the following: 4832

(1) Resources concerning the prevention of distress; 4833

(2) Evaluation and intervention services concerning 4834

mental, emotional, substance use, and other conditions that may 4835
impair competence, objectivity, and judgment in the provision of 4836
psychological or school psychological services; 4837

(3) Consultation and mentoring services for practice 4838
oversight and remediation of professional skill deficits. 4839

The board may compel a license holder, applicant, or 4840
registered person to participate in the program in conjunction 4841
with the board's actions under section 4732.17 of the Revised 4842
Code. 4843

(B) If a program is approved or established, the board 4844
shall adopt rules specifying the circumstances under which self- 4845
referred participants may receive confidential services from the 4846
program. 4847

Sec. 4732.18. At any time after the suspension or 4848
revocation of a license issued under this chapter, the state 4849
behavioral health professionals board of psychology may restore 4850
the license upon the written finding by the board that 4851
circumstances so warrant. At the time it restores a license, the 4852
board may impose restrictions and limitations on the practice of 4853
the license holder. 4854

The board may require a person seeking restoration of a 4855
license to submit to mental, substance abuse, cognitive, or 4856
physical evaluations, or a combination of these evaluations. 4857
Evaluations shall be conducted by qualified individuals selected 4858
by the board. The costs of any evaluative processes shall be 4859
paid by the applicant for restoration. A person requesting 4860
restoration of a license is deemed to have given consent to 4861
submit to a mental or physical examination when directed to do 4862
so in writing by the board and to have waived all objections to 4863

the admissibility of testimony or examination reports that 4864
constitute a privileged communication. 4865

As a further condition of license restoration, the board 4866
may require the applicant to do both of the following: 4867

(A) Take the examination selected by the board under 4868
section 4732.11 of the Revised Code and receive a score 4869
acceptable to the board; 4870

(B) Participate in board processes designed to expose the 4871
applicant to Chapter 4732. of the Revised Code and rules 4872
promulgated thereunder, which may include passing a written or 4873
oral examination on the Ohio laws and rules governing 4874
psychologists and school psychologists. 4875

Sec. 4732.21. Except as provided in section 4732.22 of the 4876
Revised Code: 4877

(A) No person who is not a licensed psychologist shall 4878
offer or render services as a psychologist or otherwise engage 4879
in the practice of psychology. 4880

(B) No person who is not a licensed psychologist, a school 4881
psychologist licensed by the state behavioral health 4882
professionals board of psychology, or a school psychologist 4883
licensed by the state board of education shall offer or render 4884
services as a school psychologist or otherwise engage in the 4885
practice of school psychology. 4886

Sec. 4732.22. (A) The following persons are exempted from 4887
the licensing requirements of this chapter: 4888

(1) A person who holds a license or certificate issued by 4889
the state board of education authorizing the practice of school 4890
psychology, while practicing school psychology within the scope 4891

of employment by a board of education or by a private school 4892
meeting the standards prescribed by the state board of education 4893
under division (D) of section 3301.07 of the Revised Code, or 4894
while acting as a school psychologist within the scope of 4895
employment in a program for children with disabilities 4896
established under Chapter 3323. or 5126. of the Revised Code. A 4897
person exempted under this division shall not offer 4898
psychological services to any other individual, organization, or 4899
group for remuneration, monetary or otherwise, unless the person 4900
is licensed by the state behavioral health professionals board 4901
~~of psychology.~~ 4902

(2) Any nonresident temporarily employed in this state to 4903
render psychological services for not more than thirty days a 4904
year, who, in the opinion of the board, meets the standards for 4905
entrance in division (B) of section 4732.10 of the Revised Code, 4906
who has paid the required fee and submitted an application 4907
prescribed by the board, and who holds whatever license or 4908
certificate, if any, is required for such practice in the 4909
person's home state or home country. 4910

(3) Any person working under the supervision of a 4911
psychologist or school psychologist licensed under this chapter, 4912
while carrying out specific tasks, under the license holder's 4913
supervision, as an extension of the license holder's legal and 4914
ethical authority as specified under this chapter if the person 4915
is registered under division (B) of this section. All fees shall 4916
be billed under the name of the license holder. The person 4917
working under the license holder's supervision shall not 4918
represent self to the public as a psychologist or school 4919
psychologist, although supervised persons and persons in 4920
training may be ascribed such titles as "psychology trainee," 4921
"psychology assistant," "psychology intern," or other 4922

appropriate term that clearly implies their supervised or 4923
training status. 4924

(4) Any student in an accredited educational institution, 4925
while carrying out activities that are part of the student's 4926
prescribed course of study, provided such activities are 4927
supervised by a professional person who is qualified to perform 4928
such activities and is licensed under this chapter or is a 4929
qualified supervisor pursuant to rules of the board; 4930

(5) Recognized religious officials, including ministers, 4931
priests, rabbis, imams, Christian science practitioners, and 4932
other persons recognized by the board, conducting counseling 4933
when the counseling activities are within the scope of the 4934
performance of their regular duties and are performed under the 4935
auspices or sponsorship of an established and legally cognizable 4936
religious denomination or sect, as defined in current federal 4937
tax regulations, and when the religious official does not refer 4938
to the official's self as a psychologist and remains accountable 4939
to the established authority of the religious denomination or 4940
sect; 4941

(6) Persons in the employ of the federal government 4942
insofar as their activities are a part of the duties of their 4943
positions; 4944

(7) Persons licensed, certified, or registered under any 4945
other provision of the Revised Code who are practicing those 4946
arts and utilizing psychological procedures that are allowed and 4947
within the standards and ethics of their profession or within 4948
new areas of practice that represent appropriate extensions of 4949
their profession, provided that they do not hold themselves out 4950
to the public by the title of psychologist; 4951

(8) Persons using the term "social psychologist," 4952
"experimental psychologist," "developmental psychologist," 4953
"research psychologist," "cognitive psychologist," and other 4954
terms used by those in academic and research settings who 4955
possess a doctoral degree in psychology from an educational 4956
institution accredited or recognized by national or regional 4957
accrediting agencies as maintaining satisfactory standards and 4958
who do not use such a term in the solicitation or rendering of 4959
professional psychological services. 4960

(B) The license holder who is supervising a person 4961
described in division (A) (3) of this section shall register the 4962
person with the board. The board shall adopt rules regarding the 4963
registration process and the supervisory relationship. 4964

Sec. 4732.221. A nonresident applicant seeking a review of 4965
qualifications and permission of the state behavioral health 4966
professionals board of psychology to practice psychology in Ohio 4967
for no more than thirty days per year under division (A) (2) of 4968
section 4732.22 of the Revised Code shall pay a fee established 4969
by the board of not less than seventy-five dollars and not more 4970
than one hundred fifty dollars, no part of which shall be 4971
returned. The board may adopt rules for the purpose of 4972
recognizing a nonresident's interjurisdictional practice 4973
credentials granted by the association of state and provincial 4974
psychology boards and other relevant professional organizations. 4975

Sec. 4732.24. On complaint by the state behavioral health 4976
professionals board of psychology, the unlawful practice of 4977
psychology or school psychology may be enjoined by the common 4978
pleas court of the county in which such practice is occurring. 4979

Sec. 4732.25. All fines collected for violation of section 4980
4732.21 of the Revised Code shall be distributed as follows: 4981

(A) One half to the state behavioral health professionals 4982
~~board of psychology;~~ 4983

(B) One half to the municipal corporation in which the 4984
offense was committed or, if the offense was committed outside a 4985
municipal corporation, to the county in which the offense was 4986
committed. 4987

Money received by a municipal corporation or a county 4988
shall be paid into its general fund and may be used for any 4989
lawful purpose. 4990

Sec. 4732.26. The state behavioral health professionals 4991
~~board of psychology,~~ subject to the approval of the controlling 4992
board, may establish fees in excess of the amounts provided by 4993
sections 4732.01 to 4732.99 of the Revised Code, provided that 4994
such fees do not exceed the amounts permitted by those sections 4995
by more than fifty per cent. 4996

Sec. 4732.27. On receipt of a notice pursuant to section 4997
3123.43 of the Revised Code, the state behavioral health 4998
professionals board of psychology shall comply with sections 4999
3123.41 to 3123.50 of the Revised Code and any applicable rules 5000
adopted under section 3123.63 of the Revised Code with respect 5001
to a license issued pursuant to this chapter. 5002

Sec. 4732.28. (A) An individual whom the state behavioral 5003
health professionals board of psychology licenses, certificates, 5004
or otherwise legally authorizes to engage in the practice of 5005
psychology may render the professional services of a 5006
psychologist within this state through a corporation formed 5007
under division (B) of section 1701.03 of the Revised Code, a 5008
limited liability company formed under Chapter 1705. of the 5009
Revised Code, a partnership, or a professional association 5010

formed under Chapter 1785. of the Revised Code. This division 5011
does not preclude an individual of that nature from rendering 5012
professional services as a psychologist through another form of 5013
business entity, including, but not limited to, a nonprofit 5014
corporation or foundation, or in another manner that is 5015
authorized by or in accordance with this chapter, another 5016
chapter of the Revised Code, or rules of the state behavioral 5017
health professionals board of psychology adopted pursuant to 5018
this chapter. 5019

(B) A corporation, limited liability company, partnership, 5020
or professional association described in division (A) of this 5021
section may be formed for the purpose of providing a combination 5022
of the professional services of the following individuals who 5023
are licensed, certificated, or otherwise legally authorized to 5024
practice their respective professions: 5025

(1) Optometrists who are authorized to practice optometry 5026
under Chapter 4725. of the Revised Code; 5027

(2) Chiropractors who are authorized to practice 5028
chiropractic or acupuncture under Chapter 4734. of the Revised 5029
Code; 5030

(3) Psychologists who are authorized to practice 5031
psychology under this chapter; 5032

(4) Registered or licensed practical nurses who are 5033
authorized to practice nursing as registered nurses or as 5034
licensed practical nurses under Chapter 4723. of the Revised 5035
Code; 5036

(5) Pharmacists who are authorized to practice pharmacy 5037
under Chapter 4729. of the Revised Code; 5038

(6) Physical therapists who are authorized to practice 5039

physical therapy under sections 4755.40 to 4755.56 of the Revised Code; 5040
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(7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code; 5042
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(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code; 5045
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(9) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under Chapter 4731. of the Revised Code; 5047
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(10) Licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, or marriage and family therapists who are authorized for their respective practices under Chapter 4757. of the Revised Code. 5051
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This division shall apply notwithstanding a provision of a code of ethics applicable to a psychologist that prohibits a psychologist from engaging in the practice of psychology in combination with a person who is licensed, certificated, or otherwise legally authorized to practice optometry, chiropractic, acupuncture through the state chiropractic board, nursing, pharmacy, physical therapy, occupational therapy, mechanotherapy, medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, professional counseling, social work, or marriage and family therapy, but who is not also licensed, certificated, or otherwise legally authorized to engage in the practice of psychology. 5056
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Sec. 4732.31. (A) The state behavioral health 5068

~~professionals board of psychology~~ shall provide access to the 5069
following information through the internet: 5070

(1) The names of all licensed psychologists and all school 5071
psychologists licensed by the state behavioral health 5072
professionals board of psychology; 5073

(2) The names of all licensed psychologists and all school 5074
psychologists licensed by the state behavioral health 5075
professionals board of psychology who have been reprimanded by 5076
the board for misconduct, the names of all licensed 5077
psychologists or school psychologists licensed by the state 5078
behavioral health professionals board of psychology whose 5079
licenses are under an active suspension imposed for misconduct, 5080
the names of all former licensed psychologists and school 5081
psychologists licensed by the state behavioral health 5082
professionals board of psychology whose licenses have been 5083
suspended or revoked for misconduct, and the reason for each 5084
reprimand, suspension, or revocation; 5085

(3) Written findings made under division (B) of section 5086
4732.171 of the Revised Code. 5087

(B) Division (A) (2) of this section does not apply to a 5088
suspension of the license of a psychologist or school 5089
psychologist that is an automatic suspension imposed under 5090
section 4732.14 of the Revised Code. 5091

Sec. 4732.32. The state behavioral health professionals 5092
~~board of psychology~~ shall comply with section 4776.20 of the 5093
Revised Code. 5094

Sec. 4732.33. The state behavioral health professionals 5095
~~board of psychology~~ shall adopt rules governing the use of 5096
telepsychology for the purpose of protecting the welfare of 5097

recipients of telepsychology services and establishing 5098
requirements for the responsible use of telepsychology in the 5099
practice of psychology and school psychology, including 5100
supervision of persons registered with the state behavioral 5101
health professionals board of psychology as described in 5102
division (B) of section 4732.22 of the Revised Code. 5103

Sec. 4743.05. Except as otherwise provided in sections 5104
4701.20, 4723.062, 4723.082, 4729.65, 4781.121, and 4781.28 of 5105
the Revised Code, all money collected under Chapters 3773., 5106
4701., 4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 5107
4732., 4733., 4734., 4736., 4741., 4744., 4747., 4753., 4755., 5108
4757., 4758., ~~4759., 4761.,~~ 4771., 4775., 4779., and 4781. of 5109
the Revised Code shall be paid into the state treasury to the 5110
credit of the occupational licensing and regulatory fund, which 5111
is hereby created for use in administering such chapters. 5112

At the end of each quarter, the director of budget and 5113
management shall transfer from the occupational licensing and 5114
regulatory fund to the nurse education assistance fund created 5115
in section 3333.28 of the Revised Code the amount certified to 5116
the director under division (B) of section 4723.08 of the 5117
Revised Code. 5118

At the end of each quarter, the director shall transfer 5119
from the occupational licensing and regulatory fund to the 5120
certified public accountant education assistance fund created in 5121
section 4701.26 of the Revised Code the amount certified to the 5122
director under division (H) (2) of section 4701.10 of the Revised 5123
Code. 5124

Sec. 4744.02. (A) There is hereby created the state vision 5125
and hearing professionals board consisting of the following 5126
members, appointed by the governor with the advice and consent 5127

of the senate: 5128

(1) Two individuals licensed as optometrists under Chapter 5129
4725. of the Revised Code; 5130

(2) Two individuals licensed as licensed dispensing 5131
opticians under Chapter 4725. of the Revised Code; 5132

(3) Two individuals licensed as speech-language 5133
pathologists under Chapter 4753. of the Revised Code; 5134

(4) One individual licensed as an audiologist under 5135
Chapter 4753. of the Revised Code; 5136

(5) One individual authorized under Chapter 4731. of the 5137
Revised Code to practice medicine and surgery or osteopathic 5138
medicine and surgery who practices ophthalmology; 5139

(6) One individual representing the general public. 5140

(B) Not later than ninety days after the effective date of 5141
this section, the governor shall make initial appointments to 5142
the board. Of the initial appointments, four members shall serve 5143
terms ending March 22, 2018, three members shall serve terms 5144
ending March 22, 2019, and two members shall serve terms ending 5145
March 22, 2020. 5146

Thereafter, terms of office are three years, with each 5147
term commencing on the twenty-third day of March and ending on 5148
the twenty-second day of March. Each member shall hold office 5149
from the date of appointment until the end of the term for which 5150
the member was appointed, except that a member shall continue in 5151
office after the expiration date of the member's term until the 5152
member's successor takes office. No member shall serve more than 5153
three consecutive terms. 5154

Vacancies shall be filled in the same manner as original 5155

appointments. Any member appointed to fill a vacancy occurring 5156
before the expiration of the term for which the member's 5157
predecessor was appointed shall hold office for the remainder of 5158
that term. 5159

(C) No individual may be appointed to the board who has 5160
been convicted of or pleaded guilty to a felony under the laws 5161
of this state, another state, or the United States. 5162

The governor may remove a member of the board for 5163
malfeasance, misfeasance, or nonfeasance after a hearing in 5164
accordance with Chapter 119. of the Revised Code. The governor 5165
shall remove, after a hearing in accordance with Chapter 119. of 5166
the Revised Code, any member who has been convicted of or 5167
pleaded guilty to a felony under the laws of this state, another 5168
state, or the United States. 5169

Sec. 4744.04. (A) There is hereby created the state 5170
behavioral health professionals board consisting of the 5171
following members, appointed by the governor with the advice and 5172
consent of the senate: 5173

(1) One individual licensed as a psychologist under 5174
Chapter 4732. of the Revised Code who is not a school 5175
psychologist; 5176

(2) One individual licensed as a school psychologist under 5177
Chapter 4732. of the Revised Code; 5178

(3) One individual licensed as an independent chemical 5179
dependency counselor-clinical supervisor, independent chemical 5180
dependency counselor, chemical dependency counselor II, or 5181
chemical dependency counselor III under Chapter 4758. of the 5182
Revised Code; 5183

(4) One individual holding a prevention consultant 5184

certificate or prevention specialist I certificate issued under 5185
Chapter 4758. of the Revised Code; 5186

(5) One individual licensed as a professional clinical 5187
counselor, professional counselor, independent marriage and 5188
family therapist, or marriage and family therapist under Chapter 5189
4757. of the Revised Code; 5190

(6) One individual licensed as an independent social 5191
worker or social worker under Chapter 4757. of the Revised Code; 5192

(7) One individual representing the general public. 5193

(B) Not later than ninety days after the effective date of 5194
this section, the governor shall make initial appointments to 5195
the board. Of the initial appointments, three members shall 5196
serve terms ending October 4, 2018, two members shall serve 5197
terms ending October 4, 2019, and two members shall serve terms 5198
ending October 4, 2020. Thereafter, terms of office are three 5199
years, with each term commencing on the fifth day of October and 5200
ending on the fourth day of October. Each member shall hold 5201
office from the date of appointment until the end of the term 5202
for which the member was appointed, except that a member shall 5203
continue in office after the expiration date of the member's 5204
term until the member's successor takes office. No member shall 5205
serve more than three consecutive terms. 5206

Vacancies shall be filled in the same manner as original 5207
appointments. Any member appointed to fill a vacancy occurring 5208
before the expiration of the term for which the member's 5209
predecessor was appointed shall hold office for the remainder of 5210
that term. 5211

(C) No individual may be appointed to the board who has 5212
been convicted of or pleaded guilty to a felony under the laws 5213

of this state, another state, or the United States. 5214

The governor may remove a member of the board for 5215
malfeasance, misfeasance, or nonfeasance after a hearing in 5216
accordance with Chapter 119. of the Revised Code. The governor 5217
shall remove, after a hearing in accordance with Chapter 119. of 5218
the Revised Code, any member who has been convicted of or 5219
pleaded guilty to a felony under the laws of this state, another 5220
state, or the United States. 5221

Sec. 4744.041. (A) The state behavioral health 5222
professionals board shall appoint a school psychology 5223
examination committee responsible to the board. 5224

(B) The committee shall consist of five school 5225
psychologists, each of whom holds either of the following: 5226

(1) A school psychologist license issued under Chapter 5227
4732. of the Revised Code; 5228

(2) A psychologist license issued under Chapter 4732. of 5229
the Revised Code and a certificate or license issued by the 5230
state board of education. 5231

(C) Committee members shall be appointed by the state 5232
behavioral health professionals board for staggered five-year 5233
terms, in accordance with rules adopted by the board. The board 5234
may delegate to the committee authority to develop the 5235
examination described in division (B) (2) of section 4732.11 of 5236
the Revised Code and any procedures the board establishes under 5237
division (C) of section 4732.11 of the Revised Code. 5238

Sec. 4744.06. (A) There is hereby created the state 5239
physical health services board consisting of the following 5240
members, appointed by the governor with the advice and consent 5241
of the senate: 5242

<u>(1) One individual licensed as an occupational therapist</u>	5243
<u>under Chapter 4755. of the Revised Code;</u>	5244
<u>(2) One individual licensed as a physical therapist under</u>	5245
<u>Chapter 4755. of the Revised Code;</u>	5246
<u>(3) One individual licensed as an athletic trainer under</u>	5247
<u>Chapter 4755. of the Revised Code;</u>	5248
<u>(4) One individual licensed as an orthotist or orthotist</u>	5249
<u>or prosthetist under Chapter 4779. of the Revised Code;</u>	5250
<u>(5) One individual licensed as a prosthetist or an</u>	5251
<u>orthotist or prosthetist under Chapter 4779. of the Revised</u>	5252
<u>Code;</u>	5253
<u>(6) One individual licensed as a pedorthist under Chapter</u>	5254
<u>4779. of the Revised Code;</u>	5255
<u>(7) One individual representing the general public.</u>	5256
<u>(B) Not later than ninety days after the effective date of</u>	5257
<u>this section, the governor shall make initial appointments to</u>	5258
<u>the board. Of the initial appointments, three members shall</u>	5259
<u>serve terms ending August 27, 2018, two members shall serve</u>	5260
<u>terms ending August 27, 2019, and two members shall serve terms</u>	5261
<u>ending August 27, 2020. Thereafter, terms of office are three</u>	5262
<u>years, with each term commencing on the twenty-eighth day of</u>	5263
<u>August and ending on the twenty-seventh day of August. Each</u>	5264
<u>member shall hold office from the date of appointment until the</u>	5265
<u>end of the term for which the member was appointed, except that</u>	5266
<u>a member shall continue in office after the expiration date of</u>	5267
<u>the member's term until the member's successor takes office. No</u>	5268
<u>member shall serve more than three consecutive terms.</u>	5269
<u>Vacancies shall be filled in the same manner as original</u>	5270

appointments. Any member appointed to fill a vacancy occurring 5271
before the expiration of the term for which the member's 5272
predecessor was appointed shall hold office for the remainder of 5273
that term. 5274

(C) No individual may be appointed to the board who has 5275
been convicted of or pleaded guilty to a felony under the laws 5276
of this state, another state, or the United States. 5277

The governor may remove a member of the board for 5278
malfeasance, misfeasance, or nonfeasance after a hearing in 5279
accordance with Chapter 119. of the Revised Code. The governor 5280
shall remove, after a hearing in accordance with Chapter 119. of 5281
the Revised Code, any member who has been convicted of or 5282
pleaded guilty to a felony under the laws of this state, another 5283
state, or the United States. 5284

Sec. 4744.10. Whenever the term "state board of 5285
optometry," "Ohio optical dispensers board," "hearing aid 5286
dealers and fitters licensing board," or "board of speech- 5287
language pathology and audiology" is used in any statute, rule, 5288
contract, or other document, the use shall be construed to mean 5289
the "state vision and hearing professionals board" unless 5290
another section of law expressly provides otherwise. 5291

Whenever "executive director of the state board of 5292
optometry," "executive secretary-treasurer of the Ohio optical 5293
dispensers board," "secretary of the hearing aid dealers and 5294
fitters licensing board," or "executive director of the board of 5295
speech-language pathology and audiology" is used in a statute, 5296
rule, contract, or other document, the reference shall be 5297
construed to refer to the executive director of the state vision 5298
and hearing professionals board. 5299

Whenever the term "chemical dependency professionals board," "counselor, social worker, and marriage and family therapist board," or "state board of psychology" is used in any statute, rule, contract, or other document, the use shall be construed to mean the "state behavioral health professionals board" unless another section of law expressly provides otherwise. 5300
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Whenever the executive director of the "chemical dependency professionals board," "counselor, social worker, and marriage and family therapist board," or "state board of psychology" is used in any statute, rule, contract, or other document, the reference shall be construed to refer to the executive director of the state behavioral health professionals board. 5307
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Whenever the term "Ohio occupational therapy, physical therapy, and athletic trainers board" or "state board of orthotics, prosthetics, and pedorthics" is used in any statute, rule, contract, or other document, the use shall be construed to mean the "state physical health services board" unless another section of law expressly provides otherwise. 5314
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Whenever the executive director of the "Ohio occupational therapy, physical therapy, and athletic trainers board" or "state board of orthotics, prosthetics, and pedorthics" is used in any statute, rule, contract, or other document, the reference shall be construed to refer to the executive director of the state physical health services board. 5320
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Sec. 4744.12. (A) Each board organized under this chapter shall annually elect from among its members a president and secretary. Each board shall hold at least four regular meetings each year and may hold additional meetings as it considers 5326
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necessary. At least one of the board's regular meetings shall be 5330
held in Franklin county. The boards shall publish the time and 5331
place of any meetings at least thirty days before the date on 5332
which the meeting is to be held, except that in the case of an 5333
emergency or special meeting, the board shall give twenty-four- 5334
hours' notice or as much notice as possible. 5335

A majority of board members constitutes a quorum. 5336

(B) Each board shall do all of the following: 5337

(1) Adopt a seal and certificate of suitable design; 5338

(2) Maintain a record of its proceedings; 5339

(3) Maintain a register of every individual holding a 5340
certificate, license, permit, registration, or endorsement 5341
issued under Chapters 4725., 4732., 4747., 4753., 4755., 4757., 5342
4758., 4779., and 4783. of the Revised Code, as applicable, and 5343
every individual whose certificate, license, permit, 5344
registration, or endorsement has been revoked under those 5345
chapters. 5346

(C) Except as otherwise provided in the Revised Code, the 5347
books and records of each board, including its registers, shall 5348
be open to public inspection at all reasonable times. A copy of 5349
an entry in those books and records, certified by the executive 5350
director under the board's seal, is prima facie evidence of the 5351
facts therein stated. 5352

Sec. 4744.14. Each board organized under this chapter 5353
shall hire an executive director. Before discharging the 5354
executive director's duties, each executive director shall give 5355
a bond, to be approved by the board, in the amount of two 5356
thousand dollars to ensure the faithful performance of the 5357
executive director's duties. The board shall pay the premium of 5358

the bond in the same manner as it pays other expenditures of the 5359
board. The bond shall be deposited with the secretary of state 5360
and kept in the secretary of state's office. 5361

The executive director of each board organized under this 5362
chapter, in consultation with the director of administrative 5363
services, may employ inspectors, investigators, assistants, and 5364
other employees as necessary to administer and enforce Chapters 5365
4725., 4732., 4747., 4753., 4755., 4757., 4758., 4779., and 5366
4783. of the Revised Code, as applicable. 5367

Sec. 4744.16. Each member of a board organized under this 5368
chapter shall receive an amount fixed under division (J) of 5369
section 124.15 of the Revised Code for each day the member is 5370
performing their official duties and be reimbursed for actual 5371
and necessary expenses incurred in performing such duties. 5372

Each board, in consultation with the director of 5373
administrative services, shall set the compensation of its 5374
executive director and of any employees of the board. The 5375
executive director of each board shall be reimbursed for 5376
necessary expenses in accordance with section 126.31 of the 5377
Revised Code. 5378

All vouchers of the board shall be approved by the board's 5379
president or executive director, or both, as authorized by the 5380
board. 5381

Sec. 4744.18. Each board organized under this chapter 5382
shall have an office in Franklin county, where all of the 5383
board's permanent records shall be kept. On request of each 5384
board, the director of administrative services shall supply each 5385
board with office space and supplies. The board's president and 5386
executive director shall submit an order to the director of 5387

administrative services for all printing and binding necessary 5388
for the board's work. 5389

Sec. 4744.20. All expenses of the boards organized under 5390
this chapter shall be paid from, and all receipts of the boards 5391
shall be deposited in, the state treasury to the credit of the 5392
occupational licensing and regulatory fund created in section 5393
4743.05 of the Revised Code. 5394

Sec. 4744.24. Each board organized under this chapter 5395
shall annually, on or before the first day of February, submit a 5396
report to the governor of all its official acts during the 5397
preceding year, its receipts and disbursements, and a complete 5398
report of the conditions of the professions regulated by the 5399
board. Each board shall submit the reports to the governor 5400
electronically. 5401

Sec. 4744.28. Each board organized under this chapter may 5402
adopt rules as necessary for the transaction of its business. 5403

Sec. 4744.30. In the absence of fraud or bad faith, any 5404
board organized under this chapter, current or former board 5405
members, agents of the board, persons formally requested by the 5406
board to be the board's representative, or employees of the 5407
board shall not be held liable in damages to any person as the 5408
result of any act, omission, proceeding, conduct, or decision 5409
related to official duties undertaken or performed pursuant to 5410
Chapters 4725., 4732., 4747., 4753., 4755., 4757., 4758., 4779., 5411
and 4783. of the Revised Code, as applicable. 5412

If such a person asks to be defended by the state against 5413
any claim or action arising out of any act, omission, 5414
proceeding, conduct, or decision related to the person's 5415
official duties, and if the request is made in writing at a 5416

reasonable time before trial and the person requesting defense 5417
cooperates in good faith in the defense of the claim or action, 5418
the state shall provide and pay for the person's defense and 5419
shall pay any resulting judgment, compromise, or settlement. At 5420
no time shall the state pay any part of a claim or judgment that 5421
is for punitive or exemplary damages. 5422

Sec. 4744.36. Each board organized under this chapter may 5423
appoint committees or other groups to assist in fulfilling its 5424
duties. A committee or group may consist of board members, other 5425
individuals with appropriate backgrounds, or both board members 5426
and other individuals with appropriate backgrounds. Any 5427
appointed committee or group shall act under the board's 5428
direction and shall perform its functions within the limits 5429
established by the board. 5430

Except as otherwise provided in the Revised Code, a 5431
committee or group organized under this section is advisory in 5432
nature and may not act independently of the board or act on the 5433
board's behalf. 5434

Members of a committee or group may be reimbursed by the 5435
board for any expenses incurred in the performance of their 5436
duties, in accordance with section 126.31 of the Revised Code 5437
and with approval from the director of administrative services. 5438

Sec. 4744.40. Each board organized this chapter may enter 5439
into contracts with any person or government entity to implement 5440
this chapter and Chapters 4725., 4732., 4747., 4753., 4755., 5441
4757., 4758., 4779., and 4783. of the Revised Code, as 5442
applicable, the rules adopted under those chapters, any other 5443
applicable statutes or rules, and any applicable federal 5444
statutes or regulations. 5445

Sec. 4744.48. Each board organized under this chapter may 5446
become a member of a national licensing organization for the 5447
professions regulated by that board. The board may participate 5448
in any of the organization's activities, including reporting 5449
actions the board takes against an applicant or license holder 5450
to any data bank established by the organization. 5451

Sec. 4744.50. Each board organized under this chapter 5452
shall establish a code of ethical practice for individuals 5453
licensed, certified, or registered by that board in accordance 5454
with rules adopted under Chapter 119. of the Revised Code. In 5455
establishing the codes of ethical practice, the board shall 5456
define unprofessional conduct in the rules, which shall include 5457
engaging in a dual relationship with a client or former client, 5458
committing an act of sexual abuse, misconduct, or exploitation 5459
of a client or former client, and, except as permitted by law, 5460
violating client confidentiality. 5461

The codes of ethical practice may be based on any codes of 5462
ethical practice developed by national organizations 5463
representing the interests of those professions regulated by 5464
each board. The board may establish standards in its codes of 5465
ethical practice that are more stringent than those established 5466
by national organizations. 5467

The board may take disciplinary action against an 5468
applicant or license holder for violating any code of ethical 5469
practice established under this section. 5470

Sec. 4744.54. No board organized under this chapter or any 5471
committees established by the board shall discriminate against 5472
an applicant or license holder because of the person's race, 5473
color, religion, sex, national origin, disability as defined in 5474
section 4112.01 of the Revised Code, or age. A person who files 5475

with the board or committee a statement alleging discrimination 5476
based on any of those reasons may request a hearing with the 5477
board or committee, as appropriate. 5478

Sec. 4745.02. On or before the thirtieth day prior to the 5479
expiration of any license, each licensing agency shall ~~cause to~~ 5480
~~be mailed~~ provide a notice ~~and application~~ for renewal to every 5481
licensee for whom a license was issued or renewed during the 5482
current license year or other specified period and who has been 5483
approved for renewal by the specific licensing agency. 5484

The licensee shall complete the applicable renewal 5485
application and ~~return it to~~ pay the applicable renewal fee. 5486
Renewal fees paid pursuant to this section shall be deposited 5487
with the treasurer of state ~~with a renewal fee in the amount~~ 5488
~~specified on the renewal application.~~ 5489

Upon receipt of the correct fee by the treasurer and 5490
acceptance of the renewal application by the licensing agency, 5491
the applicant shall be entered as currently renewed on the 5492
records of the particular licensing agency, and notice of the 5493
entry shall be ~~mailed~~ provided to each licensee as soon as 5494
practicable, but not later than thirty days after receipt ~~by the~~ 5495
~~treasurer~~ of the application and renewal fee. A certification by 5496
the respective licensing agency, with its seal affixed, of those 5497
records shall be prima-facie evidence of renewal in all courts 5498
in the trial of any case. 5499

Sec. 4745.021. Notwithstanding any provision of the 5500
Revised Code pertaining to the timing of a license renewal to 5501
the contrary, if a failure in any electronic license renewal 5502
system occurs, a licensing agency may extend the date by which 5503
licenses must be renewed. The licensing agency may extend a 5504
renewal period for a reasonable time period after the resolution 5505

of the system failure. However, a licensing agency must obtain 5506
approval from the director of administrative services for an 5507
extension in excess of fourteen days beyond the resolution of 5508
the system failure. 5509

Sec. 4747.04. ~~The state vision and hearing aid dealers and~~ 5510
~~fitters licensing board shall meet annually to elect a~~ 5511
~~chairperson and a vice chairperson, who shall act as chairperson~~ 5512
~~in the absence of the chairperson. A majority of the board~~ 5513
~~constitutes a quorum. The board shall meet when called by the~~ 5514
~~chairperson. The professionals board shall:~~ 5515

~~(A) Adopt rules for the transaction of its business;~~ 5516

~~(B)~~ Design and prepare qualifying examinations for 5517
licensing of hearing aid dealers, fitters, and trainees; 5518

~~(C)~~ ~~(B)~~ Determine whether persons holding similar valid 5519
licenses from other states or jurisdictions shall be required to 5520
take and successfully pass the appropriate qualifying 5521
examination as a condition for licensing in this state; 5522

~~(D)~~ ~~(C)~~ Determine whether charges made against any 5523
licensee warrant a hearing before the board; 5524

~~(E)~~ ~~(D)~~ Hold hearings to determine the truth and 5525
circumstances of all charges filed in writing with the board 5526
against any licensee and determine whether any license held by 5527
any person shall be revoked, suspended, or reissued; 5528

~~(F)~~ ~~(E)~~ Determine and specify the length of time each 5529
license that is suspended or revoked shall remain suspended or 5530
revoked; 5531

~~(G)~~ ~~(F)~~ Advise and assist the department of health in all 5532
matters relating to this chapter; 5533

~~(H)~~ (G) Deposit all payments collected under this chapter 5534
into the ~~general operations state treasury to the credit of the~~ 5535
~~occupational licensing and regulatory fund created under in~~ 5536
section ~~3701.83-4743.05~~ of the Revised Code ~~to be used in~~ 5537
~~administering and enforcing this chapter;~~ 5538

~~(I)~~ (H) Establish a list of disqualifying offenses for 5539
licensure as a hearing aid dealer or fitter, or for a hearing 5540
aid dealer or fitter trainee permit, pursuant to sections 5541
4747.05, 4747.10, 4747.12, and 4776.10 of the Revised Code. 5542

Nothing in this section shall be interpreted as granting 5543
to the ~~state vision and hearing aid dealers and fitters~~ 5544
~~licensing professionals~~ board the right to restrict advertising 5545
which is not false or misleading, or to prohibit or in any way 5546
restrict a hearing aid dealer or fitter from renting or leasing 5547
space from any person, firm or corporation in a mercantile 5548
establishment for the purpose of using such space for the lawful 5549
sale of hearing aids or to prohibit a mercantile establishment 5550
from selling hearing aids if the sale would be otherwise lawful 5551
under this chapter. 5552

Sec. 4747.05. (A) The ~~state vision and hearing aid dealers~~ 5553
~~and fitters licensing professionals~~ board shall issue to each 5554
applicant, within sixty days of receipt of a properly completed 5555
application and payment of two hundred sixty-two dollars, a 5556
hearing aid dealer's or fitter's license if the applicant, ~~if an~~ 5557
~~individual:~~ 5558

(1) ~~Is~~ In the case of an individual, the individual is at 5559
least eighteen years of age. 5560

~~(2) Has,~~ has not committed a disqualifying offense or a 5561
crime of moral turpitude, as those terms are defined in section 5562

4776.10 of the Revised Code~~+~~ 5563

~~(3) Is, is~~ free of contagious or infectious disease~~+~~ 5564

~~(4) Has, and has~~ successfully passed a qualifying 5565
examination specified and administered by the board. 5566

~~(B) If the applicant is~~ (2) In the case of a firm, 5567
partnership, association, or corporation, the application, in 5568
addition to such information as the board requires, ~~shall be~~ is 5569
accompanied by an application for a license for each person, 5570
whether owner or employee, of the firm, partnership, 5571
association, or corporation, who engages in dealing in or 5572
fitting of hearing aids, or ~~shall contain~~ contains a statement 5573
that such applications are submitted separately. No firm, 5574
partnership, association, or corporation licensed pursuant to 5575
this chapter shall permit any unlicensed person to sell or fit 5576
hearing aids. 5577

~~(C)(B)~~(1) Subject to divisions ~~(C)(B)~~(2), (3), and (4) of 5578
this section, the board shall not adopt, maintain, renew, or 5579
enforce any rule that precludes an individual from receiving or 5580
renewing a license issued under this chapter due to any past 5581
criminal activity or interpretation of moral character, unless 5582
the individual has committed a crime of moral turpitude or a 5583
disqualifying offense as those terms are defined in section 5584
4776.10 of the Revised Code. If the board denies an individual a 5585
license or license renewal, the reasons for such denial shall be 5586
put in writing. 5587

(2) Except as otherwise provided in this division, if an 5588
individual applying for a license has been convicted of or 5589
pleaded guilty to a misdemeanor that is not a crime of moral 5590
turpitude or a disqualifying offense less than one year prior to 5591

making the application, the board may use the board's discretion 5592
in granting or denying the individual a license. Except as 5593
otherwise provided in this division, if an individual applying 5594
for a license has been convicted of or pleaded guilty to a 5595
felony that is not a crime of moral turpitude or a disqualifying 5596
offense less than three years prior to making the application, 5597
the board may use the board's discretion in granting or denying 5598
the individual a license. The provisions in this paragraph do 5599
not apply with respect to any offense unless the board, prior to 5600
~~the effective date of this amendment~~ September 28, 2012, was 5601
required or authorized to deny the application based on that 5602
offense. 5603

In all other circumstances, the board shall follow the 5604
procedures it adopts by rule that conform to division ~~(C)~~ (B) (1) 5605
of this section. 5606

(3) In considering a renewal of an individual's license, 5607
the board shall not consider any conviction or plea of guilty 5608
prior to the initial licensing. However, the board may consider 5609
a conviction or plea of guilty if it occurred after the 5610
individual was initially licensed, or after the most recent 5611
license renewal. 5612

(4) The board may grant an individual a conditional 5613
license that lasts for one year. After the one-year period has 5614
expired, the license is no longer considered conditional, and 5615
the individual shall be considered fully licensed. 5616

~~(D)~~ (C) Each license issued expires on the thirtieth day 5617
of January of the year following that in which it was issued. 5618

Sec. 4747.051. (A) As used in this section, "license" and 5619
"applicant for an initial license" have the same meanings as in 5620

section 4776.01 of the Revised Code, except that "license" as 5621
used in both of those terms refers to the types of 5622
authorizations otherwise issued or conferred under this chapter. 5623

(B) In addition to any other eligibility requirement set 5624
forth in this chapter, each applicant for an initial license 5625
shall comply with sections 4776.01 to 4776.04 of the Revised 5626
Code. The state vision and hearing professionals board shall not 5627
grant a license to an applicant for an initial license unless 5628
the applicant complies with sections 4776.01 to 4776.04 of the 5629
Revised Code and the board, in its discretion, decides that the 5630
results of the criminal records check do not make the applicant 5631
ineligible for a license issued pursuant to section 4747.05 or 5632
4747.10 of the Revised Code. 5633

Sec. 4747.06. (A) Each person engaged in the practice of 5634
dealing in or fitting of hearing aids who holds a valid hearing 5635
aid dealer's or fitter's license shall apply annually to the 5636
state vision and hearing aid dealers and fitters licensing- 5637
professionals board for renewal of such license under the 5638
standard renewal procedure specified in Chapter 4745. of the 5639
Revised Code. The board shall issue to each applicant, on proof 5640
of completion of the continuing education required by division 5641
(B) of this section and payment of one hundred fifty-seven 5642
dollars on or before the first day of February, one hundred 5643
eighty-three dollars on or before the first day of March, or two 5644
hundred ten dollars thereafter, a renewed hearing aid dealer's 5645
or fitter's license. No person who applies for renewal of a 5646
hearing aid dealer's or fitter's license that has expired shall 5647
be required to take any examination as a condition of renewal 5648
provided application for renewal is made within two years of the 5649
date such license expired. 5650

(B) Each person engaged in the practice of dealing in or fitting of hearing aids who holds a valid hearing aid dealer's or fitter's license shall complete each year not less than ten hours of continuing professional education approved by the board. On a form provided by the board, the person shall certify to the board, at the time of license renewal pursuant to division (A) of this section, that in the preceding year the person has completed continuing education in compliance with this division and shall submit any additional information required by rule of the board regarding the continuing education. The board shall adopt rules in accordance with Chapter 119. of the Revised Code establishing the standards continuing education programs must meet to obtain board approval and continuing education reporting requirements.

Continuing education may be applied to meet the requirement of this division if it is provided or certified by any of the following:

- (1) The national institute of hearing instruments studies committee of the international hearing society;
- (2) The American speech-language hearing association;
- (3) The American academy of audiology.

The board may excuse persons licensed under this chapter, as a group or as individuals, from all or any part of the requirements of this division because of an unusual circumstance, emergency, or special hardship.

Sec. 4747.07. Each person who holds a hearing aid dealer's or fitter's license and engages in the practice of dealing in and fitting of hearing aids shall display such license in a conspicuous place in the person's office or place of business at

all times. Each person who maintains more than one office or 5680
place of business shall post a duplicate copy of the license at 5681
each location. The state vision and hearing aid dealers and 5682
fitters licensing professionals board shall issue duplicate 5683
copies of a license upon receipt of a properly completed 5684
application and payment of sixteen dollars for each copy 5685
requested. 5686

Sec. 4747.08. After July 1, 1970, no person shall be 5687
issued a hearing aid dealer's or fitter's license unless such 5688
person has successfully taken and passed a qualifying 5689
examination. The qualifying examination shall be a thorough 5690
testing of knowledge required for the proper selecting, fitting, 5691
and sale of hearing aids, but shall not be such that a medical 5692
or surgical education is required for successful completion. It 5693
shall consist of written and practical portions which shall 5694
include, but not be limited to, the following areas: 5695

(A) Basic physics of sound; 5696

(B) The anatomy and physiology of the human ear; 5697

(C) The function and purpose of hearing aids; 5698

(D) Pure tone audiometry, including air conduction and 5699
bone conduction testing; 5700

(E) Live voice or recorded voice speech audiometry, 5701
including speech reception threshold testing and speech 5702
discrimination testing; 5703

(F) Masking techniques; 5704

(G) Recording and evaluation of audiograms and speech 5705
audiometry to determine proper selection and adaption of hearing 5706
aids; 5707

(H) Earmold impression techniques. 5708

The state vision and hearing aid dealers and fitters 5709
~~licensing professionals~~ board shall design, prepare, and revise 5710
such qualifying examinations as are determined necessary by the 5711
board pursuant to this chapter. It shall administer all such 5712
qualifying examinations and shall designate the time, place, and 5713
date the examinations are held. The board shall also furnish all 5714
materials and equipment necessary for the conducting of all 5715
qualifying examinations. 5716

Sec. 4747.10. Each person currently engaged in training to 5717
become a licensed hearing aid dealer or fitter shall apply to 5718
the state vision and hearing aid dealers and fitters ~~licensing~~ 5719
professionals board for a hearing aid dealer's and fitter's 5720
trainee permit. The board shall issue to each applicant within 5721
thirty days of receipt of a properly completed application and 5722
payment of one hundred fifty dollars, a trainee permit if such 5723
applicant meets all of the following criteria: 5724

(A) Is at least eighteen years of age; 5725

(B) Is the holder of a diploma from an accredited high 5726
school or a certificate of high school equivalence issued by the 5727
department of education; 5728

(C) Has not committed a disqualifying offense or a crime 5729
of moral turpitude, as those terms are defined in section 5730
4776.10 of the Revised Code; 5731

(D) Is free of contagious or infectious disease. 5732

Subject to the next paragraph, the board shall not deny a 5733
trainee permit issued under this section to any individual based 5734
on the individual's past criminal history or an interpretation 5735
of moral character unless the individual has committed a 5736

disqualifying offense or crime of moral turpitude as those terms 5737
are defined in section 4776.10 of the Revised Code. Except as 5738
otherwise provided in this paragraph, if an individual applying 5739
for a trainee permit has been convicted of or pleaded guilty to 5740
a misdemeanor that is not a crime of moral turpitude or a 5741
disqualifying offense less than one year prior to making the 5742
application, the board may use the board's discretion in 5743
granting or denying the individual a trainee permit. Except as 5744
otherwise provided in this paragraph, if an individual applying 5745
for a trainee permit has been convicted of or pleaded guilty to 5746
a felony that is not a crime of moral turpitude or a 5747
disqualifying offense less than three years prior to making the 5748
application, the board may use the board's discretion in 5749
granting or denying the individual a trainee permit. The 5750
provisions in this paragraph do not apply with respect to any 5751
offense unless the board, prior to September 28, 2012, was 5752
required or authorized to deny the application based on that 5753
offense. 5754

In all other circumstances not described in the preceding 5755
paragraph, the board shall follow the procedures it adopts by 5756
rule that conform to this section. 5757

In considering a renewal of an individual's trainee 5758
permit, the board shall not consider any conviction or plea of 5759
guilty prior to the issuance of the initial trainee permit. 5760
However, the board may consider a conviction or plea of guilty 5761
if it occurred after the individual was initially granted the 5762
trainee permit, or after the most recent trainee permit renewal. 5763
If the board denies an individual for a trainee permit or 5764
renewal, the reasons for such denial shall be put in writing. 5765
Additionally, the board may grant an individual a conditional 5766
trainee permit that lasts for one year. After the one-year 5767

period has expired, the permit is no longer considered 5768
conditional, and the individual shall be considered to be 5769
granted a full trainee permit. 5770

Each trainee permit issued by the board expires one year 5771
from the date it was first issued, and may be renewed once if 5772
the trainee has not successfully completed the qualifying 5773
requirements for licensing as a hearing aid dealer or fitter 5774
before the expiration date of such permit. The board shall issue 5775
a renewed permit to each applicant upon receipt of a properly 5776
completed application and payment of one hundred five dollars. 5777
No person holding a trainee permit shall engage in the practice 5778
of dealing in or fitting of hearing aids except while under 5779
supervision by a licensed hearing aid dealer or fitter. 5780

Sec. 4747.11. Each person who holds a hearing aid dealer's 5781
or fitter's license or trainee permit shall notify the state 5782
vision and hearing aid dealers and fitters licensing 5783
professionals board in writing of the place or places where ~~he~~ 5784
the person engages or intends to engage in the practice of 5785
dealing in and fitting of hearing aids, and shall immediately 5786
notify the board in writing of any change in such address or 5787
addresses. The board shall keep a record of the past and current 5788
place of business of each person who holds a license or permit. 5789

Any notice that is required to be given by the board to a 5790
person holding a license or permit pursuant to the provisions of 5791
this chapter shall be mailed to such person by certified mail to 5792
the address of ~~his~~ the person's current or most recent place of 5793
business as revealed in the records of the board. 5794

Sec. 4747.12. The state vision and hearing aid dealers and 5795
fitters licensing professionals board may revoke or suspend a 5796
license or permit if the person who holds such license or 5797

permit:	5798
(A) Is convicted of a disqualifying offense or a crime of moral turpitude as those terms are defined in section 4776.10 of the Revised Code. The record of conviction, or a copy thereof certified by the clerk of the court or by the judge in whose court the conviction occurs, is conclusive evidence of such conviction;	5799 5800 5801 5802 5803 5804
(B) Procured a license or permit by fraud or deceit practiced upon the board;	5805 5806
(C) Obtained any fee or made any sale of a hearing aid by fraud or misrepresentation;	5807 5808
(D) Knowingly employed any person without a license or a person whose license was suspended or revoked to engage in the fitting or sale of hearing aids;	5809 5810 5811
(E) Used or caused or promoted the use of any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or any other representation, however disseminated or published, which is misleading, deceptive, or untruthful;	5812 5813 5814 5815 5816
(F) Advertised a particular model or type of hearing aid for sale when purchasers or prospective purchasers responding to the advertisement cannot purchase the specified model or type of hearing aid;	5817 5818 5819 5820
(G) Represented or advertised that the service or advice of a person licensed to practice medicine will be used or made available in the selection, fitting, adjustment, maintenance, or repair of hearing aids when such is not true, or using the words "doctor," "clinic," or similar words, abbreviations, or symbols which connote the medical profession when such use is not	5821 5822 5823 5824 5825 5826

accurate;	5827
(H) Is found by the board to be a person of habitual intemperance or gross immorality;	5828 5829
(I) Advertised a manufacturer's product or used a manufacturer's name or trademark in a manner which suggested the existence of a relationship with the manufacturer which did not or does not exist;	5830 5831 5832 5833
(J) Fitted or sold, or attempted to fit or sell, a hearing aid to a person without first utilizing the appropriate procedures and instruments required for proper fitting of hearing aids;	5834 5835 5836 5837
(K) Engaged in the fitting and sale of hearing aids under a false name or an alias;	5838 5839
(L) Engaged in the practice of dealing in or fitting of hearing aids while suffering from a contagious or infectious disease;	5840 5841 5842
(M) Was found by the board to be guilty of gross incompetence or negligence in the fitting or sale of hearing aids;	5843 5844 5845
(N) Permitted another person to use the licensee's license;	5846 5847
<u>(O) Violate the code of ethical practice adopted under section 4744.50 of the Revised Code.</u>	5848 5849
Sec. 4747.13. (A) Any person who wishes to make a complaint against any person, firm, partnership, association, or corporation licensed pursuant to this chapter shall submit such complaint in writing to the <u>state vision and hearing aid dealers and fitters licensing professionals board</u> within one year from	5850 5851 5852 5853 5854

the date of the action or event upon which the complaint is 5855
based. The ~~hearing aid dealers and fitters~~ board shall determine 5856
whether the charges in the complaint are of a sufficiently 5857
serious nature to warrant a hearing before the board to 5858
determine whether the license or permit held by the person 5859
complained against shall be revoked or suspended. If the board 5860
determines that a hearing is warranted, then it shall fix the 5861
time and place of such hearing and deliver or cause to have 5862
delivered, either in person or by registered mail, at least 5863
twenty days before the date of such hearing, an order 5864
instructing the licensee complained against of the date, time, 5865
and place where the licensee shall appear before the board. Such 5866
order shall include a copy of the complaint against the 5867
licensee. 5868

The board, and the licensee after receipt of the order and 5869
a copy of the complaint made against the licensee, may take 5870
depositions in advance of the hearing, provided that each party 5871
taking depositions shall give at least five days notice to the 5872
other party of the time, date, and place where such depositions 5873
shall be taken. Each party shall have the right to attend with 5874
counsel the taking of such depositions and may cross-examine the 5875
deponent or deponents. Each licensee appearing before the board 5876
may be represented by counsel. No person shall have the person's 5877
license or permit revoked or suspended without an opportunity to 5878
present the person's case at a hearing before the board, and the 5879
board shall grant a continuance or adjournment of a hearing date 5880
for good cause. Each person whose license or permit is suspended 5881
or revoked by the board may appeal such action to the court of 5882
common pleas. 5883

(B) The board shall petition the court of common pleas of 5884
the county in which a person, firm, partnership, or corporation 5885

engages in the sale, practice of dealing in or fitting of 5886
hearing aids, advertises or assumes such practice, or engages in 5887
training to become a licensed hearing aid dealer or fitter 5888
without first being licensed, for an order enjoining any such 5889
acts or practices. The court may grant such injunctive relief 5890
upon a showing that the respondent named in the petition is 5891
engaging in such acts or practices without being licensed under 5892
this chapter. 5893

Sec. 4747.14. No person, firm, partnership, association, 5894
or corporation shall: 5895

(A) Sell or barter or offer to sell or barter a hearing 5896
aid dealers or fitters license or trainee permit issued by the 5897
~~state vision and hearing aid dealers and fitters licensing~~ 5898
professionals board pursuant to sections 4747.05, 4747.06, and 5899
4747.10 of the Revised Code; 5900

(B) Purchase or procure or attempt to purchase or procure 5901
a hearing aid dealers or fitters license or trainee permit with 5902
intent to use such license or permit as evidence of the holder's 5903
qualification to engage in the practice of dealing in or fitting 5904
of hearing aids; 5905

(C) Use or attempt to use as a valid license or permit a 5906
license or permit which has been purchased, fraudulently 5907
obtained, counterfeited, materially altered, or suspended or 5908
revoked; 5909

(D) Alter a license or permit in any way, shape, or form, 5910
except as may be specified by the board; 5911

(E) Willfully and knowingly make a false statement in an 5912
application for issuance or renewal of a license or permit. 5913

Sec. 4747.16. On receipt of a notice pursuant to section 5914

3123.43 of the Revised Code, the state vision and hearing aid- 5915
dealers and fitters licensing professionals board shall comply 5916
with sections 3123.41 to 3123.50 of the Revised Code and any 5917
applicable rules adopted under section 3123.63 of the Revised 5918
Code with respect to a license issued pursuant to this chapter. 5919

Sec. 4747.17. The state vision and hearing aid dealers and- 5920
fitters licensing professionals board shall comply with section 5921
4776.20 of the Revised Code. 5922

Sec. 4752.01. As used in this chapter: 5923

(A) "Authorized health care professional" means a person 5924
authorized under Chapter 4731. of the Revised Code to practice 5925
medicine and surgery or osteopathic medicine and surgery or 5926
otherwise authorized under Ohio law to prescribe the use of home 5927
medical equipment by a patient. 5928

(B) "Home medical equipment" means equipment that can 5929
stand repeated use, is primarily and customarily used to serve a 5930
medical purpose, is not useful to a person in the absence of 5931
illness or injury, is appropriate for use in the home, and is 5932
one or more of the following: 5933

(1) Life-sustaining equipment prescribed by an authorized 5934
health care professional that mechanically sustains, restores, 5935
or supplants a vital bodily function, such as breathing; 5936

(2) Technologically sophisticated medical equipment 5937
prescribed by an authorized health care professional that 5938
requires individualized adjustment or regular maintenance by a 5939
home medical equipment services provider to maintain a patient's 5940
health care condition or the effectiveness of the equipment; 5941

(3) An item specified by the ~~Ohio respiratory care board-~~ 5942
state board of pharmacy in rules adopted under division (B) of 5943

section 4752.17 of the Revised Code. 5944

(C) "Home medical equipment services" means the sale, 5945
delivery, installation, maintenance, replacement, or 5946
demonstration of home medical equipment. 5947

(D) "Home medical equipment services provider" means a 5948
person engaged in offering home medical equipment services to 5949
the public. 5950

(E) "Hospital" has the same meaning as in section 3727.01 5951
of the Revised Code. 5952

(F) "Sell or rent" means to transfer ownership or the 5953
right to use property, whether in person or through an agent, 5954
employee, or other person, in return for compensation. 5955

Sec. 4752.03. (A) A person seeking to comply with division 5956
(A) of section 4752.02 of the Revised Code shall do either of 5957
the following: 5958

(1) Apply for a license issued under this chapter; 5959

(2) Apply for a certificate of registration issued under 5960
this chapter on the basis of being accredited by the joint 5961
commission on accreditation of healthcare organizations or 5962
another national accrediting body recognized by the ~~Ohio~~ 5963
~~respiratory care board~~ state board of pharmacy, as specified in 5964
rules adopted under section 4752.17 of the Revised Code. 5965

(B) A person intending to provide home medical equipment 5966
services from more than one facility shall apply for a separate 5967
license or certificate of registration for each facility. 5968

Sec. 4752.04. A person seeking a license to provide home 5969
medical equipment services shall apply to the ~~Ohio respiratory~~ 5970
~~care board~~ state board of pharmacy on a form the board shall 5971

prescribe and provide. The application must be accompanied by 5972
the license application fee established in rules adopted under 5973
section 4752.17 of the Revised Code, except that the board may 5974
waive all or part of the fee if the board determines that an 5975
applicant's license will be issued in the last six months of the 5976
biennial licensing period established under section 4752.05 of 5977
the Revised Code. 5978

In the application, the applicant shall specify the name 5979
and location of the facility from which services will be 5980
provided. 5981

Sec. 4752.05. (A) The ~~Ohio respiratory care board~~ state 5982
board of pharmacy shall issue a license to provide home medical 5983
equipment services to each applicant under section 4752.04 of 5984
the Revised Code that meets either of the following 5985
requirements: 5986

(1) Meets the standards established by the board in rules 5987
adopted under section 4752.17 of the Revised Code; 5988

(2) Is a pharmacy licensed under Chapter 4729. of the 5989
Revised Code that receives total payments of ten thousand 5990
dollars or more per year from selling or renting home medical 5991
equipment. 5992

(B) During the period ending one year after September 16, 5993
2004, an applicant that does not meet either of the requirements 5994
of division (A) of this section shall be granted a provisional 5995
license if for at least twelve months prior to September 16, 5996
2004, the applicant was engaged in the business of providing 5997
home medical equipment services. The provisional license expires 5998
one year following the date on which it is issued and is not 5999
subject to renewal under section 4752.06 of the Revised Code. 6000

(C) The board may conduct a personal interview of an applicant, or an applicant's representative, to determine the applicant's qualifications for licensure.

