

As Introduced

**132nd General Assembly
Regular Session
2017-2018**

H. B. No. 779

Representative Arndt

A BILL

To amend sections 109.572, 149.43, 1347.08, 1
2925.01, 4743.02, 4751.01, 4751.041, 4751.043, 2
4751.044, 4751.05, 4751.06, 4751.07, 4751.08, 3
4751.10, 4751.11, 4751.12, 4751.14, 4751.99, 4
4776.01, 4776.20, and 5903.12; to amend, for the 5
purpose of adopting new section numbers as 6
indicated in parentheses, sections 4751.03 7
(4751.02), 4751.041 (4751.151), 4751.042 8
(4751.021), 4751.043 (4751.381), 4751.044 9
(4751.26), 4751.05 (4751.15), 4751.06 (4751.20), 10
4751.07 (4751.24), 4751.08 (4751.201), 4751.10 11
(4751.32), 4751.11 (4751.33), 4751.12 (4751.35), 12
4751.13 (4751.36), and 4751.14 (4751.03); to 13
enact new sections 4751.04 and 4751.10 and 14
sections 4751.101, 4751.102, 4751.202, 4751.21, 15
4751.22, 4751.23, 4751.25, 4751.30, 4751.31, 16
4751.37, 4751.38, 4751.40, 4751.41, and 4751.45; 17
and to repeal sections 4751.02, 4751.04, and 18
4751.09 of the Revised Code to revise the law 19
governing the Board of Executives of Long-Term 20
Services and Supports. 21

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

Section 1. That sections 109.572, 149.43, 1347.08, 22
2925.01, 4743.02, 4751.01, 4751.041, 4751.043, 4751.044, 23
4751.05, 4751.06, 4751.07, 4751.08, 4751.10, 4751.11, 4751.12, 24
4751.14, 4751.99, 4776.01, 4776.20, and 5903.12 be amended; 25
sections 4751.03 (4751.02), 4751.041 (4751.151), 4751.042 26
(4751.021), 4751.043 (4751.381), 4751.044 (4751.26), 4751.05 27
(4751.15), 4751.06 (4751.20), 4751.07 (4751.24), 4751.08 28
(4751.201), 4751.10 (4751.32), 4751.11 (4751.33), 4751.12 29
(4751.35), 4751.13 (4751.36), and 4751.14 (4751.03) be amended 30
for the purpose of adopting new section numbers as indicated in 31
parentheses; and new sections 4751.04 and 4751.10 and sections 32
4751.101, 4751.102, 4751.202, 4751.21, 4751.22, 4751.23, 33
4751.25, 4751.30, 4751.31, 4751.37, 4751.38, 4751.40, 4751.41, 34
and 4745.45 of the Revised Code be enacted to read as follows: 35

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 36
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 37
Code, a completed form prescribed pursuant to division (C) (1) of 38
this section, and a set of fingerprint impressions obtained in 39
the manner described in division (C) (2) of this section, the 40
superintendent of the bureau of criminal identification and 41
investigation shall conduct a criminal records check in the 42
manner described in division (B) of this section to determine 43
whether any information exists that indicates that the person 44
who is the subject of the request previously has been convicted 45
of or pleaded guilty to any of the following: 46

(a) A violation of section 2903.01, 2903.02, 2903.03, 47
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 48
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 49
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 50
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 51
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 52

2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 53
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 54
sexual penetration in violation of former section 2907.12 of the 55
Revised Code, a violation of section 2905.04 of the Revised Code 56
as it existed prior to July 1, 1996, a violation of section 57
2919.23 of the Revised Code that would have been a violation of 58
section 2905.04 of the Revised Code as it existed prior to July 59
1, 1996, had the violation been committed prior to that date, or 60
a violation of section 2925.11 of the Revised Code that is not a 61
minor drug possession offense; 62

(b) A violation of an existing or former law of this 63
state, any other state, or the United States that is 64
substantially equivalent to any of the offenses listed in 65
division (A) (1) (a) of this section; 66

(c) If the request is made pursuant to section 3319.39 of 67
the Revised Code for an applicant who is a teacher, any offense 68
specified in section 3319.31 of the Revised Code. 69

(2) On receipt of a request pursuant to section 3712.09 or 70
3721.121 of the Revised Code, a completed form prescribed 71
pursuant to division (C) (1) of this section, and a set of 72
fingerprint impressions obtained in the manner described in 73
division (C) (2) of this section, the superintendent of the 74
bureau of criminal identification and investigation shall 75
conduct a criminal records check with respect to any person who 76
has applied for employment in a position for which a criminal 77
records check is required by those sections. The superintendent 78
shall conduct the criminal records check in the manner described 79
in division (B) of this section to determine whether any 80
information exists that indicates that the person who is the 81
subject of the request previously has been convicted of or 82

pleaded guilty to any of the following: 83

(a) A violation of section 2903.01, 2903.02, 2903.03, 84
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 85
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 86
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 87
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 88
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 89
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 90
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 91
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 92

(b) An existing or former law of this state, any other 93
state, or the United States that is substantially equivalent to 94
any of the offenses listed in division (A) (2) (a) of this 95
section. 96