(D) A license issued under division (A) of this section expires at the end of the licensing period for which it is issued and may be renewed in accordance with section 4752.06 of the Revised Code. For purposes of issuing and renewing licenses, the board shall use a biennial licensing period that begins on the first day of July of each even-numbered year and ends on the thirtieth day of June of the next succeeding even-numbered year.

(E) Any license issued under this section is valid only for the facility named in the application.

Sec. 4752.06. Except for a provisional license issued under section 4752.05 of the Revised Code, a license issued under this chapter shall be renewed by the ~~Ohio respiratory care board~~ state board of pharmacy if the license holder is in compliance with the applicable requirements of this chapter.

An application for license renewal shall be accompanied by the renewal fee established in rules adopted under section 4752.17 of the Revised Code and, except as provided in division (B) of section 4752.07 of the Revised Code, by documentation satisfactory to the board that the continuing education requirements of section 4752.07 of the Revised Code have been met. Renewals shall be made in accordance with the standard renewal procedure established under Chapter 4745. of the Revised Code and the renewal procedures established in rules adopted under section 4752.17 of the Revised Code.

Sec. 4752.08. (A) The ~~Ohio respiratory care board~~ state board of pharmacy may inspect the operations and facility,

subpoena the records, and compel testimony of employees of any 6030
home medical equipment services provider licensed under this 6031
chapter. Inspections shall be conducted as provided in rules 6032
adopted by the board under section 4752.17 of the Revised Code. 6033

(B) The board shall employ investigators who shall, under 6034
the direction of the executive director of the board, 6035
investigate complaints and conduct inspections. Pursuant to an 6036
investigation or inspection, investigators may review and audit 6037
records during normal business hours at the place of business of 6038
the person being investigated. The board and its employees shall 6039
not disclose confidential information obtained during an 6040
investigation, except pursuant to a court order. 6041

(C) The board shall send the provider a report of the 6042
results of an inspection. If the board determines that the 6043
provider is not in compliance with any requirement of this 6044
chapter applicable to providers licensed under this chapter, the 6045
board may direct the provider to attain compliance. Failure of 6046
the provider to comply with the directive is grounds for action 6047
by the board under division (A) (1) of section 4752.09 of the 6048
Revised Code. 6049

(D) A provider that disputes the results of an inspection 6050
may file an appeal with the board not later than ninety days 6051
after receiving the inspection report. The board shall review 6052
the inspection report and, at the request of the provider, 6053
conduct a new inspection. 6054

Sec. 4752.09. (A) ~~The Ohio respiratory care board state~~ 6055
board of pharmacy may, in accordance with Chapter 119. of the 6056
Revised Code, suspend or revoke a license issued under this 6057
chapter or discipline a license holder by imposing a fine of not 6058
more than five thousand dollars or taking other disciplinary 6059

- action on any of the following grounds: 6060
- (1) Violation of any provision of this chapter or an order 6061
or rule of the board, as those provisions, orders, or rules are 6062
applicable to persons licensed under this chapter; 6063
- (2) A plea of guilty to or a judicial finding of guilt of 6064
a felony or a misdemeanor that involves dishonesty or is 6065
directly related to the provision of home medical equipment 6066
services; 6067
- (3) Making a material misstatement in furnishing 6068
information to the board; 6069
- (4) Professional incompetence; 6070
- (5) Being guilty of negligence or gross misconduct in 6071
providing home medical equipment services; 6072
- (6) Aiding, assisting, or willfully permitting another 6073
person to violate any provision of this chapter or an order or 6074
rule of the board, as those provisions, orders, or rules are 6075
applicable to persons licensed under this chapter; 6076
- (7) Failing, within sixty days, to provide information in 6077
response to a written request by the board; 6078
- (8) Engaging in conduct likely to deceive, defraud, or 6079
harm the public; 6080
- (9) Denial, revocation, suspension, or restriction of a 6081
license to provide home medical equipment services, for any 6082
reason other than failure to renew, in another state or 6083
jurisdiction; 6084
- (10) Directly or indirectly giving to or receiving from 6085
any person a fee, commission, rebate, or other form of 6086

compensation for services not rendered; 6087

(11) Knowingly making or filing false records, reports, or 6088
billings in the course of providing home medical equipment 6089
services, including false records, reports, or billings prepared 6090
for or submitted to state and federal agencies or departments; 6091

(12) Failing to comply with federal rules issued pursuant 6092
to the medicare program established under Title XVIII of the 6093
"Social Security Act," 49 Stat. 620(1935), 42 U.S.C. 1395, as 6094
amended, relating to operations, financial transactions, and 6095
general business practices of home medical services providers. 6096

(B) The ~~respiratory care board~~ state board of pharmacy 6097
immediately may suspend a license without a hearing if it 6098
determines that there is evidence that the license holder is 6099
subject to actions under this section and that there is clear 6100
and convincing evidence that continued operation by the license 6101
holder presents an immediate and serious harm to the public. The 6102
president and executive director of the board shall make a 6103
preliminary determination and describe, by telephone conference 6104
or any other method of communication, the evidence on which they 6105
made their determination to the other members of the board. The 6106
board may by resolution designate another board member to act in 6107
place of the president of the board or another employee to act 6108
in the place of the executive director, in the event that the 6109
board president or executive director is unavailable or unable 6110
to act. On review of the evidence, the board may by a vote of 6111
not less than seven of its members, suspend a license without a 6112
prior hearing. The board may vote on the suspension by way of a 6113
telephone conference call. 6114

Immediately following the decision to suspend a license 6115
under this division, the board shall issue a written order of 6116

suspension and cause it to be delivered in accordance with 6117
section 119.07 of the Revised Code. The order shall not be 6118
subject to suspension by the court during the pendency of any 6119
appeal filed under section 119.12 of the Revised Code. If the 6120
license holder requests an adjudication hearing, the date set 6121
for the hearing shall be within fifteen days but not earlier 6122
than seven days after the license holder requests the hearing, 6123
unless another date is agreed to by the license holder and the 6124
board. The suspension shall remain in effect, unless reversed by 6125
the board, until a final adjudication order issued by the board 6126
pursuant to this section and Chapter 119. of the Revised Code 6127
becomes effective. The board shall issue its final adjudication 6128
order not later than ninety days after completion of the 6129
hearing. The board's failure to issue the order by that day 6130
shall cause the summary suspension to end, but shall not affect 6131
the validity of any subsequent final adjudication order. 6132

Sec. 4752.11. (A) A person seeking a certificate of 6133
registration to provide home medical equipment services shall 6134
apply to the ~~Ohio respiratory care board~~ state board of pharmacy 6135
on a form the board shall prescribe and provide. The application 6136
must be accompanied by the registration fee established in rules 6137
adopted under section 4752.17 of the Revised Code, except that 6138
the board may waive all or part of the fee if the board 6139
determines that an applicant's certificate of registration will 6140
be issued in the last six months of the biennial registration 6141
period established under section 4752.12 of the Revised Code. 6142

(B) The applicant shall specify in the application all of 6143
the following: 6144

(1) The name of the facility from which services will be 6145
provided; 6146

- (2) The facility's address; 6147
- (3) The facility's telephone number; 6148
- (4) A person who may be contacted with regard to the facility; 6149
6150
- (5) The name of the national accrediting body that issued the accreditation on which the application is based; 6151
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- (6) The applicant's accreditation number and the expiration date of the accreditation; 6153
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- (7) A telephone number that may be used twenty-four hours a day, seven days a week, to obtain information related to the facility's provision of home medical equipment services. 6155
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- Sec. 4752.12.** (A) ~~The Ohio respiratory care board~~ state board of pharmacy shall issue a certificate of registration to provide home medical equipment services to each applicant who submits a complete application under section 4752.11 of the Revised Code. For purposes of this division, an application is complete only if the board finds that the applicant holds accreditation from the joint commission on accreditation of healthcare organizations or another national accrediting body recognized by the board, as specified in rules adopted under section 4752.17 of the Revised Code. 6158
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- (B) A certificate of registration issued under this section expires at the end of the registration period for which it is issued and may be renewed in accordance with section 4752.13 of the Revised Code. For purposes of renewing certificates of registration, the board shall use a biennial registration period that begins on the first day of July of each even-numbered year and ends on the thirtieth day of June of the next succeeding even-numbered year. 6168
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(C) A certificate of registration issued under this 6176
section is valid only for the facility named in the application. 6177

Sec. 4752.13. A certificate of registration issued under 6178
this chapter shall be renewed by the ~~Ohio respiratory care board~~ 6179
state board of pharmacy if the certificate holder is accredited 6180
by the joint commission on accreditation of healthcare 6181
organizations or another national accrediting body recognized by 6182
the board, as specified in rules adopted under section 4752.17 6183
of the Revised Code. 6184

An application for renewal of a certificate of 6185
registration shall be accompanied by the renewal fee established 6186
in rules adopted under section 4752.17 of the Revised Code. 6187
Renewals shall be made in accordance with the standard renewal 6188
procedure established under Chapter 4745. of the Revised Code 6189
and the renewal procedures established in rules adopted under 6190
section 4752.17 of the Revised Code. 6191

Sec. 4752.14. The ~~Ohio respiratory care board~~ state board 6192
of pharmacy shall enter into a cooperative agreement with each 6193
of the national accrediting bodies it recognizes in rules 6194
adopted under section 4752.17 of the Revised Code for purposes 6195
of issuing certificates of registration under this chapter. The 6196
board shall ensure that each cooperative agreement establishes 6197
or specifies standards or procedures regarding a complaint 6198
process, patient safety and care, and any other matter the board 6199
considers appropriate for home medical equipment services 6200
providers that receive certificates of registration under this 6201
chapter. 6202

Sec. 4752.15. (A) The ~~Ohio respiratory care board~~ state 6203
board of pharmacy shall, in accordance with Chapter 119. of the 6204
Revised Code, suspend or revoke a certificate of registration 6205

issued under this chapter if it learns from any source that the 6206
accreditation on which the certificate of registration was 6207
issued has been revoked or suspended or is otherwise no longer 6208
valid. 6209

(B) If the status of the accreditation on which a 6210
certificate of registration is issued under this chapter changes 6211
for any reason, the holder of the certificate shall notify the 6212
board. On receipt of the notice, the board shall take action 6213
under division (A) of this section, if appropriate. 6214

Sec. 4752.17. (A) ~~The Ohio respiratory care board~~ state 6215
board of pharmacy shall adopt rules to implement and administer 6216
this chapter. The rules shall do all of the following: 6217

(1) Specify items considered to be home medical equipment 6218
for purposes of divisions (B)(1) and (2) of section 4752.01 of 6219
the Revised Code; 6220

(2) Establish procedures for issuance and renewal of 6221
licenses and certificates of registration under this chapter, 6222
including the duties that may be fulfilled by the board's 6223
executive director and other board employees; 6224

(3) Specify the national accrediting bodies the board 6225
recognizes for purposes of issuing certificates of registration 6226
under this chapter; 6227

(4) Establish standards an applicant must meet to be 6228
eligible to be granted a license under section 4752.05 of the 6229
Revised Code; 6230

(5) Establish standards for personnel policies, equipment 6231
storage, equipment maintenance, and record keeping to be 6232
followed by home medical equipment services providers licensed 6233
under this chapter; 6234

(6) Establish standards for continuing education programs 6235
in home medical equipment services for individuals who provide 6236
home medical equipment services while employed by or under the 6237
control of a home medical equipment services provider licensed 6238
under this chapter; 6239

(7) Establish standards and procedures for inspection of 6240
home medical equipment providers licensed under this chapter and 6241
the facilities from which their home medical equipment services 6242
are provided and for appeal of inspection results; 6243

(8) Establish fees for issuing and renewing licenses under 6244
this chapter, in an amount sufficient to meet the expenses the 6245
board incurs in administering the licensing program; 6246

(9) Establish fees for conducting inspections of home 6247
medical equipment services providers licensed under this 6248
chapter, in an amount sufficient to meet the expenses the board 6249
incurs in administering the inspection program; 6250

(10) Establish fees for issuing and renewing certificates 6251
of registration under this chapter, in an amount sufficient to 6252
meet the expenses the board incurs in administering the 6253
registration program; 6254

(11) Establish any other standards, requirements, or 6255
procedures the board considers necessary for the implementation 6256
or administration of this chapter. 6257

(B) The board may adopt rules specifying items that are 6258
considered home medical equipment for purposes of division (B) 6259
(3) of section 4752.01 of the Revised Code. 6260

(C) Rules shall be adopted under this chapter in 6261
accordance with Chapter 119. of the Revised Code. Prior to 6262
adopting any rule, the board shall consult with representatives 6263

of any association of home medical equipment services providers 6264
that do business in this state. 6265

Sec. 4752.18. All moneys the ~~Ohio respiratory care board~~ 6266
state board of pharmacy receives under this chapter, from any 6267
source, shall be deposited into the state treasury to the credit 6268
of the occupational licensing and regulatory fund created under 6269
section 4743.05 of the Revised Code. 6270

Sec. 4752.19. (A) At the request of the ~~Ohio respiratory~~ 6271
~~care board~~ state board of pharmacy, the attorney general may 6272
bring a civil action for appropriate relief, including a 6273
temporary restraining order, preliminary or permanent 6274
injunction, and civil penalties, in the court of common pleas of 6275
the county in which a violation has occurred, is occurring, or 6276
is threatening to occur against any person who has violated, is 6277
violating, or threatens to violate section 4752.02 of the 6278
Revised Code. In accordance with the Rules of Civil Procedure, 6279
the court of common pleas in which an action for injunction is 6280
filed has jurisdiction to grant, and shall grant, a temporary 6281
restraining order and preliminary and permanent injunctive 6282
relief upon a showing that the person against whom the action is 6283
brought has violated, is violating, or threatens to violate 6284
section 4752.02 of the Revised Code. In an action for a civil 6285
penalty, the court may impose upon a person found to have 6286
violated section 4752.02 of the Revised Code a civil penalty of 6287
not less than five hundred and not more than two thousand five 6288
hundred dollars for each day of violation. Moneys resulting from 6289
civil penalties imposed under this section shall be deposited 6290
into the state treasury to the credit of the occupational 6291
licensing and regulatory fund created under section 4743.05 of 6292
the Revised Code. 6293

(B) The remedies provided in this section are in addition 6294
to remedies otherwise available under any federal or state law 6295
or ordinance of a municipal corporation. 6296

Sec. 4752.20. The ~~Ohio respiratory care board~~ state 6297
pharmacy board shall comply with section 4776.20 of the Revised 6298
Code. 6299

Sec. 4753.05. (A) The state vision and hearing 6300
professionals board ~~of speech language pathology and audiology~~ 6301
may make reasonable rules necessary for the administration of 6302
this chapter. ~~The board shall adopt rules to ensure ethical~~ 6303
~~standards of practice by speech language pathologists and~~ 6304
~~audiologists licensed or permitted pursuant to this chapter.~~ All 6305
rules adopted under this chapter shall be adopted in accordance 6306
with Chapter 119. of the Revised Code. 6307

(B) The board shall determine the nature and scope of 6308
examinations to be administered to applicants for licensure 6309
pursuant to this chapter in the practices of speech-language 6310
pathology and audiology, and shall evaluate the qualifications 6311
of all applicants. Written examinations may be supplemented by 6312
such practical and oral examinations as the board shall 6313
determine by rule. The board shall determine by rule the minimum 6314
examination score for licensure. Licensure shall be granted 6315
independently in speech-language pathology and audiology. The 6316
board shall maintain a current public record of all persons 6317
licensed, to be made available upon request. 6318

(C) The board shall publish and make available, upon 6319
request, the licensure and permit standards prescribed by this 6320
chapter and rules adopted pursuant thereto. 6321

(D) ~~The board shall submit to the governor each year a~~ 6322

~~report of all its official actions during the preceding year~~ 6323
~~together with any recommendations and findings with regard to~~ 6324
~~the improvement of the professions of audiology and speech~~ 6325
~~language pathology.~~ 6326

~~(E)~~The board shall investigate all alleged irregularities 6327
in the practices of speech-language pathology and audiology by 6328
persons licensed or permitted pursuant to this chapter and any 6329
violations of this chapter or rules adopted by the board. The 6330
board shall not investigate the practice of any person 6331
specifically exempted from licensure under this chapter by 6332
section 4753.12 of the Revised Code, as long as the person is 6333
practicing within the scope of the person's license or is 6334
carrying out responsibilities as described in division (G) or 6335
(H) of section 4753.12 of the Revised Code and does not claim to 6336
be a speech-language pathologist or audiologist. 6337

In conducting investigations under this division, the 6338
board may administer oaths, order the taking of depositions, 6339
issue subpoenas, and compel the attendance of witnesses and the 6340
production of books, accounts, papers, records, documents, and 6341
testimony. In any case of disobedience or neglect of any 6342
subpoena served on any person or the refusal of any witness to 6343
testify to any matter regarding which the witness may lawfully 6344
be interrogated, the court of common pleas of any county where 6345
such disobedience, neglect, or refusal occurs or any judge 6346
thereof, on application by the board, shall compel obedience by 6347
attachment proceedings for contempt, as in the case of 6348
disobedience of the requirements of a subpoena issued from such 6349
court, or a refusal to testify therein. 6350

~~(F)~~(E) The board shall conduct such hearings ~~and keep~~ 6351
~~such records and minutes~~ as are necessary to carry out this 6352

chapter. 6353

~~(C) The board shall adopt a seal by which it shall 6354
authenticate its proceedings. Copies of the proceedings, 6355
records, and acts signed by the chairperson or executive 6356
director and authenticated by such seal shall be prima facie 6357
evidence thereof in all courts of this state. 6358~~

Sec. 4753.06. No person is eligible for licensure as a 6359
speech-language pathologist or audiologist unless: 6360

(A) The person has obtained a broad general education to 6361
serve as a background for the person's specialized academic 6362
training and preparatory professional experience. Such 6363
background may include study from among the areas of human 6364
psychology, sociology, psychological and physical development, 6365
the physical sciences, especially those that pertain to acoustic 6366
and biological phenomena, and human anatomy and physiology, 6367
including neuroanatomy and neurophysiology. 6368

(B) If the person seeks licensure as a speech-language 6369
pathologist, the person submits to the state vision and hearing 6370
professionals board of speech-language pathology and audiology 6371
an official transcript demonstrating that the person has at 6372
least a master's degree in speech-language pathology or the 6373
equivalent as determined by the board. The person's academic 6374
credit must include course work accumulated in the completion of 6375
a well-integrated course of study approved by the board and 6376
delineated by rule dealing with the normal aspects of human 6377
communication, development and disorders thereof, and clinical 6378
techniques for the evaluation and the improvement or eradication 6379
of such disorders. The course work must have been completed at 6380
colleges or universities accredited by regional or national 6381
accrediting organizations recognized by the board. 6382

(C) Except as provided in division (F) (1) (b) of this 6383
section, if the person seeks licensure as an audiologist, the 6384
person submits to the board an official transcript demonstrating 6385
that the person has at least a doctor of audiology degree or the 6386
equivalent as determined by the board. The person's academic 6387
credit must include course work accumulated in the completion of 6388
a well-integrated course of study approved by the board and 6389
delineated by rules dealing with the normal aspects of human 6390
hearing, balance, and related development and clinical 6391
evaluation, audiologic diagnosis, and treatment of disorders of 6392
human hearing, balance, and related development. The course work 6393
must have been completed in an audiology program that is 6394
accredited by an organization recognized by the United States 6395
department of education and operated by a college or university 6396
accredited by a regional or national accrediting organization 6397
recognized by the board. 6398

(D) The person submits to the board evidence of the 6399
completion of appropriate, supervised clinical experience in the 6400
professional area, speech-language pathology or audiology, for 6401
which licensure is requested, dealing with a variety of 6402
communication disorders. The appropriateness of the experience 6403
shall be determined under rules of the board. This experience 6404
shall have been obtained in an accredited college or university, 6405
in a cooperating program of an accredited college or university, 6406
or in another program approved by the board. 6407

(E) The person submits to the board evidence that the 6408
person has passed the examination for licensure to practice 6409
speech-language pathology or audiology pursuant to division (B) 6410
of section 4753.05 of the Revised Code. 6411

(F) (1) In the case of either of the following, the person 6412

presents to the board written evidence that the person has 6413
obtained professional experience: 6414

(a) The person seeks licensure as a speech-language 6415
pathologist; 6416

(b) The person seeks licensure as an audiologist and does 6417
not meet the requirements of division (C) of this section 6418
regarding a doctor of audiology degree, but before January 1, 6419
2006, the person met the requirements of division (B) of this 6420
section regarding a master's degree in audiology as that 6421
division existed on December 31, 2005. 6422

(2) The professional experience shall be appropriately 6423
supervised as determined by board rule. The amount of 6424
professional experience shall be determined by board rule and 6425
shall be bona fide clinical work that has been accomplished in 6426
the major professional area, speech-language pathology or 6427
audiology, in which licensure is being sought. If the person 6428
seeks licensure as a speech-language pathologist, this 6429
experience shall not begin until the requirements of divisions 6430
(B), (D), and (E) of this section have been completed unless 6431
approved by the board. If the person seeks licensure as an 6432
audiologist, this experience shall not begin until the 6433
requirements of division (B) of this section, as that division 6434
existed on December 31, 2005, and divisions (D) and (E) of this 6435
section have been completed unless approved by the board. Before 6436
beginning the supervised professional experience pursuant to 6437
this section, the applicant for licensure to practice speech- 6438
language pathology or audiology shall obtain a conditional 6439
license pursuant to section 4753.071 of the Revised Code. 6440

Sec. 4753.061. (A) As used in this section, "license" and 6441
"applicant for an initial license" have the same meanings as in 6442

section 4776.01 of the Revised Code, except that "license" as 6443
used in both of those terms refers to the types of 6444
authorizations otherwise issued or conferred under this chapter. 6445

(B) In addition to any other eligibility requirement set 6446
forth in this chapter, each applicant for an initial license 6447
shall comply with sections 4776.01 to 4776.04 of the Revised 6448
Code. The state vision and hearing professionals board shall not 6449
grant a license to an applicant for an initial license unless 6450
the applicant complies with sections 4776.01 to 4776.04 of the 6451
Revised Code and the board, in its discretion, decides that the 6452
results of the criminal records check do not make the applicant 6453
ineligible for a license issued pursuant to section 4753.06 or 6454
4753.07 of the Revised Code. 6455

Sec. 4753.07. The state vision and hearing professionals 6456
board of speech language pathology and audiology shall issue 6457
under its seal a license or conditional license to every 6458
applicant who has passed the appropriate examinations designated 6459
by the board and who otherwise complies with the licensure 6460
requirements of this chapter. The license or conditional license 6461
entitles the holder to practice speech-language pathology or 6462
audiology. Each licensee shall display the license or 6463
conditional license or an official duplicate in a conspicuous 6464
place where the licensee practices speech-language pathology or 6465
audiology or both. 6466

Sec. 4753.071. A person who is required to meet the 6467
supervised professional experience requirement of division (F) 6468
of section 4753.06 of the Revised Code shall submit to the state 6469
vision and hearing professionals board of speech language 6470
pathology and audiology an application for a conditional 6471
license. The application shall include a plan for the content of 6472

the supervised professional experience on a form the board shall 6473
prescribe. The board shall issue the conditional license to the 6474
applicant if the applicant meets the requirements of section 6475
4753.06 of the Revised Code, other than the requirement to have 6476
obtained the supervised professional experience, and pays to the 6477
board the appropriate fee for a conditional license. An 6478
applicant may not begin employment until the conditional license 6479
has been issued. 6480

A conditional license authorizes an individual to practice 6481
speech-language pathology or audiology while completing the 6482
supervised professional experience as required by division (F) 6483
of section 4753.06 of the Revised Code. A person holding a 6484
conditional license may practice speech-language pathology or 6485
audiology while working under the supervision of a person fully 6486
licensed in accordance with this chapter. A conditional license 6487
is valid for eighteen months unless suspended or revoked 6488
pursuant to section 3123.47 or 4753.10 of the Revised Code. 6489

A person holding a conditional license may perform 6490
services for which payment will be sought under the medicare 6491
program or the medicaid program but all requests for payment for 6492
such services shall be made by the person who supervises the 6493
person performing the services. 6494

Sec. 4753.072. The state vision and hearing professionals 6495
~~board of speech language pathology and audiology~~ shall establish 6496
by rule pursuant to Chapter 119. of the Revised Code the 6497
qualifications for persons seeking licensure as a speech- 6498
language pathology aide or an audiology aide. The qualifications 6499
shall be less than the standards for licensure as a speech- 6500
language pathologist or audiologist. An aide shall not act 6501
independently and shall work under the direction and supervision 6502

of a speech-language pathologist or audiologist licensed by the 6503
board. An aide shall not dispense hearing aids. An applicant 6504
shall not begin employment until the license has been approved. 6505

Sec. 4753.073. (A)~~(1)~~ The state vision and hearing 6506
professionals board of speech-language pathology and audiology 6507
shall issue under its seal a speech-language pathology student 6508
permit to any applicant who submits a plan that has been 6509
approved by the applicant's university graduate program in 6510
speech-language pathology and that conforms to requirements 6511
determined by the board by rule and who meets all of the 6512
following requirements: 6513

~~(a)~~(1) Is enrolled in a graduate program at an educational 6514
institution located in this state that is accredited by the 6515
council on academic accreditation in audiology and speech- 6516
language pathology of the American speech-language-hearing 6517
association; 6518

~~(b)~~(2) Has completed at least one year of postgraduate 6519
training in speech-language pathology, or equivalent coursework 6520
as determined by the board, and any student clinical experience 6521
the board may require by rule~~.~~ 6522

~~(2)~~(B) The speech-language pathology student permit 6523
authorizes the holder to practice speech-language pathology 6524
within limits determined by the board by rule, which shall 6525
include the following: 6526

~~(a)~~(1) The permit holder's caseload shall be limited in a 6527
manner to be determined by the board by rule. 6528

~~(b)~~(2) The permit holder's authorized scope of practice 6529
shall be limited in a manner to be determined by the board by 6530
rule. The rule shall consider the coursework and clinical 6531

experience that has been completed by the permit holder and the 6532
recommendation of the applicant's university graduate program in 6533
speech-language pathology. 6534

~~(e)~~(3) The permit holder shall practice only when under 6535
the supervision of a speech-language pathologist who is licensed 6536
by the board and acting under the approval and direction of the 6537
applicant's university graduate program in speech-language 6538
pathology. The board shall determine by rule the manner of 6539
supervision. 6540

~~(3)~~(C) A permit issued under this section shall expire two 6541
years after the date of issuance. Student permits may be renewed 6542
in a manner to be determined by the board by rule. 6543

~~(4)~~(D) Each permit holder shall display the permit or an 6544
official duplicate in a conspicuous place where the permit 6545
holder practices speech-language pathology. 6546

Sec. 4753.08. The state vision and hearing professionals 6547
~~board of speech-language pathology and audiology~~ shall waive the 6548
examination, educational, and professional experience 6549
requirements for any applicant who meets any of the following 6550
requirements: 6551

(A) On September 26, 1975, ~~has had~~ at least a bachelor's 6552
degree with a major in speech-language pathology or audiology 6553
from an accredited college or university, or ~~who has been was~~ 6554
employed as a speech-language pathologist or audiologist for at 6555
least nine months at any time within the three years prior to 6556
September 26, 1975, if an application providing bona fide proof 6557
of such degree or employment ~~is was~~ filed with the former board 6558
of speech-language pathology and audiology within one year after 6559
~~September 26, 1975 that date,~~ and ~~is was~~ accompanied by the 6560

application fee as prescribed in division (A) of section 4753.11 6561
of the Revised Code; 6562

(B) Presents proof to the state vision and hearing 6563
professionals board of current certification or licensure in 6564
good standing in the area in which licensure is sought in a 6565
state that has standards at least equal to the standards for 6566
licensure that are in effect in this state at the time the 6567
applicant applies for the license; 6568

(C) Presents proof to the state vision and hearing 6569
professionals board of both of the following: 6570

(1) Having current certification or licensure in good 6571
standing in audiology in a state that has standards at least 6572
equal to the standards for licensure as an audiologist that were 6573
in effect in this state on December 31, 2005; 6574

(2) Having first obtained that certification or licensure 6575
not later than December 31, 2007. 6576

(D) Presents proof to the state vision and hearing 6577
professionals board of a current certificate of clinical 6578
competence in speech-language pathology or audiology that is in 6579
good standing and received from the American speech-language- 6580
hearing association in the area in which licensure is sought. 6581

Sec. 4753.09. Except as provided in this section and in 6582
section 4753.10 of the Revised Code, a license issued by the 6583
~~state vision and hearing professionals board of speech language~~ 6584
~~pathology and audiology~~ shall be renewed biennially in 6585
accordance with the standard renewal procedure contained in 6586
Chapter 4745. of the Revised Code. If the application for 6587
renewal is made one year or longer after the renewal application 6588
is due, the person shall apply for licensure as provided in 6589

section 4753.06 or division (B), (C), or (D) of section 4753.08 6590
of the Revised Code. The board shall not renew a conditional 6591
license; however, the board may grant an applicant a second 6592
conditional license. 6593

The board shall establish by rule adopted pursuant to 6594
Chapter 119. of the Revised Code the qualifications for license 6595
renewal. Applicants shall demonstrate continued competence, 6596
which may include continuing education, examination, self- 6597
evaluation, peer review, performance appraisal, or practical 6598
simulation. The board may establish other requirements as a 6599
condition for license renewal as considered appropriate by the 6600
board. 6601

The board may renew a license which expires while the 6602
license is suspended, but the renewal shall not affect the 6603
suspension. The board shall not renew a license which has been 6604
revoked. If a revoked license is reinstated under section 6605
4753.10 of the Revised Code after it has expired, the licensee, 6606
as a condition of reinstatement, shall pay a reinstatement fee 6607
in the amount equal to the renewal fee in effect on the last 6608
preceding regular renewal date on which it is reinstated, plus 6609
any delinquent fees accrued from the time of the revocation, if 6610
such a fee is prescribed by the board by rule. 6611

Sec. 4753.091. (A) A person licensed under this chapter 6612
may apply to the state vision and hearing professionals board of 6613
~~speech language pathology and audiology~~ to have the person's 6614
license classified as inactive. If a fee is charged under 6615
division (B) of this section, the person shall include the fee 6616
with the application. 6617

If the person's license is in good standing, the person is 6618
not the subject of any complaint, the person is not the subject 6619

of an investigation or disciplinary action by the board, and the 6620
person meets any other requirements established by the board in 6621
rules adopted under this section, the board shall classify the 6622
license as inactive. The inactive classification shall become 6623
effective on the date immediately following the date that the 6624
person's license is scheduled to expire. 6625

(B) The board may charge a fee for classifying a license 6626
as inactive. 6627

(C) During the period that a license is classified as 6628
inactive, the person may not engage in the practice of speech- 6629
language pathology or the practice of audiology, as applicable, 6630
in this state or make any representation to the public 6631
indicating that the person is actively licensed under this 6632
chapter. 6633

(D) A person whose license has been classified as inactive 6634
may apply to the board to have the license reactivated. The 6635
board shall reactivate the license if the person meets the 6636
requirements established by the board in rules adopted under 6637
this section. 6638

(E) The board's jurisdiction to take disciplinary action 6639
under this chapter is not removed or limited when a person's 6640
license is classified as inactive under this section. 6641

(F) The board shall adopt rules as necessary for 6642
classifying a license as inactive and reactivating an inactive 6643
license. The rules shall be adopted in accordance with Chapter 6644
119. of the Revised Code. 6645

Sec. 4753.10. In accordance with Chapter 119. of the 6646
Revised Code, the state vision and hearing professionals board 6647
~~of speech language pathology and audiology~~ may reprimand or 6648

place on probation a speech-language pathologist or audiologist 6649
or suspend, revoke, or refuse to issue or renew the license of a 6650
speech-language pathologist or audiologist. Disciplinary actions 6651
may be taken by the board for conduct that may result from but 6652
not necessarily be limited to: 6653

(A) Fraud, deception, or misrepresentation in obtaining or 6654
attempting to obtain a license; 6655

(B) Fraud, deception, or misrepresentation in using a 6656
license; 6657

(C) Altering a license; 6658

(D) Aiding or abetting unlicensed practice; 6659

(E) Committing fraud, deception, or misrepresentation in 6660
the practice of speech-language pathology or audiology 6661
including: 6662

(1) Making or filing a false report or record in the 6663
practice of speech-language pathology or audiology; 6664

(2) Submitting a false statement to collect a fee; 6665

(3) Obtaining a fee through fraud, deception, or 6666
misrepresentation, or accepting commissions or rebates or other 6667
forms of remuneration for referring persons to others. 6668

(F) Using or promoting or causing the use of any 6669
misleading, deceiving, improbable, or untruthful advertising 6670
matter, promotional literature, testimonial, guarantee, 6671
warranty, label, brand, insignia, or any other representation; 6672

(G) Falsely representing the use or availability of 6673
services or advice of a physician; 6674

(H) Misrepresenting the applicant, licensee, or holder by 6675

using the word "doctor" or any similar word, abbreviation, or 6676
symbol if the use is not accurate or if the degree was not 6677
obtained from an accredited institution; 6678

(I) Committing any act of dishonorable, immoral, or 6679
unprofessional conduct while engaging in the practice of speech- 6680
language pathology or audiology; 6681

(J) Engaging in illegal, incompetent, or habitually 6682
negligent practice; 6683

(K) Providing professional services while: 6684

(1) Mentally incompetent; 6685

(2) Under the influence of alcohol; 6686

(3) Using any narcotic or controlled substance or other 6687
drug that is in excess of therapeutic amounts or without valid 6688
medical indication. 6689

(L) Providing services or promoting the sale of devices, 6690
appliances, or products to a person who cannot reasonably be 6691
expected to benefit from such services, devices, appliances, or 6692
products in accordance with results obtained utilizing 6693
appropriate assessment procedures and instruments; 6694

(M) Violating this chapter or any lawful order given or 6695
rule adopted by the board; 6696

(N) Being convicted of or pleading guilty or nolo 6697
contendere to a felony or to a crime involving moral turpitude, 6698
whether or not any appeal or other proceeding is pending to have 6699
the conviction or plea set aside; 6700

(O) Being disciplined by a licensing or disciplinary 6701
authority of this or any other state or country or convicted or 6702

disciplined by a court of this or any other state or country for 6703
an act that would be grounds for disciplinary action under this 6704
section. 6705

After revocation of a license under this section, 6706
application may be made to the board for reinstatement. The 6707
board, in accordance with an order of revocation as issued under 6708
Chapter 119. of the Revised Code, may require an examination for 6709
~~such~~ reinstatement. 6710

If any person has engaged in any practice which 6711
constitutes an offense under the provisions of this chapter or 6712
rules promulgated thereunder by the board, the board may apply 6713
to the court of common pleas of the county for an injunction or 6714
other appropriate order restraining such conduct, and the court 6715
may issue such order. 6716

Any person who wishes to make a complaint against any 6717
person licensed pursuant to this chapter shall submit the 6718
complaint in writing to the board within one year from the date 6719
of the action or event upon which the complaint is based. The 6720
board shall determine whether the allegations in the complaint 6721
are of a sufficiently serious nature to warrant formal 6722
disciplinary charges against the licensee pursuant to this 6723
section. If the board determines that formal disciplinary 6724
charges are warranted, it shall proceed in accordance with the 6725
procedures established in Chapter 119. of the Revised Code. 6726

Sec. 4753.101. The state vision and hearing professionals 6727
~~board of speech language pathology and audiology,~~ in accordance 6728
with Chapter 119. of the Revised Code, may establish rules to 6729
govern any disciplinary action to be taken against a student 6730
issued a permit under section 4753.073 of the Revised Code. The 6731
rules established by the board are not subject to the 6732

adjudication procedure requirements of sections 119.06 to 119.13 6733
of the Revised Code. 6734

Sec. 4753.11. (A) For all types of licenses and permits, 6735
the state vision and hearing professionals board of speech- 6736
language pathology and audiology shall charge a nonrefundable 6737
licensure or permit fee, to be determined by board rule, which 6738
shall be paid at the time the application is filed with the 6739
board. 6740

(B) On or before the thirty-first day of January of every 6741
other year, the board shall charge a biennial licensure renewal 6742
fee which shall be determined by board rule and used to defray 6743
costs of the board. 6744

(C) The board may, by rule, provide for the waiver of all 6745
or part of such fees when the license is issued less than one 6746
hundred days before the date on which it will expire. 6747

(D) After the last day of the month designated by the 6748
board for renewal, the board shall charge a late fee to be 6749
determined by board rule in addition to the biennial licensure 6750
renewal fee. 6751

(E) No municipal corporation shall levy an occupational or 6752
similar excise tax on any person licensed under this chapter. 6753

(F) All fees collected under this section and section 6754
4753.09 of the Revised Code shall be paid into the state 6755
treasury to the credit of the occupational licensing and 6756
regulatory fund created in section 4743.05 of the Revised Code. 6757

Sec. 4753.12. Nothing in this chapter shall be construed 6758
to: 6759

(A) Prohibit a person other than an individual from 6760

engaging in the business of speech-language pathology or 6761
audiology without licensure if it employs a licensed individual 6762
in the direct practice of speech-language pathology and 6763
audiology. Such entity shall file a statement with the state 6764
vision and hearing professionals board, on a form approved by 6765
the board for this purpose, swearing that it submits itself to 6766
the rules of the board and the provisions of this chapter which 6767
the board determines applicable. 6768

(B) Prevent or restrict the practice of a person employed 6769
as a speech-language pathologist or audiologist by any agency of 6770
the federal government. 6771

(C) Restrict the activities and services of a student or 6772
intern in speech-language pathology or audiology from pursuing a 6773
course of study leading to a degree in these areas at a college 6774
or university accredited by a recognized regional or national 6775
accrediting body or in one of its cooperating clinical training 6776
facilities, if these activities and services are supervised by a 6777
person licensed in the area of study or certified by the 6778
American speech-language-hearing association in the area of 6779
study and if the student is designated by a title such as 6780
"speech-language pathology intern," "audiology intern," 6781
"trainee," or other such title clearly indicating the training 6782
status. 6783

(D) Prevent a person from performing speech-language 6784
pathology or audiology services when performing these services 6785
in pursuit of the required supervised professional experience as 6786
prescribed in section 4753.06 of the Revised Code and that 6787
person has been issued a conditional license pursuant to section 6788
4753.071 of the Revised Code. 6789

(E) Restrict a speech-language pathologist or audiologist 6790

who holds the certification of the American speech-language- 6791
hearing association, or who is licensed as a speech-language 6792
pathologist or audiologist in another state and who has made 6793
application to the board for a license in this state from 6794
practicing speech-language pathology or audiology without a 6795
valid license pending the disposition of the application. 6796

(F) Restrict a person not a resident of this state from 6797
offering speech-language pathology or audiology services in this 6798
state if such services are performed for not more than one 6799
period of thirty consecutive calendar days in any year, if the 6800
person is licensed in the state of the person's residence or 6801
certified by the American speech-language-hearing association 6802
and files a statement as prescribed by the board in advance of 6803
providing these services. Such person shall be subject to the 6804
rules of the board and the provisions of this chapter. 6805

(G) Restrict a person licensed under Chapter 4747. of the 6806
Revised Code from engaging in the duties as defined in that 6807
chapter related to measuring, testing, and counseling for the 6808
purpose of identifying or modifying hearing conditions in 6809
connection with the fitting, dispensing, or servicing of a 6810
hearing aid, or affect the authority of hearing aid dealers to 6811
deal in hearing aids or advertise the practice of dealing in 6812
hearing aids in accordance with Chapter 4747. of the Revised 6813
Code. 6814

(H) Restrict a physician from engaging in the practice of 6815
medicine and surgery or osteopathic medicine and surgery or 6816
prevent any individual from carrying out any properly delegated 6817
responsibilities within the normal practice of medicine and 6818
surgery or osteopathic medicine and surgery. 6819

(I) Restrict a person registered or licensed under Chapter 6820

4723. of the Revised Code from performing those acts and 6821
utilizing those procedures that are within the scope of the 6822
practice of professional or practical nursing as defined in 6823
Chapter 4723. of the Revised Code and the ethics of the nursing 6824
profession, provided such a person does not claim to the public 6825
to be a speech-language pathologist or audiologist. 6826

(J) Restrict an individual licensed as an audiologist 6827
under this chapter from fitting, selling, or dispensing hearing 6828
aids. 6829

(K) Authorize the practice of medicine and surgery or 6830
entitle a person licensed pursuant to this chapter to engage in 6831
the practice of medicine or surgery or any of its branches. 6832

(L) Restrict a person licensed pursuant to Chapter 4755. 6833
of the Revised Code from performing those acts and utilizing 6834
those procedures that are within the scope of the practice of 6835
occupational therapy or occupational therapy assistant as 6836
defined in Chapter 4755. of the Revised Code, provided the 6837
person does not claim to the public to be a speech-language 6838
pathologist or audiologist. 6839

Sec. 4753.15. On receipt of a notice pursuant to section 6840
3123.43 of the Revised Code, the state vision and hearing 6841
professionals board of speech-language pathology and audiology 6842
shall comply with sections 3123.41 to 3123.50 of the Revised 6843
Code and any applicable rules adopted under section 3123.63 of 6844
the Revised Code with respect to a license issued pursuant to 6845
this chapter. 6846

Sec. 4753.16. The state vision and hearing professionals 6847
board of speech-language pathology and audiology shall comply 6848
with section 4776.20 of the Revised Code. 6849

Sec. 4755.02. (A) ~~The appropriate section of the Ohio-~~ 6850
~~occupational therapy, physical therapy, and athletic trainers-~~ 6851
state physical health services board shall investigate 6852
compliance with this chapter or any rule or order issued under 6853
this chapter and shall investigate alleged grounds for the 6854
suspension, revocation, or refusal to issue or renew licenses or 6855
limited permits under section 3123.47, 4755.11, 4755.47, or 6856
4755.64 of the Revised Code. ~~The appropriate section board~~ may 6857
subpoena witnesses and documents in connection with its 6858
investigations. 6859

(B) Through the attorney general or an appropriate 6860
prosecuting attorney, ~~the appropriate section board~~ may apply to 6861
an appropriate court for an order enjoining the violation of 6862
this chapter. On the filing of a verified petition, the court 6863
shall conduct a hearing on the petition and give the same 6864
preference to the proceeding as is given to all proceedings 6865
under Chapter 119. of the Revised Code, irrespective of the 6866
position of the proceeding on the court's calendar. On a showing 6867
that a person has violated or is about to violate this chapter, 6868
the court shall grant an injunction, restraining order, or other 6869
order as appropriate. The injunction proceedings provided by 6870
this division are in addition to all penalties and other 6871
remedies provided in this chapter. 6872

(C) When requested by ~~the appropriate section board~~, the 6873
prosecuting attorney of a county, or the village solicitor or 6874
city director of law of a municipal corporation, where a 6875
violation of this chapter allegedly occurs, shall take charge of 6876
and conduct the prosecution. 6877

(D) ~~The appropriate section may employ investigators who-~~ 6878
Investigators employed by the board pursuant to section 4744.14 6879

of the Revised Code shall investigate complaints, conduct 6880
inspections, and make inquiries as in the judgment of the 6881
~~section-board~~ are appropriate to enforce sections 3123.41 to 6882
3123.50 of the Revised Code or this chapter. These investigators 6883
have the right to review, obtain copies, and audit the patient 6884
records and personnel files of licensees and limited permit 6885
holders at the place of business of the licensees or limited 6886
permit holders or any other place where such documents may be 6887
and shall be given access to such documents during normal 6888
business hours. 6889

(E) (1) Subject to division (E) (2) of this section, 6890
information and records received or generated by the board 6891
pursuant to an investigation are confidential, are not public 6892
records as defined in section 149.43 of the Revised Code, and 6893
are not subject to discovery in any civil or administrative 6894
action. 6895

(2) For good cause, the board may disclose information 6896
gathered pursuant to an investigation to any federal, state, or 6897
local law enforcement, prosecutorial, or regulatory agency or 6898
its officers or agents engaging in an investigation the board 6899
believes is within the agency's jurisdiction. An agency that 6900
receives confidential information shall comply with the same 6901
requirements regarding confidentiality as those with which the 6902
board must comply, notwithstanding any conflicting provision of 6903
the Revised Code or procedure of the agency that applies when 6904
the agency is dealing with other information in its possession. 6905
The information may be admitted into evidence in a criminal 6906
trial in accordance with the Rules of Evidence, or in an 6907
administrative hearing conducted by an agency, but the court or 6908
agency shall require that appropriate measures be taken to 6909
ensure that confidentiality is maintained with respect to any 6910

part of the information that contains names or other identifying 6911
information about patients, complainants, or others whose 6912
confidentiality was protected by the board when the information 6913
was in the board's possession. Measures to ensure 6914
confidentiality that may be taken by the court or agency include 6915
sealing its records or redacting specific information from its 6916
records. 6917

(F) The ~~appropriate section board~~ shall conduct hearings, 6918
keep records and minutes, and enforce the relevant sections of 6919
this chapter. 6920

(G) ~~Each section of the~~ The board shall publish and make 6921
available, upon request and for a fee not to exceed the actual 6922
cost of printing and mailing, the licensure standards prescribed 6923
by the relevant sections of this chapter and the Administrative 6924
Code. 6925

~~(H) The board shall submit to the governor and to the~~ 6926
~~general assembly each year a report of all its official actions~~ 6927
~~during the preceding year, together with any recommendations and~~ 6928
~~findings with regard to the status of the professions of~~ 6929
~~physical therapy, occupational therapy, and athletic training.~~ 6930

Sec. 4755.03. Except as provided in section 4755.99 of the 6931
Revised Code, all fees and fines collected and assessed under 6932
this chapter by the ~~appropriate section of the Ohio occupational~~ 6933
~~therapy, physical therapy, and athletic trainers state physical~~ 6934
health services board, shall be deposited into the state 6935
treasury to the credit of the occupational licensing and 6936
regulatory fund created in section 4743.05 of the Revised Code. 6937

Sec. 4755.031. A person sanctioned under section 4755.11, 6938
4755.47, 4755.482, or 4755.64 of the Revised Code shall pay a 6939

fee in the amount of the actual cost of the administrative 6940
hearing, including the cost of the court reporter, the hearing 6941
officer, transcripts, and any witness fees for lodging and 6942
travel, as determined by the ~~appropriate section of the state~~ 6943
physical health services board. The fee shall be collected by 6944
the ~~appropriate section~~ board. 6945

Sec. 4755.06. The ~~occupational therapy section of the Ohio~~ 6946
~~occupational therapy, physical therapy, and athletic trainers~~ 6947
state physical health services board may make reasonable rules 6948
in accordance with Chapter 119. of the Revised Code relating to, 6949
but not limited to, the following: 6950

(A) The form and manner for filing applications for 6951
licensure under sections 4755.04 to 4755.13 of the Revised Code; 6952

(B) The issuance, suspension, and revocation of the 6953
licenses and the conducting of investigations and hearings; 6954

(C) Standards for approval of courses of study relative to 6955
the practice of occupational therapy; 6956

(D) The time and form of examination for the licensure; 6957

~~(E) Standards of ethical conduct in the practice of~~ 6958
~~occupational therapy;~~ 6959

~~(F)~~ The form and manner for filing applications for 6960
renewal and a schedule of deadlines for renewal; 6961

~~(G)~~ (F) The conditions under which a license of a licensee 6962
who files a late application for renewal will be reinstated; 6963

~~(H)~~ (G) Placing an existing license in escrow; 6964

~~(I)~~ (H) The amount, scope, and nature of continuing 6965
education activities required for license renewal, including 6966

waivers of the continuing education requirements; 6967

~~(J)~~ (I) Guidelines for limited permits; 6968

~~(K)~~ (J) Requirements for criminal records checks of 6969
applicants under section 4776.03 of the Revised Code; 6970

~~(L)~~ (K) Subject to section 4755.061 of the Revised Code, 6971
the amount for each fee specified in section 4755.12 of the 6972
Revised Code ~~that the section charges;~~ 6973

~~(M)~~ (L) The amount and content of corrective action 6974
courses required by the board under section 4755.11 of the 6975
Revised Code. 6976

The ~~section board~~ may hear testimony in matters relating 6977
to the duties imposed upon it, and the ~~chairperson president and~~ 6978
secretary of the ~~section board~~ may administer oaths. The ~~section~~ 6979
board may require proof, beyond the evidence found in the 6980
application, of the honesty, truthfulness, and good reputation 6981
of any person named in an application for licensure, before 6982
admitting the applicant to an examination or issuing a license. 6983

Sec. 4755.061. If the ~~occupational therapy section of the~~ 6984
~~Ohio occupational therapy, physical therapy, and athletic~~ 6985
~~trainers state physical health services board~~ adopts rules 6986
pursuant to section 4755.06 of the Revised Code relating to the 6987
amounts of the fees that the ~~section board~~ may charge for the 6988
late renewal of licenses and the review of continuing education 6989
activities, as provided in divisions (A) (5) and ~~(A)~~ (6) of 6990
section 4755.12 of the Revised Code, the ~~section board~~ shall not 6991
establish fee amounts for those services that exceed the actual 6992
costs the ~~section board~~ incurs in providing the services to a 6993
licensee. 6994

Sec. 4755.07. No person shall qualify for licensure as an 6995

occupational therapist or as an occupational therapy assistant 6996
unless the person has shown to the satisfaction of the 6997
~~occupational therapy section of the Ohio occupational therapy,~~ 6998
~~physical therapy, and athletic trainers~~ state physical health 6999
services board that the person: 7000

(A) Is of good moral character; 7001

(B) Has successfully completed the academic requirements 7002
of an educational program recognized by the ~~section~~ board, 7003
including a concentration of instruction in basic human 7004
sciences, the human development process, occupational tasks and 7005
activities, the health-illness-health continuum, and 7006
occupational therapy theory and practice; 7007

(C) Has successfully completed a period of supervised 7008
field work experience at a recognized educational institution or 7009
a training program approved by the educational institution where 7010
the person met the academic requirements. For an occupational 7011
therapist, a minimum of six months of supervised field work 7012
experience is required. For an occupational therapy assistant, a 7013
minimum of two months of supervised field work experience is 7014
required. 7015

(D) Has successfully passed a written examination testing 7016
the person's knowledge of the basic and clinical sciences 7017
relating to occupational therapy, and occupational therapy 7018
theory and practice, including the applicant's professional 7019
skills and judgment in the utilization of occupational therapy 7020
techniques and methods, and such other subjects as the ~~section-~~ 7021
board may consider useful to determine the applicant's fitness 7022
to practice. The ~~section~~ board may require separate examinations 7023
of applicants for licensure as occupational therapy assistants 7024
and applicants for licensure as occupational therapists. 7025

Applicants for licensure shall be examined at a time and 7026
place and under such supervision as the ~~section board~~ 7027
determines. 7028

Sec. 4755.08. The ~~occupational therapy section of the Ohio~~ 7029
~~occupational therapy, physical therapy, and athletic trainers~~ 7030
state physical health services board shall issue a license to 7031
every applicant who has passed the appropriate examination 7032
designated by the ~~section board~~ and who otherwise complies with 7033
the licensure requirements of sections 4755.04 to 4755.13 of the 7034
Revised Code. The license entitles the holder to practice 7035
occupational therapy or to assist in the practice of 7036
occupational therapy. The licensee shall display the license in 7037
a conspicuous place at the licensee's principal place of 7038
business. 7039

The ~~section board~~ may issue a limited permit to persons 7040
who have satisfied the requirements of divisions (A) to (C) of 7041
section 4755.07 of the Revised Code. This permit allows the 7042
person to practice as an occupational therapist or occupational 7043
therapy assistant under the supervision of a licensed 7044
occupational therapist and is valid until the date on which the 7045
results of the examination are made public. This limited permit 7046
shall not be renewed if the applicant has failed the 7047
examination. 7048

Sec. 4755.09. The ~~occupational therapy section of the Ohio~~ 7049
~~occupational therapy, physical therapy, and athletic trainers~~ 7050
state physical health services board may waive the examination 7051
requirement under section 4755.07 of the Revised Code for any 7052
applicant for licensure as an occupational therapist or 7053
occupational therapy assistant who either has met educational, 7054
training, and job experience requirements established by the 7055

~~section board~~, or presents proof of current certification or 7056
licensure in another state that requires standards for licensure 7057
at least equal to those for licensure in this state. 7058

The ~~section board~~ may waive the educational requirements 7059
under section 4755.07 of the Revised Code for any applicant who 7060
has met job experience requirements established by the ~~section~~
board. 7062

Sec. 4755.10. Each license issued under section 4755.08 of 7063
the Revised Code is valid without further recommendation or 7064
examination until revoked or suspended or until the license 7065
expires for failure to file an application for renewal as 7066
provided for in this section. 7067

Licenses shall be renewed biennially in accordance with 7068
the schedule established in rules adopted by the ~~occupational~~
~~therapy section of the Ohio occupational therapy, physical~~
~~therapy, and athletic trainers state physical health services~~
board under section 4755.06 of the Revised Code. Applicants for 7072
renewal shall file the fee for renewal as provided in section 7073
4755.12 of the Revised Code, an application for renewal on a 7074
form prescribed by the ~~occupational therapy section board~~, and 7075
proof of completion of continuing education requirements as 7076
provided in rules adopted by the ~~section board~~ under section 7077
4755.06 of the Revised Code. An application for renewal shall be 7078
mailed by the ~~section board~~ to the licensee in accordance with 7079
the schedule established in rules adopted by the ~~section board~~ 7080
under section 4755.06 of the Revised Code. In all other respects 7081
the renewal process is as provided in section 4745.02 of the 7082
Revised Code. 7083

The license of any licensee who fails to file an 7084
application for renewal on or before the deadline established in 7085

rules adopted by the ~~section board~~ under section 4755.06 of the Revised Code shall expire automatically, unless the ~~section board~~, for good cause shown, determines that the application for renewal could not have been filed by such day.

Except as provided in sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code, the ~~section board~~ may renew a license while the license is suspended, but the renewal shall not affect the suspension. The ~~section board~~ shall not renew a license that has been revoked. If a revoked license is reinstated under section 4755.11 of the Revised Code after it has expired, the licensee, as a condition of reinstatement, shall pay a reinstatement fee equal to the renewal fee in effect on the last preceding regular renewal date before the reinstatement date, plus any delinquent fees accrued from the time of the revocation, if such fees are prescribed by the ~~section board~~ by rule.

Sec. 4755.11. (A) In accordance with Chapter 119. of the Revised Code, the ~~occupational therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers state physical health services board~~ may suspend, revoke, or refuse to issue or renew an occupational therapist license, occupational therapy assistant license, occupational therapist limited permit, occupational therapy assistant limited permit, or reprimand, fine, place a license or limited permit holder on probation, or require the license or limited permit holder to take corrective action courses, for any of the following:

(1) Conviction of an offense involving moral turpitude or a felony, regardless of the state or country in which the conviction occurred;

- (2) Violation of any provision of sections 4755.04 to 7116
4755.13 of the Revised Code; 7117
- (3) Violation of any lawful order or rule of the 7118
~~occupational therapy section board~~; 7119
- (4) Obtaining or attempting to obtain a license or limited 7120
permit issued by the ~~occupational therapy section board~~ by fraud 7121
or deception, including the making of a false, fraudulent, 7122
deceptive, or misleading ~~statements~~ statement in relation to 7123
these activities; 7124
- (5) Negligence, unprofessional conduct, or gross 7125
misconduct in the practice of the profession of occupational 7126
therapy; 7127
- (6) Accepting commissions or rebates or other forms of 7128
remuneration for referring persons to other professionals; 7129
- (7) Communicating, without authorization, information 7130
received in professional confidence; 7131
- (8) Using controlled substances, habit forming drugs, or 7132
alcohol to an extent that it impairs the ability to perform the 7133
work of an occupational therapist, occupational therapy 7134
assistant, occupational therapist limited permit holder, or 7135
occupational therapy assistant limited permit holder; 7136
- (9) Practicing in an area of occupational therapy for 7137
which the individual is untrained or incompetent; 7138
- (10) Failing the licensing or Ohio jurisprudence 7139
examination; 7140
- (11) Aiding, abetting, directing, or supervising the 7141
unlicensed practice of occupational therapy; 7142

(12) Denial, revocation, suspension, or restriction of 7143
authority to practice a health care occupation, including 7144
occupational therapy, for any reason other than a failure to 7145
renew, in Ohio or another state or jurisdiction; 7146

(13) Except as provided in division (B) of this section: 7147

(a) Waiving the payment of all or any part of a deductible 7148
or copayment that a patient, pursuant to a health insurance or 7149
health care policy, contract, or plan that covers occupational 7150
therapy, would otherwise be required to pay if the waiver is 7151
used as an enticement to a patient or group of patients to 7152
receive health care services from that provider; 7153

(b) Advertising that the individual will waive the payment 7154
of all or any part of a deductible or copayment that a patient, 7155
pursuant to a health insurance or health care policy, contract, 7156
or plan that covers occupational therapy, would otherwise be 7157
required to pay. 7158

(14) Working or representing oneself as an occupational 7159
therapist, occupational therapy assistant, occupational 7160
therapist limited permit holder, or occupational therapy 7161
assistant limited permit holder without a current and valid 7162
license or limited permit issued by the ~~occupational therapy~~ 7163
section board; 7164

(15) Engaging in a deceptive trade practice, as defined in 7165
section 4165.02 of the Revised Code; 7166

(16) Violation of the standards of ethical conduct in the 7167
practice of occupational therapy as identified ~~by the~~ 7168
~~occupational therapy section~~ pursuant to section 4744.50 of the 7169
Revised Code; 7170

(17) A departure from, or the failure to conform to, 7171

minimal standards of care required of licensees or limited
permit holders, whether or not actual injury to a patient is
established;

(18) An adjudication by a court that the applicant,
licensee, or limited permit holder is incompetent for the
purpose of holding a license or limited permit and has not
thereafter been restored to legal capacity for that purpose;

(19) (a) Except as provided in division (A) (19) (b) of this
section, failure to cooperate with an investigation conducted by
the ~~occupational therapy section board~~, including failure to
comply with a subpoena or orders issued by the ~~section board~~ or
failure to answer truthfully a question presented by the ~~section
board~~ at a deposition or in written interrogatories.

(b) Failure to cooperate with an investigation does not
constitute grounds for discipline under this section if a court
of competent jurisdiction issues an order that either quashes a
subpoena or permits the individual to withhold the testimony or
evidence at issue.

(20) Conviction of a misdemeanor reasonably related to the
practice of occupational therapy, regardless of the state or
country in which the conviction occurred;

(21) Inability to practice according to acceptable and
prevailing standards of care because of mental or physical
illness, including physical deterioration that adversely affects
cognitive, motor, or perception skills;

(22) Violation of conditions, limitations, or agreements
placed by the ~~occupational therapy section board~~ on a license or
limited permit to practice;

(23) Making a false, fraudulent, deceptive, or misleading

statement in the solicitation of or advertising for patients in 7201
relation to the practice of occupational therapy; 7202

(24) Failure to complete continuing education requirements 7203
as prescribed in rules adopted by the ~~occupational therapy~~ 7204
~~section board~~ under section 4755.06 of the Revised Code. 7205

(B) Sanctions shall not be imposed under division (A) (13) 7206
of this section against any individual who waives deductibles 7207
and copayments as follows: 7208

(1) In compliance with the health benefit plan that 7209
expressly allows such a practice. Waiver of the deductibles or 7210
copayments shall be made only with the full knowledge and 7211
consent of the plan purchaser, payer, and third-party 7212
administrator. Documentation of the consent shall be made 7213
available to the ~~section board~~ upon request. 7214

(2) For professional services rendered to any other person 7215
licensed pursuant to sections 4755.04 to 4755.13 of the Revised 7216
Code to the extent allowed by those sections and the rules of 7217
the ~~occupational therapy section board~~. 7218

(C) Except as provided in division (D) of this section, 7219
the suspension or revocation of a license or limited permit 7220
under this section is not effective until either the order for 7221
suspension or revocation has been affirmed following an 7222
adjudication hearing, or the time for requesting a hearing has 7223
elapsed. 7224

When a license or limited permit is revoked under this 7225
section, application for reinstatement may not be made sooner 7226
than one year after the date of revocation. The ~~occupational~~ 7227
~~therapy section board~~ may accept or refuse an application for 7228
reinstatement and may require that the applicant pass an 7229

examination as a condition of reinstatement. 7230

When a license or limited permit holder is placed on 7231
probation under this section, the ~~occupational therapy section's~~ 7232
board's probation order shall be accompanied by a statement of 7233
the conditions under which the individual may be removed from 7234
probation and restored to unrestricted practice. 7235

(D) On receipt of a complaint that a person who holds a 7236
license or limited permit issued by the ~~occupational therapy~~ 7237
~~section board~~ has committed any of the prohibited actions listed 7238
in division (A) of this section, the ~~section board~~ may 7239
immediately suspend the license or limited permit prior to 7240
holding a hearing in accordance with Chapter 119. of the Revised 7241
Code if it determines, based on the complaint, that the licensee 7242
or limited permit holder poses an immediate threat to the 7243
public. The ~~section board~~ may review the allegations and vote on 7244
the suspension by telephone conference call. If the ~~section~~ 7245
board votes to suspend a license or limited permit under this 7246
division, the ~~section board~~ shall issue a written order of 7247
summary suspension to the licensee or limited permit holder in 7248
accordance with section 119.07 of the Revised Code. If the 7249
individual whose license or limited permit is suspended fails to 7250
make a timely request for an adjudication under Chapter 119. of 7251
the Revised Code, the ~~section board~~ shall enter a final order 7252
permanently revoking the individual's license or limited permit. 7253
Notwithstanding section 119.12 of the Revised Code, a court of 7254
common pleas shall not grant a suspension of the ~~section's~~ 7255
board's order of summary suspension pending the determination of 7256
an appeal filed under that section. Any order of summary 7257
suspension issued under this division shall remain in effect, 7258
unless reversed on appeal, until a final adjudication order 7259
issued by the ~~section board~~ pursuant to division (A) of this 7260

section becomes effective. The ~~section-board~~ shall issue its 7261
final adjudication order regarding an order of summary 7262
suspension issued under this division not later than ninety days 7263
after completion of its hearing. Failure to issue the order 7264
within ninety days shall result in immediate dissolution of the 7265
suspension order, but shall not invalidate any subsequent, final 7266
adjudication order. 7267

(E) If any person other than a person who holds a license 7268
or limited permit issued under section 4755.08 of the Revised 7269
Code has engaged in any practice that is prohibited under 7270
sections 4755.04 to 4755.13 of the Revised Code or the rules of 7271
the ~~occupational therapy section-board~~, the ~~section-board~~ may 7272
apply to the court of common pleas of the county in which the 7273
violation occurred, for an injunction or other appropriate order 7274
restraining this conduct, and the court shall issue this order. 7275

Sec. 4755.111. (A) An individual whom the ~~occupational-~~ 7276
~~therapy section of the Ohio occupational therapy, physical-~~ 7277
~~therapy, and athletic trainers state physical health services~~ 7278
board licenses, certificates, or otherwise legally authorizes to 7279
engage in the practice of occupational therapy may render the 7280
professional services of an occupational therapist within this 7281
state through a corporation formed under division (B) of section 7282
1701.03 of the Revised Code, a limited liability company formed 7283
under Chapter 1705. of the Revised Code, a partnership, or a 7284
professional association formed under Chapter 1785. of the 7285
Revised Code. This division does not preclude an individual of 7286
that nature from rendering professional services as an 7287
occupational therapist through another form of business entity, 7288
including, but not limited to, a nonprofit corporation or 7289
foundation, or in another manner that is authorized by or in 7290
accordance with sections 4755.04 to 4755.13 of the Revised Code, 7291

another chapter of the Revised Code, or rules of the ~~Ohio~~ 7292
~~occupational therapy, physical therapy, and athletic trainers~~ 7293
state physical health services board adopted pursuant to 7294
sections 4755.04 to 4755.13 of the Revised Code. 7295

(B) A corporation, limited liability company, partnership, 7296
or professional association described in division (A) of this 7297
section may be formed for the purpose of providing a combination 7298
of the professional services of the following individuals who 7299
are licensed, certificated, or otherwise legally authorized to 7300
practice their respective professions: 7301

(1) Optometrists who are authorized to practice optometry 7302
under Chapter 4725. of the Revised Code; 7303

(2) Chiropractors who are authorized to practice 7304
chiropractic or acupuncture under Chapter 4734. of the Revised 7305
Code; 7306

(3) Psychologists who are authorized to practice 7307
psychology under Chapter 4732. of the Revised Code; 7308

(4) Registered or licensed practical nurses who are 7309
authorized to practice nursing as registered nurses or as 7310
licensed practical nurses under Chapter 4723. of the Revised 7311
Code; 7312

(5) Pharmacists who are authorized to practice pharmacy 7313
under Chapter 4729. of the Revised Code; 7314

(6) Physical therapists who are authorized to practice 7315
physical therapy under sections 4755.40 to 4755.56 of the 7316
Revised Code; 7317

(7) Occupational therapists who are authorized to practice 7318
occupational therapy under sections 4755.04 to 4755.13 of the 7319

Revised Code; 7320

(8) Mechanotherapists who are authorized to practice 7321
mechanotherapy under section 4731.151 of the Revised Code; 7322

(9) Doctors of medicine and surgery, osteopathic medicine 7323
and surgery, or podiatric medicine and surgery who are 7324
authorized for their respective practices under Chapter 4731. of 7325
the Revised Code; 7326

(10) Licensed professional clinical counselors, licensed 7327
professional counselors, independent social workers, social 7328
workers, independent marriage and family therapists, or marriage 7329
and family therapists who are authorized for their respective 7330
practices under Chapter 4757. of the Revised Code. 7331

This division shall apply notwithstanding a provision of a 7332
code of ethics applicable to an occupational therapist that 7333
prohibits an occupational therapist from engaging in the 7334
practice of occupational therapy in combination with a person 7335
who is licensed, certificated, or otherwise legally authorized 7336
to practice optometry, chiropractic, acupuncture through the 7337
state chiropractic board, psychology, nursing, pharmacy, 7338
physical therapy, mechanotherapy, medicine and surgery, 7339
osteopathic medicine and surgery, podiatric medicine and 7340
surgery, professional counseling, social work, or marriage and 7341
family therapy but who is not also licensed, certificated, or 7342
otherwise legally authorized to engage in the practice of 7343
occupational therapy. 7344

Sec. 4755.12. (A) ~~The occupational therapy section of the~~ 7345
~~Ohio occupational therapy, physical therapy, and athletic~~ 7346
~~trainers state physical health services board~~ may charge any or 7347
all of the following fees: 7348

(1) A nonrefundable examination fee, which is to be paid at the time of application for licensure;	7349 7350
(2) An application fee for an initial license;	7351
(3) An initial licensure fee;	7352
(4) A fee for biennial renewal of a license;	7353
(5) A fee for late renewal of a license;	7354
(6) A fee for the review of continuing education activities;	7355 7356
(7) A fee for a limited permit;	7357
(8) A fee for verification of a license.	7358
(B) Any person who is qualified to practice occupational therapy as certified by the section board , but who is not in the active practice, as defined by section board rule, may register with the section board as a nonactive licensee at a biennial fee.	7359 7360 7361 7362 7363
(C) The section board may, by rule, provide for the waiver of all or part of a fee when the license is issued less than one hundred days before the date on which it will expire.	7364 7365 7366
(D) Except when all or part of a fee is waived under division (C) of this section, the amount charged by the occupational therapy section board for each of its fees shall be the applicable amount established in rules adopted under section 4755.06 of the Revised Code.	7367 7368 7369 7370 7371
Sec. 4755.41. (A) The physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers state physical health services board shall license persons desiring to practice physical therapy or to practice as physical	7372 7373 7374 7375

therapist assistants in this state. 7376

(B) An investigation, inquiry, or hearing which the 7377
~~section board~~ is authorized to undertake or hold may be 7378
undertaken or held in accordance with section 4755.02 of the 7379
Revised Code. Any finding or order shall be confirmed or 7380
approved by the ~~section board~~. 7381

(C) The ~~physical therapy section board shall do both of~~ 7382
~~the following:~~ 7383

(1) ~~Keep a record of its proceedings;~~ 7384

~~(2) Keep a register of applicants showing the name and~~ 7385
~~location of the institution granting the applicant's degree or~~ 7386
~~certificate in physical therapy and whether or not a license was~~ 7387
~~issued;~~ 7388

~~(3) Maintain a register of every physical therapist and~~ 7389
~~physical therapist assistant in this state, including the~~ 7390
~~licensee's last known place of business, the licensee's last~~ 7391
~~known residence, and the date and number of the licensee's~~ 7392
~~license;~~ 7393

~~(4) Deposit all fees collected by the section board in~~ 7394
accordance with section 4755.03 of the Revised Code; 7395

~~(5)~~ (2) On receipt of an application for a license to 7396
practice as a physical therapist or physical therapist 7397
assistant, provide to the applicant the ~~section's board's~~ 7398
address, dates of upcoming ~~section board~~ meetings, and a list of 7399
names of the ~~section board~~ members. 7400

Sec. 4755.411. The ~~physical therapy section of the Ohio~~ 7401
~~occupational therapy, physical therapy, and athletic trainers~~ 7402
~~state physical health services board shall adopt rules in~~ 7403

accordance with Chapter 119. of the Revised Code pertaining to	7404
the following:	7405
(A) Fees for the verification of a license and license	7406
reinstatement, and other fees established by the section <u>board</u> ;	7407
(B) Provisions for the section's <u>board's</u> government and	7408
control of its actions and business affairs;	7409
(C) Minimum curricula for physical therapy education	7410
programs that prepare graduates to be licensed in this state as	7411
physical therapists and physical therapist assistants;	7412
(D) Eligibility criteria to take the examinations required	7413
under sections 4755.43 and 4755.431 of the Revised Code;	7414
(E) The form and manner for filing applications for	7415
licensure with the section <u>board</u> ;	7416
(F) For purposes of section 4755.46 of the Revised Code,	7417
all of the following:	7418
(1) A schedule regarding when licenses to practice as a	7419
physical therapist and physical therapist assistant expire	7420
during a biennium;	7421
(2) An additional fee, not to exceed thirty-five dollars,	7422
that may be imposed if a licensee files a late application for	7423
renewal;	7424
(3) The conditions under which the license of a person who	7425
files a late application for renewal will be reinstated.	7426
(G) The issuance, renewal, suspension, and permanent	7427
revocation of a license and the conduct of hearings;	7428
(H) Appropriate ethical conduct in the practice of	7429
physical therapy;	7430

~~(I)~~ Requirements, including continuing education requirements, for restoring licenses that are inactive or have lapsed through failure to renew;

~~(J)~~ (I) Conditions that may be imposed for reinstatement of a license following suspension pursuant to section 4755.47 of the Revised Code;

~~(K)~~ (J) For purposes of section 4755.45 of the Revised Code, both of the following:

(1) Identification of the credentialing organizations from which the ~~section board~~ will accept equivalency evaluations for foreign physical therapist education. The ~~physical therapy section board~~ shall identify only those credentialing organizations that use a course evaluation tool or form approved by the ~~physical therapy section board~~.

(2) Evidence, other than the evaluations described in division ~~(K)~~ (J) (1) of this section, that the ~~section board~~ will consider for purposes of evaluating whether an applicant's education is reasonably equivalent to the educational requirements that were in force for licensure in this state as a physical therapist on the date of the applicant's initial licensure or registration in another state or country.

~~(L)~~ (K) Standards of conduct for physical therapists and physical therapist assistants, including requirements for supervision, delegation, and practicing with or without referral or prescription;

~~(M)~~ (L) Appropriate display of a license;

~~(N)~~ (M) Procedures for a licensee to follow in notifying the ~~section board~~ within thirty days of a change in name or address, or both;

~~(O)~~-(N) The amount and content of corrective action 7460
courses required by the board under section 4755.47 of the 7461
Revised Code. 7462

Sec. 4755.412. The ~~physical therapy section of the Ohio~~ 7463
~~occupational therapy, physical therapy, and athletic trainers~~ 7464
state physical health services board, subject to the approval of 7465
the controlling board, may establish fees in excess of the 7466
amounts provided by sections 4755.42, 4755.421, 4755.45, 7467
4755.451, and 4755.46 of the Revised Code, provided that such 7468
fees do not exceed those amounts by more than fifty per cent. 7469

Sec. 4755.42. (A) Each person who desires to practice 7470
physical therapy shall file with the ~~secretary of the physical~~ 7471
~~therapy section of the Ohio occupational therapy, physical~~ 7472
~~therapy, and athletic trainers state physical health services~~ 7473
board ~~a notarized~~ an application that includes the following: 7474

(1) Name; 7475

(2) Current address; 7476

(3) Physical description and photograph; 7477

(4) Proof of completion of a master's or doctorate program 7478
of physical therapy education that is accredited by a national 7479
physical therapy accreditation agency recognized by the United 7480
States department of education and that includes: 7481

(a) A minimum of one hundred twenty academic semester 7482
credits or its equivalent, including courses in the biological 7483
and other physical sciences; 7484

(b) A course in physical therapy education that has 7485
provided instruction in basic sciences, clinical sciences, and 7486
physical therapy theory and procedures. 7487

(B) On making application under division (A) of this section, the applicant shall pay a fee of not more than one hundred twenty-five dollars for the license.

(C) The ~~physical therapy section board~~ shall approve an application to sit for the examination required under division (A) of section 4755.43 of the Revised Code not later than one hundred twenty days after receiving an application that the ~~section board~~ considers complete unless the board has done either of the following:

(1) Requested documents relevant to the ~~section's board's~~ evaluation of the application;

(2) Notified the applicant in writing of the ~~section's board's~~ intent to deny a license and the applicant's right to request a hearing in accordance with Chapter 119. of the Revised Code to appeal the ~~section's board's~~ intent to deny a license.

(D) If the ~~section board~~ fails to comply with division (C) of this section, the ~~section board~~ shall refund one-half of the application fee to the applicant.

Sec. 4755.421. (A) Each applicant seeking licensure as a physical therapist assistant shall file with the ~~secretary of the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers state physical health services board~~ a ~~notarized~~ an application that includes the following:

(1) Name;

(2) Current address;

(3) Physical description and photograph;

(4) Proof of completion of a two-year program of education

that is accredited by a national physical therapy accreditation agency recognized by the United States department of education. 7516
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(B) On making application under division (A) of this section, the applicant shall pay a fee of not more than one hundred twenty-five dollars for the license. 7518
7519
7520

(C) (1) The ~~physical therapy section board~~ shall approve an applicant to sit for the examination required under division (A) of section 4755.431 of the Revised Code not later than one hundred twenty days after receiving an application that the ~~section board~~ considers complete unless the board has done either of the following: 7521
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7524
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7526

(a) Requested documents relevant to the ~~section's board's~~ evaluation of the application; 7527
7528

(b) Notified the applicant in writing of the ~~section's board's~~ intent to deny a license and the applicant's right to request a hearing in accordance with Chapter 119. of the Revised Code to appeal the ~~section's board's~~ intent to deny a license. 7529
7530
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(2) If the ~~section board~~ fails to comply with division (C) (1) of this section, the ~~section board~~ shall refund half of the application fee to the applicant. 7533
7534
7535

Sec. 4755.43. Except as provided in section 4755.45 of the Revised Code, to be eligible to receive a license to practice as a physical therapist, an applicant must pass both of the following: 7536
7537
7538
7539

(A) A national physical therapy examination for physical therapists approved by the ~~physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers state physical health services board~~ that tests the applicant's knowledge of the basic and applied sciences as they relate to 7540
7541
7542
7543
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physical therapy and physical therapy theory and procedures. 7545

(B) A jurisprudence examination on Ohio's laws and rules 7546
governing the practice of physical therapy that is approved by 7547
the ~~physical therapy section board~~. 7548

Sec. 4755.431. Except as provided in section 4755.451 of 7549
the Revised Code, to be eligible to receive a license to 7550
practice as a physical therapist assistant, an applicant must 7551
pass both of the following: 7552

(A) A national physical therapy examination for physical 7553
therapist assistants approved by the ~~physical therapy section of~~ 7554
~~the Ohio occupational therapy, physical therapy, and athletic~~ 7555
~~trainers state physical health services~~ board. 7556

(B) A jurisprudence examination approved by the ~~physical~~ 7557
~~therapy section board~~ on Ohio's laws and rules governing the 7558
practice of physical therapy. 7559

Sec. 4755.44. If an applicant passes the examination or 7560
examinations required under section 4755.43 of the Revised Code 7561
and pays the fee required by division (B) of section 4755.42 of 7562
the Revised Code, the ~~physical therapy section of the Ohio~~ 7563
~~occupational therapy, physical therapy, and athletic trainers~~ 7564
~~state physical health services~~ board shall issue a license, 7565
attested by the seal of the board, to the applicant to practice 7566
as a physical therapist. 7567

Sec. 4755.441. If an applicant passes the examination or 7568
examinations required under section 4755.431 of the Revised Code 7569
and pays the fee required by division (B) of section 4755.421 of 7570
the Revised Code, the ~~physical therapy section of the Ohio~~ 7571
~~occupational therapy, physical therapy, and athletic trainers~~ 7572
~~state physical health services~~ board shall issue a license, 7573

attested by the seal of the board, to the applicant to practice 7574
as physical therapist assistant. 7575

Sec. 4755.45. (A) The ~~physical therapy section of the Ohio~~ 7576
~~occupational therapy, physical therapy, and athletic trainers~~ 7577
state physical health services board shall issue to an applicant 7578
a license to practice as a physical therapist without requiring 7579
the applicant to have passed the national examination for 7580
physical therapists described in division (A) of section 4755.43 7581
of the Revised Code within one year of filing an application 7582
described in section 4755.42 of the Revised Code if all of the 7583
following are true: 7584

(1) The applicant presents evidence satisfactory to the 7585
~~physical therapy section board~~ that the applicant received a 7586
score on the national physical therapy examination described in 7587
division (A) of section 4755.43 of the Revised Code that would 7588
have been a passing score according to the board in the year the 7589
applicant sat for the examination; 7590

(2) The applicant presents evidence satisfactory to the 7591
~~physical therapy section board~~ that the applicant passed the 7592
jurisprudence examination described in division (B) of section 7593
4755.43 of the Revised Code; 7594

(3) The applicant holds a current and valid license or 7595
registration to practice physical therapy in another state or 7596
country; 7597

(4) Subject to division (B) of this section, the applicant 7598
can demonstrate that the applicant's education is reasonably 7599
equivalent to the educational requirements that were in force 7600
for licensure in this state on the date of the applicant's 7601
initial licensure or registration in the other state or country; 7602

(5) The applicant pays the fee described in division (B) 7603
of section 4755.42 of the Revised Code; 7604

(6) The applicant is not in violation of any section of 7605
this chapter or rule adopted under it. 7606

(B) For purposes of division (A) (4) of this section, if, 7607
after receiving the results of an equivalency evaluation from a 7608
credentialing organization identified by the ~~section-board~~ 7609
pursuant to rules adopted under section 4755.411 of the Revised 7610
Code, the ~~section-board~~ determines that regardless of the 7611
results of the evaluation the applicant's education is not 7612
reasonably equivalent to the educational requirements that were 7613
in force for licensure in this state on the date of the 7614
applicant's initial licensure or registration in another state 7615
or foreign country, the ~~section-board~~ shall send a written 7616
notice to the applicant stating that the ~~section-board~~ is 7617
denying the applicant's application and stating the specific 7618
reason why the ~~section-board~~ is denying the applicant's 7619
application. The ~~section-board~~ shall send the notice to the 7620
applicant through certified mail within thirty days after the 7621
~~section-board~~ makes that determination. 7622

Sec. 4755.451. The ~~physical therapy section of the Ohio-~~ 7623
~~occupational therapy, physical therapy, and athletic trainers-~~ 7624
state physical health services board shall issue to an applicant 7625
a license as a physical therapist assistant without requiring 7626
the applicant to have passed the national examination for 7627
physical therapist assistants described in division (A) of 7628
section 4755.431 of the Revised Code within one year of filing 7629
an application described in section 4755.421 of the Revised Code 7630
if all of the following are true: 7631

(A) The applicant presents evidence satisfactory to the 7632

~~physical therapy section board~~ that the applicant received a 7633
score on the national physical therapy examination described in 7634
division (A) of section 4755.431 of the Revised Code that would 7635
have been a passing score according to the board in the year the 7636
applicant sat for the examination; 7637

(B) The applicant presents evidence satisfactory to the 7638
~~physical therapy section board~~ that the applicant passed the 7639
jurisprudence examination described in division (B) of section 7640
4755.431 of the Revised Code; 7641

(C) The applicant holds a current and valid license or 7642
registration to practice as a physical therapist assistant in 7643
another state; 7644

(D) The applicant can demonstrate that the applicant's 7645
education is reasonably equivalent to the educational 7646
requirements that were in force for licensure in this state on 7647
the date of the applicant's initial licensure or registration in 7648
the other state; 7649

(E) The applicant pays the fee described in division (B) 7650
of section 4755.421 of the Revised Code; 7651

(F) The applicant is not in violation of any section of 7652
this chapter or rule adopted under it. 7653

Sec. 4755.46. (A) Every license to practice as a physical 7654
therapist or physical therapist assistant expires biennially in 7655
accordance with the schedule established in rules adopted by the 7656
~~physical therapy section of the Ohio occupational therapy,~~ 7657
~~physical therapy, and athletic trainers~~ state physical health 7658
services board under section 4755.411 of the Revised Code. 7659

Each individual holding a valid and current license may 7660
apply to the ~~physical therapy section board~~ to renew the license 7661

in accordance with rules adopted by the board under section 7662
4755.411 of the Revised Code. Each application for license 7663
renewal shall be accompanied by a biennial renewal fee of not 7664
more than one hundred twenty-five dollars and, if applicable, 7665
the applicant's signed statement that the applicant completed 7666
the continuing education required under section 4755.51 or 7667
4755.551 of the Revised Code within the time frame established 7668
in rules adopted by the physical therapy section under section 7669
4755.411 of the Revised Code. 7670

A license that is not renewed by the last day for renewal 7671
established in rules shall automatically expire on that date. 7672

(B) Each licensee shall report to the ~~section~~ board in 7673
writing a change in name, business address, or home address not 7674
later than thirty days after the date of the change. 7675

Sec. 4755.47. (A) In accordance with Chapter 119. of the 7676
Revised Code, the ~~physical therapy section of the Ohio~~ 7677
~~occupational therapy, physical therapy, and athletic trainers~~ 7678
state physical health services board may refuse to grant a 7679
license to an applicant for an initial or renewed license as a 7680
physical therapist or physical therapist assistant or, by an 7681
affirmative vote of not less than five members, may limit, 7682
suspend, or revoke the license of a physical therapist or 7683
physical therapist assistant or reprimand, fine, place a license 7684
holder on probation, or require the license holder to take 7685
corrective action courses, on any of the following grounds: 7686

(1) Habitual indulgence in the use of controlled 7687
substances, other habit-forming drugs, or alcohol to an extent 7688
that affects the individual's professional competency; 7689

(2) Conviction of a felony or a crime involving moral 7690

- turpitude, regardless of the state or country in which the conviction occurred; 7691
7692
- (3) Obtaining or attempting to obtain a license issued by the ~~physical therapy section board~~ by fraud or deception, including the making of a false, fraudulent, deceptive, or misleading statement; 7693
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- (4) An adjudication by a court, as provided in section 5122.301 of the Revised Code, that the applicant or licensee is incompetent for the purpose of holding the license and has not thereafter been restored to legal capacity for that purpose; 7697
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7700
- (5) Subject to section 4755.471 of the Revised Code, violation of the code of ethics adopted ~~by the physical therapy section~~ under section 4744.50 of the Revised Code; 7701
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- (6) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate sections 4755.40 to 4755.56 of the Revised Code or any order issued or rule adopted under those sections; 7704
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- (7) Failure of one or both of the examinations required under section 4755.43 or 4755.431 of the Revised Code; 7708
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- (8) Permitting the use of one's name or license by a person, group, or corporation when the one permitting the use is not directing the treatment given; 7710
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- (9) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including physical therapy, for any reason other than a failure to renew, in Ohio or another state or jurisdiction; 7713
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- (10) Failure to maintain minimal standards of practice in the administration or handling of drugs, as defined in section 7717
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4729.01 of the Revised Code, or failure to employ acceptable 7719
scientific methods in the selection of drugs, as defined in 7720
section 4729.01 of the Revised Code, or other modalities for 7721
treatment; 7722

(11) Willful betrayal of a professional confidence; 7723

(12) Making a false, fraudulent, deceptive, or misleading 7724
statement in the solicitation of or advertising for patients in 7725
relation to the practice of physical therapy; 7726

(13) A departure from, or the failure to conform to, 7727
minimal standards of care required of licensees when under the 7728
same or similar circumstances, whether or not actual injury to a 7729
patient is established; 7730

(14) Obtaining, or attempting to obtain, money or anything 7731
of value by fraudulent misrepresentations in the course of 7732
practice; 7733

(15) Violation of the conditions of limitation or 7734
agreements placed by the ~~physical therapy section board~~ on a 7735
license to practice; 7736

(16) Failure to renew a license in accordance with section 7737
4755.46 of the Revised Code; 7738

(17) Except as provided in section 4755.471 of the Revised 7739
Code, engaging in the division of fees for referral of patients 7740
or receiving anything of value in return for a specific referral 7741
of a patient to utilize a particular service or business; 7742

(18) Inability to practice according to acceptable and 7743
prevailing standards of care because of mental illness or 7744
physical illness, including physical deterioration that 7745
adversely affects cognitive, motor, or perception skills; 7746

(19) The revocation, suspension, restriction, or 7747
termination of clinical privileges by the United States 7748
department of defense or department of veterans affairs; 7749

(20) Termination or suspension from participation in the 7750
medicare or medicaid program established under Title XVIII and 7751
Title XIX, respectively, of the "Social Security Act," 49 Stat. 7752
620 (1935), 42 U.S.C. 301, as amended, for an act or acts that 7753
constitute a violation of sections 4755.40 to 4755.56 of the 7754
Revised Code; 7755

(21) Failure of a physical therapist to maintain 7756
supervision of a student, physical therapist assistant, 7757
unlicensed support personnel, other assistant personnel, or a 7758
license applicant in accordance with the requirements of 7759
sections 4755.40 to 4755.56 of the Revised Code and rules 7760
adopted under those sections; 7761

(22) Failure to complete continuing education requirements 7762
as prescribed in section 4755.51 or 4755.511 of the Revised Code 7763
or to satisfy any rules applicable to continuing education 7764
requirements that are adopted by the ~~physical therapy section~~ 7765
board; 7766

(23) Conviction of a misdemeanor when the act that 7767
constitutes the misdemeanor occurs during the practice of 7768
physical therapy; 7769

(24) (a) Except as provided in division (A) (24) (b) of this 7770
section, failure to cooperate with an investigation conducted by 7771
the ~~physical therapy section~~ board, including failure to comply 7772
with a subpoena or orders issued by the ~~section~~ board or failure 7773
to answer truthfully a question presented by the ~~section~~ board 7774
at a deposition or in written interrogatories. 7775

(b) Failure to cooperate with an investigation does not 7776
constitute grounds for discipline under this section if a court 7777
of competent jurisdiction issues an order that either quashes a 7778
subpoena or permits the individual to withhold the testimony or 7779
evidence at issue. 7780

(25) Regardless of whether the contact or verbal behavior 7781
is consensual, engaging with a patient other than the spouse of 7782
the physical therapist or physical therapist assistant, in any 7783
of the following: 7784

(a) Sexual contact, as defined in section 2907.01 of the 7785
Revised Code; 7786

(b) Verbal behavior that is sexually demeaning to the 7787
patient or may be reasonably interpreted by the patient as 7788
sexually demeaning. 7789

(26) Failure to notify the ~~physical therapy section board~~ 7790
of a change in name, business address, or home address within 7791
thirty days after the date of change; 7792

(27) Except as provided in division (B) of this section: 7793

(a) Waiving the payment of all or any part of a deductible 7794
or copayment that a patient, pursuant to a health insurance or 7795
health care policy, contract, or plan that covers physical 7796
therapy, would otherwise be required to pay if the waiver is 7797
used as an enticement to a patient or group of patients to 7798
receive health care services from that provider; 7799

(b) Advertising that the individual will waive the payment 7800
of all or any part of a deductible or copayment that a patient, 7801
pursuant to a health insurance or health care policy, contract, 7802
or plan that covers physical therapy, would otherwise be 7803
required to pay. 7804

(28) Violation of any section of this chapter or rule 7805
adopted under it. 7806

(B) Sanctions shall not be imposed under division (A) (27) 7807
of this section against any individual who waives deductibles 7808
and copayments as follows: 7809

(1) In compliance with the health benefit plan that 7810
expressly allows such a practice. Waiver of the deductibles or 7811
copayments shall be made only with the full knowledge and 7812
consent of the plan purchaser, payer, and third-party 7813
administrator. Documentation of the consent shall be made 7814
available to the ~~physical therapy section~~ board upon request. 7815

(2) For professional services rendered to any other person 7816
licensed pursuant to sections 4755.40 to 4755.56 of the Revised 7817
Code to the extent allowed by those sections and the rules of 7818
the ~~physical therapy section~~ board. 7819

(C) When a license is revoked under this section, 7820
application for reinstatement may not be made sooner than one 7821
year after the date of revocation. The ~~physical therapy section~~ 7822
board may accept or refuse an application for reinstatement and 7823
may require that the applicant pass an examination as a 7824
condition for reinstatement. 7825

When a license holder is placed on probation under this 7826
section, the physical therapy section's order for placement on 7827
probation shall be accompanied by a statement of the conditions 7828
under which the individual may be removed from probation and 7829
restored to unrestricted practice. 7830

(D) When an application for an initial or renewed license 7831
is refused under this section, the ~~physical therapy section~~ 7832
board shall notify the applicant in writing of the section's 7833

decision to refuse issuance of a license and the reason for its 7834
decision. 7835

(E) On receipt of a complaint that a person licensed by 7836
the ~~physical therapy section board~~ has committed any of the 7837
actions listed in division (A) of this section, the ~~physical-~~ 7838
~~therapy section board~~ may immediately suspend the license of the 7839
physical therapist or physical therapist assistant prior to 7840
holding a hearing in accordance with Chapter 119. of the Revised 7841
Code if it determines, based on the complaint, that the person 7842
poses an immediate threat to the public. The ~~physical therapy-~~ 7843
~~section board~~ may review the allegations and vote on the 7844
suspension by telephone conference call. If the ~~physical therapy-~~ 7845
~~section board~~ votes to suspend a license under this division, 7846
the ~~physical therapy section board~~ shall issue a written order 7847
of summary suspension to the person in accordance with section 7848
119.07 of the Revised Code. If the person fails to make a timely 7849
request for an adjudication under Chapter 119. of the Revised 7850
Code, the ~~physical therapy section board~~ shall enter a final 7851
order permanently revoking the person's license. Notwithstanding 7852
section 119.12 of the Revised Code, a court of common pleas 7853
shall not grant a suspension of the ~~physical therapy section's-~~ 7854
~~board's~~ order of summary suspension pending the determination of 7855
an appeal filed under that section. Any order of summary 7856
suspension issued under this division shall remain in effect, 7857
unless reversed on appeal, until a final adjudication order 7858
issued by the ~~physical therapy section board~~ pursuant to 7859
division (A) of this section becomes effective. The ~~physical-~~ 7860
~~therapy section board~~ shall issue its final adjudication order 7861
regarding an order of summary suspension issued under this 7862
division not later than ninety days after completion of its 7863
hearing. Failure to issue the order within ninety days shall 7864

result in immediate dissolution of the suspension order, but 7865
shall not invalidate any subsequent, final adjudication order. 7866

Sec. 4755.471. (A) An individual whom the ~~physical therapy~~ 7867
~~section of the Ohio occupational therapy, physical therapy, and~~ 7868
~~athletic trainers state physical health services~~ board licenses, 7869
certificates, or otherwise legally authorizes to engage in the 7870
practice of physical therapy may render the professional 7871
services of a physical therapist within this state through a 7872
corporation formed under division (B) of section 1701.03 of the 7873
Revised Code, a limited liability company formed under Chapter 7874
1705. of the Revised Code, a partnership, or a professional 7875
association formed under Chapter 1785. of the Revised Code. This 7876
division does not preclude an individual of that nature from 7877
rendering professional services as a physical therapist through 7878
another form of business entity, including, but not limited to, 7879
a nonprofit corporation or foundation, or in another manner that 7880
is authorized by or in accordance with sections 4755.40 to 7881
4755.53 of the Revised Code, another chapter of the Revised 7882
Code, or rules ~~of the Ohio occupational therapy, physical~~ 7883
~~therapy, and athletic trainers state physical health services~~ 7884
board adopted pursuant to sections 4755.40 to 4755.53 of the 7885
Revised Code. 7886

(B) A corporation, limited liability company, partnership, 7887
or professional association described in division (A) of this 7888
section may be formed for the purpose of providing a combination 7889
of the professional services of the following individuals who 7890
are licensed, certificated, or otherwise legally authorized to 7891
practice their respective professions: 7892

(1) Optometrists who are authorized to practice optometry 7893
under Chapter 4725. of the Revised Code; 7894

(2) Chiropractors who are authorized to practice chiropractic or acupuncture under Chapter 4734. of the Revised Code;	7895 7896 7897
(3) Psychologists who are authorized to practice psychology under Chapter 4732. of the Revised Code;	7898 7899
(4) Registered or licensed practical nurses who are authorized to practice nursing as registered nurses or as licensed practical nurses under Chapter 4723. of the Revised Code;	7900 7901 7902 7903
(5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;	7904 7905
(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code;	7906 7907 7908
(7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;	7909 7910 7911
(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;	7912 7913
(9) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under Chapter 4731. of the Revised Code;	7914 7915 7916 7917
(10) Licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, or marriage and family therapists who are authorized for their respective practices under Chapter 4757. of the Revised Code.	7918 7919 7920 7921 7922

This division shall apply notwithstanding a provision of a
code of ethics applicable to a physical therapist that prohibits
a physical therapist from engaging in the practice of physical
therapy in combination with a person who is licensed,
certificated, or otherwise legally authorized to practice
optometry, chiropractic, acupuncture through the state
chiropractic board, psychology, nursing, pharmacy, occupational
therapy, mechanotherapy, medicine and surgery, osteopathic
medicine and surgery, podiatric medicine and surgery,
professional counseling, social work, or marriage and family
therapy, but who is not also licensed, certificated, or
otherwise legally authorized to engage in the practice of
physical therapy.

Sec. 4755.482. (A) Except as otherwise provided in
divisions (B) and (C) of this section, a person shall not teach
a physical therapy theory and procedures course in physical
therapy education without obtaining a license as a physical
therapist from the ~~physical therapy section of the Ohio~~
~~occupational therapy, physical therapy, and athletic trainers~~
state physical health services board.

(B) A person who is registered or licensed as a physical
therapist under the laws of another state shall not teach a
physical therapy theory and procedures course in physical
therapy education for more than one year without obtaining a
license as a physical therapist from the ~~physical therapy~~
section board.