(3) On receipt of a request pursuant to section 173.27, 97
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 98
5123.081, or 5123.169 of the Revised Code, a completed form 99
prescribed pursuant to division (C) (1) of this section, and a 100
set of fingerprint impressions obtained in the manner described 101
in division (C) (2) of this section, the superintendent of the 102
bureau of criminal identification and investigation shall 103
conduct a criminal records check of the person for whom the 104
request is made. The superintendent shall conduct the criminal 105
records check in the manner described in division (B) of this 106
section to determine whether any information exists that 107
indicates that the person who is the subject of the request 108
previously has been convicted of, has pleaded guilty to, or 109
(except in the case of a request pursuant to section 5164.34, 110
5164.341, or 5164.342 of the Revised Code) has been found 111
eligible for intervention in lieu of conviction for any of the 112

following, regardless of the date of the conviction, the date of 113
entry of the guilty plea, or (except in the case of a request 114
pursuant to section 5164.34, 5164.341, or 5164.342 of the 115
Revised Code) the date the person was found eligible for 116
intervention in lieu of conviction: 117

(a) A violation of section 959.13, 959.131, 2903.01, 118
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 119
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 120
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 121
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 122
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 123
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 124
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 125
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 126
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 127
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 128
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 129
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 130
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 131
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 132
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 133
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 134
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 135
2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code; 136

(b) Felonious sexual penetration in violation of former 137
section 2907.12 of the Revised Code; 138

(c) A violation of section 2905.04 of the Revised Code as 139
it existed prior to July 1, 1996; 140

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 141
the Revised Code when the underlying offense that is the object 142

of the conspiracy, attempt, or complicity is one of the offenses 143
listed in divisions (A) (3) (a) to (c) of this section; 144

(e) A violation of an existing or former municipal 145
ordinance or law of this state, any other state, or the United 146
States that is substantially equivalent to any of the offenses 147
listed in divisions (A) (3) (a) to (d) of this section. 148

(4) On receipt of a request pursuant to section 2151.86 of 149
the Revised Code, a completed form prescribed pursuant to 150
division (C) (1) of this section, and a set of fingerprint 151
impressions obtained in the manner described in division (C) (2) 152
of this section, the superintendent of the bureau of criminal 153
identification and investigation shall conduct a criminal 154
records check in the manner described in division (B) of this 155
section to determine whether any information exists that 156
indicates that the person who is the subject of the request 157
previously has been convicted of or pleaded guilty to any of the 158
following: 159

(a) A violation of section 959.13, 2903.01, 2903.02, 160
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 161
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 162
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 163
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 164
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 165
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 166
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 167
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 168
2927.12, or 3716.11 of the Revised Code, a violation of section 169
2905.04 of the Revised Code as it existed prior to July 1, 1996, 170
a violation of section 2919.23 of the Revised Code that would 171
have been a violation of section 2905.04 of the Revised Code as 172

it existed prior to July 1, 1996, had the violation been 173
committed prior to that date, a violation of section 2925.11 of 174
the Revised Code that is not a minor drug possession offense, 175
two or more OVI or OVUAC violations committed within the three 176
years immediately preceding the submission of the application or 177
petition that is the basis of the request, or felonious sexual 178
penetration in violation of former section 2907.12 of the 179
Revised Code; 180

(b) A violation of an existing or former law of this 181
state, any other state, or the United States that is 182
substantially equivalent to any of the offenses listed in 183
division (A) (4) (a) of this section. 184

(5) Upon receipt of a request pursuant to section 5104.013 185
of the Revised Code, a completed form prescribed pursuant to 186
division (C) (1) of this section, and a set of fingerprint 187
impressions obtained in the manner described in division (C) (2) 188
of this section, the superintendent of the bureau of criminal 189
identification and investigation shall conduct a criminal 190
records check in the manner described in division (B) of this 191
section to determine whether any information exists that 192
indicates that the person who is the subject of the request has 193
been convicted of or pleaded guilty to any of the following: 194

(a) A violation of section 2151.421, 2903.01, 2903.02, 195
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 196
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 197
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 198
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 199
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 200
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 201
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 202

2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 203
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 204
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 205
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 206
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 207
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 208
3716.11 of the Revised Code, felonious sexual penetration in 209
violation of former section 2907.12 of the Revised Code, a 210
violation of section 2905.04 of the Revised Code as it existed 211
prior to July 1, 1996, a violation of section 2919.23 of the 212
Revised Code that would have been a violation of section 2905.04 213
of the Revised Code as it existed prior to July 1, 1996, had the 214
violation been committed prior to that date, a violation of 215
section 2925.11 of the Revised Code that is not a minor drug 216
possession offense, a violation of section 2923.02 or 2923.03 of 217
the Revised Code that relates to a crime specified in this 218
division, or a second violation of section 4511.19 of the 219
Revised Code within five years of the date of application for 220
licensure or certification. 221

(b) A violation of an existing or former law of this 222
state, any other state, or the United States that is 223
substantially equivalent to any of the offenses or violations 224
described in division (A) (5) (a) of this section. 225

(6) Upon receipt of a request pursuant to section 5153.111 226
of the Revised Code, a completed form prescribed pursuant to 227
division (C) (1) of this section, and a set of fingerprint 228
impressions obtained in the manner described in division (C) (2) 229
of this section, the superintendent of the bureau of criminal 230
identification and investigation shall conduct a criminal 231
records check in the manner described in division (B) of this 232
section to determine whether any information exists that 233

indicates that the person who is the subject of the request 234
previously has been convicted of or pleaded guilty to any of the 235
following: 236