(C) A person who is registered or licensed as a physical
therapist under the laws of a foreign country and is not
registered or licensed as a physical therapist in any state who
wishes to teach a physical therapy theory and procedures course

in physical therapy education in this state, or an institution 7953
that wishes the person to teach such a course at the 7954
institution, may apply to the ~~physical therapy section board~~ to 7955
request authorization for the person to teach such a course for 7956
a period of not more than one year. Any member of the ~~physical-~~ 7957
~~therapy section board~~ may approve the person's or institution's 7958
application. No person described in this division shall teach 7959
such a course for longer than one year without obtaining a 7960
license from the ~~physical therapy section board~~. 7961

(D) The ~~physical therapy section board~~ may investigate any 7962
person who allegedly has violated this section. The ~~physical-~~ 7963
~~therapy section board~~ has the same powers to investigate an 7964
alleged violation of this section as those powers specified in 7965
section 4755.02 of the Revised Code. If, after investigation, 7966
the ~~physical therapy section board~~ determines that reasonable 7967
evidence exists that a person has violated this section, within 7968
seven days after that determination, the ~~physical therapy-~~ 7969
~~section board~~ shall send a written notice to that person in the 7970
same manner as prescribed in section 119.07 of the Revised Code 7971
for licensees, except that the notice shall specify that a 7972
hearing will be held and specify the date, time, and place of 7973
the hearing. 7974

The ~~physical therapy section board~~ shall hold a hearing 7975
regarding the alleged violation in the same manner prescribed 7976
for an adjudication hearing under section 119.09 of the Revised 7977
Code. If the ~~physical therapy section board~~, after the hearing, 7978
determines a violation has occurred, the ~~physical therapy-~~ 7979
~~section board~~ may discipline the person in the same manner as 7980
the ~~physical therapy section board~~ disciplines licensees under 7981
section 4755.47 of the Revised Code. The ~~physical therapy-~~ 7982
~~section's board's~~ determination is an order that the person may 7983

appeal in accordance with section 119.12 of the Revised Code. 7984

If a person who allegedly committed a violation of this 7985
section fails to appear for a hearing, the ~~physical therapy~~ 7986
~~section board~~ may request the court of common pleas of the 7987
county where the alleged violation occurred to compel the person 7988
to appear before the ~~physical therapy section board~~ for a 7989
hearing. If the ~~physical therapy section board~~ assesses a person 7990
a civil penalty for a violation of this section and the person 7991
fails to pay that civil penalty within the time period 7992
prescribed by the ~~physical therapy section board~~, the ~~physical~~ 7993
~~therapy section board~~ shall forward to the attorney general the 7994
name of the person and the amount of the civil penalty for the 7995
purpose of collecting that civil penalty. In addition to the 7996
civil penalty assessed pursuant to this section, the person also 7997
shall pay any fee assessed by the attorney general for 7998
collection of the civil penalty. 7999

Sec. 4755.51. Except in the case of a first license 8000
renewal, a physical therapist is eligible for renewal of the 8001
physical therapist's license only if the physical therapist has 8002
completed twenty-four units of continuing education in one or 8003
more courses, activities, or programs approved by the ~~physical~~ 8004
~~therapy section of the Ohio occupational therapy, physical~~ 8005
~~therapy, and athletic trainers state physical health services~~ 8006
board. 8007

On request of the ~~physical therapy section board~~, an 8008
applicant for license renewal shall submit evidence satisfactory 8009
to the ~~section board~~ of completion of the required continuing 8010
physical therapy education. 8011

Sec. 4755.511. Except in the case of a first license 8012
renewal, a physical therapist assistant is eligible for renewal 8013

of the physical therapist assistant's license only if the 8014
physical therapist assistant has completed twelve units of 8015
continuing education in one or more courses, activities, or 8016
programs approved by the ~~physical therapy section of the Ohio-~~ 8017
~~occupational therapy, physical therapy, and athletic trainers-~~ 8018
state physical health services board. 8019

On request of the ~~physical therapy section board,~~ an 8020
applicant for license renewal shall submit evidence satisfactory 8021
to the ~~section board~~ of completion of the required continuing 8022
physical therapist assistant education. 8023

Sec. 4755.52. (A) In accordance with Chapter 119. of the 8024
Revised Code, the ~~physical therapy section of the Ohio-~~ 8025
~~occupational therapy, physical therapy, and athletic trainers-~~ 8026
state physical health services board shall adopt rules 8027
specifying standards, in addition to the standards specified by 8028
division (B) of this section, for approval of continuing 8029
education courses, programs, and activities for physical 8030
therapists and physical therapist assistants. 8031

(B) To be eligible for approval by the ~~physical therapy-~~ 8032
~~section board,~~ a continuing education course, program, or 8033
activity shall meet all of the following requirements: 8034

(1) Include significant intellectual or practical content, 8035
the primary objective of which is to improve the professional 8036
competence of the participant; 8037

(2) Be an organized program of learning dealing with 8038
matters directly related to the practice of physical therapy, 8039
professional responsibility, ethical obligations, or similar 8040
subjects that the ~~section board~~ determines maintain and improve 8041
the quality of physical therapy services in this state; 8042

(3) Consist of in-person instruction or other methods of instruction, including the use of self-study materials prepared and conducted by an individual or a group qualified by practical or academic experience as determined by the ~~section board~~; 8043
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(4) Be presented in a setting physically suited to the educational activity of the course, program, or activity; 8047
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(5) Include thorough, high-quality written material; 8049

(6) Meet any other standards established by rule of the ~~section board~~ adopted under division (A) of this section. 8050
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(C) The ~~physical therapy section board~~ shall review physical therapy continuing education programs, courses, and activities and grant approval to those that meet the standards established under divisions (A) and (B) of this section. If the ~~section board~~ denies approval of a course, program, or activity, it shall give a written explanation of the reason for denial to the person requesting approval. 8052
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The ~~physical therapy section board~~ may approve continuing education courses, programs, and activities that have been approved by an agency in another state that governs the licensure of physical therapists and physical therapist assistants if the ~~section board~~ determines that the standards for continuing education courses established by the agency are comparable to those established pursuant to this section. 8059
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~~The physical therapy section may contract with the Ohio chapter of the American physical therapy association for assistance in performance of the section's duties under this section.~~ 8066
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Sec. 4755.53. (A) Subject to division (B) of this section, the ~~physical therapy section of the Ohio occupational therapy,~~ 8070
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~~physical therapy, and athletic trainers~~ state physical health 8072
services board shall grant continuing education units to a 8073
licensed physical therapist or physical therapist assistant as 8074
follows: 8075

(1) For completing an approved continuing education 8076
course, program, or activity, one unit for each hour of 8077
instruction received; 8078

(2) For teaching as a faculty member of an institution of 8079
higher education a course that is part of the curriculum of the 8080
institution, one-half unit for each semester hour of the course, 8081
or an equivalent portion of a unit, as determined by the ~~section~~ 8082
board, for each quarter or trimester hour of the course; 8083

(3) For teaching an approved course that is part of the 8084
curriculum of an institution of higher education other than as a 8085
faculty member, one unit for each hour of teaching the course; 8086

(4) For teaching an approved course, program, or activity, 8087
other than a course that is part of the curriculum of an 8088
institution of higher education, three units for each hour of 8089
teaching the course, program, or activity the first time and 8090
one-half unit for each hour of teaching the course, program, or 8091
activity any time after the first time; 8092

(5) For authoring a published article or book, up to ten 8093
units as determined by the ~~physical therapy section~~ board. 8094

(B) The ~~physical therapy section~~ board shall grant no more 8095
than twelve units of continuing education for teaching during a 8096
biennial renewal period. 8097

~~(C) The physical therapy section may contract with the~~ 8098
~~Ohio chapter of the American physical therapy association for~~ 8099
~~assistance in performance of the section's duties under this~~ 8100

~~section.~~ 8101

Sec. 4755.61. (A) ~~The athletic trainers section of the~~ 8102
~~Ohio occupational therapy, physical therapy, and athletic~~ 8103
~~trainers state physical health services board shall:~~ 8104

(1) Adopt rules, not inconsistent with this chapter, for 8105
the licensure of athletic trainers, including rules that specify 8106
the application form and educational course work and clinical 8107
experience requirements for licensure and rules that prescribe 8108
requirements for criminal records checks of applicants under 8109
section 4776.03 of the Revised Code; 8110

(2) Establish and deposit fees in accordance with division 8111
(B) of this section and section 4755.03 of the Revised Code; 8112

(3) Conduct hearings, ~~keep records of its proceedings,~~ and 8113
do all things necessary and proper to administer and enforce 8114
sections 4755.60 to 4755.65 of the Revised Code; 8115

(4) Publish and make available, upon request and for a fee 8116
not to exceed the actual cost of printing and mailing, the 8117
requirements for the issuance of an athletic trainers license 8118
under this chapter and the rules adopted under it; 8119

(5) ~~Maintain a register of every person licensed to~~ 8120
~~practice athletic training in this state, including the~~ 8121
~~addresses of the licensee's last known place of business and~~ 8122
~~residence, and the effective date and identification number of~~ 8123
~~the person's license. The section shall make this list available~~ 8124
~~to any person upon request and payment of a fee not to exceed~~ 8125
~~the actual cost of printing and mailing.~~ 8126

~~(6)~~ Publish and make available, upon request and for a fee 8127
not to exceed the actual cost of printing and mailing, a list of 8128
persons who passed the examination required under section 8129

4755.62 of the Revised Code; 8130

~~(7)~~ (6) Investigate complaints concerning alleged 8131
violations of section 4755.62 of the Revised Code or other 8132
grounds for the suspension, revocation, or refusal to issue a 8133
license under section 3123.47 or 4755.64 of the Revised Code. In 8134
connection with its investigations, the ~~athletic trainers-~~ 8135
~~section board~~ may subpoena witnesses, issue subpoenas, examine 8136
witnesses, administer oaths, and, under the direction of the 8137
executive director of the board, investigate complaints and make 8138
inspections and other inquiries as in the judgment of the 8139
section are appropriate to enforce sections 3123.41 to 3123.50 8140
and this chapter of the Revised Code. The ~~section board~~ may 8141
review and audit the records of any licensee during normal 8142
business hours at the licensee's place of business or at any 8143
other place where the licensee's records are kept. 8144
Notwithstanding section 149.43 of the Revised Code, the ~~athletic-~~ 8145
~~trainers section board~~ and its employees, except pursuant to a 8146
court order, shall maintain in confidence all information 8147
obtained. 8148

~~(8)~~ (7) Adopt rules governing the nature and scope of the 8149
examination required under section 4755.62 of the Revised Code 8150
and the reexamination required under section 4755.63 of the 8151
Revised Code and the minimum examination score for licensure or 8152
renewal thereof. The rules for the examination required under 8153
section 4755.62 of the Revised Code shall ensure the testing of 8154
the applicant's knowledge of the basic and clinical sciences 8155
relating to athletic training theory and practice, including 8156
professional skills and judgment in the utilization of athletic 8157
training techniques and such other subjects as the ~~athletic-~~ 8158
~~trainers section board~~ considers useful in determining 8159
competency to practice athletic training. 8160

~~(9)~~ (8) Conduct the examination required under section 8161
4755.62 of the Revised Code at least twice a year at a time and 8162
place and under such supervision as the ~~athletic trainers~~ 8163
~~section board~~ determines; 8164

~~(10)~~ (9) Adopt rules to determine which states' standards 8165
for licensure are equal to or greater than this state's for the 8166
purpose of waiving requirements under division (D) of section 8167
4755.62 of the Revised Code; 8168

~~(11)~~ (10) Adopt rules to determine which examinations meet 8169
the requirements of division (E) of section 4755.62 of the 8170
Revised Code; 8171

~~(12) Adopt rules establishing the standards of ethical~~ 8172
~~conduct for licensed athletic trainers under this chapter;~~ 8173

~~(13)~~ (11) Adopt rules specifying the scope and nature of 8174
the continuing education courses that are acceptable to the 8175
~~athletic trainers section board~~ and the number of courses that 8176
must be completed to comply with the requirement for renewal of 8177
a license under section 4755.63 of the Revised Code. 8178

~~(14)~~ (12) Adopt rules establishing the schedule when 8179
licenses to practice as an athletic trainer expire during a 8180
biennium for purposes of section 4755.63 of the Revised Code. 8181

(B) The fees adopted by the ~~athletic trainers section~~ 8182
~~board~~ pursuant to division (A) (2) of this section shall be 8183
established and adjusted as required to provide sufficient 8184
revenues to meet the expenses of the section in administering 8185
sections 4755.60 to 4755.66 of the Revised Code. The fees shall 8186
include the following: 8187

(1) A nonrefundable examination fee, not to exceed the 8188
amount necessary to cover the expense of administering the 8189

examination;	8190
(2) An initial license fee;	8191
(3) A biennial license renewal fee;	8192
(4) A late renewal penalty, not to exceed fifty per cent of the renewal fee.	8193 8194
The athletic trainers section <u>board</u> may, by rule, provide for the waiver of all or part of a license fee if the license is issued less than one hundred days before its expiration date.	8195 8196 8197
(C) All rules under sections 4755.60 to 4755.65 of the Revised Code shall be adopted by the athletic trainers section <u>board</u> in accordance with Chapter 119. of the Revised Code.	8198 8199 8200
Sec. 4755.62. (A) No person shall claim to the public to be an athletic trainer or imply by words, actions, or letters that the person is an athletic trainer, or otherwise engage in the practice of athletic training, unless the person is licensed as an athletic trainer pursuant to this chapter.	8201 8202 8203 8204 8205
(B) Except as otherwise provided in division (B) of section 4755.65 of the Revised Code, no educational institution, partnership, association, or corporation shall advertise or otherwise offer to provide or convey the impression that it is providing athletic training unless an individual licensed as an athletic trainer pursuant to this chapter is employed by, or under contract to, the educational institution, partnership, association, or corporation and will be performing the athletic training services to which reference is made.	8206 8207 8208 8209 8210 8211 8212 8213 8214
(C) To qualify for an athletic trainers license, a person shall:	8215 8216
(1) Have satisfactorily completed an application for	8217

licensure in accordance with rules adopted by the ~~athletic-~~ 8218
~~trainers section of the Ohio occupational therapy, physical-~~ 8219
~~therapy, and athletic trainers~~ state physical health services 8220
board under section 4755.61 of the Revised Code; 8221

(2) Have paid the examination fee required under this 8222
section; 8223

(3) Be of good moral character; 8224

(4) Have shown, to the satisfaction of the ~~athletic-~~ 8225
~~trainers section~~ board, that the applicant has received a 8226
baccalaureate or higher degree from an institution of higher 8227
education, approved by the ~~athletic trainers section~~ board of 8228
the board and the federal regional accreditation agency and 8229
recognized by the council on postsecondary accreditation, and 8230
has satisfactorily completed the educational course work 8231
requirements established by rule of the ~~athletic trainers-~~ 8232
~~section~~ board under section 4755.61 of the Revised Code. 8233

(5) In addition to educational course work requirements, 8234
have obtained supervised clinical experience that meets the 8235
requirements established in rules adopted by the ~~athletic-~~ 8236
~~trainers section~~ board under section 4755.61 of the Revised 8237
Code; 8238

(6) Have passed an examination adopted by the ~~athletic-~~ 8239
~~trainers section~~ board under division (A) ~~(8)~~ (7) of section 8240
4755.61 of the Revised Code. Each applicant for licensure shall 8241
pay, at the time of application, the nonrefundable examination 8242
fee set by the ~~athletic trainers section~~ board. 8243

(D) The ~~section~~ board may waive the requirements of 8244
division (C) of this section for any applicant who presents 8245
proof of current licensure in another state whose standards for 8246

licensure, as determined by the ~~section board~~, are equal to or 8247
greater than those in effect in this state on the date of 8248
application. 8249

(E) The ~~section board~~ shall issue a license to every 8250
applicant who complies with the requirements of division (C) of 8251
this section, files the required application form, and pays the 8252
fees required by section 4755.61 of the Revised Code. A license 8253
issued under this section entitles the holder to engage in the 8254
practice of athletic training, claim to the public to be an 8255
athletic trainer, or to imply by words or letters that the 8256
licensee is an athletic trainer. Each licensee shall display the 8257
licensee's license in a conspicuous place at the licensee's 8258
principal place of employment. 8259

Sec. 4755.63. Each license issued under section 4755.62 of 8260
the Revised Code expires biennially in accordance with the 8261
schedule established in rules adopted by the ~~athletic trainers-~~ 8262
~~section of the Ohio occupational therapy, physical therapy, and~~ 8263
~~athletic trainers-state physical health services~~ board under 8264
section 4755.61 of the Revised Code, but each person holding a 8265
valid, unexpired license may apply to the ~~athletic trainers-~~ 8266
~~section board~~, on forms approved by the ~~section board~~, for 8267
license renewal. The ~~section board~~ shall renew a license upon 8268
the payment of the license renewal fee prescribed by section 8269
4755.61 of the Revised Code, submission of the renewal 8270
application, and submission to the ~~section board~~ of proof of 8271
satisfactory completion of the required number of continuing 8272
education courses, as specified in rules adopted by the ~~section-~~ 8273
~~board~~ under section 4755.61 of the Revised Code. 8274

Sec. 4755.64. (A) In accordance with Chapter 119. of the 8275
Revised Code, the ~~athletic trainers section of the Ohio-~~ 8276

~~occupational therapy, physical therapy, and athletic trainers-~~ 8277
state physical health services board may suspend, revoke, or 8278
refuse to issue or renew an athletic trainers license, or 8279
reprimand, fine, or place a licensee on probation, for any of 8280
the following: 8281

(1) Conviction of a felony or offense involving moral 8282
turpitude, regardless of the state or country in which the 8283
conviction occurred; 8284

(2) Violation of sections 4755.61 to 4755.65 of the 8285
Revised Code or any order issued or rule adopted thereunder; 8286

(3) Obtaining a license through fraud, false or misleading 8287
representation, or concealment of material facts; 8288

(4) Negligence or gross misconduct in the practice of 8289
athletic training; 8290

(5) Violating the standards of ethical conduct in the 8291
practice of athletic training as adopted ~~by the athletic-~~ 8292
~~trainers section~~ under section ~~4755.61~~ 4744.50 of the Revised 8293
Code; 8294

(6) Using any controlled substance or alcohol to the 8295
extent that the ability to practice athletic training at a level 8296
of competency is impaired; 8297

(7) Practicing in an area of athletic training for which 8298
the individual is untrained, incompetent, or practicing without 8299
the referral of a practitioner licensed under Chapter 4731. of 8300
the Revised Code, a dentist licensed under Chapter 4715. of the 8301
Revised Code, a chiropractor licensed under Chapter 4734. of the 8302
Revised Code, or a physical therapist licensed under this 8303
chapter; 8304

(8) Employing, directing, or supervising a person in the performance of athletic training procedures who is not authorized to practice as a licensed athletic trainer under this chapter;

(9) Misrepresenting educational attainments or the functions the individual is authorized to perform for the purpose of obtaining some benefit related to the individual's athletic training practice;

(10) Failing the licensing examination;

(11) Aiding or abetting the unlicensed practice of athletic training;

(12) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including athletic training, for any reason other than a failure to renew, in Ohio or another state or jurisdiction.

(B) If the ~~athletic trainers section board~~ places a licensee on probation under division (A) of this section, the ~~section's board's~~ order for placement on probation shall be accompanied by a written statement of the conditions under which the person may be removed from probation and restored to unrestricted practice.

(C) A licensee whose license has been revoked under division (A) of this section may apply to the ~~athletic trainers section board~~ for reinstatement of the license one year following the date of revocation. The ~~athletic trainers section board~~ may accept or deny the application for reinstatement and may require that the applicant pass an examination as a condition for reinstatement.

(D) On receipt of a complaint that a person licensed by

the ~~athletic trainers section board~~ has committed any of the 8334
prohibited actions listed in division (A) of this section, the 8335
~~section board~~ may immediately suspend the license of a licensed 8336
athletic trainer prior to holding a hearing in accordance with 8337
Chapter 119. of the Revised Code if it determines, based on the 8338
complaint, that the licensee poses an immediate threat to the 8339
public. The ~~section board~~ may review the allegations and vote on 8340
the suspension by telephone conference call. If the ~~section~~ 8341
~~board~~ votes to suspend a license under this division, the 8342
~~section board~~ shall issue a written order of summary suspension 8343
to the licensed athletic trainer in accordance with section 8344
119.07 of the Revised Code. If the individual whose license is 8345
suspended fails to make a timely request for an adjudication 8346
under Chapter 119. of the Revised Code, the ~~section board~~ shall 8347
enter a final order permanently revoking the individual's 8348
license. Notwithstanding section 119.12 of the Revised Code, a 8349
court of common pleas shall not grant a suspension of the 8350
~~section's board's~~ order of summary suspension pending the 8351
determination of an appeal filed under that section. Any order 8352
of summary suspension issued under this division shall remain in 8353
effect, unless reversed on appeal, until a final adjudication 8354
order issued by the ~~section board~~ pursuant to division (A) of 8355
this section becomes effective. The ~~section board~~ shall issue 8356
its final adjudication order regarding an order of summary 8357
suspension issued under this division not later than ninety days 8358
after completion of its hearing. Failure to issue the order 8359
within ninety days shall result in immediate dissolution of the 8360
suspension order, but shall not invalidate any subsequent, final 8361
adjudication order. 8362

Sec. 4755.65. (A) Nothing in sections 4755.61 to 4755.64 8363
of the Revised Code shall be construed to prevent or restrict 8364

- the practice, services, or activities of any person who: 8365
- (1) Is an individual authorized under Chapter 4731. of the 8366
Revised Code to practice medicine and surgery, osteopathic 8367
medicine and surgery, or podiatry, a dentist licensed under 8368
Chapter 4715. of the Revised Code, a chiropractor licensed under 8369
Chapter 4734. of the Revised Code, a dietitian licensed under 8370
Chapter 4759. of the Revised Code, a physical therapist licensed 8371
under this chapter, or a qualified member of any other 8372
occupation or profession practicing within the scope of the 8373
person's license or profession and who does not claim to the 8374
public to be an athletic trainer; 8375
- (2) Is employed as an athletic trainer by an agency of the 8376
United States government and provides athletic training solely 8377
under the direction or control of the agency by which the person 8378
is employed; 8379
- (3) Is a student in an athletic training education program 8380
approved by the ~~athletic trainers section~~ state physical health
services board leading to a baccalaureate or higher degree from 8381
an accredited college or university and is performing duties 8382
that are a part of a supervised course of study; 8383
8384
- (4) Is not an individual licensed as an athletic trainer 8385
in this state who practices or offers to practice athletic 8386
training while traveling with a visiting team or organization 8387
from outside the state or an event approved by the ~~section~~ board 8388
for the purpose of providing athletic training to the visiting 8389
team, organization, or event; 8390
- (5) Provides athletic training only to relatives or in 8391
medical emergencies; 8392
- (6) Provides gratuitous care to friends or members of the 8393

person's family; 8394

(7) Provides only self-care. 8395

(B) Nothing in this chapter shall be construed to prevent 8396
any person licensed under Chapter 4723. of the Revised Code and 8397
whose license is in good standing, any person authorized under 8398
Chapter 4731. of the Revised Code to practice medicine and 8399
surgery or osteopathic medicine and surgery and whose 8400
certificate to practice is in good standing, any person 8401
authorized under Chapter 4731. of the Revised Code to practice 8402
podiatry and whose certificate to practice is in good standing, 8403
any person licensed under Chapter 4734. of the Revised Code to 8404
practice chiropractic and whose license is in good standing, any 8405
person licensed as a dietitian under Chapter 4759. of the 8406
Revised Code to practice dietetics and whose license is in good 8407
standing, any person licensed as a physical therapist under this 8408
chapter to practice physical therapy and whose license is in 8409
good standing, or any association, corporation, or partnership 8410
from advertising, describing, or offering to provide athletic 8411
training, or billing for athletic training if the athletic 8412
training services are provided by a person licensed under this 8413
chapter and practicing within the scope of the person's license, 8414
by a person licensed under Chapter 4723. of the Revised Code and 8415
practicing within the scope of the person's license, by a person 8416
authorized under Chapter 4731. of the Revised Code to practice 8417
podiatry, by a person authorized under Chapter 4731. of the 8418
Revised Code to practice medicine and surgery or osteopathic 8419
medicine and surgery, by a person licensed under Chapter 4734. 8420
of the Revised Code to practice chiropractic, or by a person 8421
licensed under Chapter 4759. of the Revised Code to practice 8422
dietetics. 8423

(C) Nothing in this chapter shall be construed as 8424
authorizing a licensed athletic trainer to practice medicine and 8425
surgery, osteopathic medicine and surgery, podiatry, or 8426
chiropractic. 8427

Sec. 4755.66. On receipt of a notice pursuant to section 8428
3123.43 of the Revised Code, the ~~appropriate section of the Ohio~~ 8429
~~occupational therapy, physical therapy, and athletic trainers~~ 8430
state physical health services board shall comply with sections 8431
3123.41 to 3123.50 of the Revised Code and any applicable rules 8432
adopted under section 3123.63 of the Revised Code with respect 8433
to a license issued pursuant to this chapter. 8434

Sec. 4755.70. (A) As used in this section, "license" and 8435
"applicant for an initial license" have the same meanings as in 8436
section 4776.01 of the Revised Code, except that "license" as 8437
used in both of those terms refers to the types of 8438
authorizations otherwise issued or conferred under this chapter. 8439

(B) In addition to any other eligibility requirement set 8440
forth in this chapter, each applicant for an initial license 8441
shall comply with sections 4776.01 to 4776.04 of the Revised 8442
Code. The ~~occupational therapy section, the physical therapy~~ 8443
~~section, and the athletic trainers section of the Ohio~~ 8444
~~occupational therapy, physical therapy, and athletic trainers~~ 8445
state physical health services board shall not grant a license 8446
to an applicant for an initial license unless the applicant 8447
complies with sections 4776.01 to 4776.04 of the Revised Code 8448
and the board, in its discretion, decides that the results of 8449
the criminal records check do not make the applicant ineligible 8450
for a license issued pursuant to section 4755.07, 4755.09, 8451
4755.44, 4755.441, 4755.45, 4755.451, or 4755.62 of the Revised 8452
Code. 8453

Sec. 4755.71. ~~The Ohio occupational therapy, physical-~~ 8454
~~therapy, and athletic trainers state physical health services~~ 8455
board shall comply with section 4776.20 of the Revised Code. 8456

Sec. 4755.99. (A) Whoever violates ~~sections~~ section 8457
4755.05 or 4755.62 or ~~divisions~~ division (A), (B), (C), (D), or 8458
(H) of section 4755.48 of the Revised Code is guilty of a minor 8459
misdemeanor. If the offender has previously been convicted of an 8460
offense under that section, the offender is guilty of a 8461
misdemeanor of the third degree on a first offense and a 8462
misdemeanor of the first degree on each subsequent offense. 8463

(B) ~~(1)~~ One-half of all fines collected for violation of 8464
~~section~~ sections 4755.05, 4755.48, and 4755.62 of the Revised 8465
Code shall be distributed to the ~~occupational therapy section of~~ 8466
~~the Ohio occupational therapy, physical therapy, and athletic~~ 8467
~~trainers state physical health services~~ board and then paid into 8468
the state treasury to the credit of the occupational licensing 8469
and regulatory fund created in section 4743.05 of the Revised 8470
Code, and one-half to the treasury of the municipal corporation 8471
in which the offense was committed, or if the offense was 8472
committed outside the limits of a municipal corporation, to the 8473
treasury of the county. 8474

~~(2) One-half of all fines collected for violation of~~ 8475
~~section 4755.48 of the Revised Code shall be distributed to the~~ 8476
~~physical therapy section of the Ohio occupational therapy,~~ 8477
~~physical therapy, and athletic trainers board and then paid into~~ 8478
~~the state treasury to the credit of the occupational licensing~~ 8479
~~and regulatory fund, and one-half to the treasury of the~~ 8480
~~municipal corporation in which the offense was committed, or if~~ 8481
~~the offense was committed outside the limits of a municipal~~ 8482
~~corporation, to the treasury of the county.~~ 8483

~~(3) One half of all fines collected for violation of section 4755.62 of the Revised Code shall be distributed to the athletic trainers section of the Ohio occupational therapy, physical therapy, and athletic trainers board and then paid into the state treasury to the credit of the occupational licensing and regulatory fund, and one half to the treasury of the municipal corporation in which the offense was committed, or if the offense was committed outside the limits of a municipal corporation, to the treasury of the county.~~

Sec. 4757.10. ~~The counselor, social worker, and marriage and family therapist~~ state behavioral health professionals board may adopt any rules necessary to carry out this chapter.

The board shall adopt rules that do all of the following:

(A) Concern intervention for and treatment of any impaired person holding a license or certificate of registration issued under this chapter;

(B) Establish standards for training and experience of supervisors described in division (C) of section 4757.30 of the Revised Code;

(C) Define the requirement that an applicant be of good moral character in order to be licensed or registered under this chapter;

(D) Establish requirements for criminal records checks of applicants under section 4776.03 of the Revised Code;

(E) Establish a graduated system of fines based on the scope and severity of violations and the history of compliance, not to exceed five hundred dollars per incident, that ~~any~~ ~~professional standards committee~~ of the board may charge for a disciplinary violation described in section 4757.36 of the

Revised Code; 8513

(F) Establish the amount and content of corrective action 8514
courses required by the board under section ~~4755.36~~4757.36 of 8515
the Revised Code; 8516

(G) Provide for voluntary registration of all of the 8517
following: 8518

(1) Master's level counselor trainees enrolled in practice 8519
and internships; 8520

(2) Master's level social worker trainees enrolled in 8521
fieldwork, practice, and internships; 8522

(3) Master's level marriage and family therapist trainees 8523
enrolled in practice and internships. 8524

Rules adopted under division (G) of this section shall not 8525
require a trainee to register with the board, and if a trainee 8526
has not registered, shall prohibit any adverse effect with 8527
respect to a trainee's application for licensure by the board. 8528

All rules adopted under this section shall be adopted in 8529
accordance with Chapter 119. of the Revised Code. When it adopts 8530
rules under this section or any other section of this chapter, 8531
the board may consider standards established by any national 8532
association or other organization representing the interests of 8533
those involved in professional counseling, social work, or 8534
marriage and family therapy. 8535

Sec. 4757.101. (A) As used in this section, "license" and 8536
"applicant for an initial license" have the same meanings as in 8537
section 4776.01 of the Revised Code, except that "license" as 8538
used in both of those terms refers to the types of 8539
authorizations otherwise issued or conferred under this chapter. 8540

(B) In addition to any other eligibility requirement set 8541
forth in this chapter, each applicant for an initial license 8542
shall comply with sections 4776.01 to 4776.04 of the Revised 8543
Code. The ~~counselor, social worker, and marriage and family-~~ 8544
~~therapist~~ state behavioral health professionals board shall not 8545
grant a license to an applicant for an initial license unless 8546
the applicant complies with sections 4776.01 to 4776.04 of the 8547
Revised Code and the board, in its discretion, decides that the 8548
results of the criminal records check do not make the applicant 8549
ineligible for a license issued pursuant to section 4757.22, 8550
4757.23, 4757.27, 4757.28, 4757.29, 4757.30, or 4757.301 of the 8551
Revised Code. 8552

Sec. 4757.13. (A) Each individual who engages in the 8553
practice of professional counseling, social work, or marriage 8554
and family therapy shall prominently display, in a conspicuous 8555
place in the office or place where a major portion of the 8556
individual's practice is conducted, and in such a manner as to 8557
be easily seen and read, the license granted to the individual 8558
by the state ~~counselor, social worker, and marriage and family-~~ 8559
~~therapist~~ behavioral health professionals board. 8560

(B) A license holder engaged in a private individual 8561
practice, partnership, or group practice shall prominently 8562
display the license holder's fee schedule in the office or place 8563
where a major portion of the license holder's practice is 8564
conducted. The bottom of the first page of the fee schedule 8565
shall include the following statement, which shall be followed 8566
by the name, address, and telephone number of the board: 8567

"This information is required by the ~~Counselor, Social-~~ 8568
~~Worker, and Marriage and Family Therapist~~ State Behavioral 8569
Health Professionals Board, which regulates the practices of 8570

professional counseling, social work, and marriage and family
therapy in this state." 8571
8572

Sec. 4757.15. ~~The counselor, social worker, and marriage~~ 8573
~~and family therapist state behavioral health professionals board~~ 8574
shall prepare, cause to be prepared, or procure the use of, and 8575
grade, have graded, or procure the grading of, examinations to 8576
determine the competence of applicants for licensure under this 8577
chapter. The board may administer separate examinations to 8578
reflect differences in educational degrees earned by applicants. 8579
The board may develop the examinations or use examinations 8580
prepared by state or national organizations that represent the 8581
interests of those involved in professional counseling, social 8582
work, or marriage and family therapy. The board shall conduct 8583
examinations at least twice each year and shall determine the 8584
level of competence necessary for a passing score. 8585

Sec. 4757.16. (A) A person seeking to be licensed or 8586
registered under this chapter as a licensed professional 8587
clinical counselor, ~~or licensed professional counselor, social~~ 8588
~~worker, independent social worker, social worker assistant,~~ 8589
independent marriage and family therapist, or marriage and 8590
family therapist shall file with the ~~counselors professional~~ 8591
~~standards committee of the counselor, social worker, and~~ 8592
~~marriage and family therapist state behavioral health~~ 8593
professionals board a written an application on a form 8594
prescribed by the board. ~~A person seeking to be licensed under~~ 8595
~~this chapter as an independent social worker or social worker or~~ 8596
~~registered under this chapter as a social work assistant shall~~ 8597
~~file with the social workers professional standards committee of~~ 8598
~~the board a written application on a form prescribed by the~~ 8599
~~board. A person seeking to be licensed under this chapter as an~~ 8600
~~independent marriage and family therapist or a marriage and~~ 8601

~~family therapist shall file with the marriage and family
therapist professional standards committee of the board a
written application on a form prescribed by the board.~~

Each form prescribed by the board shall contain a
statement informing the applicant that a person who knowingly
makes a false statement on the form is guilty of falsification
under section 2921.13 of the Revised Code, a misdemeanor of the
first degree.

(B) The ~~professional standards committees board~~ shall
adopt rules under Chapter 119. of the Revised Code concerning
the process for review of each application received to determine
whether the applicant meets the requirements to receive the
license or certificate of registration for which application has
been made.

Sec. 4757.17. The ~~professional standards committees of the
counselor, social worker, and marriage and family therapist
state behavioral health professionals board~~ shall review the
applications of applicants for licensure or registration under
this chapter who have received a post-secondary degree from an
educational institution outside the United States. The ~~committee
reviewing the application board~~ shall determine whether the
applicant's experience, command of the English language, and
completed academic program meet the standards of an academic
program of an accredited educational institution. If they do,
the applicant shall be considered to have received the education
from an accredited educational institution as required by this
chapter and rules adopted under it.

Sec. 4757.18. The ~~counselor, social worker, and marriage
and family therapist~~ state behavioral health professionals board
may enter into a reciprocal agreement with any state that

regulates individuals practicing in the same capacities as those 8632
regulated under this chapter if the board finds that the state 8633
has requirements substantially equivalent to the requirements 8634
this state has for receipt of a license or certificate of 8635
registration under this chapter. In a reciprocal agreement, the 8636
board agrees to issue the appropriate license or certificate of 8637
registration to any resident of the other state whose practice 8638
is currently authorized by that state if that state's regulatory 8639
body agrees to authorize the appropriate practice of any 8640
resident of this state who holds a valid license or certificate 8641
of registration issued under this chapter. 8642

The ~~professional standards committees of the board~~ may, by 8643
endorsement, issue the appropriate license or certificate of 8644
registration to a resident of a state with which the board does 8645
not have a reciprocal agreement, if the person submits proof 8646
satisfactory to the ~~committee board~~ of currently being licensed, 8647
certified, registered, or otherwise authorized to practice by 8648
that state. 8649

Sec. 4757.19. On receipt of a notice pursuant to section 8650
3123.43 of the Revised Code, the ~~counselor, social worker, and~~ 8651
~~marriage and family therapist state behavioral health~~ 8652
professionals board shall comply with sections 3123.41 to 8653
3123.50 of the Revised Code and any applicable rules adopted 8654
under section 3123.63 of the Revised Code with respect to a 8655
license issued pursuant to this chapter. 8656

Sec. 4757.22. (A) The ~~counselors professional standards~~ 8657
~~committee of the counselor, social worker, and marriage and~~ 8658
~~family therapist state behavioral health professionals board~~ 8659
shall issue a license to practice as a licensed professional 8660
clinical counselor to each applicant who submits a properly 8661

completed application, pays the fee established under section 8662
4757.31 of the Revised Code, and meets the requirements 8663
specified in division (B) of this section. 8664

(B)(1) To be eligible for a licensed professional clinical 8665
counselor license, an individual must meet the following 8666
requirements: 8667

(a) The individual must be of good moral character. 8668

(b) The individual must hold from an accredited 8669
educational institution a graduate degree in counseling. 8670

(c) The individual must complete a minimum of ninety 8671
quarter hours or sixty semester hours of graduate credit in 8672
counselor training acceptable to the ~~committee board~~, including 8673
instruction in the following areas: 8674

(i) Clinical psychopathology, personality, and abnormal 8675
behavior; 8676

(ii) Evaluation of mental and emotional disorders; 8677

(iii) Diagnosis of mental and emotional disorders; 8678

(iv) Methods of prevention, intervention, and treatment of 8679
mental and emotional disorders. 8680

(d) The individual must complete, in either a private or 8681
clinical counseling setting, supervised experience in counseling 8682
that is of a type approved by the ~~committee board~~, is supervised 8683
by a licensed professional clinical counselor or other qualified 8684
professional approved by the ~~committee board~~, and is in the 8685
following amounts: 8686

(i) In the case of an individual holding only a master's 8687
degree, not less than two years of experience, which must be 8688

completed after the award of the master's degree; 8689

(ii) In the case of an individual holding a doctorate, not 8690
less than one year of experience, which must be completed after 8691
the award of the doctorate. 8692

(e) The individual must pass a field evaluation that meets 8693
the following requirements: 8694

(i) Has been completed by the applicant's instructors, 8695
employers, supervisors, or other persons determined by the 8696
~~committee board~~ to be competent to evaluate an individual's 8697
professional competence; 8698

(ii) Includes documented evidence of the quality, scope, 8699
and nature of the applicant's experience and competence in 8700
diagnosing and treating mental and emotional disorders. 8701

(f) The individual must pass an examination administered 8702
by the board for the purpose of determining ability to practice 8703
as a licensed professional clinical counselor. 8704

(2) To meet the requirement of division (B)(1)(b) of this 8705
section, a graduate degree in counseling obtained from a mental 8706
health counseling program in this state after January 1, 2018, 8707
must be from a clinical mental health counseling program, a 8708
clinical rehabilitation counseling program, or an addiction 8709
counseling program accredited by the council for accreditation 8710
of counseling and related educational programs. 8711

(3) All of the following meet the educational requirements 8712
of division (B)(1)(c) of this section: 8713

(a) A clinical mental health counseling program accredited 8714
by the council for accreditation of counseling and related 8715
educational programs; 8716

(b) Until January 1, 2018, a mental health counseling 8717
program accredited by the council for accreditation of 8718
counseling and related educational programs; 8719

(c) A graduate degree in counseling issued by another 8720
state from a clinical mental health counseling program, a 8721
clinical rehabilitation counseling program, or an addiction 8722
counseling program that is accredited by the council for 8723
accreditation of counseling and related educational programs; 8724

(d) Any other accredited counseling programs accepted by 8725
the board in accordance with rules adopted under division (F) (3) 8726
of this section. 8727

(C) To be accepted by the ~~committee~~ board for purposes of 8728
division (B) of this section, counselor training must include at 8729
least the following: 8730

(1) Instruction in human growth and development; 8731
counseling theory; counseling techniques; group dynamics, 8732
processing, and counseling; appraisal of individuals; research 8733
and evaluation; professional, legal, and ethical 8734
responsibilities; social and cultural foundations; and lifestyle 8735
and career development; 8736

(2) Participation in a supervised practicum and internship 8737
in counseling. 8738

(D) The ~~committee~~ board may issue a temporary license to 8739
an applicant who meets all of the requirements to be licensed 8740
under this section, pending the receipt of transcripts or action 8741
by the ~~committee~~ board to issue a license to practice as a 8742
licensed professional clinical counselor. 8743

(E) An individual may not sit for the licensing 8744
examination unless the individual meets the educational 8745

requirements to be licensed under this section. An individual 8746
who is denied admission to the licensing examination may appeal 8747
the denial in accordance with Chapter 119. of the Revised Code. 8748

(F) The board shall adopt any rules necessary ~~for the~~ 8749
~~committee~~ to implement this section. The rules shall do all of 8750
the following: 8751

(1) Establish criteria for the ~~committee~~ board to use in 8752
determining whether an applicant's training should be accepted 8753
and supervised experience approved; 8754

(2) Establish course content requirements for qualifying 8755
counseling degrees issued by institutions in other states from 8756
clinical mental health counseling programs, clinical 8757
rehabilitation counseling programs, and addiction counseling 8758
programs that are not accredited by the council for 8759
accreditation of counseling and related educational programs and 8760
for graduate degrees from other accredited counseling programs 8761
approved by the board in accordance with rules adopted under 8762
division (F) (3) of this section; 8763

(3) For purposes of divisions (B) (2) (b) and (3) of this 8764
section, establish requirements for acceptance by the ~~committee~~ 8765
board of accredited counseling programs. 8766

Rules adopted under this division shall be adopted in 8767
accordance with Chapter 119. of the Revised Code. 8768

Sec. 4757.23. (A) The ~~counselors professional standards~~ 8769
~~committee of the counselor, social worker, and marriage and~~ 8770
~~family therapist~~ state behavioral health professionals board 8771
shall issue a license as a licensed professional counselor to 8772
each applicant who submits a properly completed application, 8773
pays the fee established under section 4757.31 of the Revised 8774

Code, and meets the requirements established under division (B) 8775
of this section. 8776

(B) (1) To be eligible for a license as a licensed 8777
professional counselor, an individual must meet the following 8778
requirements: 8779

(a) The individual must be of good moral character. 8780

(b) The individual must hold from an accredited 8781
educational institution a graduate degree in counseling. 8782

(c) The individual must complete a minimum of ninety 8783
quarter hours or sixty semester hours of graduate credit in 8784
counselor training acceptable to the ~~committee~~ board, which the 8785
individual may complete while working toward receiving a 8786
graduate degree in counseling, or subsequent to receiving the 8787
degree, and which shall include training in the following areas: 8788

(i) Clinical psychopathology, personality, and abnormal 8789
behavior; 8790

(ii) Evaluation of mental and emotional disorders; 8791

(iii) Diagnosis of mental and emotional disorders; 8792

(iv) Methods of prevention, intervention, and treatment of 8793
mental and emotional disorders. 8794

(d) The individual must pass an examination administered 8795
by the board for the purpose of determining ability to practice 8796
as a licensed professional counselor. 8797

(2) To meet the requirement of division (B) (1) (b) of this 8798
section, a graduate degree in counseling obtained from a mental 8799
health counseling program in this state after January 1, 2018, 8800
must be from a clinical mental health counseling program, 8801

clinical rehabilitation counseling program, or addiction 8802
counseling program accredited by the council for accreditation 8803
of counseling and related educational programs. 8804

(3) All of the following meet the educational requirements 8805
of division (B) (1) (c) of this section: 8806

(a) A clinical mental health counseling program accredited 8807
by the council for accreditation of counseling and related 8808
educational programs; 8809

(b) Until January 1, 2018, a mental health counseling 8810
program accredited by the council for accreditation of 8811
counseling and related educational programs; 8812

(c) A graduate degree in counseling issued by an 8813
institution in another state from a clinical mental health 8814
counseling program, a clinical rehabilitation counseling 8815
program, or an addiction counseling program that is accredited 8816
by the council for accreditation of counseling and related 8817
educational programs; 8818

(d) Any other accredited counseling programs accepted by 8819
the board in accordance with rules adopted under division (F) (3) 8820
of this section. 8821

(C) To be accepted by the ~~committee~~ board for purposes of 8822
division (B) of this section, counselor training must include at 8823
least the following: 8824

(1) Instruction in human growth and development; 8825
counseling theory; counseling techniques; group dynamics, 8826
processing, and counseling; appraisal of individuals; research 8827
and evaluation; professional, legal, and ethical 8828
responsibilities; social and cultural foundations; and lifestyle 8829
and career development; 8830

(2) Participation in a supervised practicum and internship 8831
in counseling. 8832

(D) The ~~committee~~ board may issue a temporary license to 8833
practice as a licensed professional counselor to an applicant 8834
who meets all of the requirements to be licensed under this 8835
section as follows: 8836

(1) Pending the receipt of transcripts or action by the 8837
~~committee~~ board to issue a license as a licensed professional 8838
counselor; 8839

(2) For a period not to exceed ninety days, to an 8840
applicant who provides the board with a statement from the 8841
applicant's academic institution indicating that the applicant 8842
has met the academic requirements for the applicant's degree and 8843
the projected date the applicant will receive the applicant's 8844
transcript showing a conferred degree. 8845

On application to the ~~committee~~ board, a temporary license 8846
issued under division (D) (2) of this section may be renewed for 8847
good cause shown. 8848

(E) An individual may not sit for the licensing 8849
examination unless the individual meets the educational 8850
requirements to be licensed under this section. An individual 8851
who is denied admission to the licensing examination may appeal 8852
the denial in accordance with Chapter 119. of the Revised Code. 8853

(F) The board shall adopt any rules necessary ~~for the~~ 8854
~~committee~~ to implement this section. The rules shall do all of 8855
the following: 8856

(1) Establish criteria for the ~~committee~~ board to use in 8857
determining whether an applicant's training should be accepted 8858
and supervised experience approved; 8859

(2) Establish course content requirements for qualifying 8860
counseling degrees issued by institutions in other states from 8861
clinical mental health counseling programs, clinical 8862
rehabilitation counseling programs, and addiction counseling 8863
programs that are not accredited by the council for 8864
accreditation of counseling and related educational programs and 8865
for graduate degrees from other accredited counseling programs 8866
accepted by the board in accordance with rules adopted under 8867
division (F) (3) of this section; 8868

(3) For purposes of divisions (B) (2) (b) and (3) of this 8869
section, establish requirements for acceptance by the ~~committee~~ 8870
board of accredited counseling programs. 8871

Rules adopted under this division shall be adopted in 8872
accordance with Chapter 119. of the Revised Code. 8873

Sec. 4757.27. (A) The ~~social workers professional~~ 8874
~~standards committee of the counselor, social worker, and~~ 8875
~~marriage and family therapist state behavioral health~~ 8876
professionals board shall issue a license as an independent 8877
social worker to each applicant who submits a properly completed 8878
application, pays the fee established under section 4757.31 of 8879
the Revised Code, and meets the requirements specified in 8880
division (B) of this section. An independent social worker 8881
license shall clearly indicate each academic degree earned by 8882
the person to whom it has been issued. 8883

(B) To be eligible for a license as an independent social 8884
worker, an individual must meet the following requirements: 8885

(1) The individual must be of good moral character. 8886

(2) The individual must hold a master's degree in social 8887
work from an educational institution accredited by the council 8888

on social work education or an educational institution in 8889
candidacy for accreditation by the council. 8890

(3) The individual must complete at least two years of 8891
post-master's degree social work experience supervised by an 8892
independent social worker. 8893

(4) The individual must pass an examination administered 8894
by the board for the purpose of determining ability to practice 8895
as an independent social worker. 8896

(C) The ~~committee board~~ may issue a temporary license to 8897
an applicant who meets all of the requirements to be licensed 8898
under this section, pending the receipt of transcripts or action 8899
by the ~~committee board~~ to issue a license as an independent 8900
social worker. 8901

(D) The board shall adopt any rules necessary ~~for the~~ 8902
~~committee~~ to implement this section, including criteria ~~for the~~ 8903
~~committee~~ to use in determining whether an applicant's training 8904
should be accepted and supervised experience approved. Rules 8905
adopted under this division shall be adopted in accordance with 8906
Chapter 119. of the Revised Code. 8907

Sec. 4757.28. (A) The ~~social workers professional~~ 8908
~~standards committee of the counselor, social worker, and~~ 8909
~~marriage and family therapist state behavioral health~~ 8910
professionals board shall issue a license as a social worker to 8911
each applicant who submits a properly completed application, 8912
pays the fee established under section 4757.31 of the Revised 8913
Code, and meets the requirements specified in division (B) of 8914
this section. A social worker license shall clearly indicate 8915
each academic degree earned by the person to whom it is issued. 8916

(B) To be eligible for a license as a social worker, an 8917

individual must meet the following requirements: 8918

(1) The individual must be of good moral character. 8919

(2) The individual must hold from an accredited 8920
educational institution one of the following: 8921

(a) A baccalaureate degree in social work; 8922

(b) A master's degree in social work; 8923

(c) A doctorate in social work. 8924

(3) The individual must pass an examination administered 8925
by the board for the purpose of determining ability to practice 8926
as a social worker. 8927

(C) The ~~committee~~ board may issue a temporary license to 8928
practice as a social worker as follows: 8929

(1) To an applicant who meets all of the requirements to 8930
be licensed under this section, pending the receipt of 8931
transcripts or action by the ~~committee~~ board to issue a license 8932
as a social worker; 8933

(2) For a period not to exceed ninety days, to an 8934
applicant who provides the board with a statement from the 8935
applicant's academic institution indicating that the applicant 8936
has met the academic requirements for the applicant's degree, 8937
and the projected date the applicant will receive the 8938
applicant's transcript showing a conferred degree. 8939

On application to the ~~committee~~ board, a temporary license 8940
issued under division (C) (2) of this section may be renewed for 8941
good cause shown. 8942

(D) The board shall adopt any rules necessary ~~for the~~ 8943
~~committee~~ to implement this section, including criteria ~~for the~~ 8944

~~committee~~ to use in determining whether an applicant's training 8945
should be accepted and supervised experience approved. Rules 8946
adopted under this division shall be adopted in accordance with 8947
Chapter 119. of the Revised Code. 8948

Sec. 4757.29. ~~The social workers professional standards-~~ 8949
~~committee of the counselor, social worker, and marriage and~~ 8950
~~family therapist~~ state behavioral health professionals board 8951
shall issue a certificate of registration as a social work 8952
assistant to each applicant who submits a properly completed 8953
application, pays the fee established under section 4757.31 of 8954
the Revised Code, is of good moral character, and holds from an 8955
accredited educational institution an associate degree in social 8956
service technology or a bachelor's degree that is equivalent to 8957
an associate degree in social service technology or a related 8958
bachelor's or higher degree that is approved by the ~~committee-~~ 8959
board. 8960

Sec. 4757.30. (A) ~~The marriage and family therapist-~~ 8961
~~professional standards committee of the counselor, social-~~ 8962
~~worker, and marriage and family therapist~~ state behavioral 8963
health professionals board shall issue a license to practice as 8964
a marriage and family therapist to a person who has done all of 8965
the following: 8966

(1) Properly completed an application for the license; 8967

(2) Paid the required fee established by the board under 8968
section 4757.31 of the Revised Code; 8969

(3) Achieved one of the following: 8970

(a) Received from an educational institution accredited at 8971
the time the degree was granted by a regional accrediting 8972
organization recognized by the board a master's degree or a 8973

doctorate in marriage and family therapy; 8974

(b) Completed a graduate degree that includes a minimum of 8975
ninety quarter hours of graduate level course work in marriage 8976
and family therapy training that is acceptable to the ~~committee~~ 8977
board; 8978

(4) Passed an examination administered by the board for 8979
the purpose of determining the person's ability to be a marriage 8980
and family therapist; 8981

(5) Completed a practicum that includes at least three 8982
hundred hours of client contact. 8983

(B) To be accepted by the ~~committee~~ board for purposes of 8984
division (A) (3) (b) of this section, marriage and family 8985
therapist training must include instruction in at least the 8986
following: 8987

(1) Research and evaluation; 8988

(2) Professional, legal, and ethical responsibilities; 8989

(3) Marriage and family studies; 8990

(4) Marriage and family therapy, including therapeutic 8991
theory and techniques for individuals, groups, and families; 8992

(5) Human development; 8993

(6) Appraisal of individuals and families; 8994

(7) Diagnosis of mental and emotional disorders; 8995

(8) Systems theory. 8996

(C) The ~~marriage and family therapist professional~~ 8997
~~standards committee~~ board shall issue a license to practice as 8998
an independent marriage and family therapist to a person who 8999

does both of the following: 9000

(1) Meets all of the requirements of division (A) of this 9001
section; 9002

(2) After meeting the requirements of division (A) (3) of 9003
this section, completes at least two calendar years of 9004
supervised training while engaged in the practice of marriage 9005
and family therapy. 9006

The two years of supervised training must include two 9007
hundred hours of face-to-face supervision while completing a 9008
minimum of one thousand hours of documented client contact in 9009
marriage and family therapy. Of the required two hundred hours, 9010
a minimum of one hundred hours must be individual supervision. 9011
Supervision shall be performed by a supervisor whose training 9012
and experience meets standards established by the board in rules 9013
adopted under section 4757.10 of the Revised Code. 9014

(D) An independent marriage and family therapist or a 9015
marriage and family therapist may engage in the private practice 9016
of marriage and family therapy as an individual practitioner or 9017
as a member of a partnership or group practice. 9018

(E) A marriage and family therapist may diagnose and treat 9019
mental and emotional disorders only under the supervision of a 9020
psychologist, psychiatrist, licensed professional clinical 9021
counselor, independent social worker, or independent marriage 9022
and family therapist. An independent marriage and family 9023
therapist may diagnose and treat mental and emotional disorders 9024
without supervision. 9025

(F) Nothing in this chapter or rules adopted under it 9026
authorizes an independent marriage and family therapist or a 9027
marriage and family therapist to admit a patient to a hospital 9028

or requires a hospital to allow a marriage and family therapist 9029
to admit a patient. 9030

(G) An independent marriage and family therapist or a 9031
marriage and family therapist may not diagnose, treat, or advise 9032
on conditions outside the recognized boundaries of the marriage 9033
and family therapist's competency. An independent marriage and 9034
family therapist or a marriage and family therapist shall make 9035
appropriate and timely referrals when a client's needs exceed 9036
the marriage and family therapist's competence level. 9037

Sec. 4757.301. On receipt of an application for a license 9038
as a marriage and family therapist, the ~~counselor, social-~~ 9039
~~worker, and marriage and family therapist-state behavioral~~ 9040
health professionals board may issue a temporary license to an 9041
individual who qualifies under division (A) of section 4757.30 9042
of the Revised Code for licensure as a marriage and family 9043
therapist or divisions (A) and (C) of section 4757.30 of the 9044
Revised Code for licensure as an independent marriage and family 9045
therapist, except that the individual is awaiting the next 9046
opportunity to take an examination required by the board under 9047
that division. The temporary license allows the holder to engage 9048
in the practice of independent marriage and family therapy or 9049
marriage and family therapy as appropriate and is valid from the 9050
date of issuance until the earlier of one year from that date, 9051
the date the applicant withdraws from taking the examination, 9052
the date the applicant is notified that the applicant failed the 9053
examination, or the date the applicant's license is issued under 9054
section 4757.30 of the Revised Code. A temporary license may not 9055
be renewed. 9056

Sec. 4757.31. (A) Subject to division (B) of this section, 9057
the ~~counselor, social worker, and marriage and family therapist-~~ 9058

state behavioral health professionals board shall establish, and 9059
may from time to time adjust, fees to be charged for the 9060
following: 9061

(1) Examination for licensure as a licensed professional 9062
clinical counselor, licensed professional counselor, marriage 9063
and family therapist, independent marriage and family therapist, 9064
social worker, or independent social worker; 9065

(2) Initial licenses of licensed professional clinical 9066
counselors, licensed professional counselors, marriage and 9067
family therapists, independent marriage and family therapists, 9068
social workers, and independent social workers, except that the 9069
board shall charge only one fee to a person who fulfills all 9070
requirements for more than one of the following initial 9071
licenses: an initial license as a social worker or independent 9072
social worker, an initial license as a licensed professional 9073
counselor or licensed professional clinical counselor, and an 9074
initial license as a marriage and family therapist or 9075
independent marriage and family therapist; 9076

(3) Initial certificates of registration of social work 9077
assistants; 9078

(4) Renewal and late renewal of licenses of licensed 9079
professional clinical counselors, licensed professional 9080
counselors, marriage and family therapists, independent marriage 9081
and family therapists, social workers, and independent social 9082
workers and renewal and late renewal of certificates of 9083
registration of social work assistants; 9084

(5) Verification, to another jurisdiction, of a license or 9085
registration issued by the board; 9086

(6) Continuing education programs offered by the board to 9087

licensees or registrants; 9088

(7) Approval of continuing education programs; 9089

(8) Approval of continuing education providers to be 9090
authorized to offer continuing education programs without prior 9091
approval from the board for each program offered; 9092

(9) Issuance of a replacement copy of any wall certificate 9093
issued by the board; 9094

(10) Late completion of continuing counselor, social 9095
worker, or marriage and family therapy education required under 9096
section 4757.33 of the Revised Code and the rules adopted under 9097
it. 9098

(B) The fees charged under division (A) (1) of this section 9099
shall be established in amounts sufficient to cover the direct 9100
expenses incurred in examining applicants for licensure. The 9101
fees charged under divisions (A) (2) to (9) of this section shall 9102
be nonrefundable and shall be established in amounts sufficient 9103
to cover the necessary expenses in administering this chapter 9104
and rules adopted under it that are not covered by fees charged 9105
under division (A) (1) or (C) of this section. The renewal fee 9106
for a license or certificate of registration shall not be less 9107
than the initial fee for that license or certificate. The fees 9108
charged for licensure and registration and the renewal of 9109
licensure and registration may differ for the various types of 9110
licensure and registration, but shall not exceed one hundred 9111
twenty-five dollars each, unless the board determines that 9112
amounts in excess of one hundred twenty-five dollars are needed 9113
to cover its necessary expenses in administering this chapter 9114
and rules adopted under it and the amounts in excess of one 9115
hundred twenty-five dollars are approved by the controlling 9116

board. 9117

(C) All receipts of the board shall be deposited in the 9118
state treasury to the credit of the occupational licensing and 9119
regulatory fund created in section 4743.05 of the Revised Code. 9120
~~All vouchers of the board shall be approved by the chairperson~~ 9121
~~or executive director of the board, or both, as authorized by~~ 9122
~~the board.~~ 9123

Sec. 4757.32. A license or certificate of registration 9124
issued under this chapter expires two years after it is issued 9125
and may be renewed in accordance with the standard renewal 9126
procedure established under Chapter 4745. of the Revised Code. 9127

Subject to section 4757.36 of the Revised Code, the staff 9128
of the ~~appropriate professional standards committee of the~~ 9129
~~counselor, social worker, and marriage and family therapist~~ 9130
state behavioral health professionals board shall, on behalf of 9131
~~each committee the board,~~ issue a renewed license or certificate 9132
of registration to each applicant who has paid the renewal fee 9133
established by the board under section 4757.31 of the Revised 9134
Code and satisfied the continuing education requirements 9135
established by the board under section 4757.33 of the Revised 9136
Code. 9137

A license or certificate of registration that is not 9138
renewed lapses on its expiration date. A license or certificate 9139
of registration that has lapsed may be restored if the 9140
individual, not later than two years after the license or 9141
certificate expired, applies for restoration of the license or 9142
certificate. The staff of the ~~appropriate professional standards~~ 9143
~~committee board~~ shall issue a restored license or certificate of 9144
registration to the applicant if the applicant pays the renewal 9145
fee established under section 4757.31 of the Revised Code and 9146

satisfies the continuing education requirements established 9147
under section 4757.33 of the Revised Code for restoring the 9148
license or certificate of registration. The board ~~and its~~ 9149
~~professional standards committees~~ shall not require a person to 9150
take an examination as a condition of having a lapsed license or 9151
certificate of registration restored. 9152

Sec. 4757.321. (A) A person licensed or registered under 9153
this chapter may apply to the ~~counselor, social worker, and~~ 9154
~~marriage and family therapist~~ state behavioral health 9155
professionals board to have the person's license or registration 9156
classified as inactive. If a fee is charged under division (B) 9157
of this section, the person shall include the fee with the 9158
application. If the person's license or registration is in good 9159
standing and the person meets any other requirements established 9160
by the board in rules adopted under this section, the board 9161
shall classify the license or registration as inactive. The 9162
inactive classification shall become effective on the date 9163
immediately following the date that the person's license or 9164
registration is scheduled to expire. 9165

(B) The board may charge a fee for classifying a license 9166
or registration as inactive. 9167

(C) During the period that a license or registration is 9168
classified as inactive, the person may not engage in the 9169
practice of professional counseling, social work, or marriage 9170
and family therapy, as applicable, in this state or make any 9171
representation to the public indicating that the person is 9172
actively licensed or registered under this chapter. 9173

(D) A person whose license or registration has been 9174
classified as inactive may apply to the board to have the 9175
license or registration reactivated. The board shall reactivate 9176

the license or registration if the person meets the requirements 9177
established by the board in rules adopted under this section. 9178

(E) The board's jurisdiction to take disciplinary action 9179
under this chapter is not removed or limited when a license or 9180
registration is classified as inactive under this section. 9181

(F) The board shall adopt rules as necessary for 9182
classifying a license or registration as inactive and 9183
reactivating an inactive license or registration. The rules 9184
shall be adopted in accordance with Chapter 119. of the Revised 9185
Code. 9186

(G) This section does not apply to registration of 9187
master's level counselor trainees, social worker trainees, 9188
marriage and family therapist trainees, or continuing education 9189
providers. 9190

Sec. 4757.33. (A) Except as provided in division (B) of 9191
this section, each person who holds a license or certificate of 9192
registration issued under this chapter shall complete during the 9193
period that the license or certificate is in effect not less 9194
than thirty clock hours of continuing professional education as 9195
a condition of receiving a renewed license or certificate. To 9196
have a lapsed license or certificate of registration restored, a 9197
person shall complete the number of hours of continuing 9198
education specified by the ~~counselor, social worker, and~~ 9199
~~marriage and family therapist state behavioral health~~ 9200
professionals board in rules it shall adopt in accordance with 9201
Chapter 119. of the Revised Code. 9202

~~The professional standards committees of the counselor,~~ 9203
~~social worker, and marriage and family therapist board shall~~ 9204
adopt rules in accordance with Chapter 119. of the Revised Code 9205

~~establishing standards and procedures to be followed by the~~ 9206
~~committees in for~~ conducting the continuing education approval 9207
process, which shall include registering individuals and 9208
entities to provide continuing education programs approved by 9209
the board. 9210

(B) The board may waive the continuing education 9211
requirements established under this section for persons who are 9212
unable to fulfill them because of military service, illness, 9213
residence abroad, or any other reason the ~~committee~~ board 9214
considers acceptable. 9215

Sec. 4757.34. ~~The counselor, social worker, and marriage~~ 9216
~~and family therapist~~ state behavioral health professionals board 9217
shall approve one or more continuing education courses of study 9218
that assist social workers, independent social workers, social 9219
work assistants, independent marriage and family therapists, 9220
marriage and family therapists, licensed professional clinical 9221
counselors, and licensed professional counselors in recognizing 9222
the signs of domestic violence and its relationship to child 9223
abuse. Social workers, independent social workers, social work 9224
assistants, independent marriage and family therapists, marriage 9225
and family therapists, licensed professional clinical 9226
counselors, and licensed professional counselors are not 9227
required to take the courses. 9228

Sec. 4757.36. (A) ~~The appropriate professional standards~~ 9229
~~committee of the counselor, social worker, and marriage and~~ 9230
~~family therapist~~ state behavioral health professionals board 9231
may, in accordance with Chapter 119. of the Revised Code, take 9232
any action specified in division (B) of this section for any 9233
reason described in division (C) of this section against an 9234
individual who has applied for or holds a license issued under 9235

this chapter; a master's level counselor trainee, social worker 9236
trainee, or marriage and family therapist trainee; or an 9237
individual or entity that is registered, or has applied for 9238
registration, in accordance with rules adopted under section 9239
4757.33 of the Revised Code to provide continuing education 9240
programs approved by the board. 9241

(B) In its imposition of sanctions against an individual 9242
or entity specified in division (A) of this section, the board 9243
may do any of the following: 9244

(1) Refuse to issue or refuse to renew a license or 9245
certificate of registration; 9246

(2) Suspend, revoke, or otherwise restrict a license or 9247
certificate of registration; 9248

(3) Reprimand an individual holding a license or 9249
certificate of registration; 9250

(4) Impose a fine in accordance with the graduated system 9251
of fines established by the board in rules adopted under section 9252
4757.10 of the Revised Code; 9253

(5) Require an individual holding a license or certificate 9254
of registration to take corrective action courses. 9255

(C) ~~The appropriate professional standards committee of~~ 9256
~~the board~~ may take an action specified in division (B) of this 9257
section for any of the following reasons: 9258

(1) Commission of an act that violates any provision of 9259
this chapter or rules adopted under it; 9260

(2) Knowingly making a false statement on an application 9261
for licensure or registration, or for renewal of a license or 9262
certificate of registration; 9263

- (3) Accepting a commission or rebate for referring persons 9264
to any professionals licensed, certified, or registered by any 9265
court or board, commission, department, division, or other 9266
agency of the state, including, but not limited to, individuals 9267
practicing counseling, social work, or marriage and family 9268
therapy or practicing in fields related to counseling, social 9269
work, or marriage and family therapy; 9270
- (4) A failure to comply with section 4757.13 of the 9271
Revised Code; 9272
- (5) A conviction in this or any other state of a crime 9273
that is a felony in this state; 9274
- (6) A failure to perform properly as a licensed 9275
professional clinical counselor, licensed professional 9276
counselor, independent marriage and family therapist, marriage 9277
and family therapist, social work assistant, social worker, or 9278
independent social worker due to the use of alcohol or other 9279
drugs or any other physical or mental condition; 9280
- (7) A conviction in this state or in any other state of a 9281
misdemeanor committed in the course of practice as a licensed 9282
professional clinical counselor, licensed professional 9283
counselor, independent marriage and family therapist, marriage 9284
and family therapist, social work assistant, social worker, or 9285
independent social worker; 9286
- (8) Practicing outside the scope of practice applicable to 9287
that person; 9288
- (9) Practicing in violation of the supervision 9289
requirements specified under sections 4757.21 and 4757.26, and 9290
division (E) of section 4757.30, of the Revised Code; 9291
- (10) A violation of the person's code of ethical practice 9292

adopted by rule of the board pursuant to section ~~4757.11~~4744.50 9293
of the Revised Code; 9294

(11) Revocation or suspension of a license or certificate 9295
of registration, other disciplinary action against a license 9296
holder or registration, or the voluntary surrender of a license 9297
or certificate of registration in another state or jurisdiction 9298
for an offense that would be a violation of this chapter. 9299

(D) A disciplinary action under division (B) of this 9300
section shall be taken pursuant to an adjudication under Chapter 9301
119. of the Revised Code, except that in lieu of an 9302
adjudication, the ~~appropriate professional standards committee~~ 9303
board may enter into a consent agreement with an individual or 9304
entity specified in division (A) of this section to resolve an 9305
allegation of a violation of this chapter or any rule adopted 9306
under it. A consent agreement, when ratified by the ~~appropriate~~ 9307
~~professional standards committee~~ board, constitutes the findings 9308
and order of the board with respect to the matter addressed in 9309
the agreement. If ~~a committee~~ the board refuses to ratify a 9310
consent agreement, the admissions and findings contained in the 9311
consent agreement are of no force or effect. 9312

(E) In any instance in which ~~a professional standards~~ 9313
~~committee of~~ the board is required by Chapter 119. of the 9314
Revised Code to give notice of the opportunity for a hearing and 9315
the individual or entity subject to the notice does not timely 9316
request a hearing in accordance with section 119.07 of the 9317
Revised Code, the ~~committee~~ board may adopt a final order that 9318
contains the board's findings. In that final order, the 9319
~~committee~~ board may order any of the sanctions identified in 9320
division (B) of this section. 9321

(F) One year or more after the date of suspension or 9322

revocation of a license or certificate of registration under 9323
this section, application may be made to the ~~appropriate~~ 9324
~~professional standards committee board~~ for reinstatement. The 9325
~~committee board~~ may approve or deny an application for 9326
reinstatement. If a license has been suspended or revoked, the 9327
~~committee board~~ may require an examination for reinstatement. 9328

(G) On request of the board, the attorney general shall 9329
bring and prosecute to judgment a civil action to collect any 9330
fine imposed under division (B) (4) of this section that remains 9331
unpaid. 9332

(H) All fines collected under division (B) (4) of this 9333
section shall be deposited into the state treasury to the credit 9334
of the occupational licensing and regulatory fund created in 9335
section 4743.05 of the Revised Code. 9336

Sec. 4757.361. (A) As used in this section, with regard to 9337
offenses committed in Ohio, "aggravated murder," "murder," 9338
"voluntary manslaughter," "felonious assault," "kidnapping," 9339
"rape," "sexual battery," "gross sexual imposition," "aggravated 9340
arson," "aggravated robbery," and "aggravated burglary" mean 9341
such offenses as defined in Title XXIX of the Revised Code; with 9342
regard to offenses committed in other jurisdictions, the terms 9343
mean offenses comparable to offenses defined in Title XXIX of 9344
the Revised Code. 9345

(B) When there is clear and convincing evidence that 9346
continued practice by an individual licensed under this chapter 9347
presents a danger of immediate and serious harm to the public, 9348
as determined on consideration of the evidence by the 9349
~~professional standards committees of the counselor, social~~ 9350
~~worker, and marriage and family therapist~~ state behavioral 9351
health professionals board, the ~~appropriate committee board~~ 9352

shall impose on the individual a summary suspension without a hearing. 9353
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Immediately following the decision to impose a summary suspension, the ~~appropriate committee board~~ shall issue a written order of suspension and cause it to be delivered by certified mail or in person in accordance with section 119.07 of the Revised Code. The order shall not be subject to suspension by the court during the pendency of any appeal filed under section 119.12 of the Revised Code. If the individual subject to the suspension requests an adjudication, the date set for the adjudication shall be within fifteen days but not earlier than seven days after the individual makes the request, unless another date is agreed to by both the individual and the ~~committee imposing the suspension board~~. The summary suspension shall remain in effect, unless reversed by the ~~committee board~~, until a final adjudication order issued by the ~~committee board~~ pursuant to this section and Chapter 119. of the Revised Code becomes effective. 9355
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The ~~committee board~~ shall issue its final adjudication order within ninety days after completion of the adjudication. If the ~~committee board~~ does not issue a final order within the ninety-day period, the summary suspension shall be void, but any final adjudication order issued subsequent to the ninety-day period shall not be affected. 9371
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(C) The license issued to an individual under this chapter is automatically suspended on that individual's conviction of, plea of guilty to, or judicial finding with regard to any of the following: aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or 9377
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aggravated burglary. The suspension shall remain in effect from 9383
the date of the conviction, plea, or finding until an 9384
adjudication is held under Chapter 119. of the Revised Code. If 9385
the ~~appropriate committee board~~ has knowledge that an automatic 9386
suspension has occurred, it shall notify the individual subject 9387
to the suspension. If the individual is notified and either 9388
fails to request an adjudication within the time periods 9389
established by Chapter 119. of the Revised Code or fails to 9390
participate in the adjudication, the ~~committee board~~ shall enter 9391
a final order permanently revoking the person's license or 9392
certificate. 9393

Sec. 4757.37. (A) An individual whom the ~~counselor, social-~~ 9394
~~worker, and marriage and family therapist state behavioral~~ 9395
health professionals board licenses, certificates, or otherwise 9396
legally authorizes to engage in the practice of professional 9397
counseling, social work, or marriage and family therapy may 9398
render the professional services of a licensed professional 9399
clinical counselor, licensed professional counselor, independent 9400
social worker, social worker, independent marriage and family 9401
therapist, or marriage and family therapist within this state 9402
through a corporation formed under division (B) of section 9403
1701.03 of the Revised Code, a limited liability company formed 9404
under Chapter 1705. of the Revised Code, a partnership, or a 9405
professional association formed under Chapter 1785. of the 9406
Revised Code. This division does not preclude such an individual 9407
from rendering professional services as a licensed professional 9408
clinical counselor, licensed professional counselor, independent 9409
social worker, social worker, independent marriage and family 9410
therapist, or marriage and family therapist through another form 9411
of business entity, including, but not limited to, a nonprofit 9412
corporation or foundation, or in another manner that is 9413

authorized by or in accordance with this chapter, another 9414
chapter of the Revised Code, or rules of the ~~counselor, social-~~ 9415
~~worker, and marriage and family therapist~~ state behavioral 9416
health professionals board adopted pursuant to this chapter. 9417

(B) A corporation, limited liability company, partnership, 9418
or professional association described in division (A) of this 9419
section may be formed for the purpose of providing a combination 9420
of the professional services of the following individuals who 9421
are licensed, certificated, or otherwise legally authorized to 9422
practice their respective professions: 9423

(1) Optometrists who are authorized to practice optometry 9424
under Chapter 4725. of the Revised Code; 9425

(2) Chiropractors who are authorized to practice 9426
chiropractic or acupuncture under Chapter 4734. of the Revised 9427
Code; 9428

(3) Psychologists who are authorized to practice 9429
psychology under Chapter 4732. of the Revised Code; 9430

(4) Registered or licensed practical nurses who are 9431
authorized to practice nursing as registered nurses or as 9432
licensed practical nurses under Chapter 4723. of the Revised 9433
Code; 9434

(5) Pharmacists who are authorized to practice pharmacy 9435
under Chapter 4729. of the Revised Code; 9436

(6) Physical therapists who are authorized to practice 9437
physical therapy under sections 4755.40 to 4755.56 of the 9438
Revised Code; 9439

(7) Occupational therapists who are authorized to practice 9440
occupational therapy under sections 4755.04 to 4755.13 of the 9441

Revised Code;	9442
(8) Mechanotherapists who are authorized to practice	9443
mechanotherapy under section 4731.151 of the Revised Code;	9444
(9) Doctors of medicine and surgery, osteopathic medicine	9445
and surgery, or podiatric medicine and surgery who are	9446
authorized for their respective practices under Chapter 4731. of	9447
the Revised Code;	9448
(10) Licensed professional clinical counselors, licensed	9449
professional counselors, independent social workers, social	9450
workers, independent marriage and family therapists, or marriage	9451
and family therapists who are authorized for their respective	9452
practices under this chapter.	9453
This division applies notwithstanding a provision of a	9454
code of ethics applicable to an individual who is a licensed	9455
professional clinical counselor, licensed professional	9456
counselor, independent social worker, social worker, independent	9457
marriage and family therapist, or marriage and family therapist	9458
that prohibits the individual from engaging in the individual's	9459
practice in combination with a person who is licensed,	9460
certificated, or otherwise legally authorized to practice	9461
optometry, chiropractic, acupuncture through the state	9462
chiropractic board, psychology, nursing, pharmacy, physical	9463
therapy, occupational therapy, mechanotherapy, medicine and	9464
surgery, osteopathic medicine and surgery, or podiatric medicine	9465
and surgery, but who is not also licensed, certificated, or	9466
otherwise legally authorized to engage in the practice of	9467
professional counseling, social work, or marriage and family	9468
therapy.	9469
Sec. 4757.38. (A) The counselor, social worker, and	9470

~~marriage and family therapist state behavioral health~~ 9471
professionals board shall investigate alleged violations of this 9472
chapter or the rules adopted under it and alleged irregularities 9473
in the delivery of services related to professional counseling, 9474
social work, or marriage and family therapy by persons licensed 9475
or registered under this chapter. As part of its conduct of an 9476
investigation, the board may issue subpoenas, examine witnesses, 9477
and administer oaths. 9478

(B) All of the following apply under this chapter with 9479
respect to the confidentiality of information: 9480

(1) Information received by the board pursuant to a 9481
complaint or an investigation is confidential and not subject to 9482
discovery in any civil action, except that the board may 9483
disclose information to law enforcement officers and government 9484
entities for purposes of an investigation of either an 9485
individual who holds a license or certificate of registration 9486
issued under this chapter or an individual or entity that may 9487
have engaged in the unauthorized practice of professional 9488
counseling, social work, or marriage and family therapy. No law 9489
enforcement officer or government entity with knowledge of any 9490
information disclosed by the board pursuant to this division 9491
shall divulge the information to any other person or government 9492
entity except for the purpose of a government investigation, a 9493
prosecution, or an adjudication by a court or government entity. 9494

(2) If an investigation requires a review of patient 9495
records, the investigation and proceeding shall be conducted in 9496
such a manner as to protect patient confidentiality. 9497

(3) All adjudications and investigations of the board are 9498
civil actions for the purposes of section 2305.252 of the 9499
Revised Code. 9500

(4) Any board activity that involves continued monitoring 9501
of an individual as part of or following any disciplinary action 9502
taken under section 4755.36 of the Revised Code shall be 9503
conducted in a manner that maintains the individual's 9504
confidentiality. Information received or maintained by the board 9505
with respect to the board's monitoring activities is not subject 9506
to discovery in any civil action and is confidential, except 9507
that the board may disclose information to law enforcement 9508
officers and government entities for purposes of an 9509
investigation of an individual holding a license or certificate 9510
of registration issued under this chapter. 9511

(C) The board may receive any information necessary to 9512
conduct an investigation under this section. If the board is 9513
investigating the provision of services to a couple or group, it 9514
is not necessary for both members of the couple or for all 9515
members of the group to consent to the release of information 9516
relevant to the investigation. 9517

(D) The board shall ensure that all records it holds 9518
pertaining to an investigation remain confidential. The board 9519
shall adopt rules establishing procedures to be followed in 9520
maintaining the confidentiality of its investigative records. 9521
The rules shall be adopted in accordance with Chapter 119. of 9522
the Revised Code. 9523

Sec. 4757.39. For any hearing it is authorized to conduct 9524
under this chapter, the state behavioral health professionals 9525
board may appoint one of its members to act on behalf of the 9526
board. The board shall make such appointments in writing. It is 9527
not necessary for a member to be an attorney to be appointed. A 9528
finding or order of a member appointed to act on behalf of the 9529
board is a finding or order of the board when confirmed by the 9530

board. 9531

Sec. 4757.40. In addition to any other remedies provided 9532
by law, the ~~counselor and social worker~~ state behavioral health 9533
professionals board may apply to an appropriate court for an 9534
order enjoining the violation of any provision of this chapter, 9535
and on a showing that any person has violated or is about to 9536
violate any provision of this chapter, the court shall grant an 9537
order enjoining the violation. 9538

Sec. 4757.41. (A) This chapter shall not apply to the 9539
following: 9540

(1) A person certified by the state board of education 9541
under Chapter 3319. of the Revised Code while performing any 9542
services within the person's scope of employment by a board of 9543
education or by a private school meeting the standards 9544
prescribed by the state board of education under division (D) of 9545
section 3301.07 of the Revised Code or in a program operated 9546
under Chapter 5126. of the Revised Code for training individuals 9547
with developmental disabilities; 9548

(2) Psychologists or school psychologists licensed under 9549
Chapter 4732. of the Revised Code; 9550

(3) Members of other professions licensed, certified, or 9551
registered by this state while performing services within the 9552
recognized scope, standards, and ethics of their respective 9553
professions; 9554

(4) Rabbis, priests, Christian science practitioners, 9555
clergy, or members of religious orders and other individuals 9556
participating with them in pastoral counseling when the 9557
counseling activities are within the scope of the performance of 9558
their regular or specialized ministerial duties and are 9559

performed under the auspices or sponsorship of an established 9560
and legally cognizable church, denomination, or sect or an 9561
integrated auxiliary of a church as defined in federal tax 9562
regulations, paragraph (g) (5) of 26 C.F.R. 1.6033-2 (1995), and 9563
when the individual rendering the service remains accountable to 9564
the established authority of that church, denomination, sect, or 9565
integrated auxiliary; 9566

(5) Any person who is not licensed under this chapter as a 9567
licensed professional clinical counselor, licensed professional 9568
counselor, independent social worker, or social worker and is 9569
employed in the civil service as defined in section 124.01 of 9570
the Revised Code while engaging in professional counseling or 9571
social work as a civil service employee, if on July 10, 2014, 9572
the person has at least two years of service in that capacity; 9573

(6) A student in an accredited educational institution 9574
while carrying out activities that are part of the student's 9575
prescribed course of study if the activities are supervised as 9576
required by the educational institution and if the student does 9577
not hold herself or himself out as a person licensed or 9578
registered under this chapter; 9579

(7) An individual who holds a license or certificate under 9580
Chapter 4758. of the Revised Code who is acting within the scope 9581
of the individual's license or certificate as a member of the 9582
profession of chemical dependency counseling or prevention 9583
services; 9584

(8) Any person employed by the American red cross while 9585
engaging in activities relating to services for military 9586
families and veterans and disaster relief, as described in the 9587
"American National Red Cross Act," 33 Stat. 599 (1905), 36 9588
U.S.C.A. 1, as amended; 9589

(9) Members of labor organizations who hold union counselor certificates while performing services in their official capacity as union counselors;

(10) Any person employed in a hospital as defined in section 3727.01 of the Revised Code or in a nursing home as defined in section 3721.01 of the Revised Code while providing as a hospital employee or nursing home employee, respectively, social services other than counseling and the use of psychosocial interventions and social psychotherapy;

(11) A vocational rehabilitation professional who is providing rehabilitation services to individuals under section 3304.17 of the Revised Code, or holds certification by the commission on rehabilitation counselor certification and is providing rehabilitation counseling services consistent with the commission's standards;

(12) A caseworker not licensed under this chapter as an independent social worker or social worker who is employed by a public children services agency under section 5153.112 of the Revised Code.

(B) Divisions (A) (5) and (10) of this section do not prevent a person described in those divisions from obtaining a license or certificate of registration under this chapter.

(C) Except as provided in divisions (A) and (D) of this section, no employee in the service of the state, including public employees as defined by Chapter 4117. of the Revised Code, shall engage in the practice of professional counseling, social work, or marriage and family therapy without the appropriate license issued by the state behavioral health professionals board. Failure to comply with this division

constitutes nonfeasance under section 124.34 of the Revised Code 9619
or just cause under a collective bargaining agreement. Nothing 9620
in this division restricts the director of administrative 9621
services from developing new classifications related to this 9622
division or from reassigning affected employees to appropriate 9623
classifications based on the employee's duties and 9624
qualifications. 9625

(D) Except as provided in division (A) of this section, an 9626
employee who was engaged in the practice of professional 9627
counseling, social work, or marriage and family therapy in the 9628
service of the state prior to July 10, 2014, including public 9629
employees as defined by Chapter 4117. of the Revised Code, shall 9630
comply with division (C) of this section within two years after 9631
July 10, 2014. Any such employee who fails to comply shall be 9632
removed from employment. 9633

(E) Nothing in this chapter prevents a public children 9634
services agency from employing as a caseworker a person not 9635
licensed under this chapter as an independent social worker or 9636
social worker who has the qualifications specified in section 9637
5153.112 of the Revised Code. 9638

Sec. 4757.44. For the purposes of section 2305.51 of the 9639
Revised Code, a person who holds a license issued under this 9640
chapter is a mental health professional. 9641

A license holder is not liable in damages in a civil 9642
action, and shall not be subject to disciplinary action by the 9643
~~counselor, social worker, and marriage and family therapist~~ 9644
state behavioral health professionals board, for disclosing any 9645
confidential information about a client that is disclosed for 9646
the purposes of section 2305.51 of the Revised Code. 9647

Sec. 4757.45. The ~~counselor, social worker, and marriage~~ 9648
~~and family therapist~~ state behavioral health professionals board 9649
shall comply with section 4776.20 of the Revised Code. 9650

Sec. 4758.20. (A) The ~~chemical dependency~~ state behavioral 9651
health professionals board shall adopt rules to establish, 9652
specify, or provide for all of the following: 9653

(1) Fees for the purposes authorized by section 4758.21 of 9654
the Revised Code; 9655

(2) If the board, pursuant to section 4758.221 of the 9656
Revised Code, elects to administer examinations for individuals 9657
seeking to act as substance abuse professionals in a U.S. 9658
department of transportation drug and alcohol testing program, 9659
the board's administration of the examinations; 9660

(3) ~~For the purpose of section 4758.23 of the Revised~~ 9661
~~Code, codes of ethical practice and professional conduct for~~ 9662
~~individuals who hold a license, certificate, or endorsement~~ 9663
~~issued under this chapter;~~ 9664

~~(4)~~ For the purpose of section 4758.24 of the Revised 9665
Code, all of the following: 9666

(a) Good moral character requirements for an individual 9667
who seeks or holds a license, certificate, or endorsement issued 9668
under this chapter; 9669

(b) The documents that an individual seeking such a 9670
license, certificate, or endorsement must submit to the board; 9671

(c) Requirements to obtain the license, certificate, or 9672
endorsement that are in addition to the requirements established 9673
under sections 4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 9674
4758.44, 4758.45, 4758.46, 4758.47, and 4758.48 of the Revised 9675

Code. The additional requirements may include preceptorships. 9676

(d) The period of time that an individual whose registered 9677
applicant certificate has expired must wait before applying for 9678
a new registered applicant certificate. 9679

~~(5)~~ (4) For the purpose of section 4758.28 of the Revised 9680
Code, requirements for approval of continuing education courses 9681
of study for individuals who hold a license, certificate, or 9682
endorsement issued under this chapter; 9683

~~(6)~~ (5) For the purpose of section 4758.30 of the Revised 9684
Code, the intervention for and treatment of an individual 9685
holding a license, certificate, or endorsement issued under this 9686
chapter whose abilities to practice are impaired due to abuse of 9687
or dependency on alcohol or other drugs or other physical or 9688
mental condition; 9689

~~(7)~~ (6) Requirements governing reinstatement of a 9690
suspended or revoked license, certificate, or endorsement under 9691
division (B) of section 4758.30 of the Revised Code, including 9692
requirements for determining the amount of time an individual 9693
must wait to apply for reinstatement; 9694

~~(8)~~ (7) For the purpose of section 4758.31 of the Revised 9695
Code, methods of ensuring that all records the board holds 9696
pertaining to an investigation remain confidential during the 9697
investigation; 9698

~~(9)~~ (8) Criteria for employees of the board to follow when 9699
performing their duties under division (B) of section 4758.35 of 9700
the Revised Code; 9701

~~(10)~~ (9) For the purpose of division (A) (1) of section 9702
4758.39 and division (A) (1) of section 4758.40 of the Revised 9703
Code, course requirements for a degree in a behavioral science 9704

or nursing that shall, at a minimum, include at least forty	9705
semester hours in all of the following courses:	9706
(a) Theories of counseling and psychotherapy;	9707
(b) Counseling procedures;	9708
(c) Group process and techniques;	9709
(d) Relationship therapy;	9710
(e) Research methods and statistics;	9711
(f) Fundamentals of assessment and diagnosis, including	9712
measurement and appraisal;	9713
(g) Psychopathology;	9714
(h) Human development;	9715
(i) Cultural competence in counseling;	9716
(j) Ethics.	9717
(11) <u>(10)</u> For the purpose of division (A) (2) of section	9718
4758.39 of the Revised Code, the number of hours of compensated	9719
work or supervised internship experience that an individual must	9720
have and the number of those hours that must be in clinical	9721
supervisory experience;	9722
(12) <u>(11)</u> For the purpose of division (A) (3) of section	9723
4758.39, division (A) (3) of section 4758.40, division (A) (3) of	9724
section 4758.41, and division (A) (3) of section 4758.42 of the	9725
Revised Code, both of the following:	9726
(a) The number of hours of training in chemical dependency	9727
an individual must have;	9728
(b) Training requirements for chemical dependency that	9729
shall, at a minimum, include qualifications for the individuals	9730

who provide the training and the content areas covered in the 9731
training. 9732

~~(13)~~(12) For the purpose of division (A) (2) of section 9733
4758.40, division (A) (2) of section 4758.41, and division (A) (2) 9734
of section 4758.42 of the Revised Code, the number of hours of 9735
compensated work or supervised internship experience that an 9736
individual must have; 9737

~~(14)~~(13) For the purpose of division (B) (2) (b) of section 9738
4758.40 and division (B) (2) of section 4758.41 of the Revised 9739
Code, requirements for the forty clock hours of training on the 9740
version of the diagnostic and statistical manual of mental 9741
disorders that is current at the time of the training, including 9742
the number of the clock hours that must be on substance-related 9743
disorders, the number of the clock hours that must be on 9744
chemical dependency conditions, and the number of the clock 9745
hours that must be on awareness of other mental and emotional 9746
disorders; 9747

~~(15)~~(14) For the purpose of division (A) (1) of section 9748
4758.41 of the Revised Code, course requirements for a degree in 9749
a behavioral science or nursing; 9750

~~(16)~~(15) For the purpose of division (A) of section 9751
4758.43 of the Revised Code, both of the following: 9752

(a) The number of hours of training in chemical dependency 9753
counseling that an individual must have; 9754

(b) Training requirements for chemical dependency 9755
counseling that shall, at a minimum, include qualifications for 9756
the individuals who provide the training and the content areas 9757
covered in the training. 9758

~~(17)~~(16) For the purpose of division (A) (1) of section 9759

4758.44 of the Revised Code, the number of hours of compensated 9760
work experience in prevention services that an individual must 9761
have and the number of those hours that must be in administering 9762
or supervising the services; 9763

~~(18)~~(17) For the purpose of division (A) (2) of section 9764
4758.44 of the Revised Code, the field of study in which an 9765
individual must obtain at least a bachelor's degree; 9766

~~(19)~~(18) For the purpose of division (A) (3) of section 9767
4758.44, division (A) (3) of section 4758.45, and division (D) of 9768
section 4758.46 of the Revised Code, both of the following: 9769

(a) The number of hours of prevention-related education 9770
that an individual must have; 9771

(b) Requirements for prevention-related education. 9772

~~(20)~~(19) For the purpose of division (A) (4) of section 9773
4758.44 of the Revised Code, the number of hours of 9774
administrative or supervisory education that an individual must 9775
have; 9776

~~(21)~~(20) For the purpose of division (A) (1) of section 9777
4758.45 of the Revised Code, the number of hours of compensated 9778
or volunteer work, field placement, intern, or practicum 9779
experience in prevention services that an individual must have 9780
and the number of those hours that must be in planning or 9781
delivering the services; 9782

~~(22)~~(21) For the purpose of division (A) (2) of section 9783
4758.45 of the Revised Code, the field of study in which an 9784
individual must obtain at least an associate's degree; 9785

~~(23)~~(22) For the purpose of division (C) of section 9786
4758.46 of the Revised Code, the number of hours of compensated 9787

or volunteer work, field placement, intern, or practicum	9788
experience in prevention services that an individual must have;	9789
(24) <u>(23)</u> Standards for the one hundred hours of	9790
compensated work or supervised internship in gambling disorder	9791
direct clinical experience required by division (B) (2) of	9792
section 4758.48 of the Revised Code;	9793
(25) <u>(24)</u> For the purpose of section 4758.51 of the	9794
Revised Code, continuing education requirements for individuals	9795
who hold a license, certificate, or endorsement issued under	9796
this chapter;	9797
(26) <u>(25)</u> For the purpose of section 4758.51 of the	9798
Revised Code, the number of hours of continuing education that	9799
an individual must complete to have an expired license,	9800
certificate, or endorsement restored under section 4758.26 of	9801
the Revised Code;	9802
(27) <u>(26)</u> For the purpose of divisions (A) and (B) of	9803
section 4758.52 of the Revised Code, training requirements for	9804
chemical dependency counseling;	9805
(28) <u>(27)</u> The duties, which may differ, of all of the	9806
following:	9807
(a) An independent chemical dependency counselor-clinical	9808
supervisor licensed under this chapter who supervises a chemical	9809
dependency counselor III under section 4758.56 of the Revised	9810
Code;	9811
(b) An independent chemical dependency counselor-clinical	9812
supervisor, independent chemical dependency counselor, or	9813
chemical dependency counselor III licensed under this chapter	9814
who supervises a chemical dependency counselor assistant under	9815
section 4758.59 of the Revised Code;	9816

(c) A prevention consultant or prevention specialist 9817
certified under this chapter or independent chemical dependency 9818
counselor-clinical supervisor, independent chemical dependency 9819
counselor, or chemical dependency counselor III licensed under 9820
this chapter who supervises a prevention specialist assistant or 9821
registered applicant under section 4758.61 of the Revised Code. 9822

~~(29)~~-(28) The duties of an independent chemical dependency 9823
counselor licensed under this chapter who holds the gambling 9824
disorder endorsement who supervises a chemical dependency 9825
counselor III with the gambling disorder endorsement under 9826
section 4758.62 of the Revised Code. 9827

~~(30)~~-(29) Anything else necessary to administer this 9828
chapter. 9829

(B) All rules adopted under this section shall be adopted 9830
in accordance with Chapter 119. of the Revised Code and any 9831
applicable federal laws and regulations. 9832

(C) When it adopts rules under this section, the board may 9833
consider standards established by any national association or 9834
other organization representing the interests of those involved 9835
in chemical dependency counseling or prevention services. 9836

Sec. 4758.21. (A) In accordance with rules adopted under 9837
section 4758.20 of the Revised Code and subject to division (B) 9838
of this section, the ~~chemical dependency state behavioral health~~ 9839
professionals board shall establish, and may from time to time 9840
adjust, fees to be charged for the following: 9841

(1) Admitting an individual to an examination administered 9842
pursuant to section 4758.22 of the Revised Code; 9843

(2) Issuing an initial independent chemical dependency 9844
counselor-clinical supervisor license, independent chemical 9845

dependency counselor license, chemical dependency counselor III	9846
license, chemical dependency counselor II license, chemical	9847
dependency counselor assistant certificate, prevention	9848
consultant certificate, prevention specialist certificate,	9849
prevention specialist assistant certificate, or registered	9850
applicant certificate;	9851
(3) Issuing an initial gambling disorder endorsement;	9852
(4) Renewing an independent chemical dependency counselor-	9853
clinical supervisor license, independent chemical dependency	9854
counselor license, chemical dependency counselor III license,	9855
chemical dependency counselor II license, chemical dependency	9856
counselor assistant certificate, prevention consultant	9857
certificate, prevention specialist certificate, or prevention	9858
specialist assistant certificate;	9859
(5) Renewing a gambling disorder endorsement;	9860
(6) Approving continuing education courses under section	9861
4758.28 of the Revised Code;	9862
(7) Doing anything else the board determines necessary to	9863
administer this chapter.	9864
(B) The fees established under division (A) of this	9865
section are nonrefundable. They shall be in amounts sufficient	9866
to cover the necessary expenses of the board in administering	9867
this chapter and rules adopted under it. The fees for a license,	9868
certificate, or endorsement and the renewal of a license,	9869
certificate, or endorsement may differ for the various types of	9870
licenses, certificates, or endorsements, but shall not exceed	9871
one hundred seventy-five dollars each, unless the board	9872
determines that amounts in excess of one hundred seventy-five	9873
dollars are needed to cover its necessary expenses in	9874

administering this chapter and rules adopted under it and the 9875
amounts in excess of one hundred seventy-five dollars are 9876
approved by the controlling board. 9877

~~(C) All vouchers of the board shall be approved by the 9878
chairperson or executive director of the board, or both, as 9879
authorized by the board. 9880~~

Sec. 4758.22. The ~~chemical dependency state behavioral~~ 9881
health professionals board shall prepare, cause to be prepared, 9882
or procure the use of, and grade, cause to be graded, or procure 9883
the grading of, examinations to determine the competence of 9884
individuals seeking an independent chemical dependency 9885
counselor-clinical supervisor license, independent chemical 9886
dependency counselor license, chemical dependency counselor III 9887
license, chemical dependency counselor II license, prevention 9888
consultant certificate, or prevention specialist certificate. 9889
The board may develop the examinations or use examinations 9890
prepared by state or national organizations that represent the 9891
interests of those involved in chemical dependency counseling or 9892
prevention services. The board shall conduct examinations at 9893
least twice each year and shall determine the level of 9894
competence necessary for a passing score. 9895

An individual may not sit for an examination administered 9896
pursuant to this section unless the individual meets the 9897
requirements to obtain the license or certificate the individual 9898
seeks, other than the requirement to have passed the 9899
examination, and pays the fee established under section 4758.21 9900
of the Revised Code. An individual who is denied admission to 9901
the examination may appeal the denial in accordance with Chapter 9902
119. of the Revised Code. 9903

Sec. 4758.221. In accordance with rules adopted under 9904

section 4758.20 of the Revised Code, the ~~chemical dependency~~ 9905
state behavioral health professionals board may administer 9906
examinations for individuals seeking to act as substance abuse 9907
professionals in a U.S. department of transportation drug and 9908
alcohol testing program. If it elects to administer the 9909
examinations, the board shall use examinations that 9910
comprehensively cover all the elements of substance abuse 9911
professional qualification training listed in 49 C.F.R. 9912
40.281(c) (1) and are prepared by a nationally recognized 9913
professional or training organization that represents the 9914
interests of those involved in chemical dependency counseling 9915
services. 9916

Sec. 4758.24. (A) The ~~chemical dependency~~ state behavioral 9917
health professionals board shall issue a license, certificate, 9918
or endorsement under this chapter to an individual who meets all 9919
of the following requirements: 9920

(1) Is of good moral character as determined in accordance 9921
with rules adopted under section 4758.20 of the Revised Code; 9922

(2) Except as provided in section 4758.241 of the Revised 9923
Code, submits a properly completed application and all other 9924
documentation specified in rules adopted under section 4758.20 9925
of the Revised Code; 9926

(3) Except as provided in section 4758.241 of the Revised 9927
Code, pays the fee established under section 4758.21 of the 9928
Revised Code for the license, certificate, or endorsement that 9929
the individual seeks; 9930

(4) Meets the requirements to obtain the license, 9931
certificate, or endorsement that the individual seeks as 9932
specified in section 4758.39, 4758.40, 4758.41, 4758.42, 9933

4758.43, 4758.44, 4758.45, 4758.46, 4758.47, or 4758.48 of the Revised Code;

(5) Meets any additional requirements specified in rules adopted under section 4758.20 of the Revised Code to obtain the license, certificate, or endorsement that the individual seeks.

(B) The board shall not do either of the following:

(1) Issue a certificate to practice as a chemical dependency counselor I;

(2) Issue a new registered applicant certificate to an individual whose previous registered applicant certificate has been expired for less than the period of time specified in rules adopted under section 4758.20 of the Revised Code.

Sec. 4758.241. The ~~chemical dependency state behavioral~~ health professionals board shall issue an independent chemical dependency counselor-clinical supervisor license under section 4758.24 of the Revised Code to each individual who, on ~~the~~ effective date of this section March 22, 2013, holds a valid independent chemical dependency counselor license without requiring the individual to comply with divisions (A) (2) and (3) of that section.

Sec. 4758.242. (A) As used in this section, "license" and "applicant for an initial license" have the same meanings as in section 4776.01 of the Revised Code, except that "license" as used in both of those terms refers to the types of authorizations otherwise issued or conferred under this chapter.

(B) In addition to any other eligibility requirement set forth in this chapter, each applicant for an initial license shall comply with sections 4776.01 to 4776.04 of the Revised Code. The state behavioral health professionals board shall not

grant a license to an applicant for an initial license unless 9963
the applicant complies with sections 4776.01 to 4776.04 of the 9964
Revised Code and the board, in its discretion, decides that the 9965
results of the criminal records check do not make the applicant 9966
ineligible for a license issued pursuant to this chapter. 9967

Sec. 4758.25. (A) The ~~chemical dependency state behavioral~~ 9968
~~health~~ professionals board may enter into a reciprocal agreement 9969
with any state that regulates individuals practicing in the same 9970
capacities as those regulated under this chapter if the board 9971
finds that the state has requirements substantially equivalent 9972
to the requirements of this state to receive a license or 9973
certificate under this chapter. 9974

The board may become a member of a national reciprocity 9975
organization that requires its members to have requirements 9976
substantially equivalent to the requirements of this state to 9977
receive a license or certificate to practice in the same 9978
capacities as those regulated under this chapter. If the board 9979
becomes a member of such an organization, the board shall 9980
consider itself to have a reciprocal agreement with the other 9981
states that are also members of the organization. 9982

(B) The board may, by endorsement, issue the appropriate 9983
license or certificate to a resident of a state with which the 9984
board does not have a reciprocal agreement if both of the 9985
following apply: 9986

(1) The board finds that the state has requirements 9987
substantially equivalent to the requirements of this state for 9988
receipt of a license or certificate under this chapter. 9989

(2) The individual submits proof satisfactory to the board 9990
of being currently authorized to practice by that state. 9991

(C) A license or certificate obtained by reciprocity or endorsement under this section may be renewed or restored under section 4758.26 of the Revised Code if the individual holding the license or certificate satisfies the renewal or restoration requirements established by that section. An individual holding a license or certificate obtained by reciprocity or endorsement under this section may obtain, under section 4758.24 of the Revised Code, a different license or certificate available under this chapter if the individual meets all of the requirements as specified in that section for the license or certificate the individual seeks.

Sec. 4758.26. (A) Subject to section 4758.30 of the Revised Code, a license, certificate, or endorsement issued under this chapter expires the following period of time after it is issued:

(1) In the case of an initial chemical dependency counselor assistant certificate, thirteen months;

(2) In the case of any other license, certificate, or endorsement, two years.