(a) A violation of section 2903.01, 2903.02, 2903.03, 237
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 238
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 239
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 240
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 241
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 242
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 243
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 244
Code, felonious sexual penetration in violation of former 245
section 2907.12 of the Revised Code, a violation of section 246
2905.04 of the Revised Code as it existed prior to July 1, 1996, 247
a violation of section 2919.23 of the Revised Code that would 248
have been a violation of section 2905.04 of the Revised Code as 249
it existed prior to July 1, 1996, had the violation been 250
committed prior to that date, or a violation of section 2925.11 251
of the Revised Code that is not a minor drug possession offense; 252

(b) A violation of an existing or former law of this 253
state, any other state, or the United States that is 254
substantially equivalent to any of the offenses listed in 255
division (A)(6)(a) of this section. 256

(7) On receipt of a request for a criminal records check 257
from an individual pursuant to section 4749.03 or 4749.06 of the 258
Revised Code, accompanied by a completed copy of the form 259
prescribed in division (C)(1) of this section and a set of 260
fingerprint impressions obtained in a manner described in 261
division (C)(2) of this section, the superintendent of the 262
bureau of criminal identification and investigation shall 263

conduct a criminal records check in the manner described in 264
division (B) of this section to determine whether any 265
information exists indicating that the person who is the subject 266
of the request has been convicted of or pleaded guilty to a 267
felony in this state or in any other state. If the individual 268
indicates that a firearm will be carried in the course of 269
business, the superintendent shall require information from the 270
federal bureau of investigation as described in division (B) (2) 271
of this section. Subject to division (F) of this section, the 272
superintendent shall report the findings of the criminal records 273
check and any information the federal bureau of investigation 274
provides to the director of public safety. 275

(8) On receipt of a request pursuant to section 1321.37, 276
1321.53, or 4763.05 of the Revised Code, a completed form 277
prescribed pursuant to division (C) (1) of this section, and a 278
set of fingerprint impressions obtained in the manner described 279
in division (C) (2) of this section, the superintendent of the 280
bureau of criminal identification and investigation shall 281
conduct a criminal records check with respect to any person who 282
has applied for a license, permit, or certification from the 283
department of commerce or a division in the department. The 284
superintendent shall conduct the criminal records check in the 285
manner described in division (B) of this section to determine 286
whether any information exists that indicates that the person 287
who is the subject of the request previously has been convicted 288
of or pleaded guilty to any of the following: a violation of 289
section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the 290
Revised Code; any other criminal offense involving theft, 291
receiving stolen property, embezzlement, forgery, fraud, passing 292
bad checks, money laundering, or drug trafficking, or any 293
criminal offense involving money or securities, as set forth in 294

Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 295
the Revised Code; or any existing or former law of this state, 296
any other state, or the United States that is substantially 297
equivalent to those offenses. 298

(9) On receipt of a request for a criminal records check 299
from the treasurer of state under section 113.041 of the Revised 300
Code or from an individual under section 4701.08, 4715.101, 301
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 302
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 303
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 304
4747.051, 4751.20, 4751.201, 4751.202, 4751.21, 4753.061, 305
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 306
4762.031, 4762.06, 4774.031, 4774.06, 4776.021, 4778.04, 307
4778.07, 4779.091, or 4783.04 of the Revised Code, accompanied 308
by a completed form prescribed under division (C)(1) of this 309
section and a set of fingerprint impressions obtained in the 310
manner described in division (C)(2) of this section, the 311
superintendent of the bureau of criminal identification and 312
investigation shall conduct a criminal records check in the 313
manner described in division (B) of this section to determine 314
whether any information exists that indicates that the person 315
who is the subject of the request has been convicted of or 316
pleaded guilty to any criminal offense in this state or any 317
other state. Subject to division (F) of this section, the 318
superintendent shall send the results of a check requested under 319
section 113.041 of the Revised Code to the treasurer of state 320
and shall send the results of a check requested under any of the 321
other listed sections to the licensing board specified by the 322
individual in the request. 323

(10) On receipt of a request pursuant to section 1121.23, 324
1315.141, 1733.47, or 1761.26 of the Revised Code, a completed 325

form prescribed pursuant to division (C) (1) of this section, and 326
a set of fingerprint impressions obtained in the manner 327
described in division (C) (2) of this section, the superintendent 328
of the bureau of criminal identification and investigation shall 329
conduct a criminal records check in the manner described in 330
division (B) of this section to determine whether any 331
information exists that indicates that the person who is the 332
subject of the request previously has been convicted of or 333
pleaded guilty to any criminal offense under any existing or 334
former law of this state, any other state, or the United States. 335

(11) On receipt of a request for a criminal records check 336
from an appointing or licensing authority under section 3772.07 337
of the Revised Code, a completed form prescribed under division 338
(C) (1) of this section, and a set of fingerprint impressions 339
obtained in the manner prescribed in division (C) (2) of this 340
section, the superintendent of the bureau of criminal 341
identification and investigation shall conduct a criminal 342
records check in the manner described in division (B) of this 343
section to determine whether any information exists that 344
indicates that the person who is the subject of the request 345
previously has been convicted of or pleaded guilty or no contest 346
to any offense under any existing or former law of this state, 347
any other state, or the United States that is a disqualifying 348
offense as defined in section 3772.07 of the Revised Code or 349
substantially equivalent to such an offense. 350

(12) On receipt of a request pursuant to section 2151.33 351
or 2151.412 of the Revised Code, a completed form prescribed 352
pursuant to division (C) (1) of this section, and a set of 353
fingerprint impressions obtained in the manner described in 354
division (C) (2) of this section, the superintendent of the 355
bureau of criminal identification and investigation shall 356

conduct a criminal records check with respect to any person for 357
whom a criminal records check is required under that section. 358
The superintendent shall conduct the criminal records check in 359
the manner described in division (B) of this section to 360
determine whether any information exists that indicates that the 361
person who is the subject of the request previously has been 362
convicted of or pleaded guilty to any of the following: 363