(B) Subject to section 4758.30 of the Revised Code and except as provided in section 4758.27 of the Revised Code, the ~~chemical dependency~~ state behavioral health professionals board shall renew a license, certificate, or endorsement issued under this chapter in accordance with the standard renewal procedure established under Chapter 4745. of the Revised Code if the individual seeking the renewal pays the renewal fee established under section 4758.21 of the Revised Code and does the following:

(1) In the case of an individual seeking renewal of an

initial chemical dependency counselor assistant certificate, 10021
satisfies the additional training requirement established under 10022
section 4758.52 of the Revised Code; 10023

(2) In the case of any other individual, satisfies the 10024
continuing education requirements established under section 10025
4758.51 of the Revised Code. 10026

(C) Subject to section 4758.30 of the Revised Code and 10027
except as provided in section 4758.27 of the Revised Code, a 10028
license, certificate, or endorsement issued under this chapter 10029
that has expired may be restored if the individual seeking the 10030
restoration, not later than two years after the license, 10031
certificate, or endorsement expires, applies for restoration of 10032
the license, certificate, or endorsement. The board shall issue 10033
a restored license, certificate, or endorsement to the 10034
individual if the individual pays the renewal fee established 10035
under section 4758.21 of the Revised Code and does the 10036
following: 10037

(1) In the case of an individual whose initial chemical 10038
dependency counselor assistant certificate expired, satisfies 10039
the additional training requirement established under section 10040
4758.52 of the Revised Code; 10041

(2) In the case of any other individual, satisfies the 10042
continuing education requirements established under section 10043
4758.51 of the Revised Code for restoring the license, 10044
certificate, or endorsement. 10045

The board shall not require an individual to take an 10046
examination as a condition of having an expired license, 10047
certificate, or endorsement restored under this section. 10048

Sec. 4758.27. ~~The chemical dependency state behavioral~~ 10049

health professionals board shall not renew or restore under 10050
section 4758.26 of the Revised Code either of the following: 10051

(A) A certificate to practice as a chemical dependency 10052
counselor I; 10053

(B) A registered applicant certificate. 10054

Sec. 4758.28. The ~~chemical dependency state behavioral~~ 10055
health professionals board shall approve, in accordance with 10056
rules adopted under section 4758.20 of the Revised Code and 10057
subject to payment of the fee established under section 4758.21 10058
of the Revised Code, continuing education courses of study for 10059
individuals who hold a license, certificate, or endorsement 10060
issued under this chapter. 10061

Sec. 4758.29. On receipt of a notice pursuant to section 10062
3123.43 of the Revised Code, the ~~chemical dependency state~~ 10063
behavioral health professionals board shall comply with sections 10064
3123.41 to 3123.50 of the Revised Code and any applicable rules 10065
adopted under section 3123.63 of the Revised Code with respect 10066
to a license, certificate, or endorsement issued pursuant to 10067
this chapter. 10068

Sec. 4758.30. (A) The ~~chemical dependency state behavioral~~ 10069
health professionals board, in accordance with Chapter 119. of 10070
the Revised Code, may refuse to issue a license, certificate, or 10071
endorsement applied for under this chapter; refuse to renew or 10072
restore a license, certificate, or endorsement issued under this 10073
chapter; suspend, revoke, or otherwise restrict a license, 10074
certificate, or endorsement issued under this chapter; or 10075
reprimand an individual holding a license, certificate, or 10076
endorsement issued under this chapter. These actions may be 10077
taken by the board regarding the applicant for a license, 10078

certificate, or endorsement or the individual holding a license,	10079
certificate, or endorsement for one or more of the following	10080
reasons:	10081
(1) Violation of any provision of this chapter or rules	10082
adopted under it;	10083
(2) Knowingly making a false statement on an application	10084
for a license, certificate, or endorsement or for renewal,	10085
restoration, or reinstatement of a license, certificate, or	10086
endorsement;	10087
(3) Acceptance of a commission or rebate for referring an	10088
individual to a person who holds a license or certificate issued	10089
by, or who is registered with, an entity of state government,	10090
including persons practicing chemical dependency counseling,	10091
prevention services, gambling disorder counseling, or fields	10092
related to chemical dependency counseling, prevention services,	10093
or gambling disorder counseling;	10094
(4) Conviction in this or any other state of any crime	10095
that is a felony in this state;	10096
(5) Conviction in this or any other state of a misdemeanor	10097
committed in the course of practice as an independent chemical	10098
dependency counselor-clinical supervisor, independent chemical	10099
dependency counselor, chemical dependency counselor III,	10100
chemical dependency counselor II, chemical dependency counselor	10101
assistant, prevention consultant, gambling disorder endorsee,	10102
prevention specialist, prevention specialist assistant, or	10103
registered applicant;	10104
(6) Inability to practice as an independent chemical	10105
dependency counselor-clinical supervisor, independent chemical	10106
dependency counselor, chemical dependency counselor III,	10107

chemical dependency counselor II, chemical dependency counselor 10108
assistant, gambling disorder endorsee, prevention consultant, 10109
prevention specialist, prevention specialist assistant, or 10110
registered applicant due to abuse of or dependency on alcohol or 10111
other drugs or other physical or mental condition; 10112

(7) Practicing outside the individual's scope of practice; 10113

(8) Practicing without complying with the supervision 10114
requirements specified under section 4758.56, 4758.59, 4758.61, 10115
or 4758.62 of the Revised Code; 10116

(9) Violation of the code of ethical practice and 10117
professional conduct for chemical dependency counseling, 10118
prevention services, or gambling disorder counseling adopted by 10119
the board pursuant to section ~~4758.23~~4744.50 of the Revised 10120
Code; 10121

(10) Revocation of a license, certificate, or endorsement 10122
or voluntary surrender of a license, certificate, or endorsement 10123
in another state or jurisdiction for an offense that would be a 10124
violation of this chapter. 10125

(B) An individual whose license, certificate, or 10126
endorsement has been suspended or revoked under this section may 10127
apply to the board for reinstatement after an amount of time the 10128
board shall determine in accordance with rules adopted under 10129
section 4758.20 of the Revised Code. The board may accept or 10130
refuse an application for reinstatement. The board may require 10131
an examination for reinstatement of a license, certificate, or 10132
endorsement that has been suspended or revoked. 10133

Sec. 4758.31. The ~~chemical dependency state behavioral~~ 10134
health professionals board shall investigate alleged violations 10135
of this chapter or the rules adopted under it and alleged 10136

irregularities in the delivery of chemical dependency counseling 10137
services, prevention services, or gambling disorder counseling 10138
services by individuals who hold a license, certificate, or 10139
endorsement issued under this chapter. As part of an 10140
investigation, the board may issue subpoenas, examine witnesses, 10141
and administer oaths. 10142

The board may receive any information necessary to conduct 10143
an investigation under this section that has been obtained in 10144
accordance with federal laws and regulations. If the board is 10145
investigating the provision of chemical dependency counseling 10146
services or gambling disorder counseling services to a couple or 10147
group, it is not necessary for both members of the couple or all 10148
members of the group to consent to the release of information 10149
relevant to the investigation. 10150

The board shall ensure, in accordance with rules adopted 10151
under section 4758.20 of the Revised Code, that all records it 10152
holds pertaining to an investigation remain confidential during 10153
the investigation. After the investigation, the records are 10154
public records except as otherwise provided by federal or state 10155
law. 10156

Sec. 4758.32. For any hearing it conducts under this 10157
chapter, the ~~chemical dependency~~ state behavioral health 10158
professionals board may appoint one of its voting members to act 10159
on behalf of the board. It is not necessary that the member be 10160
an attorney to be appointed. The board shall make the 10161
appointment in writing. 10162

A finding or order of a member appointed to act on behalf 10163
of the board is a finding or order of the board when confirmed 10164
by the board. 10165

Sec. 4758.35. (A) An individual seeking a license, 10166
certificate, or endorsement issued under this chapter shall file 10167
with the ~~chemical dependency state behavioral health~~ 10168
professionals board ~~a written~~ an application on a form 10169
prescribed by the board. Each form shall state that a false 10170
statement made on the form is the crime of falsification under 10171
section 2921.13 of the Revised Code. 10172

(B) The board shall require an individual or individuals 10173
employed by the board ~~under section 4758.15 of the Revised Code~~ 10174
to do both of the following in accordance with criteria 10175
established by rules adopted under section 4758.20 of the 10176
Revised Code: 10177

(1) Receive and review all applications submitted to the 10178
board; 10179

(2) Submit to the board all applications the individual or 10180
individuals recommend the board review based on the criteria 10181
established in the rules. 10182

(C) The board shall review all applications submitted to 10183
the board pursuant to division (B) (2) of this section. 10184

Sec. 4758.36. As part of the review process under division 10185
(C) of section 4758.35 of the Revised Code of an application 10186
submitted by an applicant whose education or experience in 10187
chemical dependency counseling, prevention services, or gambling 10188
disorder counseling was obtained outside the United States, or 10189
whose education and experience both were obtained outside the 10190
United States, the ~~chemical dependency state behavioral health~~ 10191
professionals board shall determine whether the applicant's 10192
command of the English language and education or experience meet 10193
the standards required by this chapter and rules adopted under 10194

it. 10195

Sec. 4758.47. An individual seeking a registered applicant 10196
certificate shall meet all of the following requirements: 10197

(A) Be at least eighteen years of age; 10198

(B) Have at least a high school diploma or a certificate 10199
of high school equivalence; 10200

(C) Submit to the ~~chemical dependency state behavioral~~ 10201
health professionals board a professional development plan that 10202
is acceptable to the board. 10203

Sec. 4758.51. (A) Except as provided in division (C) of 10204
this section and in accordance with rules adopted under section 10205
4758.20 of the Revised Code, each individual who holds a 10206
license, certificate, or endorsement issued under this chapter, 10207
other than an initial chemical dependency counselor assistant 10208
certificate, shall complete during the period that the license, 10209
certificate, or endorsement is in effect not less than the 10210
following number of clock hours of continuing education as a 10211
condition of receiving a renewed license, certificate, or 10212
endorsement: 10213

(1) In the case of an individual holding a prevention 10214
specialist assistant certificate, twenty; 10215

(2) In the case of an individual holding a gambling 10216
disorder endorsement, six; 10217

(3) In the case of any other individual, forty. 10218

(B) Except as provided in division (C) of this section, an 10219
individual whose license, certificate, or endorsement issued 10220
under this chapter, other than an initial chemical dependency 10221
counselor assistant certificate, has expired shall complete the 10222

number of hours of continuing education specified in rules 10223
adopted under section 4758.20 of the Revised Code as a condition 10224
of receiving a restored license, certificate, or endorsement. 10225

(C) The ~~chemical dependency~~ state behavioral health 10226
professionals board may waive the continuing education 10227
requirements established under this section for individuals who 10228
are unable to fulfill them because of military service, illness, 10229
residence outside the United States, or any other reason the 10230
board considers acceptable. 10231

Sec. 4758.52. (A) Except as provided in division (C) of 10232
this section, each individual who holds an initial chemical 10233
dependency counselor assistant certificate shall complete, 10234
during the first twelve months that the initial certificate is 10235
in effect, at least thirty additional hours of training in 10236
chemical dependency counseling that meets the requirements 10237
specified in rules adopted under section 4758.20 of the Revised 10238
Code as a condition of having the initial certificate renewed. 10239

(B) Except as provided in division (C) of this section, an 10240
individual whose initial chemical dependency counselor assistant 10241
certificate has expired shall complete at least thirty 10242
additional hours of training in chemical dependency counseling 10243
that meets the requirements specified in rules adopted under 10244
section 4758.20 of the Revised Code as a condition of receiving 10245
a restored chemical dependency counselor assistant certificate. 10246

(C) The ~~chemical dependency~~ state behavioral health 10247
professionals board may waive the additional training 10248
requirement established under this section for individuals who 10249
are unable to fulfill the requirement because of military 10250
service, illness, residence outside the United States, or any 10251
other reason the board considers acceptable. 10252

Sec. 4758.72. The ~~chemical dependency state behavioral~~ health professionals board shall comply with section 4776.20 of the Revised Code. 10253
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Sec. 4759.011. Wherever the Ohio board of dietetics or the chairperson of the Ohio board of dietetics is referred to in any law, contract, or other document, the reference shall be deemed to refer to the state medical board or the executive director of the state medical board, whichever is appropriate. 10256
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Sec. 4759.02. (A) Except as otherwise provided in this section or in section 4759.10 of the Revised Code, no person shall practice, offer to practice, or hold ~~himself self~~ forth to practice dietetics unless ~~he~~ the person has been licensed under section 4759.06 of the Revised Code. 10261
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(B) Except for a licensed dietitian holding an inactive license who does not practice or offer to practice dietetics, or a person licensed under section 4759.06 of the Revised Code, or as otherwise provided in this section or in section 4759.10 of the Revised Code: 10266
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(1) No person shall use the title "dietitian"; and 10271

(2) No person except for a person licensed under Chapters 4701. to 4755. of the Revised Code, when acting within the scope of their practice, shall use any other title, designation, words, letters, abbreviation, or insignia or combination of any title, designation, words, letters, abbreviation, or insignia tending to indicate that the person is practicing dietetics. 10272
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(C) Notwithstanding division (B) of this section, a person who is a dietitian registered by the commission on dietetic registration and who does not violate division (A) of this section may use the designation "registered dietitian" and the 10278
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abbreviation "R.D." 10282

(D) Division (A) of this section does not apply to: 10283

(1) A student enrolled in an academic program that is in 10284
compliance with division (A) (5) of section 4759.06 of the 10285
Revised Code who is engaging in the practice of dietetics under 10286
the supervision of a dietitian licensed under section 4759.06 of 10287
the Revised Code or a dietitian registered by the commission on 10288
dietetic registration, as part of the academic program; 10289

(2) A person participating in the pre-professional 10290
experience required by division (A) (6) of section 4759.06 of the 10291
Revised Code; 10292

(3) A person holding a limited permit under division (F) 10293
of section 4759.06 of the Revised Code. 10294

(E) Divisions (A) and (B) of this section do not apply to 10295
a person who performs no more than fifteen days of dietetic 10296
practice in the state and who meets at least one of the 10297
following requirements: 10298

(1) ~~The Ohio state medical board of dietetics~~ determines 10299
that ~~he~~ the person is licensed in another state with licensure 10300
requirements equivalent to or more stringent than those set 10301
forth in this chapter; 10302

(2) ~~He~~ The person is a dietitian registered by the 10303
commission on dietetic registration and resides in another state 10304
that either has no dietitian licensure requirements or has 10305
licensure requirements less stringent than those set forth in 10306
this chapter. 10307

Sec. 4759.05. ~~The Ohio state medical board of dietetics~~ 10308
shall: 10309

(A) Adopt, amend, or rescind rules pursuant to Chapter 119. of the Revised Code to carry out the provisions of this chapter, including rules governing the following:	10310 10311 10312
(1) Selection and approval of a dietitian licensure examination offered by the commission on dietetic registration or any other examination;	10313 10314 10315
(2) The examination of applicants for licensure as a dietitian, to be held at least twice annually, as required under division (A) of section 4759.06 of the Revised Code;	10316 10317 10318
(3) Requirements for pre-professional dietetic experience of applicants for licensure as a dietitian that are at least equivalent to the requirements adopted by the commission on dietetic registration;	10319 10320 10321 10322
(4) Requirements for a person holding a limited permit under division (F) of section 4759.06 of the Revised Code, including the duration of validity of a limited permit;	10323 10324 10325
(5) Requirements for a licensed dietitian who places a license in inactive status under division (G) of section 4759.06 of the Revised Code, including a procedure for changing inactive status to active status;	10326 10327 10328 10329
(6) Continuing education requirements for renewal of a license, except that the board may adopt rules to waive the requirements for a person who is unable to meet the requirements due to illness or other reasons. Rules adopted under this division shall be consistent with the continuing education requirements adopted by the commission on dietetic registration.	10330 10331 10332 10333 10334 10335
(7) Any additional education requirements the board considers necessary, for applicants who have not practiced dietetics within five years of the initial date of application	10336 10337 10338

for licensure; 10339

(8) Standards of professional responsibility and practice 10340
for persons licensed under this chapter that are consistent with 10341
those standards of professional responsibility and practice 10342
adopted by the academy of nutrition and dietetics; 10343

(9) Formulation of ~~a written~~ an application form for 10344
licensure or license renewal that includes the statement that 10345
any applicant who knowingly makes a false statement on the 10346
application is guilty of a misdemeanor of the first degree under 10347
section 2921.13 of the Revised Code; 10348

(10) Procedures for license renewal; 10349

(11) Establishing a time period after the notification of 10350
a violation of section 4759.02 of the Revised Code, by which the 10351
person notified must request a hearing by the board under 10352
section 4759.09 of the Revised Code; 10353

(12) Requirements for criminal records checks of 10354
applicants under section 4776.03 of the Revised Code. 10355

(B) Investigate alleged violations of sections 4759.02 to 10356
4759.10 of the Revised Code. In making its investigations, the 10357
board may issue subpoenas, examine witnesses, and administer 10358
oaths. 10359

(C) ~~Adopt a seal;~~ 10360

~~(D)~~ Conduct meetings and keep records as are necessary to 10361
carry out the provisions of this chapter; 10362

~~(E)~~ (D) Publish, and make available to the public, upon 10363
request and for a fee not to exceed the actual cost of printing 10364
and mailing, the board's rules and requirements for licensure 10365
adopted under division (A) of this section ~~and a record of all~~ 10366

~~persons licensed under section 4759.06 of the Revised Code.~~ 10367

Sec. 4759.06. (A) The ~~Ohio~~ state medical board of ~~dietetics~~ shall issue or renew a license to practice dietetics to an applicant who: 10368
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(1) Has satisfactorily completed an application for licensure in accordance with division (A) of section 4759.05 of the Revised Code; 10371
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(2) Has paid the fee required under division (A) of section 4759.08 of the Revised Code; 10374
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(3) Is a resident of the state or performs or plans to perform dietetic services within the state; 10376
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(4) Is of good moral character; 10378

(5) Has received a baccalaureate or higher degree from an institution of higher education that is approved by the board or a regional accreditation agency that is recognized by the council on postsecondary accreditation, and has completed a program consistent with the academic standards for dietitians established by the academy of nutrition and dietetics; 10379
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(6) Has successfully completed a pre-professional dietetic experience approved by the academy of nutrition and dietetics, or experience approved by the board under division (A) (3) of section 4759.05 of the Revised Code; 10385
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(7) Has passed the examination approved by the board under division (A) (1) of section 4759.05 of the Revised Code; 10389
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(8) Is an applicant for renewal of a license, and has fulfilled the continuing education requirements adopted under division (A) (6) of section 4759.05 of the Revised Code. 10391
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(B) The board shall waive the requirements of divisions (A) (5), (6), and (7) of this section and any rules adopted under division (A) (7) of section 4759.05 of the Revised Code if the applicant presents satisfactory evidence to the board of current registration as a registered dietitian with the commission on dietetic registration.

(C) The board shall waive the requirements of division (A) (7) of this section if the application for renewal is made within two years after the date of license expiration.

(D) The board may waive the requirements of division (A) (5), (6), or (7) of this section or any rules adopted under division (A) (7) of section 4759.05 of the Revised Code, if the applicant presents satisfactory evidence of education, experience, or passing an examination in another state or a foreign country, that the board considers the equivalent of the requirements stated in those divisions or rules.

(E) The board shall issue an initial license to practice dietetics to an applicant who meets the requirements of division (A) of this section. An initial license shall be valid from the date of issuance through the thirtieth day of June following issuance of the license. Each subsequent license shall be valid from the first day of July through the thirtieth day of June. The board shall renew the license of an applicant who is licensed to practice dietetics and who meets the continuing education requirements of division (A) (6) of section 4759.05 of the Revised Code. The renewal shall be pursuant to the standard renewal procedure of sections 4745.01 to 4745.03 of the Revised Code.

(F) The board may grant a limited permit to a person who has completed the education and pre-professional requirements of

divisions (A) (5) and (6) of this section and who presents 10424
evidence to the board of having applied to take the examination 10425
approved by the board under division (A) (1) of section 4759.05 10426
of the Revised Code. A person holding a limited permit who has 10427
failed the examination shall practice only under the direct 10428
supervision of a licensed dietitian. 10429

(G) A licensed dietitian may place the license in inactive 10430
status. 10431

Sec. 4759.061. (A) As used in this section, "license" and 10432
"applicant for an initial license" have the same meanings as in 10433
section 4776.01 of the Revised Code, except that "license" as 10434
used in both of those terms refers to the types of 10435
authorizations otherwise issued or conferred under this chapter. 10436

(B) In addition to any other eligibility requirement set 10437
forth in this chapter, each applicant for an initial license 10438
shall comply with sections 4776.01 to 4776.04 of the Revised 10439
Code. The ~~Ohio state medical board of dietetics~~ shall not grant 10440
a license to an applicant for an initial license unless the 10441
applicant complies with sections 4776.01 to 4776.04 of the 10442
Revised Code and the board, in its discretion, decides that the 10443
results of the criminal records check do not make the applicant 10444
ineligible for a license issued pursuant to section 4759.06 of 10445
the Revised Code. 10446

Sec. 4759.07. (A) The ~~Ohio state medical board of~~ 10447
~~dietetics~~ may, in accordance with Chapter 119. of the Revised 10448
Code, refuse to issue, review, or renew, or may suspend, revoke, 10449
or impose probationary conditions upon any license or permit to 10450
practice dietetics, if the applicant has: 10451

(1) Violated sections 4759.02 to 4759.10 of the Revised 10452

Code or rules adopted under those sections; 10453

(2) Knowingly made a false statement in ~~his~~ an application 10454
for licensure or license renewal; 10455

(3) Been convicted of any crime constituting a felony in 10456
this or any other state; 10457

(4) Been impaired in ~~his~~ ability to perform as a licensed 10458
dietitian due to the use of a controlled substance or alcoholic 10459
beverage; 10460

(5) Been convicted of a misdemeanor committed in the 10461
course of ~~his~~ work as a dietitian in this or any other state; 10462

(6) A record of incompetent or negligent conduct in ~~his~~ 10463
the practice of dietetics. 10464

(B) For purposes of this division, any individual who 10465
holds a license or permit issued under this chapter, or applies 10466
for a license or permit to practice dietetics, is deemed to have 10467
given consent to submit to a mental or physical examination when 10468
directed to do so in writing by the board and to have waived all 10469
objections to the admissibility of testimony or examination 10470
reports that constitute a privileged communication. 10471

For purposes of division (A) (4) of this section, if the 10472
board has reason to believe that any individual who holds a 10473
license or permit issued under this chapter or any applicant for 10474
a license or permit suffers such impairment, the board may 10475
compel the individual to submit to a mental or physical 10476
examination, or both. The expense of the examination is the 10477
responsibility of the individual compelled to be examined. Any 10478
mental or physical examination required under this division 10479
shall be undertaken by a treatment provider or physician 10480
qualified to conduct such examination and chosen by the board. 10481

Failure to submit to a mental or physical examination 10482
ordered by the board constitutes an admission of the allegations 10483
against the individual unless the failure is due to 10484
circumstances beyond the individual's control, and a default and 10485
final order may be entered without the taking of testimony or 10486
presentation of evidence. If the board determines that the 10487
individual's ability to practice is impaired, the board shall 10488
suspend the individual's license or permit or deny the 10489
individual's application and shall require the individual, as a 10490
condition for initial, continued, reinstated, or renewed 10491
licensure, to submit to treatment. 10492

Before being eligible to apply for reinstatement of a 10493
license or permit suspended under this division, the dietician 10494
shall demonstrate to the board the ability to resume practice in 10495
compliance with acceptable and prevailing standards of care. The 10496
demonstration shall include the following: 10497

(1) Certification from a treatment provider approved under 10498
section 4731.25 of the Revised Code that the individual has 10499
successfully completed any required inpatient treatment; 10500

(2) Evidence of continuing full compliance with an 10501
aftercare contract or consent agreement; 10502

(3) Two written reports indicating that the individual's 10503
ability to practice has been assessed and that the individual 10504
has been found capable of practicing according to acceptable and 10505
prevailing standards of care. The reports shall be made by 10506
individuals or providers approved by the board for making such 10507
assessments and shall describe the basis for their 10508
determination. 10509

The board may reinstate a license or permit suspended 10510

under this division after such demonstration and after the 10511
individual has entered into a written consent agreement. 10512

When the impaired dietician resumes practice, the board 10513
shall require continued monitoring of the dietician. The 10514
monitoring shall include compliance with the written consent 10515
agreement entered into before reinstatement or with conditions 10516
imposed by board order after a hearing, and, upon termination of 10517
the consent agreement, submission to the board for at least two 10518
years of annual written progress reports made under penalty of 10519
falsification stating whether the dietician has maintained 10520
sobriety. 10521

(C) One year or more after the date of suspension or 10522
revocation of a license or permit under division (A) (1), (2), 10523
(3), (5), or (6) of this section, an application for 10524
reinstatement of the license or permit may be made to the board. 10525
The board shall grant or deny reinstatement with a hearing, at 10526
the request of the applicant, in accordance with Chapter 119. of 10527
the Revised Code and may impose conditions upon the 10528
reinstatement, including the requirement of passing an 10529
examination approved by the board. 10530

Sec. 4759.08. (A) ~~The Ohio state medical board of~~ 10531
~~dietetics~~ shall charge and collect fees as described in this 10532
section for issuing the following: 10533

(1) An application for an initial dietitian license, or an 10534
application for reactivation of an inactive license, one hundred 10535
twenty-five dollars, and for reinstatement of a lapsed, revoked, 10536
or suspended license, one hundred eighty dollars; 10537

(2) License renewal, ninety-five dollars; 10538

(3) A limited permit, and renewal of the permit, sixty- 10539

five dollars; 10540

(4) A duplicate license or permit, twenty dollars; 10541

(5) For processing a late application for renewal of any 10542
license or permit, an additional fee equal to fifty per cent of 10543
the fee for the renewal. 10544

(B) The board shall not require a licensed dietitian 10545
holding an inactive license to pay the renewal fee. 10546

(C) Subject to the approval of the controlling board, the 10547
~~Ohio state medical board of dietetics~~ may establish fees in 10548
excess of the amounts provided in division (A) of this section, 10549
provided that the fees do not exceed the amounts by greater than 10550
fifty per cent. 10551

(D) The board may adopt rules pursuant to Chapter 119. of 10552
the Revised Code to waive all or part of the fee for an initial 10553
license if the license is issued within one hundred days of the 10554
date of expiration of the license. 10555

(E) All receipts of the board shall be deposited in the 10556
state treasury to the credit of the ~~occupational licensing and~~ 10557
~~regulatory fund. All vouchers of the board shall be approved by~~ 10558
~~the chairperson or secretary of the board, or both, as~~ 10559
~~authorized by the board~~ state medical board operating fund in 10560
accordance with section 4731.24 of the Revised Code. 10561

Sec. 4759.09. The ~~Ohio state medical board of dietetics~~ 10562
shall notify in writing any person determined by the board to be 10563
in violation of section 4759.02 of the Revised Code. The 10564
notification shall state that the person may request a hearing 10565
by the board within the amount of time specified by the board 10566
pursuant to division (A) of section 4759.05 of the Revised Code. 10567
If the person fails to request the hearing, or if the board 10568

determines from the hearing that the person is in violation of 10569
section 4759.02 of the Revised Code, the board may apply to the 10570
court of common pleas of the county in which the violation is 10571
occurring for an injunction or other appropriate restraining 10572
order to prohibit the continued violation of section 4759.02 of 10573
the Revised Code. 10574

Sec. 4759.10. Sections 4759.01 to 4759.09 of the Revised 10575
Code do not apply to any of the following: 10576

(A) A person licensed under Chapters 4701. to 4755. of the 10577
Revised Code who is acting within the scope of the person's 10578
profession, provided that the person complies with division (B) 10579
of section 4759.02 of the Revised Code; 10580

(B) A person who is a graduate of an associate degree 10581
program approved by the academy of nutrition and dietetics or 10582
the ~~Ohio state medical board of dietetics~~ who is working as a 10583
dietetic technician under the supervision of a dietitian 10584
licensed under section 4759.06 of the Revised Code or registered 10585
by the commission on dietetic registration, except that the 10586
person is subject to division (B) of section 4759.02 of the 10587
Revised Code if the person uses a title other than "dietetic 10588
technician"; 10589

(C) A person who practices dietetics related to employment 10590
in the armed forces, veteran's administration, or the public 10591
health service of the United States; 10592

(D) Persons employed by a nonprofit agency approved by the 10593
board or by a federal, state, municipal or county government, or 10594
by any other political subdivision, elementary or secondary 10595
school, or an institution of higher education approved by the 10596
board or by a regional agency recognized by the council on 10597

postsecondary accreditation, who performs only nutritional 10598
education activities and such other nutritional activities as 10599
the state medical board of dietetics, by rule, permits, provided 10600
the person does not violate division (B) of section 4759.02 of 10601
the Revised Code; 10602

(E) A person who has completed a program meeting the 10603
academic standards set for dietitians by the academy of 10604
nutrition and dietetics, received a baccalaureate or higher 10605
degree from a school, college, or university approved by a 10606
regional accreditation agency recognized by the council on 10607
postsecondary accreditation, works under the supervision of a 10608
licensed dietitian or registered dietitian, and does not violate 10609
division (B) of section 4759.02 of the Revised Code; 10610

(F) A person when acting, under the direction and 10611
supervision of a person licensed under Chapters 4701. to 4755. 10612
of the Revised Code, in the execution of a plan of treatment 10613
authorized by the licensed person, provided the person complies 10614
with division (B) of section 4759.02 of the Revised Code; 10615

(G) The free dissemination of literature in the state; 10616

(H) Provided that the persons involved in the sale, 10617
promotion, or explanation of the sale of food, food materials, 10618
or dietary supplements do not violate division (B) of section 10619
4759.02 of the Revised Code, the sale of food, food materials, 10620
or dietary supplements and the marketing and distribution of 10621
food, food materials, or dietary supplements and the promotion 10622
or explanation of the use of food, food materials, or dietary 10623
supplements provided that the promotion or explanation does not 10624
violate Chapter 1345. of the Revised Code; 10625

(I) A person who offers dietary supplements for sale and 10626

who makes the following statements about the product if the 10627
statements are consistent with the dietary supplement's label or 10628
labeling: 10629

(1) Claim a benefit related to a classical nutrient 10630
deficiency disease and disclose the prevalence of the disease in 10631
the United States; 10632

(2) Describe the role of a nutrient or dietary ingredient 10633
intended to affect the structure or function of the human body; 10634

(3) Characterize the documented mechanism by which a 10635
nutrient or dietary ingredient acts to maintain the structure or 10636
function of the human body; 10637

(4) Describe general well-being from the consumption of a 10638
nutrient or dietary ingredient. 10639

(J) Provided that the persons involved in presenting a 10640
general program of instruction for weight control do not violate 10641
division (B) of section 4759.02 of the Revised Code, a general 10642
program of instruction for weight control approved in writing by 10643
a licensed dietitian, a physician licensed under Chapter 4731. 10644
of the Revised Code to practice medicine or surgery or 10645
osteopathic medicine or surgery, a person licensed in another 10646
state that the board considers to have substantially equivalent 10647
licensure requirements as this state, or a registered dietitian; 10648

(K) The continued practice of dietetics at a hospital by a 10649
person employed at that same hospital to practice dietetics for 10650
the twenty years immediately prior to July 1, 1987, so long as 10651
the person works under the supervision of a dietitian licensed 10652
under section 4759.06 of the Revised Code and does not violate 10653
division (B) of section 4759.02 of the Revised Code. This 10654
division does not apply to any person who has held a license 10655

issued under this chapter to practice dietetics. As used in this 10656
division, "hospital" has the same meaning as in section 3727.01 10657
of the Revised Code. 10658

Sec. 4759.11. On receipt of a notice pursuant to section 10659
3123.43 of the Revised Code, the state medical board of 10660
~~dietetics~~ shall comply with sections 3123.41 to 3123.50 of the 10661
Revised Code and any applicable rules adopted under section 10662
3123.63 of the Revised Code with respect to a license issued 10663
pursuant to this chapter. 10664

Sec. 4759.12. The ~~Ohio state medical board of dietetics~~ 10665
shall comply with section 4776.20 of the Revised Code. 10666

Sec. 4761.011. Whenever the term "Ohio respiratory care 10667
board" is used, referred to, or designated in any statute, rule, 10668
contract, grant, or other document, the use, reference, or 10669
designation shall be construed to mean the "state medical board" 10670
unless another section of law expressly provides otherwise. 10671

Whenever the executive director of the Ohio respiratory 10672
care board is referred to in a statute, contract, or other 10673
instrument, the reference shall be construed to refer to the 10674
executive director of the state medical board. 10675

Sec. 4761.03. The ~~Ohio respiratory care board state~~ 10676
~~medical board~~ shall regulate the practice of respiratory care in 10677
this state and the persons to whom the board issues licenses and 10678
limited permits under this chapter ~~and shall license and~~ 10679
~~register home medical equipment services providers under Chapter~~ 10680
~~4752. of the Revised Code.~~ Rules adopted under this chapter that 10681
deal with the provision of respiratory care in a hospital, other 10682
than rules regulating the issuance of licenses or limited 10683
permits, shall be consistent with the conditions for 10684

participation under medicare, Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended, and with the respiratory care accreditation standards of the joint commission on accreditation of healthcare organizations or the American osteopathic association.

The board shall:

(A) Adopt, and may rescind or amend, rules in accordance with Chapter 119. of the Revised Code to carry out the purposes of this chapter, including rules prescribing:

(1) The form and manner for filing applications for licensure and renewal, limited permits, and limited permit extensions under sections 4761.05 and 4761.06 of the Revised Code;

(2) The form, scoring, and scheduling of examinations and reexaminations for licensure and license renewal;

(3) Standards for the approval of educational programs required to qualify for licensure and continuing education programs required for license renewal;

(4) Continuing education courses and the number of hour requirements necessary for license renewal, in accordance with section 4761.06 of the Revised Code;

(5) Procedures for the issuance and renewal of licenses and limited permits, including the duties that may be fulfilled by the board's executive director and other board employees;

(6) Procedures for the denial, suspension, permanent revocation, refusal to renew, and reinstatement of licenses and limited permits, the conduct of hearings, and the imposition of fines for engaging in conduct that is grounds for such action

and hearings under section 4761.09 of the Revised Code;	10713
(7) Standards of ethical conduct for the practice of respiratory care;	10714 10715
(8) Conditions under which the license renewal fee and continuing education requirements may be waived at the request of a licensee who is not in active practice;	10716 10717 10718
(9) The respiratory care tasks that may be performed by an individual practicing as a polysomnographic technologist pursuant to division (B) (3) of section 4761.10 of the Revised Code;	10719 10720 10721 10722
(10) Procedures for registering out-of-state respiratory care providers authorized to practice in this state under division (A) (4) of section 4761.11 of the Revised Code;	10723 10724 10725
(11) Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code;	10726 10727
(12) Procedures for accepting and storing copies of hyperbaric technologist certifications filed with the board pursuant to division (A) (11) of section 4761.11 of the Revised Code.	10728 10729 10730 10731
(B) Determine the sufficiency of an applicant's qualifications for admission to the licensing examination or a reexamination, and for the issuance or renewal of a license or limited permit;	10732 10733 10734 10735
(C) Determine the respiratory care educational programs that are acceptable for fulfilling the requirements of division (A) of section 4761.04 of the Revised Code;	10736 10737 10738
(D) Schedule, administer, and score the licensing examination or any reexamination for license renewal or	10739 10740

reinstatement. The board shall administer the licensing 10741
examinations at least twice a year and notify applicants of the 10742
time and place of the examinations. 10743

(E) Investigate complaints concerning alleged violations 10744
of section 4761.10 of the Revised Code or grounds for the 10745
suspension, permanent revocation, or refusal to issue licenses 10746
or limited permits under section 3123.47 or 4761.09 of the 10747
Revised Code. The board shall employ investigators who shall, 10748
under the direction of the executive director of the board, 10749
investigate complaints and make inspections and other inquiries 10750
as, in the judgment of the board, are appropriate to enforce 10751
sections 3123.41 to 3123.50, 4761.09, and 4761.10 of the Revised 10752
Code. Pursuant to an investigation and inspection, the 10753
investigators may review and audit records during normal 10754
business hours at the place of business of a licensee or person 10755
who is the subject of a complaint filed with the board or at any 10756
place where the records are kept. 10757

Except when required by court order, the board and its 10758
employees shall not disclose confidential information obtained 10759
during an investigation or identifying information about any 10760
person who files a complaint with the board. 10761

The board may hear testimony in matters relating to the 10762
duties imposed upon it and issue subpoenas pursuant to an 10763
investigation. The president and secretary of the board may 10764
administer oaths. 10765

(F) Conduct hearings, keep records of its proceedings, and 10766
do other things as are necessary and proper to carry out and 10767
enforce the provisions of this chapter; 10768

(G) Maintain, publish, and make available upon request, 10769

for a fee not to exceed the actual cost of printing and mailing: 10770

(1) The requirements for the issuance of licenses and 10771
limited permits under this chapter and rules adopted by the 10772
board; 10773

~~(2) A current register of every person licensed to 10774
practice respiratory care in this state, to include the 10775
addresses of the person's last known place of business and 10776
residence, the effective date and identification number of the 10777
license, the name and location of the institution that granted 10778
the person's degree or certificate of completion of respiratory 10779
care educational requirements, and the date the degree or 10780
certificate was issued; 10781~~

~~(3) A list of the names and locations of the institutions 10782
that each year granted degrees or certificates of completion in 10783
respiratory care; 10784~~

~~(4) (3) After the administration of each examination, a 10785
list of persons who passed the examination. 10786~~

(H) Submit to the governor and to the general assembly 10787
each year a report of all of its official actions during the 10788
preceding year, together with any findings and recommendations 10789
with regard to the improvement of the profession of respiratory 10790
care; 10791

~~(I) Administer and enforce Chapter 4752. of the Revised 10792
Code. 10793~~

Sec. 4761.031. The ~~Ohio respiratory care board state 10794
medical board~~ may share any information it receives pursuant to 10795
an investigation conducted under division (E) of section 4761.03 10796
of the Revised Code, including patient records and patient 10797
record information, with other licensing boards and governmental 10798

agencies that are investigating alleged professional misconduct 10799
and with law enforcement agencies and other governmental 10800
agencies that are investigating or prosecuting alleged criminal 10801
offenses. A board or agency that receives the information shall 10802
comply with the same requirements regarding confidentiality as 10803
those with which the ~~Ohio respiratory care board~~ state medical 10804
board must comply, notwithstanding any conflicting provision of 10805
the Revised Code or procedure of the board or agency that 10806
applies when the board or agency is dealing with other 10807
information in its possession. The information may be admitted 10808
into evidence in a criminal trial in accordance with the Rules 10809
of Evidence, but the court shall require that appropriate 10810
measures are taken to ensure that confidentiality is maintained 10811
with respect to any part of the information that contains names 10812
or other identifying information about persons whose 10813
confidentiality was protected by the ~~Ohio respiratory care board~~ 10814
state medical board when the information was in the board's 10815
possession. Measures to ensure confidentiality that may be taken 10816
by the court include sealing its records or deleting specific 10817
information from its records. 10818

Sec. 4761.04. (A) Except as provided in division (B) of 10819
this section, no person is eligible for licensure as a 10820
respiratory care professional unless the person has shown, to 10821
the satisfaction of the ~~Ohio respiratory care board~~ state 10822
medical board, all of the following: 10823

(1) That the person is of good moral character; 10824

(2) That the person has successfully completed the 10825
requirements of an educational program approved by the board 10826
that includes instruction in the biological and physical 10827
sciences, pharmacology, respiratory care theory, procedures, and 10828

clinical practice, and cardiopulmonary rehabilitation 10829
techniques; 10830

(3) That the person has passed an examination administered 10831
by the board that tests the applicant's knowledge of the basic 10832
and clinical sciences relating to respiratory care theory and 10833
practice, professional skills and judgment in the utilization of 10834
respiratory care techniques, and such other subjects as the 10835
board considers useful in determining fitness to practice. 10836

(B) The board may waive the requirements of division (A) 10837
of this section with respect to any applicant who presents proof 10838
of current licensure in another state whose standards for 10839
licensure are at least equal to those in effect in this state on 10840
the date of application. The board may waive the requirements of 10841
divisions (A) (2) and (3) of this section with respect to any 10842
applicant who presents proof of having successfully completed 10843
any examination recognized by the board as meeting the 10844
requirements of division (A) (3) of this section. 10845

Sec. 4761.05. (A) ~~The Ohio respiratory care board state~~ 10846
medical board shall issue a license to any applicant who 10847
complies with the requirements of section 4761.04 of the Revised 10848
Code, files the prescribed application form, and pays the fee or 10849
fees required under section 4761.07 of the Revised Code. The 10850
license entitles the holder to practice respiratory care. The 10851
licensee shall display the license in a conspicuous place at the 10852
licensee's principal place of business. 10853

(B) (1) The board shall issue a limited permit to any 10854
applicant who meets the requirements of division (A) (1) of 10855
section 4761.04 of the Revised Code, files the prescribed 10856
application form, pays the fee required under section 4761.07 of 10857
the Revised Code, and meets either of the following 10858

requirements: 10859

(a) Is enrolled in and is in good standing in a 10860
respiratory care educational program approved by the board that 10861
meets the requirements of division (A) (2) of section 4761.04 of 10862
the Revised Code leading to a degree or certificate of 10863
completion or is a graduate of the program; 10864

(b) Is employed as a provider of respiratory care in this 10865
state and was employed as a provider of respiratory care in this 10866
state prior to March 14, 1989. 10867

(2) The limited permit authorizes the holder to provide 10868
respiratory care under the supervision of a respiratory care 10869
professional. A person issued a limited permit under division 10870
(B) (1) (a) of this section may practice respiratory care under 10871
the limited permit for not more than the earliest of the 10872
following: 10873

(a) Three years after the date the limited permit is 10874
issued; 10875

(b) One year following the date of receipt of a 10876
certificate of completion from a board-approved respiratory care 10877
education program; 10878

(c) Until the holder discontinues participation in the 10879
educational program. 10880

The board may extend the term of a limited permit in cases 10881
of unusual hardship. The holder seeking an extension shall 10882
petition the board in the form and manner prescribed by the 10883
board in rules adopted under section 4761.03 of the Revised 10884
Code. This division does not require a student enrolled in an 10885
educational program leading to a degree or certificate of 10886
completion in respiratory care approved by the board to obtain a 10887

limited permit to perform any duties that are part of the 10888
required course of study. 10889

(3) A person issued a limited permit under division (B)(1) 10890
(b) of this section may practice under a limited permit for not 10891
more than three years, except that this restriction does not 10892
apply to a permit holder who, on March 14, 1989, has been 10893
employed as a provider of respiratory care for an average of not 10894
less than twenty-five hours per week for a period of not less 10895
than five years by a hospital. 10896

(C) All holders of licenses and limited permits issued 10897
under this section shall display, in a conspicuous place on 10898
their persons, information that identifies the type of 10899
authorization under which they practice. 10900

Sec. 4761.051. (A) As used in this section, "license" and 10901
"applicant for an initial license" have the same meanings as in 10902
section 4776.01 of the Revised Code, except that "license" as 10903
used in both of those terms refers to the types of 10904
authorizations otherwise issued or conferred under this chapter. 10905

(B) In addition to any other eligibility requirement set 10906
forth in this chapter, each applicant for an initial license 10907
shall comply with sections 4776.01 to 4776.04 of the Revised 10908
Code. The ~~Ohio respiratory care board~~ state medical board shall 10909
not grant a license to an applicant for an initial license 10910
unless the applicant complies with sections 4776.01 to 4776.04 10911
of the Revised Code and the board, in its discretion, decides 10912
that the results of the criminal records check do not make the 10913
applicant ineligible for a license issued pursuant to section 10914
4761.05 of the Revised Code. 10915

Sec. 4761.06. (A) Each license to practice respiratory 10916

care shall be renewed biennially. Each limited permit to 10917
practice respiratory care shall be renewed annually. Each person 10918
holding a license or limited permit to practice respiratory care 10919
shall apply to the ~~Ohio respiratory care board~~ state medical 10920
board on the form and according to the schedule prescribed by 10921
the board for renewal of the license or limited permit. Licenses 10922
and limited permits shall be renewed in accordance with the 10923
standard renewal procedure of Chapter 4745. of the Revised Code. 10924
The board shall renew a license upon the payment of the license 10925
renewal fee prescribed under section 4761.07 of the Revised Code 10926
and proof of satisfactory completion of the continuing education 10927
or reexamination requirements of division (B) of this section. 10928
The board shall renew a limited permit upon payment of the 10929
limited permit renewal fee prescribed under section 4761.07 of 10930
the Revised Code and submission of one of the following: 10931

(1) If the limited permit was issued on the basis of 10932
division (B) (1) (a) of section 4761.05 of the Revised Code, proof 10933
acceptable to the board of enrollment and good standing in an 10934
educational program that meets the requirements of division (A) 10935
(2) of section 4761.04 of the Revised Code or of graduation from 10936
such a program; 10937

(2) If the limited permit was issued on the basis of 10938
division (B) (1) (b) of section 4761.05 of the Revised Code, proof 10939
acceptable to the board of employment as a provider of 10940
respiratory care. 10941

(B) On and after March 14, 1991, and every year 10942
thereafter, on or before the annual renewal date, the holder of 10943
a limited permit issued under division (B) (1) (b) of section 10944
4761.05 of the Revised Code shall submit proof to the board that 10945
the holder has satisfactorily completed the number of hours of 10946

continuing education required by the board, which shall not be 10947
less than three nor more than ten hours of continuing education 10948
acceptable to the board. 10949

On or before the biennial renewal date, a license holder 10950
shall submit proof to the board that the license holder has 10951
satisfactorily completed the number of hours of continuing 10952
education required by the board, which shall be not less than 10953
six nor more than twenty hours of continuing education 10954
acceptable to the board, or has passed a reexamination in 10955
accordance with the board's renewal requirements. The board may 10956
waive all or part of the continuing education requirement for a 10957
license holder who has held the license for less than two years. 10958

Sec. 4761.07. (A) The ~~Ohio respiratory care board~~ state 10959
medical board shall charge any license applicant or holder who 10960
is to take an examination required under division (A) (3) of 10961
section 4761.04 or a reexamination required under division (B) 10962
of section 4761.06 of the Revised Code for license renewal or 10963
under section 4761.09 of the Revised Code for license 10964
reinstatement, a nonrefundable examination fee, not to exceed 10965
the amount necessary to cover the expense of administering the 10966
examination. The license applicant or holder shall pay the fee 10967
at the time of application for licensure or renewal. 10968

(B) The board shall establish the following additional 10969
nonrefundable fees and penalty: 10970

(1) An initial license fee, not to exceed seventy-five 10971
dollars; 10972

(2) A biennial license renewal fee, not to exceed one 10973
hundred dollars; 10974

(3) A limited permit fee, not to exceed twenty dollars; 10975

(4) A limited permit renewal fee, not to exceed ten dollars; 10976
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(5) A late renewal penalty, not to exceed fifty per cent of the renewal fee; 10978
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(6) A fee for accepting and storing hyperbaric technologist certifications filed with the board under division (A) (11) of section 4761.11 of the Revised Code, not to exceed twenty dollars. 10980
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(C) Notwithstanding division (B) (4) of this section, after the third renewal of a limited permit that meets the exception in division (B) (3) of section 4761.05 of the Revised Code, the limited permit renewal fee shall be one-half the amount of the biennial license renewal fee established under division (B) (2) of this section and section 4761.08 of the Revised Code. 10984
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(D) The board shall adjust the fees biennially and within the limits established by division (B) of this section to provide sufficient revenues to meet its expenses. 10990
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(E) The board may, by rule, provide for the waiver of all or part of a license fee when the license is issued less than eighteen months before its expiration date. 10993
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(F) All fees received by the board shall be deposited into the state treasury to the credit of the ~~occupational licensing and regulatory fund~~ state medical board operating fund pursuant to section 4731.24 of the Revised Code. 10996
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Sec. 4761.08. ~~The Ohio respiratory care board~~ state medical board, subject to the approval of the controlling board, may establish fees, except fees established at amounts adequate to cover designated expenses, in excess of the amounts provided in this chapter. The fees shall not exceed the amounts specified 11000
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by more than fifty per cent. 11005

Sec. 4761.09. (A) The ~~Ohio respiratory care board~~ state
medical board may refuse to issue or renew a license or a 11006
limited permit, may issue a reprimand, may suspend or 11007
permanently revoke a license or limited permit, or may place a 11008
license or limited permit holder on probation, on any of the 11009
following grounds: 11010
11011

(1) A plea of guilty to, a judicial finding of guilt of, 11012
or a judicial finding of eligibility for intervention in lieu of 11013
conviction for an offense involving moral turpitude or of a 11014
felony, in which case a certified copy of the court record shall 11015
be conclusive evidence of the matter; 11016

(2) Violating any provision of this chapter or an order or 11017
rule of the board; 11018

(3) Assisting another person in that person's violation of 11019
any provision of this chapter or an order or rule of the board; 11020

(4) Obtaining a license or limited permit by means of 11021
fraud, false or misleading representation, or concealment of 11022
material facts or making any other material misrepresentation to 11023
the board; 11024

(5) Being guilty of negligence or gross misconduct in the 11025
practice of respiratory care; 11026

(6) Violating the standards of ethical conduct adopted by 11027
the board, in the practice of respiratory care; 11028

(7) Engaging in dishonorable, unethical, or unprofessional 11029
conduct of a character likely to deceive, defraud, or harm the 11030
public; 11031

(8) Using any dangerous drug, as defined in section 11032

4729.01 of the Revised Code, or alcohol to the extent that the use impairs the ability to practice respiratory care at an acceptable level of competency; 11033
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(9) Practicing respiratory care while mentally incompetent; 11036
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(10) Accepting commissions, rebates, or other forms of remuneration for patient referrals; 11038
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(11) Practicing in an area of respiratory care for which the person is clearly untrained or incompetent or practicing in a manner that conflicts with section 4761.17 of the Revised Code; 11040
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(12) Employing, directing, or supervising a person who is not authorized to practice respiratory care under this chapter in the performance of respiratory care procedures; 11044
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(13) Misrepresenting educational attainments or authorized functions for the purpose of obtaining some benefit related to the practice of respiratory care; 11047
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(14) Assisting suicide as defined in section 3795.01 of the Revised Code. 11050
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Before the board may take any action under this section, other than issuance of a summary suspension order under division (C) of this section, the executive director of the board shall prepare and file written charges with the board. Disciplinary actions taken by the board under this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by the board, shall constitute 11052
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the findings and order of the board with respect to the matter 11062
addressed in the agreement. If the board refuses to ratify a 11063
consent agreement, the admissions and findings contained in the 11064
consent agreement shall be of no effect. 11065

(B) If the board orders a license or limited permit holder 11066
placed on probation, the order shall be accompanied by a written 11067
statement of the conditions under which the person may be 11068
restored to practice. 11069

The person may reapply to the board for original issuance 11070
of a license after one year following the date the license was 11071
denied. 11072

~~A-Except as otherwise provided in division (D) of this~~ 11073
section, a person may apply to the board for the reinstatement 11074
of a license or limited permit after one year following the date 11075
of suspension or refusal to renew. The board may accept or 11076
refuse the application for reinstatement and may require that 11077
the applicant pass a reexamination as a condition of eligibility 11078
for reinstatement. 11079

(C) If the president and secretary of the board determine 11080
that there is clear and convincing evidence that a license or 11081
limited permit holder has committed an act that is grounds for 11082
board action under division (A) of this section and that 11083
continued practice by the license or permit holder presents a 11084
danger of immediate and serious harm to the public, the 11085
president and secretary may recommend that the board suspend the 11086
license or limited permit without a prior hearing. The president 11087
and secretary shall submit in writing to the board the 11088
allegations causing them to recommend the suspension. 11089

On review of the allegations, the board, by a vote of not 11090

less than seven of its members, may suspend a license or limited permit without a prior hearing. The board may review the allegations and vote on the suspension by a telephone conference call.

If the board votes to suspend a license or limited permit under this division, the board shall issue a written order of summary suspension to the license or limited permit holder in accordance with section 119.07 of the Revised Code. If the license or limited permit holder requests a hearing by the board, the board shall conduct the hearing in accordance with Chapter 119. of the Revised Code. Notwithstanding section 119.12 of the Revised Code, a court of common pleas shall not grant a suspension of the board's order of summary suspension pending determination of an appeal filed under that section.

Any order of summary suspension issued under this division shall remain in effect until a final adjudication order issued by the board pursuant to division (A) of this section becomes effective. The board shall issue its final adjudication order regarding an order of summary suspension issued under this division not later than sixty days after completion of its hearing. Failure to issue the order within sixty days shall result in immediate dissolution of the suspension order, but shall not invalidate any subsequent, final adjudication order.

(D) For purposes of this division, any individual who holds a license or permit issued under this chapter, or applies for a license or permit to practice respiratory care, is deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged

communication. 11121

For purposes of division (A) (8) of this section, if the 11122
board has reason to believe that any individual who holds a 11123
license or permit issued under this chapter or any applicant for 11124
a license or permit suffers such impairment, the board may 11125
compel the individual to submit to a mental or physical 11126
examination, or both. The expense of the examination is the 11127
responsibility of the individual compelled to be examined. Any 11128
mental or physical examination required under this division 11129
shall be undertaken by a treatment provider or physician 11130
qualified to conduct such examination and chosen by the board. 11131

Failure to submit to a mental or physical examination 11132
ordered by the board constitutes an admission of the allegations 11133
against the individual unless the failure is due to 11134
circumstances beyond the individual's control, and a default and 11135
final order may be entered without the taking of testimony or 11136
presentation of evidence. If the board determines that the 11137
individual's ability to practice is impaired, the board shall 11138
suspend the individual's license or permit or deny the 11139
individual's application and shall require the individual, as a 11140
condition for initial, continued, reinstated, or renewed 11141
licensure, to submit to treatment. 11142

Before being eligible to apply for reinstatement of a 11143
license or permit suspended under this division, the respiratory 11144
care professional shall demonstrate to the board the ability to 11145
resume practice in compliance with acceptable and prevailing 11146
standards of care. The demonstration shall include the 11147
following: 11148

(1) Certification from a treatment provider approved under 11149
section 4731.25 of the Revised Code that the individual has 11150

successfully completed any required inpatient treatment; 11151

(2) Evidence of continuing full compliance with an 11152
aftercare contract or consent agreement; 11153

(3) Two written reports indicating that the individual's 11154
ability to practice has been assessed and that the individual 11155
has been found capable of practicing according to acceptable and 11156
prevailing standards of care. The reports shall be made by 11157
individuals or providers approved by the board for making such 11158
assessments and shall describe the basis for their 11159
determination. 11160

The board may reinstate a license or permit suspended 11161
under this division after such demonstration and after the 11162
individual has entered into a written consent agreement. 11163

When the impaired respiratory care professional resumes 11164
practice, the board shall require continued monitoring of the 11165
respiratory care professional. The monitoring shall include 11166
compliance with the written consent agreement entered into 11167
before reinstatement or with conditions imposed by board order 11168
after a hearing, and, upon termination of the consent agreement, 11169
submission to the board for at least two years of annual written 11170
progress reports made under penalty of falsification stating 11171
whether the respiratory care professional has maintained 11172
sobriety. 11173

Sec. 4761.10. (A) No person shall offer or render 11174
respiratory care services, or represent that the person is a 11175
respiratory care professional, respiratory therapist, 11176
respiratory technologist, respiratory care technician, 11177
respiratory practitioner, inhalation therapist, inhalation 11178
technologist, or inhalation therapy technician, or to have any 11179

similar title or to provide these services under a similar 11180
description, unless the person holds a license or limited permit 11181
issued under this chapter. No partnership, association, or 11182
corporation shall advertise or otherwise offer to provide or 11183
convey the impression that it is providing respiratory care 11184
unless an individual holding a license or limited permit issued 11185
under this chapter is employed by or under contract with the 11186
partnership, association, or corporation and will be performing 11187
the respiratory care services to which reference is made. 11188

(B) Notwithstanding the provisions of division (A) of this 11189
section, all of the following apply: 11190

(1) In the case of a hospital or nursing facility, some 11191
limited aspects of respiratory care services such as measuring 11192
blood pressure and taking blood samples may be performed by 11193
persons demonstrating current competence in such procedures, as 11194
long as the person acts under the direction of a physician or 11195
the delegation of a registered nurse and the person does not 11196
represent that the person is engaged in the practice of 11197
respiratory care. The above limited aspects of respiratory care 11198
do not include any of the following: the administration of 11199
aerosol medication, the maintenance of patients on mechanical 11200
ventilators, aspiration, and the application and maintenance of 11201
artificial airways. 11202

(2) In the case of a facility, institution, or other 11203
setting that exists for a purpose substantially other than the 11204
provision of health care, if nursing tasks are delegated by a 11205
registered nurse as provided in Chapter 4723. of the Revised 11206
Code and the rules adopted under it, respiratory care tasks may 11207
be performed under that delegation by persons demonstrating 11208
current competence in performing the tasks, as long as the 11209

person does not represent that the person is engaged in the 11210
practice of respiratory care. 11211

(3) A polysomnographic technologist credentialed by an 11212
organization the ~~Ohio respiratory care board~~ state medical board 11213
recognizes, a trainee under the direct supervision of a 11214
polysomnographic technologist credentialed by an organization 11215
the board recognizes, or a person the board recognizes as being 11216
eligible to be credentialed as a polysomnographic technologist 11217
may perform the respiratory care tasks specified in rules 11218
adopted under section 4761.03 of the Revised Code, as long as 11219
both of the following apply: 11220

(a) The tasks are performed in the diagnosis and 11221
therapeutic intervention of sleep-related breathing disorders 11222
and under the general supervision of a physician. 11223

(b) The person performing the tasks does not represent 11224
that the person is engaged in the practice of respiratory care. 11225

(c) If the ~~Ohio respiratory care board~~ state medical board 11226
finds that any person, including any partnership, association, 11227
or corporation, has engaged or is engaging in any activity or 11228
conduct that is prohibited under division (A) of this section or 11229
rules of the board, or that is grounds for the denial, 11230
suspension, or permanent revocation of a person's license under 11231
section 4761.09 of the Revised Code, it may apply to the court 11232
of common pleas in the county in which the violation occurred 11233
for an order restraining the unlawful activity or conduct, 11234
including the continued practice of respiratory care. Upon a 11235
showing that the law or rule has been violated, or the person 11236
has engaged in conduct constituting such grounds, the court may 11237
issue an injunction or other appropriate restraining order. 11238

Sec. 4761.11. (A) Nothing in this chapter shall be 11239
construed to prevent or restrict the practice, services, or 11240
activities of any person who: 11241

(1) Is a health care professional licensed by this state 11242
providing respiratory care services included in the scope of 11243
practice established by the license held, as long as the person 11244
does not represent that the person is engaged in the practice of 11245
respiratory care; 11246

(2) Is employed as a respiratory care professional by an 11247
agency of the United States government and provides respiratory 11248
care solely under the direction or control of the employing 11249
agency; 11250

(3) Is a student enrolled in a board-approved respiratory 11251
care education program leading to a certificate of completion in 11252
respiratory care and is performing duties that are part of a 11253
supervised course of study; 11254

(4) Is a nonresident of this state practicing or offering 11255
to practice respiratory care, if the respiratory care services 11256
are offered for not more than thirty days in a year, services 11257
are provided under the supervision of a respiratory care 11258
professional licensed under this chapter, and the nonresident 11259
registers with the board in accordance with rules adopted by the 11260
board under section 4761.03 of the Revised Code and meets either 11261
of the following requirements: 11262

(a) Qualifies for licensure under this chapter, except for 11263
passage of the examination required under division (A) (3) of 11264
section 4761.04 of the Revised Code; 11265

(b) Holds a valid license issued by a state that has 11266
licensure requirements considered by the state medical board to 11267

be comparable to those of this state and has not been issued a license in another state that has been revoked or is currently under suspension or on probation. 11268
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(5) Provides respiratory care only to relatives or in medical emergencies; 11271
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(6) Provides gratuitous care to friends or personal family members; 11273
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(7) Provides only self care; 11275

(8) Is employed in the office of a physician and renders medical assistance under the physician's direct supervision without representing that the person is engaged in the practice of respiratory care; 11276
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(9) Is employed in a clinical chemistry or arterial blood gas laboratory and is supervised by a physician without representing that the person is engaged in the practice of respiratory care; 11280
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(10) Is engaged in the practice of respiratory care as an employee of a person or governmental entity located in another state and provides respiratory care services for less than seventy-two hours to patients being transported into, out of, or through this state; 11284
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(11) Is employed as a certified hyperbaric technologist, has filed with the board a copy of the person's current certification as a hyperbaric technologist in accordance with the rules adopted by the board under section 4761.03 of the Revised Code, has paid the fee established pursuant to section 4761.07 of the Revised Code, and administers hyperbaric oxygen therapy under the direct supervision of a physician, a physician assistant, or an advanced practice registered nurse and without 11289
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representing that the person is engaged in the practice of 11297
respiratory care. 11298

(B) Nothing in this chapter shall be construed to prevent 11299
any person from advertising, describing, or offering to provide 11300
respiratory care or billing for respiratory care when the 11301
respiratory care services are provided by a health care 11302
professional licensed by this state practicing within the scope 11303
of practice established by the license held. Nothing in this 11304
chapter shall be construed to prevent a hospital or nursing 11305
facility from advertising, describing, or offering to provide 11306
respiratory care, or billing for respiratory care rendered by a 11307
person licensed under this chapter or persons who may provide 11308
limited aspects of respiratory care or respiratory care tasks 11309
pursuant to division (B) of section 4761.10 of the Revised Code. 11310

(C) Notwithstanding division (A) of section 4761.10 of the 11311
Revised Code, in a life-threatening situation, in the absence of 11312
licensed personnel, unlicensed persons shall not be prohibited 11313
from taking life-saving measures. 11314

(D) Nothing in this chapter shall be construed as 11315
authorizing a respiratory care professional to practice medicine 11316
and surgery or osteopathic medicine and surgery. This division 11317
does not prohibit a respiratory care professional from 11318
administering topical or intradermal medications for the purpose 11319
of producing localized decreased sensation as part of a 11320
procedure or task that is within the scope of practice of a 11321
respiratory care professional. 11322

Sec. 4761.12. On receipt of a notice pursuant to section 11323
3123.43 of the Revised Code, the ~~respiratory care board~~state 11324
medical board shall comply with sections 3123.41 to 3123.50 of 11325
the Revised Code and any applicable rules adopted under section 11326

3123.63 of the Revised Code with respect to a license or permit 11327
issued pursuant to this chapter. 11328

Sec. 4761.13. (A) As used in this section, "prosecutor" 11329
has the same meaning as in section 2935.01 of the Revised Code. 11330

(B) The prosecutor in any case against any respiratory 11331
care professional or an individual holding a limited permit 11332
issued under this chapter shall promptly notify the ~~Ohio~~ 11333
~~respiratory care board~~ state medical board of any of the 11334
following: 11335

(1) A plea of guilty to, or a finding of guilt by a jury 11336
or court of, a felony, or a case in which the trial court issues 11337
an order of dismissal upon technical or procedural grounds of a 11338
felony charge; 11339

(2) A plea of guilty to, or a finding of guilt by a jury 11340
or court of, a misdemeanor committed in the course of practice, 11341
or a case in which the trial court issues an order of dismissal 11342
upon technical or procedural grounds of a charge of a 11343
misdemeanor, if the alleged act was committed in the course of 11344
practice; 11345

(3) A plea of guilty to, or a finding of guilt by a jury 11346
or court of, a misdemeanor involving moral turpitude, or a case 11347
in which the trial court issues an order of dismissal upon 11348
technical or procedural grounds of a charge of a misdemeanor 11349
involving moral turpitude. 11350

(C) The report shall include the name and address of the 11351
respiratory care professional or person holding a limited 11352
permit, the nature of the offense for which the action was 11353
taken, and the certified court documents recording the action. 11354
The board may prescribe and provide forms for prosecutors to 11355

make reports under this section. The form may be the same as the 11356
form required to be provided under section 2929.42 of the 11357
Revised Code. 11358

Sec. 4761.14. An employer that disciplines or terminates 11359
the employment of a respiratory care professional or individual 11360
holding a limited permit issued under this chapter because of 11361
conduct that would be grounds for disciplinary action under 11362
section 4761.09 of the Revised Code shall report the action to 11363
~~the Ohio respiratory care board~~ state medical board. The report 11364
shall state the name of the respiratory care professional or 11365
individual holding the limited permit and the reason the 11366
employer took the action. If an employer fails to report to the 11367
board, the board may seek an order from a court of competent 11368
jurisdiction compelling submission of the report. 11369

Sec. 4761.18. The ~~Ohio respiratory care board~~ state 11370
medical board shall comply with section 4776.20 of the Revised 11371
Code. 11372

Sec. 4776.01. As used in this chapter: 11373

(A) "License" means an authorization evidenced by a 11374
license, certificate, registration, permit, card, or other 11375
authority that is issued or conferred by a licensing agency to a 11376
licensee or to an applicant for an initial license by which the 11377
licensee or initial license applicant has or claims the 11378
privilege to engage in a profession, occupation, or occupational 11379
activity, or, except in the case of the state dental board, to 11380
have control of and operate certain specific equipment, 11381
machinery, or premises, over which the licensing agency has 11382
jurisdiction. 11383

(B) Except as provided in section 4776.20 of the Revised 11384

Code, "licensee" means the person to whom the license is issued 11385
by a licensing agency. 11386

(C) Except as provided in section 4776.20 of the Revised 11387
Code, "licensing agency" means any of the following: 11388

(1) The board authorized by Chapters 4701., 4717., 4725., 11389
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4753., 11390
4755., 4757., 4758., 4759., 4760., 4761., 4762., 4779., and 11391
4783. of the Revised Code to issue a license to engage in a 11392
specific profession, occupation, or occupational activity, or to 11393
have charge of and operate certain specified equipment, 11394
machinery, or premises. 11395

(2) The state dental board, relative to its authority to 11396
issue a license pursuant to section 4715.12, 4715.16, 4715.21, 11397
or 4715.27 of the Revised Code. 11398

(D) "Applicant for an initial license" includes persons 11399
seeking a license for the first time and persons seeking a 11400
license by reciprocity, endorsement, or similar manner of a 11401
license issued in another state. 11402

(E) "Applicant for a restored license" includes persons 11403
seeking restoration of a certificate under section 4730.14, 11404
4731.281, 4760.06, or 4762.06 of the Revised Code. 11405

(F) "Criminal records check" has the same meaning as in 11406
section 109.572 of the Revised Code. 11407

Sec. 4779.02. (A) Except as provided in division (B) of 11408
this section, no person shall practice or represent that the 11409
person is authorized to practice orthotics, prosthetics, or 11410
pedorthics unless the person holds a current, valid license 11411
issued or renewed under this chapter. 11412

(B) Division (A) of this section does not apply to any of 11413
the following: 11414

(1) An individual who holds a current, valid license, 11415
certificate, or registration issued under Chapter 4723., 4729., 11416
4730., 4731., 4734., or 4755. of the Revised Code and is 11417
practicing within the individual's scope of practice under 11418
statutes and rules regulating the individual's profession; 11419

(2) An individual who practices orthotics, prosthetics, or 11420
pedorthics as an employee of the federal government and is 11421
engaged in the performance of duties prescribed by statutes and 11422
regulations of the United States; 11423

(3) An individual who provides orthotic, prosthetic, or 11424
pedorthic services under the supervision of a licensed 11425
orthotist, prosthetist, or pedorthist in accordance with section 11426
4779.04 of the Revised Code; 11427

(4) An individual who provides orthotic, prosthetic, or 11428
pedorthic services as part of an educational, certification, or 11429
residency program approved by the state physical health services 11430
~~board of orthotics, prosthetics, and pedorthics~~ under sections 11431
4779.25 to 4779.27 of the Revised Code; 11432

(5) An individual who provides orthotic, prosthetic, or 11433
pedorthic services under the direct supervision of an individual 11434
authorized under Chapter 4731. of the Revised Code to practice 11435
medicine and surgery or osteopathic medicine and surgery. 11436

Sec. 4779.08. (A) The state physical health services board 11437
~~of orthotics, prosthetics, and pedorthics~~ shall adopt rules in 11438
accordance with Chapter 119. of the Revised Code to carry out 11439
the purposes of this chapter, including rules prescribing all of 11440
the following: 11441

(1) The form and manner of filing of applications to be admitted to examinations and for licensure and license renewal;	11442 11443
(2) Standards and procedures for formulating, evaluating, approving, and administering licensing examinations or recognizing other entities that conduct examinations;	11444 11445 11446
(3) The form, scoring, and scheduling of licensing examinations;	11447 11448
(4) Fees for examinations and applications for licensure and license renewal;	11449 11450
(5) Fees for approval of continuing education courses;	11451
(6) Procedures for issuance, renewal, suspension, and revocation of licenses and the conduct of disciplinary hearings;	11452 11453
(7) Standards of ethical and professional conduct in the practice of orthotics, prosthetics, and pedorthics;	11454 11455
(8) Standards for approving national certification organizations in orthotics, prosthetics, and pedorthics;	11456 11457
(9) (8) Fines for violations of this chapter;	11458
(10) (9) Standards for the recognition and approval of educational programs required for licensure, including standards for approving foreign educational credentials;	11459 11460 11461
(11) (10) Standards for continuing education programs required for license renewal;	11462 11463
(12) Provisions for making available the information described in section 4779.22 of the Revised Code;	11464 11465
(13) (11) Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code.	11466 11467

(B) The board may adopt any other rules necessary for the 11468
administration of this chapter. 11469

(C) ~~The All fees prescribed received by the board under~~ 11470
~~this section shall be paid to the treasurer of~~ deposited in the 11471
~~state, who shall deposit the fees in~~ treasury to the credit of 11472
the occupational licensing and regulatory fund established in 11473
section 4743.05 of the Revised Code. 11474

Sec. 4779.09. An applicant for a license to practice 11475
orthotics, prosthetics, orthotics and prosthetics, or pedorthics 11476
shall apply to the state physical health services board ~~of~~ 11477
~~orthotics, prosthetics, and pedorthics~~ in accordance with rules 11478
adopted under section 4779.08 of the Revised Code and pay the 11479
application fee specified in the rules. The board shall issue a 11480
license to an applicant who is eighteen years of age or older, 11481
of good moral character, and meets either the requirements of 11482
divisions (A) and (B) of this section or the requirements of 11483
section ~~4779.16 or~~ 4779.17 of the Revised Code. 11484

(A) The applicant must pass an examination conducted 11485
pursuant to section 4779.15 of the Revised Code; 11486

(B) The applicant must meet the requirements of one of the 11487
following: 11488

(1) In the case of an applicant for a license to practice 11489
orthotics, the requirements of section 4779.10 of the Revised 11490
Code; 11491

(2) In the case of an applicant for a license to practice 11492
prosthetics, the requirements of section 4779.11 of the Revised 11493
Code; 11494

(3) In the case of an applicant for a license to practice 11495
orthotics and prosthetics, the requirements of section 4779.12 11496

of the Revised Code; 11497

(4) In the case of an applicant for a license to practice 11498
pedorthics, the requirements of section 4779.13 of the Revised 11499
Code. 11500

Sec. 4779.091. (A) As used in this section, "license" and 11501
"applicant for an initial license" have the same meanings as in 11502
section 4776.01 of the Revised Code, except that "license" as 11503
used in both of those terms refers to the types of 11504
authorizations otherwise issued or conferred under this chapter. 11505

(B) In addition to any other eligibility requirement set 11506
forth in this chapter, each applicant for an initial license 11507
shall comply with sections 4776.01 to 4776.04 of the Revised 11508
Code. The state physical health services board ~~of orthotics,~~ 11509
~~prosthetics, and pedorthics~~ shall not grant a license to an 11510
applicant for an initial license unless the applicant complies 11511
with sections 4776.01 to 4776.04 of the Revised Code and the 11512
board, in its discretion, decides that the results of the 11513
criminal records check do not make the applicant ineligible for 11514
a license issued pursuant to section 4779.09, ~~4779.16,~~ 4779.17, 11515
or 4779.18 of the Revised Code. 11516

Sec. 4779.10. To be eligible for a license to practice 11517
orthotics, an applicant must meet the following requirements ~~of~~ 11518
~~division (A) of this section, or, if the application is made on~~ 11519
~~or before January 1, 2008, the requirements of either division~~ 11520
~~(A) or (B) of this section:~~ 11521

(A) ~~The requirements of this division are met if the~~ 11522
~~applicant is in compliance with divisions (A) (1), (2), and (3)~~ 11523
~~of this section.~~ 11524

~~(1)~~ On the date of application, the applicant has 11525

practiced orthotics for not less than eight months under the 11526
supervision of an individual licensed under this chapter to 11527
practice orthotics~~†~~. 11528

~~(2)~~ (B) The applicant has completed an orthotics residency 11529
program approved by the state physical health services board 11530
under section 4779.27 of the Revised Code~~†~~. 11531

~~(3)~~ (C) One of the following is the case: 11532

~~(a)~~ (1) The applicant holds a bachelor's degree in 11533
orthotics and prosthetics from an accredited college or 11534
university whose orthotics and prosthetics program is recognized 11535
by the ~~state board of orthotics, prosthetics, and pedorthics~~ 11536
under section 4779.25 of the Revised Code or an equivalent 11537
educational credential from a foreign educational institution 11538
recognized by the board~~†~~. 11539

~~(b)~~ (2) The applicant holds a bachelor's degree in a 11540
subject other than orthotics and prosthetics or an equivalent 11541
educational credential from a foreign educational institution 11542
recognized by the board and has completed a certificate program 11543
in orthotics recognized by the board under section 4779.26 of 11544
the Revised Code. 11545

~~(B)~~ ~~This division applies to applications made on or~~ 11546
~~before January 1, 2008. The requirements of this division are~~ 11547
~~met if the applicant is in compliance with division (B) (1) or~~ 11548
~~(B) (2) (a) or (b) of this section:~~ 11549

~~(1)~~ ~~If application is made on or before January 1, 2006,~~ 11550
~~the applicant meets all of the following requirements:~~ 11551

~~(a)~~ ~~Holds an associate's degree or higher from an~~ 11552
~~accredited college or university or an equivalent credential~~ 11553
~~from a foreign educational institution recognized by the board,~~ 11554

~~(b) Has completed a certificate program in orthotics recognized by the board under section 4779.26 of the Revised Code;~~ 11555
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~~(c) Has three years of documented, full-time experience practicing or teaching orthotics.~~ 11558
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~~(2) If the application is made on or before January 1, 2008, the applicant meets the requirements of division (B) (2) (a) or (b) of this section:~~ 11560
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~~(a) (i) The applicant holds a bachelor's degree or higher from a nationally accredited college or university or an equivalent credential from a foreign educational institution recognized by the board;~~ 11563
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~~(ii) The applicant holds a valid certificate in orthotics issued by the American board for certification in orthotics and prosthetics, the board for orthotist/prosthetist certification, or an equivalent successor organization recognized by the board;~~ 11567
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~~(iii) The applicant has completed three years of documented, full-time experience practicing or teaching orthotics.~~ 11571
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11573

~~(b) (i) The applicant holds a bachelor's degree or higher from a nationally accredited college or university or an equivalent credential from a foreign educational institution recognized by the board;~~ 11574
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~~(ii) The applicant has completed a certificate program in orthotics recognized by the board under section 4779.26 of the Revised Code;~~ 11578
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~~(iii) The applicant has completed a residency program in orthotics recognized by the board under section 4779.27 of the~~ 11581
11582

~~Revised Code or has three years of documented, full-time
experience practicing or teaching orthotics.~~ 11583
11584

Sec. 4779.11. To be eligible for a license to practice 11585
prosthetics, an applicant must meet the following requirements 11586
~~of division (A) of this section, or, if the application is made-~~ 11587
~~on or before January 1, 2008, the requirements of either~~ 11588
~~division (A) or (B) of this section:~~ 11589

~~(A) The requirements of this division are met if the~~ 11590
~~applicant is in compliance with divisions (A) (1), (2), and (3)-~~ 11591
~~of this section.~~ 11592

~~(1) On the date of application, the applicant has~~ 11593
~~practiced prosthetics for not less than eight months under the~~ 11594
~~supervision of an individual licensed under this chapter to~~ 11595
~~practice prosthetics.~~ 11596

~~(2) (B) The applicant has completed a prosthetics~~ 11597
~~residency program approved by the state physical health services~~ 11598
~~board under section 4779.27 of the Revised Code.~~ 11599

~~(3) (C) One of the following is the case:~~ 11600

~~(a) (1) The applicant holds a bachelor's degree in~~ 11601
~~orthotics and prosthetics from an accredited college or~~ 11602
~~university whose orthotics and prosthetics program is recognized~~ 11603
~~by the ~~state board of orthotics, prosthetics, and pedorthics~~~~ 11604
~~under section 4779.25 of the Revised Code or an equivalent~~ 11605
~~educational credential from a foreign educational institution~~ 11606
~~recognized by the board.~~ 11607

~~(b) (2) The applicant holds a bachelor's degree in a~~ 11608
~~subject other than orthotics and prosthetics or an equivalent~~ 11609
~~educational credential from a foreign educational institution~~ 11610
~~recognized by the board and has completed a certificate program~~ 11611

in prosthetics recognized by the board under section 4779.26 of 11612
the Revised Code. 11613

~~(B) This division applies to applications made on or 11614
before January 1, 2008. The requirements of this division are 11615
met if the applicant is in compliance with division (B) (1) or 11616
(B) (2) (a) or (b) of this section: 11617~~

~~(1) If application is made on or before January 1, 2006, 11618
the applicant meets all of the following requirements: 11619~~

~~(a) Holds an associate's degree or higher from an 11620
accredited college or university or an equivalent credential 11621
from a foreign educational institution recognized by the board; 11622~~

~~(b) Has completed a certificate program in prosthetics 11623
recognized by the board under section 4779.26 of the Revised 11624
Code; 11625~~

~~(c) Has three years of documented, full time experience 11626
practicing or teaching prosthetics. 11627~~

~~(2) If the application is made on or before January 1, 11628
2008, the applicant meets the requirements of division (B) (2) (a) 11629
or (b) of this section: 11630~~

~~(a) (i) The applicant holds a bachelor's degree or higher 11631
from a nationally accredited college or university or an 11632
equivalent credential from a foreign educational institution 11633
recognized by the board; 11634~~

~~(ii) The applicant holds a valid certificate in 11635
prosthetics issued by the American board for certification in 11636
orthotics and prosthetics, the board for orthotist/prosthetist 11637
certification, or an equivalent successor organization 11638
recognized by the board; 11639~~

~~(iii) The applicant has completed three years of documented, full-time experience practicing or teaching prosthetics.~~ 11640
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~~(b) (i) The applicant holds a bachelor's degree or higher from a nationally accredited college or university or an equivalent credential from a foreign educational institution recognized by the board;~~ 11643
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~~(ii) The applicant has completed a certificate program in prosthetics recognized by the board under section 4779.26 of the Revised Code;~~ 11647
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~~(iii) The applicant has completed a residency program in prosthetics recognized by the board under section 4779.27 of the Revised Code or has three years of documented, full-time experience practicing or teaching prosthetics.~~ 11650
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Sec. 4779.12. To be eligible for a license to practice 11654
orthotics and prosthetics, an applicant must meet the following 11655
~~requirements of division (A) of this section, or, if the~~ 11656
~~application is made on or before January 1, 2008, the~~ 11657
~~requirements of either division (A) or (B) of this section:~~ 11658

~~(A) The requirements of this division are met if the applicant is in compliance with divisions (A) (1), (2), and (3) of this section.~~ 11659
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~~(1) On the date of application, the applicant has practiced orthotics and prosthetics for not less than eight months under the supervision of an individual licensed under this chapter to practice orthotics and prosthetics.~~ 11662
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~~(2) (B) The applicant has completed an orthotics and prosthetics residency program approved by the state physical health services board under section 4779.27 of the Revised~~ 11666
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Code~~;~~ 11669

~~(3)~~ (C) One of the following is the case: 11670

~~(a)~~ (1) The applicant holds a bachelor's degree in 11671
orthotics and prosthetics from an accredited college or 11672
university whose orthotics and prosthetics program is recognized 11673
by the ~~state board of orthotics, prosthetics, and pedorthics~~ 11674
under section 4779.25 of the Revised Code or an equivalent 11675
educational credential from a foreign educational institution 11676
recognized by the board~~;~~ 11677

~~(b)~~ (2) The applicant holds a bachelor's degree in a 11678
subject other than orthotics and prosthetics or an equivalent 11679
educational credential from a foreign educational institution 11680
recognized by the board and has completed a certificate program 11681
in orthotics and prosthetics recognized by the board under 11682
section 4779.26 of the Revised Code. 11683

~~(B)~~ This division applies to applications made on or 11684
before January 1, 2008. The requirements of this division are 11685
met if the applicant is in compliance with division (B) (1) or 11686
~~(B) (2) (a) or (b) of this section:~~ 11687

~~(1)~~ If application is made on or before January 1, 2006, ~~11688~~
the applicant meets all of the following requirements: 11689

~~(a)~~ Holds an associate's degree or higher from an 11690
accredited college or university or an equivalent credential 11691
from a foreign educational institution recognized by the board~~;~~ 11692

~~(b)~~ Has completed a certificate program in orthotics and 11693
prosthetics recognized by the board under section 4779.26 of the 11694
Revised Code~~;~~ 11695

~~(c)~~ Has six years of documented, full-time experience 11696

~~practicing or teaching orthotics or prosthetics.~~ 11697

~~(2) If the application is made on or before January 1, 2008, the applicant meets the requirements of division (B)(2)(a) or (b) of this section:~~ 11698
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~~(a) (i) The applicant holds a bachelor's degree or higher from a nationally accredited college or university or an equivalent credential from a foreign educational institution recognized by the board;~~ 11701
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~~(ii) The applicant holds a valid certificate in orthotics and prosthetics issued by the American board for certification in orthotics and prosthetics, the board for orthotist/prosthetist certification, or an equivalent successor organization recognized by the board;~~ 11705
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~~(iii) The applicant has completed six years of documented, full-time experience practicing or teaching orthotics or prosthetics.~~ 11710
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~~(b) (i) The applicant holds a bachelor's degree or higher from a nationally accredited college or university or an equivalent credential from a foreign educational institution recognized by the board;~~ 11713
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~~(ii) The applicant has completed a certificate program in orthotics and prosthetics recognized by the board under section 4779.26 of the Revised Code;~~ 11717
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~~(iii) The applicant has completed a residency program in orthotics and prosthetics recognized by the board under section 4779.27 of the Revised Code or has six years of documented, full-time experience practicing or teaching orthotics or prosthetics.~~ 11720
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Sec. 4779.13. To be eligible for a license to practice pedorthics, an applicant must meet all of the following requirements: 11725
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(A) On the date of application, has practiced pedorthics for not less than eight months under the supervision of an individual licensed under this chapter to practice pedorthics; 11728
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(B) Holds a high school diploma or certificate of high school equivalence issued by the department of education, or a primary-secondary education or higher education agency of another state; 11731
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(C) Has completed the education, training, and experience required to take the certification examination developed by the state physical health services board for certification in pedorthics or an equivalent successor organization recognized by the board. 11735
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Sec. 4779.15. Except as provided in ~~sections 4779.16 and section 4779.17~~ of the Revised Code, the state physical health services board ~~of orthotics, prosthetics, and pedorthics~~ shall examine or cause to be examined each individual who seeks to practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics in this state. 11740
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To be eligible to take an examination conducted by the board or an entity recognized by the board for the purpose of this section, an individual must file an application and pay an examination fee as specified in rules adopted by the board under section 4779.08 of the Revised Code and meet all the requirements of section 4779.09 of the Revised Code other than the requirement of having passed the examination. 11746
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Examinations shall be conducted at least once a year in 11753

accordance with rules adopted by the board under section 4779.08 11754
of the Revised Code. Each applicant shall be examined in such 11755
subjects as the board requires. 11756

The board may use as its examination all or part of a 11757
standard orthotics, prosthetics, orthotics and prosthetics, or 11758
pedorthics licensing examination established for the purpose of 11759
determining the competence of individuals to practice orthotics, 11760
prosthetics, or pedorthics in the United States. In lieu of 11761
conducting examinations, the board may accept the results of 11762
examinations conducted by entities recognized by the board. 11763

Sec. 4779.17. The state physical health services board ~~of~~ 11764
~~orthotics, prosthetics, and pedorthics~~ shall issue a license 11765
under section 4779.09 of the Revised Code to practice orthotics, 11766
prosthetics, orthotics and prosthetics, or pedorthics without 11767
examination to an applicant who meets all of the following 11768
requirements: 11769

(A) Applies to the board in accordance with section 11770
4779.09 of the Revised Code; 11771

(B) Holds a license to practice orthotics, prosthetics, 11772
orthotics and prosthetics, or pedorthics issued by the 11773
appropriate authority of another state; 11774

(C) One of the following applies: 11775

(1) In the case of an applicant for a license to practice 11776
orthotics, the applicant meets the requirements in divisions ~~(A)~~ 11777
~~(2)~~ (B) and ~~(3)~~ (C) of section 4779.10 of the Revised Code. 11778

(2) In the case of an applicant for a license to practice 11779
prosthetics, the applicant meets the requirements in divisions 11780
~~(A)~~ ~~(2)~~ (B) and ~~(3)~~ (C) of section 4779.11 of the Revised Code. 11781

(3) In the case of an applicant for a license to practice orthotics and prosthetics, the applicant meets the requirements in divisions ~~(A) (2)~~ (B) and ~~(3)~~ (C) of section 4779.12 of the Revised Code.

(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.

(D) ~~The All fees prescribed received by the board under this section shall be paid to the treasurer of deposited in the state, who shall deposit the fees in treasury to the credit of the occupational licensing and regulatory fund established in section 4743.05 of the Revised Code.~~

Sec. 4779.18. (A) The state physical health services board ~~of orthotics, prosthetics, and pedorthics~~ shall issue a temporary license to an individual who meets all of the following requirements:

(1) Applies to the board in accordance with rules adopted under section 4779.08 of the Revised Code and pays the application fee specified in the rules;

(2) Is eighteen years of age or older;

(3) Is of good moral character;

(4) One of the following applies:

(a) In the case of an applicant for a license to practice orthotics, the applicant meets the requirements in divisions ~~(A) (2)~~ (B) and ~~(3)~~ (C) of section 4779.10 of the Revised Code.

(b) In the case of an applicant for a license to practice prosthetics, the applicant meets the requirements in divisions ~~(A) (2)~~ (B) and ~~(3)~~ (C) of section 4779.11 of the Revised Code.

(c) In the case of an applicant for a license to practice orthotics and prosthetics, the applicant meets the requirements in divisions ~~(A) (2)~~ (B) and ~~(3)~~ (C) of section 4779.12 of the Revised Code.

(d) In the case of an applicant for a license to practice pedorthics, the applicant meets the requirements in divisions (B) and (C) of section 4779.13 of the Revised Code.

(B) A temporary license issued under this section is valid for one year and may be renewed once in accordance with rules adopted by the board under section 4779.08 of the Revised Code.

An individual who holds a temporary license may practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics only under the supervision of an individual who holds a license issued under section 4779.09 of the Revised Code in the same area of practice.

(C) ~~The All fees prescribed received by the board under this section shall be paid to the treasurer of deposited in the state, who shall deposit the fees in treasury fund to the credit of the occupational licensing and regulatory fund established in section 4743.05 of the Revised Code.~~

Sec. 4779.20. (A) An individual seeking to renew a license issued under section 4779.09 of the Revised Code shall, on or before the day the license expires pursuant to section 4779.19 of the Revised Code, apply for renewal. The state physical health services board ~~of orthotics, prosthetics, and pedorthics~~ shall send renewal notices at least one month prior to the expiration date.

Applications shall be submitted to the board on forms the board prescribes and furnishes. Each application shall be

accompanied by a renewal fee specified in rules adopted by the board under section 4779.08 of the Revised Code, except that the board may waive part of the renewal fee for the first renewal of an initial license that expires one hundred days or less after it is issued.

(B) Beginning with the fourth renewal and every third renewal thereafter, a license holder must certify to the board one of the following:

(1) In the case of an individual licensed as an orthotist or prosthetist, the individual has completed within the preceding three years forty-five continuing education units granted by the board under section 4779.24 of the Revised Code;

(2) In the case of an individual licensed as a prosthetist and orthotist, the individual has completed within the preceding three years seventy-five continuing education units granted by the board under section 4779.24 of the Revised Code;

(3) In the case of an individual licensed as a pedorthist, the individual has completed within the previous three years the continuing education courses required by the board for certification in pedorthics or an equivalent organization recognized by the board.

Sec. 4779.23. (A) To be eligible for approval by the state physical health services board ~~of orthotics, prosthetics, and pedorthics~~, a continuing education course must satisfy all of the following requirements:

(1) Include significant intellectual or practical content and be designed to improve the professional competence of participants;

(2) Deal with matters directly related to the practice of

orthotics, prosthetics, or pedorthics, including professional 11868
responsibility, ethical obligations, or similar subjects that 11869
the board considers necessary to maintain and improve the 11870
quality of orthotic and prosthetic services in this state; 11871

(3) Involve in-person instruction, except that a course 11872
may use self-study materials if the materials are prepared and 11873
presented by a group with appropriate practical experience; 11874

(4) Be presented in a setting that is physically suited to 11875
the course; 11876

(5) Include thorough, high-quality written material; 11877

(6) Meet any other requirements the board considers 11878
appropriate. 11879

(B) The board shall, in accordance with the standards in 11880
division (A) of this section, review and approve continuing 11881
education courses. If the board does not approve a course, it 11882
shall provide a written explanation of the reason for the denial 11883
to the person that requested approval. The board may approve 11884
continuing education courses approved by boards of other states 11885
that regulate orthotics, prosthetics, and pedorthics if the 11886
other board's standards for approving continuing education 11887
courses are equivalent to the standards established pursuant to 11888
division (A) of this section. 11889

Sec. 4779.24. The state physical health services board ~~of~~ 11890
~~orthotics, prosthetics, and pedorthics~~ shall grant continuing 11891
education units to individuals licensed under this chapter on 11892
the following basis: 11893

(A) For completing a continuing education course approved 11894
by the board under section 4779.23 of the Revised Code, one unit 11895
for each hour of instruction received; 11896

(B) For teaching as a faculty member a course in orthotics, prosthetics, or pedorthics that is part of the curriculum of an institution of higher education, one-half unit for each semester hour of the course, or an equivalent unit for each quarter or trimester hour of the course;

(C) For teaching other than as a faculty member a course that is part of an institution of higher education's orthotics, prosthetics, or pedorthics curriculum, one unit for each hour teaching the course;

(D) For teaching a continuing education course that is approved by the board under section 4779.23 of the Revised Code that is not part of an institution of higher education's orthotics, prosthetics, or pedorthics curriculum, three units for each hour teaching the course for the first time and one-half unit for each hour teaching the course each time thereafter.

Sec. 4779.25. The state physical health services board ~~of orthotics, prosthetics, and pedorthics~~ shall recognize an institution of higher education's bachelor's degree program in orthotics and prosthetics if the program satisfies all of the following requirements:

(A) Provides not less than two semesters or three quarters of instruction in orthotics and two semesters or three quarters of instruction in prosthetics;

(B) Requires as a condition of entry a high school diploma or certificate of high school equivalence;

(C) Includes a written description of the program that includes learning goals, course objectives, and competencies for graduation;

(D) Requires frequent, documented evaluation of students	11926
to assess their acquisition of knowledge, problem identification	11927
and solving skills, and psychomotor, behavioral, and clinical	11928
competencies;	11929
(E) Requires as a condition of entry successful completion	11930
of courses in biology, chemistry, physics, psychology, computer	11931
science, algebra or higher math, human anatomy with a laboratory	11932
section, and physiology with a laboratory section;	11933
(F) Requires formal instruction in biomechanics, gait	11934
analysis and pathometrics, kinesiology, pathology, materials	11935
science, research methods, and diagnostic imaging techniques;	11936
(G) Requires students as a condition of graduation to	11937
demonstrate orthotics skills, including measurement, impression-	11938
taking, model rectification, and fitting and alignment of	11939
orthoses for the lower limbs, upper limbs, and spines;	11940
(H) Requires students as a condition of graduation to	11941
complete training in orthotic systems, including foot orthosis,	11942
ankle-foot orthosis, knee orthosis, knee-ankle-foot orthosis,	11943
hip-knee-ankle orthosis, hip orthosis, wrist-hand orthosis,	11944
cervical-thoracic-lumbo-sacral orthosis, thoracolumbo-sacral	11945
orthosis, lumbo-sacral orthosis, HALO, fracture management, RGO,	11946
standing frames, and seating;	11947
(I) Requires students as a condition of graduation to	11948
demonstrate prosthetic skills that include measurement,	11949
impression-taking, model rectification, diagnostic fitting,	11950
definitive fitting, postoperative management, external power,	11951
and static and dynamic alignment of sockets related to various	11952
amputation levels, including partial foot, Syme's below knee,	11953
above knee, below elbow, above elbow, and the various joint	11954

disarticulations; 11955

(J) Requires as a condition of graduation students to 11956
complete not less than five hundred hours of supervised clinical 11957
experience that focus on patient-related activities, including 11958
recommendation, measurement, impression-taking, model 11959
rectification, fabrication, fitting, and evaluating patients in 11960
the use and function of orthotics and prosthetics; 11961

(K) Provides for the evaluation of the program's 11962
compliance with the requirements of this section through 11963
regular, on-site visits conducted by a team of qualified 11964
individuals from a nationally recognized orthotic, prosthetic, 11965
or orthotic and prosthetic certifying body; 11966

(L) Meets any other standards adopted by the board under 11967
section 4779.08 of the Revised Code. 11968

Sec. 4779.26. The state physical health services board of 11969
~~orthotics, prosthetics, and pedorthics~~ shall recognize a 11970
certificate program in orthotics, prosthetics, or orthotics and 11971
prosthetics if the program satisfies all of the following 11972
requirements: 11973

(A) Meets the requirements in divisions (B), (C), (D), 11974
(E), (F), (K), and (L) of section 4779.25 of the Revised Code; 11975

(B) In the case of a certificate program in orthotics, the 11976
program does all of the following: 11977

(1) Provides not less than two semesters or three quarters 11978
of instruction in orthotics; 11979

(2) Requires students to complete not less than two 11980
hundred fifty hours of supervised clinical experience that 11981
focuses on patient-related activities, recommendation, 11982

measurement, impression-taking, model rectification,	11983
fabrication, fitting, and evaluating patients in the use and	11984
function of orthotics;	11985
(3) Meets the requirements in divisions (G) and (H) of	11986
section 4779.25 of the Revised Code.	11987
(C) In the case of a certificate program in prosthetics,	11988
the program does all of the following:	11989
(1) Provides not less than two semesters or three quarters	11990
of instruction in prosthetics;	11991
(2) Requires students to complete not less than two	11992
hundred fifty hours of supervised clinical experience that	11993
focuses on patient-related activities, recommendation,	11994
measurement, impression-taking, model rectification,	11995
fabrication, fitting, and evaluating patients in the use and	11996
function of prosthetics;	11997
(3) Meets the requirements in divisions (F) and (I) of	11998
section 4779.25 of the Revised Code.	11999
(D) In the case of a certificate program in orthotics and	12000
prosthetics, the program does both of the following:	12001
(1) Provides not less than two semesters or three quarters	12002
of instruction in orthotics and two semesters or three quarters	12003
of instruction in prosthetics;	12004
(2) Meets the requirements in divisions (H) and (I) of	12005
section 4779.25 of the Revised Code.	12006
Sec. 4779.27. The state <u>physical health services board of</u>	12007
orthotics, prosthetics, and pedorthics shall approve a residency	12008
program in orthotics, prosthetics, or orthotics and prosthetics	12009
if the program does all of the following:	12010

(A) Requires a bachelor's degree as a condition of entry;	12011
(B) Does one of the following:	12012
(1) In the case of a residency program in orthotics,	12013
provides two semesters or three quarters of instruction in	12014
orthotics;	12015
(2) In the case of a residency program in prosthetics,	12016
provides two semesters or three quarters of instruction in	12017
prosthetics;	12018
(3) In the case of a residency program in orthotics and	12019
prosthetics, provides two semesters or three quarters of	12020
instruction in orthotics and two semesters or three quarters of	12021
instruction in prosthetics.	12022
(C) Meets the requirements in divisions (K) and (L) of	12023
section 4779.25 of the Revised Code;	12024
(D) Provides residents with a sufficient variety and	12025
volume of clinical experiences to give them adequate educational	12026
experience in the acute, rehabilitative, and chronic aspects of	12027
orthotics and prosthetics, including recommendation,	12028
measurement, impression-taking, model rectification,	12029
fabrication, fitting, and evaluating patients in the use and	12030
function of orthotics and prosthetics;	12031
(E) Provides residents with sufficient training in	12032
clinical assessment, patient management, technical	12033
implementation, practice management, and professional	12034
responsibility.	12035
Sec. 4779.30. If the state <u>physical health services board</u>	12036
of orthotics, prosthetics, and pedorthics has reason to believe	12037
that a person who holds a license issued under this chapter is	12038

mentally ill or mentally incompetent, it may file in the probate court of the county in which the person has a legal residence an affidavit in the form prescribed in section 5122.11 of the Revised Code and signed by the secretary of the board, whereupon the same proceeding shall be had as provided in Chapter 5122. of the Revised Code. The attorney general may represent the board in any proceeding commenced under this section.

If an individual who has been granted a license under this chapter is adjudicated by a probate court to be mentally ill or mentally incompetent, the individual's license shall be automatically suspended until the individual has filed with the board a certified copy of an adjudication by a probate court of the individual's subsequent restoration to competency or has submitted to the board proof, satisfactory to the board, of having been restored to competency in the manner and form provided in section 5122.38 of the Revised Code. The judge of the court shall immediately notify the board of an adjudication of incompetence and note any suspension of a license in the margin of the court's record of the certificate. ~~In the absence of fraud or bad faith, neither the board nor any agent, representative, or employee of the board shall be held liable in damages by any person by reason of the filing of the affidavit referred to in this section.~~

Sec. 4779.32. If any person makes an allegation against an individual who holds a license issued under this chapter, the allegation shall be reduced to writing and verified by a person who is familiar with the facts underlying the allegation. The person making the allegation shall file ~~three copies of the~~ allegation with the state physical health services board ~~of orthotics, prosthetics, and pedorthics~~. If a person alleges that a license holder is engaging or has engaged in conduct described

in division (A) of section 4779.28 of the Revised Code, the 12070
board may proceed with an adjudication hearing under Chapter 12071
119. of the Revised Code. The board shall retain the information 12072
filed under this section in accordance with rules adopted by the 12073
board under section 4779.08 of the Revised Code. 12074

Sec. 4779.33. The ~~secretary of the state~~ physical health 12075
services board ~~of orthotics, prosthetics, and pedorthics~~ shall 12076
enforce the laws relating to the practice of orthotics, 12077
prosthetics, and pedorthics. If the secretary has knowledge of a 12078
violation, the secretary shall investigate the violation and 12079
notify the prosecuting attorney of the proper county. 12080

Sec. 4779.34. The state physical health services board ~~of~~ 12081
~~orthotics, prosthetics, and pedorthics~~ shall comply with section 12082
4776.20 of the Revised Code. 12083

Sec. 4783.03. (A) The state behavioral health 12084
professionals board ~~of psychology~~ shall administer and enforce 12085
this chapter. The board shall adopt rules under Chapter 119. of 12086
the Revised Code establishing all of the following: 12087

(1) Procedures and requirements for applying for a 12088
certificate issued under section 4783.04 of the Revised Code; 12089

(2) Fees for issuance of a certificate; 12090

(3) Reductions of the hours of continuing education 12091
required by section 4783.05 of the Revised Code for persons in 12092
their first certificate period. 12093

(B) The board may adopt additional rules in accordance 12094
with Chapter 119. of the Revised Code as the board determines 12095
are necessary to implement and enforce this chapter. 12096

Sec. 4783.04. (A) An individual seeking a certificate to 12097

practice as a certified Ohio behavior analyst shall file with 12098
the state behavioral health professionals board of psychology a 12099
~~written~~ an application on a form prescribed and supplied by the 12100
board. To be eligible for a certificate, the individual shall do 12101
all of the following: 12102

(1) Demonstrate that the applicant is of good moral 12103
character and conducts the applicant's professional activities 12104
in accordance with accepted professional and ethical standards; 12105

(2) Comply with sections 4776.01 to 4776.04 of the Revised 12106
Code; 12107

(3) Demonstrate an understanding of the law regarding 12108
behavioral health practice; 12109

(4) Demonstrate current certification as a board certified 12110
behavior analyst by the behavior analyst certification board or 12111
its successor organization or demonstrate completion of 12112
equivalent requirements and passage of a psychometrically valid 12113
examination administered by a nationally accredited 12114
credentialing organization; 12115

(5) Pay the fee established by the state behavioral health 12116
professionals board of psychology. 12117

(B) The state behavioral health professionals board of 12118
~~psychology~~ shall review all applications received under this 12119
section. The state behavioral health professionals board of 12120
~~psychology~~ shall not grant a certificate to an applicant for an 12121
initial certificate unless the applicant complies with sections 12122
4776.01 to 4776.04 of the Revised Code and the state behavioral 12123
health professionals board of psychology, in its discretion, 12124
decides that the results of the criminal records check do not 12125
make the applicant ineligible for a certificate issued pursuant 12126

to section 4783.09 of the Revised Code. If the state behavioral health professionals board of psychology determines that an applicant satisfies the requirements for a certificate to practice as a certified Ohio behavior analyst, the state behavioral health professionals board of psychology shall issue the applicant a certificate.

Sec. 4783.05. (A) (1) Except as otherwise provided in this division, a certificate issued under this chapter is valid for a period of two years. On or before the thirty-first day of August of each even-numbered year, each certified Ohio behavior analyst shall do both of the following:

(a) Register with the state behavioral health professionals board of psychology on a form prescribed by the board, giving the certified Ohio behavior analyst's name, address, certificate number, the continuing education information required under division (B) of this section, and any other reasonable information as the board requires;

(b) Pay to the board secretary a biennial registration fee in an amount of one hundred fifty dollars.

(2) An individual who is issued a certificate under section 4783.04 of the Revised Code for the first time on or before the thirty-first day of August of an even-numbered year shall next be required to register on or before the thirty-first day of August of the next even-numbered year.