(a) A violation of section 2903.01, 2903.02, 2903.03, 364
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 365
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 366
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 367
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 368
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 369
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 370
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 371
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 372

(b) An existing or former law of this state, any other 373
state, or the United States that is substantially equivalent to 374
any of the offenses listed in division (A)(12)(a) of this 375
section. 376

(13) On receipt of a request pursuant to section 3796.12 377
of the Revised Code, a completed form prescribed pursuant to 378
division (C)(1) of this section, and a set of fingerprint 379
impressions obtained in a manner described in division (C)(2) of 380
this section, the superintendent of the bureau of criminal 381
identification and investigation shall conduct a criminal 382
records check in the manner described in division (B) of this 383
section to determine whether any information exists that 384
indicates that the person who is the subject of the request 385
previously has been convicted of or pleaded guilty to the 386

following: 387

(a) A disqualifying offense as specified in rules adopted 388
under division (B) (2) (b) of section 3796.03 of the Revised Code 389
if the person who is the subject of the request is an 390
administrator or other person responsible for the daily 391
operation of, or an owner or prospective owner, officer or 392
prospective officer, or board member or prospective board member 393
of, an entity seeking a license from the department of commerce 394
under Chapter 3796. of the Revised Code; 395

(b) A disqualifying offense as specified in rules adopted 396
under division (B) (2) (b) of section 3796.04 of the Revised Code 397
if the person who is the subject of the request is an 398
administrator or other person responsible for the daily 399
operation of, or an owner or prospective owner, officer or 400
prospective officer, or board member or prospective board member 401
of, an entity seeking a license from the state board of pharmacy 402
under Chapter 3796. of the Revised Code. 403

(14) On receipt of a request required by section 3796.13 404
of the Revised Code, a completed form prescribed pursuant to 405
division (C) (1) of this section, and a set of fingerprint 406
impressions obtained in a manner described in division (C) (2) of 407
this section, the superintendent of the bureau of criminal 408
identification and investigation shall conduct a criminal 409
records check in the manner described in division (B) of this 410
section to determine whether any information exists that 411
indicates that the person who is the subject of the request 412
previously has been convicted of or pleaded guilty to the 413
following: 414

(a) A disqualifying offense as specified in rules adopted 415
under division (B) (8) (a) of section 3796.03 of the Revised Code 416

if the person who is the subject of the request is seeking 417
employment with an entity licensed by the department of commerce 418
under Chapter 3796. of the Revised Code; 419

(b) A disqualifying offense as specified in rules adopted 420
under division (B) (14) (a) of section 3796.04 of the Revised Code 421
if the person who is the subject of the request is seeking 422
employment with an entity licensed by the state board of 423
pharmacy under Chapter 3796. of the Revised Code. 424

(15) On receipt of a request pursuant to section 4768.06 425
of the Revised Code, a completed form prescribed under division 426
(C) (1) of this section, and a set of fingerprint impressions 427
obtained in the manner described in division (C) (2) of this 428
section, the superintendent of the bureau of criminal 429
identification and investigation shall conduct a criminal 430
records check in the manner described in division (B) of this 431
section to determine whether any information exists indicating 432
that the person who is the subject of the request has been 433
convicted of or pleaded guilty to a felony in this state or in 434
any other state. 435

(B) Subject to division (F) of this section, the 436
superintendent shall conduct any criminal records check to be 437
conducted under this section as follows: 438

(1) The superintendent shall review or cause to be 439
reviewed any relevant information gathered and compiled by the 440
bureau under division (A) of section 109.57 of the Revised Code 441
that relates to the person who is the subject of the criminal 442
records check, including, if the criminal records check was 443
requested under section 113.041, 121.08, 173.27, 173.38, 444
173.381, 1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 445
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 446

3721.121, 3772.07, 3796.12, 3796.13, 4749.03, 4749.06, 4763.05, 447
4768.06, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 448
5123.169, or 5153.111 of the Revised Code, any relevant 449
information contained in records that have been sealed under 450
section 2953.32 of the Revised Code; 451

(2) If the request received by the superintendent asks for 452
information from the federal bureau of investigation, the 453
superintendent shall request from the federal bureau of 454
investigation any information it has with respect to the person 455
who is the subject of the criminal records check, including 456
fingerprint-based checks of national crime information databases 457
as described in 42 U.S.C. 671 if the request is made pursuant to 458
section 2151.86 or 5104.013 of the Revised Code or if any other 459
Revised Code section requires fingerprint-based checks of that 460
nature, and shall review or cause to be reviewed any information 461
the superintendent receives from that bureau. If a request under 462
section 3319.39 of the Revised Code asks only for information 463
from the federal bureau of investigation, the superintendent 464
shall not conduct the review prescribed by division (B)(1) of 465
this section. 466

(3) The superintendent or the superintendent's designee 467
may request criminal history records from other states or the 468
federal government pursuant to the national crime prevention and 469
privacy compact set forth in section 109.571 of the Revised 470
Code. 471

(4) The superintendent shall include in the results of the 472
criminal records check a list or description of the offenses 473
listed or described in division (A)(1), (2), (3), (4), (5), (6), 474
(7), (8), (9), (10), (11), (12), (13), (14), or (15) of this 475
section, whichever division requires the superintendent to 476

conduct the criminal records check. The superintendent shall 477
exclude from the results any information the dissemination of 478
which is prohibited by federal law. 479

(5) The superintendent shall send the results of the 480
criminal records check to the person to whom it is to be sent 481
not later than the following number of days after the date the 482
superintendent receives the request for the criminal records 483
check, the completed form prescribed under division (C) (1) of 484
this section, and the set of fingerprint impressions obtained in 485
the manner described in division (C) (2) of this section: 486

(a) If the superintendent is required by division (A) of 487
this section (other than division (A) (3) of this section) to 488
conduct the criminal records check, thirty; 489

(b) If the superintendent is required by division (A) (3) 490
of this section to conduct the criminal records check, sixty. 491

(C) (1) The superintendent shall prescribe a form to obtain 492
the information necessary to conduct a criminal records check 493
from any person for whom a criminal records check is to be 494
conducted under this section. The form that the superintendent 495
prescribes pursuant to this division may be in a tangible 496
format, in an electronic format, or in both tangible and 497
electronic formats. 498

(2) The superintendent shall prescribe standard impression 499
sheets to obtain the fingerprint impressions of any person for 500
whom a criminal records check is to be conducted under this 501
section. Any person for whom a records check is to be conducted 502
under this section shall obtain the fingerprint impressions at a 503
county sheriff's office, municipal police department, or any 504
other entity with the ability to make fingerprint impressions on 505

the standard impression sheets prescribed by the superintendent. 506
The office, department, or entity may charge the person a 507
reasonable fee for making the impressions. The standard 508
impression sheets the superintendent prescribes pursuant to this 509
division may be in a tangible format, in an electronic format, 510
or in both tangible and electronic formats. 511

(3) Subject to division (D) of this section, the 512
superintendent shall prescribe and charge a reasonable fee for 513
providing a criminal records check under this section. The 514
person requesting the criminal records check shall pay the fee 515
prescribed pursuant to this division. In the case of a request 516
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 517
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 518
fee shall be paid in the manner specified in that section. 519

(4) The superintendent of the bureau of criminal 520
identification and investigation may prescribe methods of 521
forwarding fingerprint impressions and information necessary to 522
conduct a criminal records check, which methods shall include, 523
but not be limited to, an electronic method. 524

(D) The results of a criminal records check conducted 525
under this section, other than a criminal records check 526
specified in division (A) (7) of this section, are valid for the 527
person who is the subject of the criminal records check for a 528
period of one year from the date upon which the superintendent 529
completes the criminal records check. If during that period the 530
superintendent receives another request for a criminal records 531
check to be conducted under this section for that person, the 532
superintendent shall provide the results from the previous 533
criminal records check of the person at a lower fee than the fee 534
prescribed for the initial criminal records check. 535

(E) When the superintendent receives a request for 536
information from a registered private provider, the 537
superintendent shall proceed as if the request was received from 538
a school district board of education under section 3319.39 of 539
the Revised Code. The superintendent shall apply division (A)(1) 540
(c) of this section to any such request for an applicant who is 541
a teacher. 542

(F)(1) Subject to division (F)(2) of this section, all 543
information regarding the results of a criminal records check 544
conducted under this section that the superintendent reports or 545
sends under division (A)(7) or (9) of this section to the 546
director of public safety, the treasurer of state, or the 547
person, board, or entity that made the request for the criminal 548
records check shall relate to the conviction of the subject 549
person, or the subject person's plea of guilty to, a criminal 550
offense. 551

(2) Division (F)(1) of this section does not limit, 552
restrict, or preclude the superintendent's release of 553
information that relates to the arrest of a person who is 554
eighteen years of age or older, to an adjudication of a child as 555
a delinquent child, or to a criminal conviction of a person 556
under eighteen years of age in circumstances in which a release 557
of that nature is authorized under division (E)(2), (3), or (4) 558
of section 109.57 of the Revised Code pursuant to a rule adopted 559
under division (E)(1) of that section. 560

(G) As used in this section: 561

(1) "Criminal records check" means any criminal records 562
check conducted by the superintendent of the bureau of criminal 563
identification and investigation in accordance with division (B) 564
of this section. 565

(2) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.	566 567
(3) "OVI or OVUAC violation" means a violation of section 4511.19 of the Revised Code or a violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to section 4511.19 of the Revised Code.	568 569 570 571 572
(4) "Registered private provider" means a nonpublic school or entity registered with the superintendent of public instruction under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the Jon Peterson special needs scholarship program.	573 574 575 576 577 578
Sec. 149.43. (A) As used in this section:	579
(1) "Public record" means records kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, and records pertaining to the delivery of educational services by an alternative school in this state kept by the nonprofit or for-profit entity operating the alternative school pursuant to section 3313.533 of the Revised Code. "Public record" does not mean any of the following:	580 581 582 583 584 585 586 587
(a) Medical records;	588
(b) Records pertaining to probation and parole proceedings or to proceedings related to the imposition of community control sanctions and post-release control sanctions;	589 590 591
(c) Records pertaining to actions under section 2151.85 and division (C) of section 2919.121 of the Revised Code and to appeals of actions arising under those sections;	592 593 594

(d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under sections 3705.12 to 3705.124 of the Revised Code;	595 596 597
(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;	598 599 600 601 602 603
(f) Records specified in division (A) of section 3107.52 of the Revised Code;	604 605
(g) Trial preparation records;	606
(h) Confidential law enforcement investigatory records;	607
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	608 609
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	610 611
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	612 613 614 615
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	616 617 618 619
(m) Intellectual property records;	620
(n) Donor profile records;	621