(B) Every two years a certified Ohio behavior analyst who wishes to renew the certified Ohio behavior analyst's certificate issued under this chapter shall produce proof of not less than twenty-three hours of continuing education, including not less than four hours in ethics, professional conduct, or

cultural competency. Continuing education hours may be earned 12156
through providers of continuing education approved by the 12157
behavior analyst certification board or its successor 12158
organization or other organizations approved by the state 12159
behavioral health professionals board of psychology as providers 12160
of continuing education. 12161

Sec. 4783.09. (A) The state behavioral health 12162
professionals board of psychology may refuse to issue a 12163
certificate to any applicant, may issue a reprimand, or suspend 12164
or revoke the certificate of any certified Ohio behavior 12165
analyst, on any of the following grounds: 12166

(1) Conviction of a felony, or of any offense involving 12167
moral turpitude, in a court of this or any other state or in a 12168
federal court; 12169

(2) Using fraud or deceit in the procurement of the 12170
certificate to practice applied behavior analysis or knowingly 12171
assisting another in the procurement of such a certificate 12172
through fraud or deceit; 12173

(3) Accepting commissions or rebates or other forms of 12174
remuneration for referring persons to other professionals; 12175

(4) Willful, unauthorized communication of information 12176
received in professional confidence; 12177

(5) Being negligent in the practice of applied behavior 12178
analysis; 12179

(6) Using any controlled substance or alcoholic beverage 12180
to an extent that such use impairs the person's ability to 12181
perform the work of a certified Ohio behavior analyst with 12182
safety to the public; 12183

(7) Violating any rule of professional conduct promulgated by the board;	12184 12185
(8) Practicing in an area of applied behavior analysis for which the person is clearly untrained or incompetent;	12186 12187
(9) An adjudication by a court, as provided in section 5122.301 of the Revised Code, that the person is incompetent for the purpose of holding the certificate;	12188 12189 12190
(10) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers applied behavior analysis services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;	12191 12192 12193 12194 12195 12196 12197
(11) Advertising that the person will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers applied behavior analysis services, would otherwise be required to pay.	12198 12199 12200 12201 12202
(B) For purposes of division (A) (9) of this section, a person may have the person's certificate issued or restored only upon determination by a court that the person is competent for the purpose of holding the certificate and upon the decision by the board that the certificate be issued or restored. The board may require an examination prior to such issuance or restoration.	12203 12204 12205 12206 12207 12208 12209
(C) Notwithstanding divisions (A) (10) and (11) of this section, sanctions shall not be imposed against any certificate holder who waives deductibles and copayments:	12210 12211 12212

(1) In compliance with the health benefit plan that 12213
expressly allows such a practice. Waiver of the deductibles or 12214
copays shall be made only with the full knowledge and consent of 12215
the plan purchaser, payer, and third-party administrator. Such 12216
consent shall be made available to the board upon request. 12217

(2) For professional services rendered to any other person 12218
holding a certificate issued pursuant to this chapter to the 12219
extent allowed by this chapter and the rules of the board. 12220

(D) Except as provided in section 4783.10 of the Revised 12221
Code, before the board may deny, suspend, or revoke a 12222
certificate under this section, or otherwise discipline the 12223
holder of a certificate, written charges shall be filed with the 12224
board by the secretary and a hearing shall be had thereon in 12225
accordance with Chapter 119. of the Revised Code. 12226

Sec. 4783.10. On receipt of a complaint that any of the 12227
grounds listed in division (A) of section 4783.09 of the Revised 12228
Code exist, the state behavioral health professionals board ~~of~~ 12229
~~psychology~~ may suspend the certificate of the certified Ohio 12230
behavior analyst prior to holding a hearing in accordance with 12231
Chapter 119. of the Revised Code if it determines, based on the 12232
complaint, that an immediate threat to the public exists. 12233

After suspending a certificate pursuant to this section, 12234
the board shall notify the certified Ohio behavior analyst of 12235
the suspension in accordance with section 119.07 of the Revised 12236
Code. If the individual whose certificate is suspended fails to 12237
make a timely request for an adjudication under Chapter 119. of 12238
the Revised Code, the board shall enter a final order 12239
permanently revoking the individual's certificate. 12240

Sec. 4783.11. (A) Except as provided in division (B) of 12241

this section, if, at the conclusion of a hearing required by 12242
section 4783.09 of the Revised Code, the state behavioral health 12243
professionals board of psychology determines that a certified 12244
Ohio behavior analyst has engaged in sexual conduct or had 12245
sexual contact with the certified Ohio behavior analyst's 12246
patient or client in violation of any prohibition contained in 12247
Chapter 2907. of the Revised Code, the board shall do one of the 12248
following: 12249

(1) Suspend the certified Ohio behavior analyst's 12250
certificate; 12251

(2) Permanently revoke the certified Ohio behavior 12252
analyst's certificate. 12253

(B) If the board determines at the conclusion of the 12254
hearing that neither of the sanctions described in division (A) 12255
of this section is appropriate, the board shall impose another 12256
sanction it considers appropriate and issue a written finding 12257
setting forth the reasons for the sanction imposed and the 12258
reason that neither of the sanctions described in division (A) 12259
of this section is appropriate. 12260

Sec. 4783.12. On receipt of a notice pursuant to section 12261
3123.43 of the Revised Code, the state behavioral health 12262
professionals board of psychology shall comply with sections 12263
3123.41 to 3123.50 of the Revised Code and any applicable rules 12264
adopted under section 3123.63 of the Revised Code with respect 12265
to a certificate issued pursuant to this chapter. 12266

Sec. 4783.13. The state behavioral health professionals 12267
board ~~of psychology~~ shall comply with section 4776.20 of the 12268
Revised Code. 12269

Sec. 5119.94. (A) Upon receipt of a petition filed under 12270

section 5119.93 of the Revised Code and the payment of the 12271
appropriate filing fee, if any, the probate court shall examine 12272
the petitioner under oath as to the contents of the petition. 12273

(B) If, after reviewing the allegations contained in the 12274
petition and examining the petitioner under oath, it appears to 12275
the probate court that there is probable cause to believe the 12276
respondent may reasonably benefit from treatment, the court 12277
shall do all of the following: 12278

(1) Schedule a hearing to be held within seven days to 12279
determine if there is clear and convincing evidence that the 12280
respondent may reasonably benefit from treatment for alcohol and 12281
other drug abuse; 12282

(2) Notify the respondent, the legal guardian, if any and 12283
if known, and the spouse, parents, or nearest relative or friend 12284
of the respondent concerning the allegations and contents of the 12285
petition and of the date and purpose of the hearing; 12286

(3) Notify the respondent that the respondent may retain 12287
counsel and, if the person is unable to obtain an attorney, that 12288
the respondent may be represented by court-appointed counsel at 12289
public expense if the person is indigent. Upon the appointment 12290
of an attorney to represent an indigent respondent, the court 12291
shall notify the respondent of the name, address, and telephone 12292
number of the attorney appointed to represent the respondent. 12293

(4) Notify the respondent that the court shall cause the 12294
respondent to be examined not later than twenty-four hours 12295
before the hearing date by a physician for the purpose of a 12296
physical examination and by a qualified health professional for 12297
the purpose of a drug and alcohol addiction assessment and 12298
diagnosis. In addition, the court shall notify the respondent 12299

that the respondent may have an independent expert evaluation of 12300
the person's physical and mental condition conducted at the 12301
respondent's own expense. 12302

(5) Cause the respondent to be examined not later than 12303
twenty-four hours before the hearing date by a physician for the 12304
purpose of a physical examination and by a qualified health 12305
professional for the purpose of a drug and alcohol addiction 12306
assessment and diagnosis; 12307

(6) Conduct the hearing. 12308

(C) The physician and qualified health professional who 12309
examine the respondent pursuant to division (B) (5) of this 12310
section or who are obtained by the respondent at the 12311
respondent's own expense shall certify their findings to the 12312
court within twenty-four hours of the examinations. The findings 12313
of each qualified health professional shall include a 12314
recommendation for treatment if the qualified health 12315
professional determines that treatment is necessary. 12316

(D) (1) If upon completion of the hearing held under this 12317
section the probate court finds by clear and convincing evidence 12318
that the respondent may reasonably benefit from treatment, the 12319
court may order the treatment after considering the qualified 12320
health professionals' recommendations for treatment that have 12321
been submitted to the court under division (C) of this section. 12322
If the court orders the treatment under this division, the court 12323
shall order the treatment to be provided through a community 12324
addiction services provider or by an individual licensed or 12325
certified by the state medical board under Chapter 4731. of the 12326
Revised Code, ~~the chemical dependency professionals board under~~ 12327
~~Chapter 4758. of the Revised Code, the counselor, social worker,~~ 12328
~~and marriage and family therapist~~ state behavioral health 12329

professionals board under Chapter 4757. or 4758. of the Revised Code, or a similar board of another state authorized to provide substance abuse treatment. 12330
12331
12332

(2) Failure of a respondent to undergo and complete any treatment ordered pursuant to this division is contempt of court. Any community addiction services provider or person providing treatment under this division shall notify the probate court of a respondent's failure to undergo or complete the ordered treatment. 12333
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(E) If, at any time after a petition is filed under section 5119.93 of the Revised Code, the probate court finds that there is not probable cause to continue treatment or if the petitioner withdraws the petition, then the court shall dismiss the proceedings against the respondent. 12339
12340
12341
12342
12343

Sec. 5120.55. (A) As used in this section, "licensed health professional" means any or all of the following: 12344
12345

(1) A dentist who holds a current, valid license issued under Chapter 4715. of the Revised Code to practice dentistry; 12346
12347

(2) A licensed practical nurse who holds a current, valid license issued under Chapter 4723. of the Revised Code that authorizes the practice of nursing as a licensed practical nurse; 12348
12349
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(3) An optometrist who holds a current, valid certificate of licensure issued under Chapter 4725. of the Revised Code that authorizes the holder to engage in the practice of optometry; 12352
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(4) A physician who is authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery; 12355
12356
12357

(5) A psychologist who holds a current, valid license 12358
issued under Chapter 4732. of the Revised Code that authorizes 12359
the practice of psychology as a licensed psychologist; 12360

(6) A registered nurse who holds a current, valid license 12361
issued under Chapter 4723. of the Revised Code that authorizes 12362
the practice of nursing as a registered nurse, including such a 12363
nurse who is also authorized to practice as an advanced practice 12364
registered nurse as defined in section 4723.01 of the Revised 12365
Code. 12366

(B) (1) The department of rehabilitation and correction may 12367
establish a recruitment program under which the department, by 12368
means of a contract entered into under division (C) of this 12369
section, agrees to repay all or part of the principal and 12370
interest of a government or other educational loan incurred by a 12371
licensed health professional who agrees to provide services to 12372
inmates of correctional institutions under the department's 12373
administration. 12374

(2) (a) For a physician to be eligible to participate in 12375
the program, the physician must have attended a school that was, 12376
during the time of attendance, a medical school or osteopathic 12377
medical school in this country accredited by the liaison 12378
committee on medical education or the American osteopathic 12379
association, a college of podiatry in this country recognized as 12380
being in good standing under section 4731.53 of the Revised 12381
Code, or a medical school, osteopathic medical school, or 12382
college of podiatry located outside this country that was 12383
acknowledged by the world health organization and verified by a 12384
member state of that organization as operating within that 12385
state's jurisdiction. 12386

(b) For a nurse to be eligible to participate in the 12387

program, the nurse must have attended a school that was, during 12388
the time of attendance, a nursing school in this country 12389
accredited by the commission on collegiate nursing education or 12390
the national league for nursing accrediting commission or a 12391
nursing school located outside this country that was 12392
acknowledged by the world health organization and verified by a 12393
member state of that organization as operating within that 12394
state's jurisdiction. 12395

(c) For a dentist to be eligible to participate in the 12396
program, the dentist must have attended a school that was, 12397
during the time of attendance, a dental college that enabled the 12398
dentist to meet the requirements specified in section 4715.10 of 12399
the Revised Code to be granted a license to practice dentistry. 12400

(d) For an optometrist to be eligible to participate in 12401
the program, the optometrist must have attended a school of 12402
optometry that was, during the time of attendance, approved by 12403
the state ~~board of optometry~~ vision and hearing professionals 12404
board. 12405

(e) For a psychologist to be eligible to participate in 12406
the program, the psychologist must have attended an educational 12407
institution that, during the time of attendance, maintained a 12408
specific degree program recognized by the state ~~board of~~ 12409
~~psychology~~ behavioral health professionals board as acceptable 12410
for fulfilling the requirement of division (B)(3) of section 12411
4732.10 of the Revised Code. 12412

(C) The department shall enter into a contract with each 12413
licensed health professional it recruits under this section. 12414
Each contract shall include at least the following terms: 12415

(1) The licensed health professional agrees to provide a 12416

specified scope of medical, osteopathic medical, podiatric, 12417
optometric, psychological, nursing, or dental services to 12418
inmates of one or more specified state correctional institutions 12419
for a specified number of hours per week for a specified number 12420
of years. 12421

(2) The department agrees to repay all or a specified 12422
portion of the principal and interest of a government or other 12423
educational loan taken by the licensed health professional for 12424
the following expenses to attend, for up to a maximum of four 12425
years, a school that qualifies the licensed health professional 12426
to participate in the program: 12427

(a) Tuition; 12428

(b) Other educational expenses for specific purposes, 12429
including fees, books, and laboratory expenses, in amounts 12430
determined to be reasonable in accordance with rules adopted 12431
under division (D) of this section; 12432

(c) Room and board, in an amount determined to be 12433
reasonable in accordance with rules adopted under division (D) 12434
of this section. 12435

(3) The licensed health professional agrees to pay the 12436
department a specified amount, which shall be no less than the 12437
amount already paid by the department pursuant to its agreement, 12438
as damages if the licensed health professional fails to complete 12439
the service obligation agreed to or fails to comply with other 12440
specified terms of the contract. The contract may vary the 12441
amount of damages based on the portion of the service obligation 12442
that remains uncompleted. 12443

(4) Other terms agreed upon by the parties. 12444

The licensed health professional's lending institution or 12445

the Ohio board of regents, may be a party to the contract. The 12446
contract may include an assignment to the department of the 12447
licensed health professional's duty to repay the principal and 12448
interest of the loan. 12449

(D) If the department elects to implement the recruitment 12450
program, it shall adopt rules in accordance with Chapter 119. of 12451
the Revised Code that establish all of the following: 12452

(1) Criteria for designating institutions for which 12453
licensed health professionals will be recruited; 12454

(2) Criteria for selecting licensed health professionals 12455
for participation in the program; 12456

(3) Criteria for determining the portion of a loan which 12457
the department will agree to repay; 12458

(4) Criteria for determining reasonable amounts of the 12459
expenses described in divisions (C) (2) (b) and (c) of this 12460
section; 12461

(5) Procedures for monitoring compliance by a licensed 12462
health professional with the terms of the contract the licensed 12463
health professional enters into under this section; 12464

(6) Any other criteria or procedures necessary to 12465
implement the program. 12466

Sec. 5122.01. As used in this chapter and Chapter 5119. of 12467
the Revised Code: 12468

(A) "Mental illness" means a substantial disorder of 12469
thought, mood, perception, orientation, or memory that grossly 12470
impairs judgment, behavior, capacity to recognize reality, or 12471
ability to meet the ordinary demands of life. 12472

- (B) "Mentally ill person subject to court order" means a 12473
mentally ill person who, because of the person's illness: 12474
- (1) Represents a substantial risk of physical harm to self 12475
as manifested by evidence of threats of, or attempts at, suicide 12476
or serious self-inflicted bodily harm; 12477
- (2) Represents a substantial risk of physical harm to 12478
others as manifested by evidence of recent homicidal or other 12479
violent behavior, evidence of recent threats that place another 12480
in reasonable fear of violent behavior and serious physical 12481
harm, or other evidence of present dangerousness; 12482
- (3) Represents a substantial and immediate risk of serious 12483
physical impairment or injury to self as manifested by evidence 12484
that the person is unable to provide for and is not providing 12485
for the person's basic physical needs because of the person's 12486
mental illness and that appropriate provision for those needs 12487
cannot be made immediately available in the community; ~~or~~ 12488
- (4) Would benefit from treatment for the person's mental 12489
illness and is in need of such treatment as manifested by 12490
evidence of behavior that creates a grave and imminent risk to 12491
substantial rights of others or the person; 12492
- (5) (a) Would benefit from treatment as manifested by 12493
evidence of behavior that indicates all of the following: 12494
- (i) The person is unlikely to survive safely in the 12495
community without supervision, based on a clinical 12496
determination. 12497
- (ii) The person has a history of lack of compliance with 12498
treatment for mental illness and one of the following applies: 12499
- (I) At least twice within the thirty-six months prior to 12500

the filing of an affidavit seeking court-ordered treatment of 12501
the person under section 5122.111 of the Revised Code, the lack 12502
of compliance has been a significant factor in necessitating 12503
hospitalization in a hospital or receipt of services in a 12504
forensic or other mental health unit of a correctional facility, 12505
provided that the thirty-six-month period shall be extended by 12506
the length of any hospitalization or incarceration of the person 12507
that occurred within the thirty-six-month period. 12508

(II) Within the forty-eight months prior to the filing of 12509
an affidavit seeking court-ordered treatment of the person under 12510
section 5122.111 of the Revised Code, the lack of compliance 12511
resulted in one or more acts of serious violent behavior toward 12512
self or others or threats of, or attempts at, serious physical 12513
harm to self or others, provided that the forty-eight-month 12514
period shall be extended by the length of any hospitalization or 12515
incarceration of the person that occurred within the forty- 12516
eight-month period. 12517

(iii) The person, as a result of the person's mental 12518
illness, is unlikely to voluntarily participate in necessary 12519
treatment. 12520

(iv) In view of the person's treatment history and current 12521
behavior, the person is in need of treatment in order to prevent 12522
a relapse or deterioration that would be likely to result in 12523
substantial risk of serious harm to the person or others. 12524

(b) An individual who meets only the criteria described in 12525
division (B) (5) (a) of this section is not subject to 12526
hospitalization. 12527

(C) (1) "Patient" means, subject to division (C) (2) of this 12528
section, a person who is admitted either voluntarily or 12529

involuntarily to a hospital or other place under section 12530
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code 12531
subsequent to a finding of not guilty by reason of insanity or 12532
incompetence to stand trial or under this chapter, who is under 12533
observation or receiving treatment in such place. 12534

(2) "Patient" does not include a person admitted to a 12535
hospital or other place under section 2945.39, 2945.40, 12536
2945.401, or 2945.402 of the Revised Code to the extent that the 12537
reference in this chapter to patient, or the context in which 12538
the reference occurs, is in conflict with any provision of 12539
sections 2945.37 to 2945.402 of the Revised Code. 12540

(D) "Licensed physician" means a person licensed under the 12541
laws of this state to practice medicine or a medical officer of 12542
the government of the United States while in this state in the 12543
performance of the person's official duties. 12544

(E) "Psychiatrist" means a licensed physician who has 12545
satisfactorily completed a residency training program in 12546
psychiatry, as approved by the residency review committee of the 12547
American medical association, the committee on post-graduate 12548
education of the American osteopathic association, or the 12549
American osteopathic board of neurology and psychiatry, or who 12550
on July 1, 1989, has been recognized as a psychiatrist by the 12551
Ohio state medical association or the Ohio osteopathic 12552
association on the basis of formal training and five or more 12553
years of medical practice limited to psychiatry. 12554

(F) "Hospital" means a hospital or inpatient unit licensed 12555
by the department of mental health and addiction services under 12556
section 5119.33 of the Revised Code, and any institution, 12557
hospital, or other place established, controlled, or supervised 12558
by the department under Chapter 5119. of the Revised Code. 12559

(G) "Public hospital" means a facility that is tax- 12560
supported and under the jurisdiction of the department of mental 12561
health and addiction services. 12562

(H) "Community mental health services provider" means an 12563
agency, association, corporation, individual, or program that 12564
provides community mental health services that are certified by 12565
the director of mental health and addiction services under 12566
section 5119.36 of the Revised Code. 12567

(I) "Licensed clinical psychologist" means a person who 12568
holds a current, valid psychologist license issued under section 12569
4732.12 of the Revised Code, and in addition, meets the 12570
educational requirements set forth in division (B) of section 12571
4732.10 of the Revised Code and has a minimum of two years' 12572
full-time professional experience, or the equivalent as 12573
determined by rule of the state behavioral health professionals 12574
~~board of psychology~~, at least one year of which shall be a 12575
predoctoral internship, in clinical psychological work in a 12576
public or private hospital or clinic or in private practice, 12577
diagnosing and treating problems of mental illness or mental 12578
retardation under the supervision of a psychologist who is 12579
licensed or who holds a diploma issued by the American board of 12580
professional psychology, or whose qualifications are 12581
substantially similar to those required for licensure by the 12582
state behavioral health professionals ~~board of psychology~~ when 12583
the supervision has occurred prior to enactment of laws 12584
governing the practice of psychology. 12585

(J) "Health officer" means any public health physician; 12586
public health nurse; or other person authorized by or designated 12587
by a city health district; a general health district; or a board 12588
of alcohol, drug addiction, and mental health services to 12589

perform the duties of a health officer under this chapter. 12590

(K) "Chief clinical officer" means the medical director of 12591
a hospital, or a community mental health services provider, or a 12592
board of alcohol, drug addiction, and mental health services, 12593
or, if there is no medical director, the licensed physician 12594
responsible for the treatment a hospital or community mental 12595
health services provider provides. The chief clinical officer 12596
may delegate to the attending physician responsible for a 12597
patient's care the duties imposed on the chief clinical officer 12598
by this chapter. Within a community mental health services 12599
provider, the chief clinical officer shall be designated by the 12600
governing body of the services provider and shall be a licensed 12601
physician or licensed clinical psychologist who supervises 12602
diagnostic and treatment services. A licensed physician or 12603
licensed clinical psychologist designated by the chief clinical 12604
officer may perform the duties and accept the responsibilities 12605
of the chief clinical officer in the chief clinical officer's 12606
absence. 12607

(L) "Working day" or "court day" means Monday, Tuesday, 12608
Wednesday, Thursday, and Friday, except when such day is a 12609
holiday. 12610

(M) "Indigent" means unable without deprivation of 12611
satisfaction of basic needs to provide for the payment of an 12612
attorney and other necessary expenses of legal representation, 12613
including expert testimony. 12614

(N) "Respondent" means the person whose detention, 12615
commitment, hospitalization, continued hospitalization or 12616
commitment, or discharge is being sought in any proceeding under 12617
this chapter. 12618

- (O) "Ohio protection and advocacy system" has the same meaning as in section 5123.60 of the Revised Code. 12619
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- (P) "Independent expert evaluation" means an evaluation conducted by a licensed clinical psychologist, psychiatrist, or licensed physician who has been selected by the respondent or the respondent's counsel and who consents to conducting the evaluation. 12621
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- (Q) "Court" means the probate division of the court of common pleas. 12626
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- (R) "Expunge" means: 12628
- (1) The removal and destruction of court files and records, originals and copies, and the deletion of all index references; 12629
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- (2) The reporting to the person of the nature and extent of any information about the person transmitted to any other person by the court; 12632
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- (3) Otherwise insuring that any examination of court files and records in question shall show no record whatever with respect to the person; 12635
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- (4) That all rights and privileges are restored, and that the person, the court, and any other person may properly reply that no such record exists, as to any matter expunged. 12638
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- (S) "Residence" means a person's physical presence in a county with intent to remain there, except that: 12641
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- (1) If a person is receiving a mental health service at a facility that includes nighttime sleeping accommodations, residence means that county in which the person maintained the person's primary place of residence at the time the person 12643
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entered the facility; 12647

(2) If a person is committed pursuant to section 2945.38, 12648
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 12649
residence means the county where the criminal charges were 12650
filed. 12651

When the residence of a person is disputed, the matter of 12652
residence shall be referred to the department of mental health 12653
and addiction services for investigation and determination. 12654
Residence shall not be a basis for a board's denying services to 12655
any person present in the board's service district, and the 12656
board shall provide services for a person whose residence is in 12657
dispute while residence is being determined and for a person in 12658
an emergency situation. 12659

(T) "Admission" to a hospital or other place means that a 12660
patient is accepted for and stays at least one night at the 12661
hospital or other place. 12662

(U) "Prosecutor" means the prosecuting attorney, village 12663
solicitor, city director of law, or similar chief legal officer 12664
who prosecuted a criminal case in which a person was found not 12665
guilty by reason of insanity, who would have had the authority 12666
to prosecute a criminal case against a person if the person had 12667
not been found incompetent to stand trial, or who prosecuted a 12668
case in which a person was found guilty. 12669

(V) (1) "Treatment plan" means a written statement of 12670
reasonable objectives and goals for an individual established by 12671
the treatment team, with specific criteria to evaluate progress 12672
towards achieving those objectives. 12673

(2) The active participation of the patient in 12674
establishing the objectives and goals shall be documented. The 12675

treatment plan shall be based on patient needs and include 12676
services to be provided to the patient while the patient is 12677
hospitalized, after the patient is discharged, or in an 12678
outpatient setting. The treatment plan shall address services to 12679
be provided. In the establishment of the treatment plan, 12680
consideration should be given to the availability of services, 12681
which may include but are not limited to all of the following: 12682

- (a) Community psychiatric supportive treatment; 12683
- (b) Assertive community treatment; 12684
- (c) Medications; 12685
- (d) Individual or group therapy; 12686
- (e) Peer support services; 12687
- (f) Financial services; 12688
- (g) Housing or supervised living services; 12689
- (h) Alcohol or substance abuse treatment; 12690
- (i) Any other services prescribed to treat the patient's 12691
mental illness and to either assist the patient in living and 12692
functioning in the community or to help prevent a relapse or a 12693
deterioration of the patient's current condition. 12694

(3) If the person subject to the treatment plan has 12695
executed an advanced directive for mental health treatment, the 12696
treatment team shall consider any directions included in such 12697
advanced directive in developing the treatment plan. 12698

(W) "Community control sanction" has the same meaning as 12699
in section 2929.01 of the Revised Code. 12700

(X) "Post-release control sanction" has the same meaning 12701
as in section 2967.01 of the Revised Code. 12702

(Y) "Local correctional facility" has the same meaning as 12703
in section 2903.13 of the Revised Code. 12704

Sec. 5123.46. All rules adopted under sections 5123.41 to 12705
5123.45 and section 5123.452 of the Revised Code shall be 12706
adopted in consultation with the board of nursing, the Ohio 12707
nurses association, ~~the Ohio respiratory care board,~~ the state 12708
medical board, and the Ohio society for respiratory care. The 12709
rules shall be adopted in accordance with Chapter 119. of the 12710
Revised Code. 12711

Section 2. That existing sections 109.572, 119.06, 121.22, 12712
122.071, 125.22, 2135.01, 2305.113, 3313.608, 3701.83, 4723.05, 12713
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4761.031, 4761.04, 4761.05, 4761.051, 4761.06, 4761.07, 4761.08, 12747
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4779.12, 4779.13, 4779.15, 4779.17, 4779.18, 4779.20, 4779.23, 12750
4779.24, 4779.25, 4779.26, 4779.27, 4779.30, 4779.32, 4779.33, 12751
4779.34, 4783.03, 4783.04, 4783.05, 4783.09, 4783.10, 4783.11, 12752
4783.12, 4783.13, 5119.94, 5120.55, 5122.01, and 5123.46 and 12753
sections 4725.03, 4725.04, 4725.05, 4725.06, 4725.07, 4725.08, 12754
4725.42, 4725.43, 4725.45, 4725.46, 4725.47, 4732.02, 4732.021, 12755
4732.03, 4732.05, 4732.06, 4732.07, 4732.08, 4747.03, 4753.03, 12756
4753.04, 4755.01, 4757.03, 4757.04, 4757.05, 4757.06, 4757.07, 12757
4757.11, 4758.10, 4758.11, 4758.12, 4758.13, 4758.15, 4758.16, 12758
4758.17, 4758.18, 4758.23, 4759.03, 4759.04, 4761.02, 4779.05, 12759
4779.06, 4779.07, 4779.16, 4779.21, and 4779.22 of the Revised 12760
Code are hereby repealed. 12761

Section 3. All items in this section are hereby 12762
appropriated as designated out of any moneys in the state 12763
treasury to the credit of the designated fund. For all 12764

appropriations made in this act, those in the first column are 12765
for fiscal year 2016 and those in the second column are for 12766
fiscal year 2017. The appropriations made in this act are in 12767
addition to any other appropriations made for the FY 2016-FY 12768
2017 biennium. 12769

BHP STATE BEHAVIORAL HEALTH 12770

PROFESSIONALS BOARD 12771

Dedicated Purpose Fund Group 12772

4K90 126609 Operating Expenses \$0 \$200,000 12773

TOTAL DPF Dedicated Purpose Fund Group \$0 \$200,000 12774

TOTAL ALL BUDGET FUND GROUPS \$0 \$200,000 12775

OPERATING EXPENSES 12776

The foregoing appropriation item 126609, Operating 12777
Expenses, shall be used to facilitate the transition of powers 12778
and duties of the Chemical Dependency Professionals Board, the 12779
Counselor, Social Worker, and Marriage and Family Therapist 12780
Board, and the State Board of Psychology to the State Behavioral 12781
Health Professionals Board. 12782

XXX STATE 12783

PHYSICAL HEALTH SERVICES BOARD 12784

Dedicated Purpose Fund Group 12785

4K90 XXX609 Operating Expenses \$0 \$200,000 12786

TOTAL DPF Dedicated Purpose Fund Group \$0 \$200,000 12787

TOTAL ALL BUDGET FUND GROUPS \$0 \$200,000 12788

OPERATING EXPENSES 12789

The foregoing appropriation item XXX609, Operating Expenses, shall be used to facilitate the transition of powers and duties of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board and the State Board of Orthotics, Prosthetics, and Pedorthics to the State Physical Health Services Board.

VHP STATE VISION AND HEARING

PROFESSIONALS BOARD

Dedicated Purpose Fund Group

4K90 129609	Operating Expenses	\$0	\$200,000	12799
TOTAL DPF Dedicated Purpose Fund Group		\$0	\$200,000	12800
TOTAL ALL BUDGET FUND GROUPS		\$0	\$200,000	12801

OPERATING EXPENSES

The foregoing appropriation item 129609, Operating Expenses, shall be used to facilitate the transition of powers and duties of the Ohio Optical Dispensers Board, the State Board of Optometry, the Board of Speech-Language Pathology and Audiology, and the Hearing Aid Dealers and Fitters Licensing Board to the State Vision and Hearing Professionals Board.

Section 4. Within the limits set forth in this act, the Director of Budget and Management shall establish accounts indicating the source and amount of funds for each appropriation made in this act, and shall determine the form and manner in which appropriation accounts shall be maintained. Expenditures from appropriations contained in this act shall be accounted for as though made in Am. Sub. H.B. 64 of the 131st General Assembly.

The appropriations made in this act are subject to all 12817
provisions of Am. Sub. H.B. 64 of the 131st General Assembly 12818
that are generally applicable to such appropriations. 12819

Section 5. Notwithstanding any provision of law to the 12820
contrary, on or after the effective date of this section, the 12821
Director of Budget and Management shall make budget and 12822
accounting changes made necessary by the transfer and 12823
consolidation contained in this act. 12824

Section 6. (A) Effective July 1, 2017, the State Board of 12825
Optometry, the Ohio Optical Dispensers Board, the Hearing Aid 12826
Dealers and Fitters Licensing Board, and the Board of Speech- 12827
Language Pathology and Audiology are abolished. 12828

(B) Any business commenced but not completed by July 1, 12829
2017, by the State Board of Optometry, the Ohio Optical 12830
Dispensers Board, the Hearing Aid Dealers and Fitters Licensing 12831
Board, and the Board of Speech-Language Pathology and Audiology 12832
or by the executive directors, executive secretary-treasurer, or 12833
secretary of those boards, as applicable, shall be completed by 12834
the State Vision and Hearing Professionals Board or the 12835
Executive Director of the State Vision and Hearing Professionals 12836
Board in the same manner, and with the same effect, as if 12837
completed by the State Board of Optometry, the Ohio Optical 12838
Dispensers Board, the Hearing Aid Dealers and Fitters Licensing 12839
Board, or the Board of Speech-Language Pathology and Audiology 12840
or the executive directors, executive secretary-treasurer, or 12841
secretary of those boards, as applicable. 12842

(C) All rules, orders, and determinations of the State 12843
Board of Optometry, the Ohio Optical Dispensers Board, the 12844
Hearing Aid Dealers and Fitters Licensing Board, and the Board 12845
of Speech-Language Pathology and Audiology or by the executive 12846

directors, executive secretary-treasurer, or secretary of those 12847
boards, as applicable, continue in effect as rules, orders, and 12848
determinations of the State Vision and Hearing Professionals 12849
Board until modified or rescinded by the State Vision and 12850
Hearing Professionals Board. If necessary to ensure the 12851
integrity of the numbering of the Administrative Code, the 12852
Director of the Legislative Service Commission shall renumber 12853
any rule to reflect its transfer to the State Vision and Hearing 12854
Professionals Board. 12855

Any licenses, certificates, permits, registrations, or 12856
endorsements issued before July 1, 2017, by the State Board of 12857
Optometry, the Ohio Optical Dispensers Board, the Hearing Aid 12858
Dealers and Fitters Licensing Board, or the Board of Speech- 12859
Language Pathology and Audiology shall continue in effect as if 12860
issued by the State Vision and Hearing Professionals Board. 12861

(D) (1) Subject to the lay-off provisions of sections 12862
124.321 to 124.382 of the Revised Code, all employees of the 12863
State Board of Optometry, the Ohio Optical Dispensers Board, the 12864
Hearing Aid Dealers and Fitters Licensing Board, and the Board 12865
of Speech-Language Pathology and Audiology are transferred to 12866
the State Vision and Hearing Professionals Board. The employees 12867
shall retain their positions and benefits. 12868

(2) During the period beginning July 1, 2017, and ending 12869
June 30, 2019, the Executive Director of the State Vision and 12870
Hearing Professionals Board may establish, change, and abolish 12871
positions on the Board and assign, reassign, classify, 12872
reclassify, transfer, reduce, promote, or demote all employees 12873
of the Board who are not subject to Chapter 4117. of the Revised 12874
Code. 12875

(3) The authority granted to the Executive Director of the 12876

Board under division (D) (2) of this section includes assigning 12877
or reassigning an exempt employee, as defined in section 124.152 12878
of the Revised Code, to a bargaining unit classification that 12879
the Executive Director determines is the proper classification 12880
for that employee. If an employee in the E-1 pay range is to be 12881
assigned, reassigned, classified, reclassified, transferred, 12882
reduced, or demoted to a position in a lower classification 12883
during the period specified in this section, the Executive 12884
Director, or in the case of a transfer to a position outside the 12885
Board, the Director of Administrative Services, shall assign the 12886
employee to the appropriate classification and place the 12887
employee in Step X. The employee shall not receive any increase 12888
in compensation until the maximum rate of pay for that 12889
classification exceeds the employee's compensation. 12890

(4) Actions taken by the Executive Director pursuant to 12891
division (D) of this section are not subject to appeal to the 12892
State Personnel Board of Review. 12893

(E) Notwithstanding section 145.297 of the Revised Code, 12894
the State Board of Optometry, the Ohio Optical Dispensers Board, 12895
the Hearing Aid Dealers and Fitters Licensing Board, and the 12896
Board of Speech-Language Pathology and Audiology may, at that 12897
board's discretion and with approval from the Office of Budget 12898
and Management, establish a retirement incentive plan for 12899
eligible employees of those boards who are members of the Public 12900
Employees Retirement System. Any retirement incentive plan 12901
established pursuant to this section shall remain in effect 12902
until June 30, 2017. 12903

(F) No validation, cure, right, privilege, remedy, 12904
obligation, or liability is lost or impaired by reason of the 12905
transfer required by this section and shall be administered by 12906

the State Vision and Hearing Professionals Board. No action or 12907
proceeding pending on the effective date of this act is affected 12908
by the transfer, and shall be prosecuted or defended in the name 12909
of the State Vision and Hearing Professionals Board or the 12910
Board's Executive Director, as appropriate. In all such actions 12911
and proceedings, the State Vision and Hearing Professionals 12912
Board or the Board's Executive Director shall be substituted as 12913
a party. 12914

(G) All records, documents, files, equipment, assets, and 12915
other materials of the State Board of Optometry, the Ohio 12916
Optical Dispensers Board, the Hearing Aid Dealers and Fitters 12917
Licensing Board, and the Board of Speech-Language Pathology and 12918
Audiology are transferred to the State Vision and Hearing 12919
Professionals Board. 12920

Section 7. (A) Effective July 1, 2017, the Chemical 12921
Dependency Professionals Board, the Counselor, Social Worker, 12922
and Marriage and Family Therapist Board, and the State Board of 12923
Psychology are abolished. 12924

(B) Any business commenced but not completed by July 1, 12925
2017, by the Chemical Dependency Professionals Board, the 12926
Counselor, Social Worker, and Marriage and Family Therapist 12927
Board, and the State Board of Psychology or by the executive 12928
directors of those boards shall be completed by the State 12929
Behavioral Health Professionals Board or the Executive Director 12930
of the State Behavioral Health Professionals Board in the same 12931
manner, and with the same effect, as if completed by the 12932
Chemical Dependency Professionals Board, the Counselor, Social 12933
Worker, and Marriage and Family Therapist Board, and the State 12934
Board of Psychology, or the executive directors of those boards. 12935

(C) All rules, orders, and determinations of the Chemical 12936

Dependency Professionals Board, the Counselor, Social Worker, 12937
and Marriage and Family Therapist Board, and the State Board of 12938
Psychology, or by the executive directors of those boards 12939
continue in effect as rules, orders, and determinations of the 12940
State Behavioral Health Professionals Board until modified or 12941
rescinded by the State Behavioral Health Professionals Board. If 12942
necessary to ensure the integrity of the numbering of the 12943
Administrative Code, the Director of the Legislative Service 12944
Commission shall renumber any rule to reflect its transfer to 12945
the State Behavioral Health Professionals Board. 12946

Any licenses, certificates, permits, registrations, or 12947
endorsements issued before July 1, 2017, by the Chemical 12948
Dependency Professionals Board, the Counselor, Social Worker, 12949
and Marriage and Family Therapist Board, and the State Board of 12950
Psychology shall continue in effect as if issued by the State 12951
Behavioral Health Professionals Board. 12952

(D) (1) Subject to the lay-off provisions of sections 12953
124.321 to 124.382 of the Revised Code, all employees of the 12954
Chemical Dependency Professionals Board, the Counselor, Social 12955
Worker, and Marriage and Family Therapist Board, and the State 12956
Board of Psychology are transferred to the State Behavioral 12957
Health Professionals Board. The employees shall retain their 12958
positions and benefits. 12959

(2) During the period beginning July 1, 2017, and ending 12960
June 30, 2019, the Executive Director of the State Behavioral 12961
Health Professionals Board may establish, change, and abolish 12962
positions on the Board and assign, reassign, classify, 12963
reclassify, transfer, reduce, promote, or demote all employees 12964
of the Board who are not subject to Chapter 4117. of the Revised 12965
Code. 12966

(3) The authority granted to the Executive Director of the Board under division (D) (2) of this section includes assigning or reassigning an exempt employee, as defined in section 124.152 of the Revised Code, to a bargaining unit classification that the Executive Director determines is the proper classification for that employee. If an employee in the E-1 pay range is to be assigned, reassigned, classified, reclassified, transferred, reduced, or demoted to a position in a lower classification during the period specified in this section, the Executive Director, or in the case of a transfer to a position outside the Board, the Director of Administrative Services, shall assign the employee to the appropriate classification and place the employee in Step X. The employee shall not receive any increase in compensation until the maximum rate of pay for that classification exceeds the employee's compensation.

(4) Actions taken by the Executive Director pursuant to division (D) of this section are not subject to appeal to the State Personnel Board of Review.

(E) Notwithstanding section 145.297 of the Revised Code, the Chemical Dependency Professionals Board, the Counselor, Social Worker, and Marriage and Family Therapist Board, and the State Board of Psychology may, at that board's discretion and with approval from the Office of Budget and Management, establish a retirement incentive plan for eligible employees of those boards who are members of the Public Employees Retirement System. Any retirement incentive plan established pursuant to this section shall remain in effect until June 30, 2017.

(F) No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer required by this section and shall be administered by

the State Behavioral Health Professionals Board. No action or 12997
proceeding pending on the effective date of this act is affected 12998
by the transfer, and shall be prosecuted or defended in the name 12999
of the State Behavioral Health Professionals Board or the 13000
Board's Executive Director, as appropriate. In all such actions 13001
and proceedings, the State Behavioral Health Professionals Board 13002
or the Board's Executive Director shall be substituted as a 13003
party. 13004

(G) All records, documents, files, equipment, assets, and 13005
other materials of the Chemical Dependency Professionals Board, 13006
the Counselor, Social Worker, and Marriage and Family Therapist 13007
Board, and the State Board of Psychology are transferred to the 13008
State Behavioral Health Professionals Board. 13009

Section 8. (A) Effective July 1, 2017, the Ohio 13010
Occupational Therapy, Physical Therapy, and Athletic Trainers 13011
Board and the State Board of Orthotics, Prosthetics, and 13012
Pedorthics are abolished. 13013

(B) Any business commenced but not completed by July 1, 13014
2017, by the Ohio Occupational Therapy, Physical Therapy, and 13015
Athletic Trainers Board and the State Board of Orthotics, 13016
Prosthetics, and Pedorthics, or by the executive directors of 13017
those boards shall be completed by the State Physical Health 13018
Services Board or the Executive Director of the State Physical 13019
Health Services Board in the same manner, and with the same 13020
effect, as if completed by the Ohio Occupational Therapy, 13021
Physical Therapy, and Athletic Trainers Board or the State Board 13022
of Orthotics, Prosthetics, and Pedorthics, or the executive 13023
directors of those boards. 13024

(C) All rules, orders, and determinations of the Ohio 13025
Occupational Therapy, Physical Therapy, and Athletic Trainers 13026

Board and the State Board of Orthotics, Prosthetics, and 13027
Pedorthics, or by the executive directors of those boards 13028
continue in effect as rules, orders, and determinations of the 13029
State Physical Health Services Board until modified or rescinded 13030
by the State Physical Health Services Board. If necessary to 13031
ensure the integrity of the numbering of the Administrative 13032
Code, the Director of the Legislative Service Commission shall 13033
renumber any rule to reflect its transfer to the State Physical 13034
Health Services Board. 13035

Any licenses, certificates, permits, registrations, or 13036
endorsements issued before July 1, 2017, by the Ohio 13037
Occupational Therapy, Physical Therapy, and Athletic Trainers 13038
Board or the State Board of Orthotics, Prosthetics, and 13039
Pedorthics shall continue in effect as if issued by the State 13040
Physical Health Services Board. 13041

(D) (1) Subject to the lay-off provisions of sections 13042
124.321 to 124.382 of the Revised Code, all employees of the 13043
Ohio Occupational Therapy, Physical Therapy, and Athletic 13044
Trainers Board and the State Board of Orthotics, Prosthetics, 13045
and Pedorthics are transferred to the State Physical Health 13046
Services Board. The employees shall retain their positions and 13047
benefits. 13048

(2) During the period beginning July 1, 2017, and ending 13049
June 30, 2019, the Executive Director of the State Physical 13050
Health Services Board may establish, change, and abolish 13051
positions on the Board and assign, reassign, classify, 13052
reclassify, transfer, reduce, promote, or demote all employees 13053
of the Board who are not subject to Chapter 4117. of the Revised 13054
Code. 13055

(3) The authority granted to the Executive Director of the 13056

Board under division (D) (2) of this section includes assigning 13057
or reassigning an exempt employee, as defined in section 124.152 13058
of the Revised Code, to a bargaining unit classification that 13059
the Executive Director determines is the proper classification 13060
for that employee. If an employee in the E-1 pay range is to be 13061
assigned, reassigned, classified, reclassified, transferred, 13062
reduced, or demoted to a position in a lower classification 13063
during the period specified in this section, the Executive 13064
Director, or in the case of a transfer to a position outside the 13065
Board, the Director of Administrative Services, shall assign the 13066
employee to the appropriate classification and place the 13067
employee in Step X. The employee shall not receive any increase 13068
in compensation until the maximum rate of pay for that 13069
classification exceeds the employee's compensation. 13070

(4) Actions taken by the Executive Director pursuant to 13071
division (D) of this section are not subject to appeal to the 13072
State Personnel Board of Review. 13073

(E) Notwithstanding section 145.297 of the Revised Code, 13074
the Ohio Occupational Therapy, Physical Therapy, and Athletic 13075
Trainers Board and the State Board of Orthotics, Prosthetics, 13076
and Pedorthics may, at that board's discretion and with approval 13077
from the Office of Budget and Management, establish a retirement 13078
incentive plan for eligible employees of those boards who are 13079
members of the Public Employees Retirement System. Any 13080
retirement incentive plan established pursuant to this section 13081
shall remain in effect until June 30, 2017. 13082

(F) No validation, cure, right, privilege, remedy, 13083
obligation, or liability is lost or impaired by reason of the 13084
transfer required by this section and shall be administered by 13085
the State Physical Health Services Board. No action or 13086

proceeding pending on the effective date of this act is affected 13087
by the transfer, and shall be prosecuted or defended in the name 13088
of the State Physical Health Services Board or the Board's 13089
Executive Director, as appropriate. In all such actions and 13090
proceedings, the State Physical Health Services Board or the 13091
Board's Executive Director shall be substituted as a party. 13092

(G) All records, documents, files, equipment, assets, and 13093
other materials of the Ohio Occupational Therapy, Physical 13094
Therapy, and Athletic Trainers Board and the State Board of 13095
Orthotics, Prosthetics, and Pedorthics are transferred to the 13096
State Physical Health Services Board. 13097

Section 9. (A) Effective July 1, 2017, the Ohio Board of 13098
Dietetics is abolished. 13099

(B) Any business commenced but not completed by July 1, 13100
2017, by the Ohio Board of Dietetics, or by the Executive 13101
Secretary of the Board, shall be completed by the State Medical 13102
Board or the Executive Director of the State Medical Board in 13103
the same manner, and with the same effect, as if completed by 13104
the Ohio Board of Dietetics, or the Executive Secretary of the 13105
Board. 13106

(C) All rules, orders, and determinations of the Ohio 13107
Board of Dietetics, or by the Executive Secretary of the Board, 13108
continue in effect as rules, orders, and determinations of the 13109
State Medical Board until modified or rescinded by the State 13110
Medical Board. If necessary to ensure the integrity of the 13111
numbering of the Administrative Code, the Director of the 13112
Legislative Service Commission shall renumber any rule to 13113
reflect its transfer to the State Medical Board. 13114

Any licenses, certificates, permits, registrations, or 13115

endorsements issued before July 1, 2017, by the Ohio Board of 13116
Dietetics shall continue in effect as if issued by the State 13117
Medical Board. 13118

(D) (1) Subject to the lay-off provisions of sections 13119
124.321 to 124.382 of the Revised Code, all employees of the 13120
Ohio Board of Dietetics are transferred to the State Medical 13121
Board. The employees shall retain their positions and benefits. 13122

(2) During the period beginning July 1, 2017, and ending 13123
June 30, 2019, the Executive Director of the State Medical Board 13124
may establish, change, and abolish positions on the Board and 13125
assign, reassign, classify, reclassify, transfer, reduce, 13126
promote, or demote all employees transferred to the Board under 13127
this section who are not subject to Chapter 4117. of the Revised 13128
Code. 13129

(3) The authority granted to the Executive Director of the 13130
Board under division (D) (2) of this section includes assigning 13131
or reassigning an exempt employee, as defined in section 124.152 13132
of the Revised Code, to a bargaining unit classification that 13133
the Executive Director determines is the proper classification 13134
for that employee. If an employee in the E-1 pay range is to be 13135
assigned, reassigned, classified, reclassified, transferred, 13136
reduced, or demoted to a position in a lower classification 13137
during the period specified in this section, the Executive 13138
Director, or in the case of a transfer to a position outside the 13139
Board, the Director of Administrative Services, shall assign the 13140
employee to the appropriate classification and place the 13141
employee in Step X. The employee shall not receive any increase 13142
in compensation until the maximum rate of pay for that 13143
classification exceeds the employee's compensation. 13144

(4) Actions taken by the Executive Director pursuant to 13145

division (D) of this section are not subject to appeal to the 13146
State Personnel Board of Review. 13147

(E) Notwithstanding section 145.297 of the Revised Code, 13148
the Ohio Board of Dietetics may, at that Board's discretion and 13149
with approval from the Office of Budget and Management, 13150
establish a retirement incentive plan for eligible employees of 13151
the board who are members of the Public Employees Retirement 13152
System. Any retirement incentive plan established pursuant to 13153
this section shall remain in effect until June 30, 2017. 13154

(F) No validation, cure, right, privilege, remedy, 13155
obligation, or liability is lost or impaired by reason of the 13156
transfer required by this section and shall be administered by 13157
the State Medical Board. No action or proceeding pending on the 13158
effective date of this act is affected by the transfer, and 13159
shall be prosecuted or defended in the name of the State Medical 13160
Board or the Board's Executive Director, as appropriate. In all 13161
such actions and proceedings, the State Medical Board or the 13162
Board's Executive Director shall be substituted as a party. 13163

(G) All records, documents, files, equipment, assets, and 13164
other materials of the Ohio Board of Dietetics are transferred 13165
to the State Medical Board. 13166

Section 10. (A) Effective July 1, 2017, the Ohio 13167
Respiratory Care Board is abolished. 13168

(B) Any business commenced but not completed by July 1, 13169
2017, by the Ohio Respiratory Care Board, or by the Executive 13170
Director of the Board shall be completed by the State Board of 13171
Pharmacy, with respect to implementing Chapter 4752. of the 13172
Revised Code, and the State Medical Board, with respect to 13173
implementing Chapter 4761. of the Revised Code, or the executive 13174

directors of those boards in the same manner, and with the same 13175
effect, as if completed by the Ohio Respiratory Care Board, or 13176
the Executive Director of the Board. 13177

(C) All rules, orders, and determinations of the Ohio 13178
Respiratory Care Board, or by the Executive Director of the 13179
board continue in effect as rules, orders, and determinations of 13180
the State Board of Pharmacy, with respect to implementing 13181
Chapter 4752. of the Revised Code, and the State Medical Board, 13182
with respect to implementing Chapter 4761. of the Revised Code, 13183
until modified or rescinded by the State Board of Pharmacy or 13184
the State Medical Board. If necessary to ensure the integrity of 13185
the numbering of the Administrative Code, the Director of the 13186
Legislative Service Commission shall renumber any rule to 13187
reflect its transfer to the State Board of Pharmacy or the State 13188
Medical Board. 13189

Any licenses, certificates, permits, registrations, or 13190
endorsements issued before July 1, 2017, by the Ohio Respiratory 13191
Care Board shall continue in effect as if issued by the State 13192
Board of Pharmacy, with respect to implementing Chapter 4752. of 13193
the Revised Code, and the State Medical Board, with respect to 13194
implementing Chapter 4761. of the Revised Code. 13195

(D) (1) Subject to the lay-off provisions of sections 13196
124.321 to 124.382 of the Revised Code, all employees of the 13197
Ohio Respiratory Care Board are transferred to the State Board 13198
of Pharmacy, with respect to implementing Chapter 4752. of the 13199
Revised Code, or the State Medical Board, with respect to 13200
implementing Chapter 4761. of the Revised Code. The employees 13201
shall retain their positions and benefits. 13202

(2) During the period beginning July 1, 2017, and ending 13203
June 30, 2019, the executive directors of the State Board of 13204

Pharmacy and the State Medical Board may establish, change, and 13205
abolish positions on the Board and assign, reassign, classify, 13206
reclassify, transfer, reduce, promote, or demote all employees 13207
transferred to those boards under this section who are not 13208
subject to Chapter 4117. of the Revised Code. 13209

(3) The authority granted to the executive directors of 13210
the State Board of Pharmacy and the State Medical Board under 13211
division (D)(2) of this section includes assigning or 13212
reassigning an exempt employee, as defined in section 124.152 of 13213
the Revised Code, to a bargaining unit classification that the 13214
executive directors determine is the proper classification for 13215
that employee. If an employee in the E-1 pay range is to be 13216
assigned, reassigned, classified, reclassified, transferred, 13217
reduced, or demoted to a position in a lower classification 13218
during the period specified in this section, the executive 13219
directors, or in the case of a transfer to a position outside 13220
the Board, the Director of Administrative Services, shall assign 13221
the employee to the appropriate classification and place the 13222
employee in Step X. The employee shall not receive any increase 13223
in compensation until the maximum rate of pay for that 13224
classification exceeds the employee's compensation. 13225

(4) Actions taken by the executive directors pursuant to 13226
division (D) of this section are not subject to appeal to the 13227
State Personnel Board of Review. 13228

(E) Notwithstanding section 145.297 of the Revised Code, 13229
the Ohio Respiratory Care Board may, at the Board's discretion 13230
and with approval from the Office of Budget and Management, 13231
establish a retirement incentive plan for eligible employees of 13232
those boards who are members of the Public Employees Retirement 13233
System. Any retirement incentive plan established pursuant to 13234

this section shall remain in effect until June 30, 2017. 13235

(F) No validation, cure, right, privilege, remedy, 13236
obligation, or liability is lost or impaired by reason of the 13237
transfer required by this section and shall be administered by 13238
the State Board of Pharmacy, with respect to implementing 13239
Chapter 4752. of the Revised Code, and the State Medical Board, 13240
with respect to implementing Chapter 4761. of the Revised Code. 13241
No action or proceeding pending on the effective date of this 13242
act is affected by the transfer, and shall be prosecuted or 13243
defended in the name of the State Board of Pharmacy or the State 13244
Medical Board, as applicable, or that board's executive 13245
director, as appropriate. In all such actions and proceedings, 13246
the State Board of Pharmacy or the State Medical Board, as 13247
applicable, or that board's executive director shall be 13248
substituted as a party. 13249

(G) All records, documents, files, equipment, assets, and 13250
other materials of the Ohio Respiratory Care Board are 13251
transferred to the State Board of Pharmacy, with respect to 13252
implementing Chapter 4752. of the Revised Code and the State 13253
Medical Board, with respect to implementing Chapter 4761. of the 13254
Revised Code. 13255

Section 11. Sections 1 and 2 of this act, except for the 13256
enactment of Chapter 4744. of the Revised Code, take effect July 13257
1, 2017. 13258

Section 12. The General Assembly, applying the principle 13259
stated in division (B) of section 1.52 of the Revised Code that 13260
amendments are to be harmonized if reasonably capable of 13261
simultaneous operation, finds that the following sections, 13262
presented in this act as composites of the sections as amended 13263
by the acts indicated, are the resulting versions of the 13264

sections in effect prior to the effective date of the sections as presented in this act:	13265 13266
Section 121.22 of the Revised Code as amended by both Sub. H.B. 158 and Sub. H.B. 413 of the 131st General Assembly.	13267 13268
Section 2305.113 of the Revised Code as amended by Sub. H.B. 290 of the 130th General Assembly and Sub. S.B. 110 of the 131st General Assembly.	13269 13270 13271
Section 4725.09 of the Revised Code as amended by both Am. Sub. H.B. 104 and Sub. H.B. 149 of the 127th General Assembly.	13272 13273
Section 4731.07 of the Revised Code as amended by both Am. Sub. H.B. 64 and Sub. S.B. 110 of the 131st General Assembly.	13274 13275
Section 4732.14 of the Revised Code as amended by both Sub. H.B. 83 and Am. Sub. H.B. 98 of the 130th General Assembly.	13276 13277
Section 4757.41 of the Revised Code as amended by both Sub. H.B. 158 and H.B. 230 of the 131st General Assembly.	13278 13279