(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	622 623
(p) Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, investigator of the bureau of criminal identification and investigation, or federal law enforcement officer residential and familial information;	624 625 626 627 628 629 630
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	631 632 633 634 635
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	636 637
(s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, records provided to the board or director, statements made by board members during meetings of the board or by persons participating in the director's review, and all work products of the board or director, and in the case of a child fatality review board, child fatality review data submitted by the board to the department of health or a national child death review database, other than the report prepared pursuant to division (A) of section 307.626 of the Revised Code;	638 639 640 641 642 643 644 645 646 647 648 649
(t) Records provided to and statements made by the	650

executive director of a public children services agency or a 651
prosecuting attorney acting pursuant to section 5153.171 of the 652
Revised Code other than the information released under that 653
section; 654

(u) Test materials, examinations, or evaluation tools used 655
in an examination for licensure as a nursing home administrator 656
that the board of executives of long-term services and supports 657
administers under section ~~4751.04~~4751.15 of the Revised Code or 658
contracts under that section with a private or government entity 659
to administer; 660

(v) Records the release of which is prohibited by state or 661
federal law; 662

(w) Proprietary information of or relating to any person 663
that is submitted to or compiled by the Ohio venture capital 664
authority created under section 150.01 of the Revised Code; 665

(x) Financial statements and data any person submits for 666
any purpose to the Ohio housing finance agency or the 667
controlling board in connection with applying for, receiving, or 668
accounting for financial assistance from the agency, and 669
information that identifies any individual who benefits directly 670
or indirectly from financial assistance from the agency; 671

(y) Records listed in section 5101.29 of the Revised Code; 672

(z) Discharges recorded with a county recorder under 673
section 317.24 of the Revised Code, as specified in division (B) 674
(2) of that section; 675

(aa) Usage information including names and addresses of 676
specific residential and commercial customers of a municipally 677
owned or operated public utility; 678

(bb) Records described in division (C) of section 187.04 679
of the Revised Code that are not designated to be made available 680
to the public as provided in that division; 681

(cc) Information and records that are made confidential, 682
privileged, and not subject to disclosure under divisions (B) 683
and (C) of section 2949.221 of the Revised Code; 684

(dd) Personal information, as defined in section 149.45 of 685
the Revised Code; 686

(ee) The confidential name, address, and other personally 687
identifiable information of a program participant in the address 688
confidentiality program established under sections 111.41 to 689
111.47 of the Revised Code, including the contents of any 690
application for absent voter's ballots, absent voter's ballot 691
identification envelope statement of voter, or provisional 692
ballot affirmation completed by a program participant who has a 693
confidential voter registration record, and records or portions 694
of records pertaining to that program that identify the number 695
of program participants that reside within a precinct, ward, 696
township, municipal corporation, county, or any other geographic 697
area smaller than the state. As used in this division, 698
"confidential address" and "program participant" have the 699
meaning defined in section 111.41 of the Revised Code. 700

(ff) Orders for active military service of an individual 701
serving or with previous service in the armed forces of the 702
United States, including a reserve component, or the Ohio 703
organized militia, except that, such order becomes a public 704
record on the day that is fifteen years after the published date 705
or effective date of the call to order; 706

(gg) The name, address, contact information, or other 707

personal information of an individual who is less than eighteen 708
years of age that is included in any record related to a traffic 709
accident involving a school vehicle in which the individual was 710
an occupant at the time of the accident; 711

(hh) Protected health information, as defined in 45 C.F.R. 712
160.103, that is in a claim for payment for a health care 713
product, service, or procedure, as well as any other health 714
claims data in another document that reveals the identity of an 715
individual who is the subject of the data or could be used to 716
reveal that individual's identity. 717

(2) "Confidential law enforcement investigatory record" 718
means any record that pertains to a law enforcement matter of a 719
criminal, quasi-criminal, civil, or administrative nature, but 720
only to the extent that the release of the record would create a 721
high probability of disclosure of any of the following: 722

(a) The identity of a suspect who has not been charged 723
with the offense to which the record pertains, or of an 724
information source or witness to whom confidentiality has been 725
reasonably promised; 726

(b) Information provided by an information source or 727
witness to whom confidentiality has been reasonably promised, 728
which information would reasonably tend to disclose the source's 729
or witness's identity; 730

(c) Specific confidential investigatory techniques or 731
procedures or specific investigatory work product; 732

(d) Information that would endanger the life or physical 733
safety of law enforcement personnel, a crime victim, a witness, 734
or a confidential information source. 735

(3) "Medical record" means any document or combination of 736

documents, except births, deaths, and the fact of admission to 737
or discharge from a hospital, that pertains to the medical 738
history, diagnosis, prognosis, or medical condition of a patient 739
and that is generated and maintained in the process of medical 740
treatment. 741

(4) "Trial preparation record" means any record that 742
contains information that is specifically compiled in reasonable 743
anticipation of, or in defense of, a civil or criminal action or 744
proceeding, including the independent thought processes and 745
personal trial preparation of an attorney. 746

(5) "Intellectual property record" means a record, other 747
than a financial or administrative record, that is produced or 748
collected by or for faculty or staff of a state institution of 749
higher learning in the conduct of or as a result of study or 750
research on an educational, commercial, scientific, artistic, 751
technical, or scholarly issue, regardless of whether the study 752
or research was sponsored by the institution alone or in 753
conjunction with a governmental body or private concern, and 754
that has not been publicly released, published, or patented. 755

(6) "Donor profile record" means all records about donors 756
or potential donors to a public institution of higher education 757
except the names and reported addresses of the actual donors and 758
the date, amount, and conditions of the actual donation. 759

(7) "Peace officer, parole officer, probation officer, 760
bailiff, prosecuting attorney, assistant prosecuting attorney, 761
correctional employee, community-based correctional facility 762
employee, youth services employee, firefighter, EMT, 763
investigator of the bureau of criminal identification and 764
investigation, or federal law enforcement officer residential 765
and familial information" means any information that discloses 766

any of the following about a peace officer, parole officer, 767
probation officer, bailiff, prosecuting attorney, assistant 768
prosecuting attorney, correctional employee, community-based 769
correctional facility employee, youth services employee, 770
firefighter, EMT, investigator of the bureau of criminal 771
identification and investigation, or federal law enforcement 772
officer: 773

(a) The address of the actual personal residence of a 774
peace officer, parole officer, probation officer, bailiff, 775
assistant prosecuting attorney, correctional employee, 776
community-based correctional facility employee, youth services 777
employee, firefighter, EMT, an investigator of the bureau of 778
criminal identification and investigation, or federal law 779
enforcement officer, except for the state or political 780
subdivision in which the peace officer, parole officer, 781
probation officer, bailiff, assistant prosecuting attorney, 782
correctional employee, community-based correctional facility 783
employee, youth services employee, firefighter, EMT, 784
investigator of the bureau of criminal identification and 785
investigation, or federal law enforcement officer resides; 786

(b) Information compiled from referral to or participation 787
in an employee assistance program; 788

(c) The social security number, the residential telephone 789
number, any bank account, debit card, charge card, or credit 790
card number, or the emergency telephone number of, or any 791
medical information pertaining to, a peace officer, parole 792
officer, probation officer, bailiff, prosecuting attorney, 793
assistant prosecuting attorney, correctional employee, 794
community-based correctional facility employee, youth services 795
employee, firefighter, EMT, investigator of the bureau of 796

criminal identification and investigation, or federal law 797
enforcement officer; 798

(d) The name of any beneficiary of employment benefits, 799
including, but not limited to, life insurance benefits, provided 800
to a peace officer, parole officer, probation officer, bailiff, 801
prosecuting attorney, assistant prosecuting attorney, 802
correctional employee, community-based correctional facility 803
employee, youth services employee, firefighter, EMT, 804
investigator of the bureau of criminal identification and 805
investigation, or federal law enforcement officer by the peace 806
officer's, parole officer's, probation officer's, bailiff's, 807
prosecuting attorney's, assistant prosecuting attorney's, 808
correctional employee's, community-based correctional facility 809
employee's, youth services employee's, firefighter's, EMT's, 810
investigator of the bureau of criminal identification and 811
investigation's, or federal law enforcement officer's employer; 812

(e) The identity and amount of any charitable or 813
employment benefit deduction made by the peace officer's, parole 814
officer's, probation officer's, bailiff's, prosecuting 815
attorney's, assistant prosecuting attorney's, correctional 816
employee's, community-based correctional facility employee's, 817
youth services employee's, firefighter's, EMT's, investigator of 818
the bureau of criminal identification and investigation's, or 819
federal law enforcement officer's employer from the peace 820
officer's, parole officer's, probation officer's, bailiff's, 821
prosecuting attorney's, assistant prosecuting attorney's, 822
correctional employee's, community-based correctional facility 823
employee's, youth services employee's, firefighter's, EMT's, 824
investigator of the bureau of criminal identification and 825
investigation's, or federal law enforcement officer's 826
compensation unless the amount of the deduction is required by 827

state or federal law; 828

(f) The name, the residential address, the name of the 829
employer, the address of the employer, the social security 830
number, the residential telephone number, any bank account, 831
debit card, charge card, or credit card number, or the emergency 832
telephone number of the spouse, a former spouse, or any child of 833
a peace officer, parole officer, probation officer, bailiff, 834
prosecuting attorney, assistant prosecuting attorney, 835
correctional employee, community-based correctional facility 836
employee, youth services employee, firefighter, EMT, 837
investigator of the bureau of criminal identification and 838
investigation, or federal law enforcement officer; 839

(g) A photograph of a peace officer who holds a position 840
or has an assignment that may include undercover or plain 841
clothes positions or assignments as determined by the peace 842
officer's appointing authority. 843

As used in divisions (A) (7) and (B) (9) of this section, 844
"peace officer" has the same meaning as in section 109.71 of the 845
Revised Code and also includes the superintendent and troopers 846
of the state highway patrol; it does not include the sheriff of 847
a county or a supervisory employee who, in the absence of the 848
sheriff, is authorized to stand in for, exercise the authority 849
of, and perform the duties of the sheriff. 850

As used in divisions (A) (7) and (B) (9) of this section, 851
"correctional employee" means any employee of the department of 852
rehabilitation and correction who in the course of performing 853
the employee's job duties has or has had contact with inmates 854
and persons under supervision. 855

As used in divisions (A) (7) and (B) (9) of this section, 856

"youth services employee" means any employee of the department 857
of youth services who in the course of performing the employee's 858
job duties has or has had contact with children committed to the 859
custody of the department of youth services. 860

As used in divisions (A) (7) and (B) (9) of this section, 861
"firefighter" means any regular, paid or volunteer, member of a 862
lawfully constituted fire department of a municipal corporation, 863
township, fire district, or village. 864

As used in divisions (A) (7) and (B) (9) of this section, 865
"EMT" means EMTs-basic, EMTs-I, and paramedics that provide 866
emergency medical services for a public emergency medical 867
service organization. "Emergency medical service organization," 868
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as 869
in section 4765.01 of the Revised Code. 870

As used in divisions (A) (7) and (B) (9) of this section, 871
"investigator of the bureau of criminal identification and 872
investigation" has the meaning defined in section 2903.11 of the 873
Revised Code. 874

As used in divisions (A) (7) and (B) (9) of this section, 875
"federal law enforcement officer" has the meaning defined in 876
section 9.88 of the Revised Code. 877

(8) "Information pertaining to the recreational activities 878
of a person under the age of eighteen" means information that is 879
kept in the ordinary course of business by a public office, that 880
pertains to the recreational activities of a person under the 881
age of eighteen years, and that discloses any of the following: 882

(a) The address or telephone number of a person under the 883
age of eighteen or the address or telephone number of that 884
person's parent, guardian, custodian, or emergency contact 885

person; 886

(b) The social security number, birth date, or 887
photographic image of a person under the age of eighteen; 888

(c) Any medical record, history, or information pertaining 889
to a person under the age of eighteen; 890

(d) Any additional information sought or required about a 891
person under the age of eighteen for the purpose of allowing 892
that person to participate in any recreational activity 893
conducted or sponsored by a public office or to use or obtain 894
admission privileges to any recreational facility owned or 895
operated by a public office. 896

(9) "Community control sanction" has the same meaning as 897
in section 2929.01 of the Revised Code. 898

(10) "Post-release control sanction" has the same meaning 899
as in section 2967.01 of the Revised Code. 900

(11) "Redaction" means obscuring or deleting any 901
information that is exempt from the duty to permit public 902
inspection or copying from an item that otherwise meets the 903
definition of a "record" in section 149.011 of the Revised Code. 904

(12) "Designee," "elected official," and "future official" 905
have the same meanings as in section 109.43 of the Revised Code. 906

(B) (1) Upon request and subject to division (B) (8) of this 907
section, all public records responsive to the request shall be 908
promptly prepared and made available for inspection to any 909
person at all reasonable times during regular business hours. 910
Subject to division (B) (8) of this section, upon request, a 911
public office or person responsible for public records shall 912
make copies of the requested public record available at cost and 913

within a reasonable period of time. If a public record contains 914
information that is exempt from the duty to permit public 915
inspection or to copy the public record, the public office or 916
the person responsible for the public record shall make 917
available all of the information within the public record that 918
is not exempt. When making that public record available for 919
public inspection or copying that public record, the public 920
office or the person responsible for the public record shall 921
notify the requester of any redaction or make the redaction 922
plainly visible. A redaction shall be deemed a denial of a 923
request to inspect or copy the redacted information, except if 924
federal or state law authorizes or requires a public office to 925
make the redaction. 926

(2) To facilitate broader access to public records, a 927
public office or the person responsible for public records shall 928
organize and maintain public records in a manner that they can 929
be made available for inspection or copying in accordance with 930
division (B) of this section. A public office also shall have 931
available a copy of its current records retention schedule at a 932
location readily available to the public. If a requester makes 933
an ambiguous or overly broad request or has difficulty in making 934
a request for copies or inspection of public records under this 935
section such that the public office or the person responsible 936
for the requested public record cannot reasonably identify what 937
public records are being requested, the public office or the 938
person responsible for the requested public record may deny the 939
request but shall provide the requester with an opportunity to 940
revise the request by informing the requester of the manner in 941
which records are maintained by the public office and accessed 942
in the ordinary course of the public office's or person's 943
duties. 944

(3) If a request is ultimately denied, in part or in whole, the public office or the person responsible for the requested public record shall provide the requester with an explanation, including legal authority, setting forth why the request was denied. If the initial request was provided in writing, the explanation also shall be provided to the requester in writing. The explanation shall not preclude the public office or the person responsible for the requested public record from relying upon additional reasons or legal authority in defending an action commenced under division (C) of this section.

(4) Unless specifically required or authorized by state or federal law or in accordance with division (B) of this section, no public office or person responsible for public records may limit or condition the availability of public records by requiring disclosure of the requester's identity or the intended use of the requested public record. Any requirement that the requester disclose the requester's identity or the intended use of the requested public record constitutes a denial of the request.

(5) A public office or person responsible for public records may ask a requester to make the request in writing, may ask for the requester's identity, and may inquire about the intended use of the information requested, but may do so only after disclosing to the requester that a written request is not mandatory and that the requester may decline to reveal the requester's identity or the intended use and when a written request or disclosure of the identity or intended use would benefit the requester by enhancing the ability of the public office or person responsible for public records to identify, locate, or deliver the public records sought by the requester.

(6) If any person chooses to obtain a copy of a public record in accordance with division (B) of this section, the public office or person responsible for the public record may require that person to pay in advance the cost involved in providing the copy of the public record in accordance with the choice made by the person seeking the copy under this division. The public office or the person responsible for the public record shall permit that person to choose to have the public record duplicated upon paper, upon the same medium upon which the public office or person responsible for the public record keeps it, or upon any other medium upon which the public office or person responsible for the public record determines that it reasonably can be duplicated as an integral part of the normal operations of the public office or person responsible for the public record. When the person seeking the copy makes a choice under this division, the public office or person responsible for the public record shall provide a copy of it in accordance with the choice made by the person seeking the copy. Nothing in this section requires a public office or person responsible for the public record to allow the person seeking a copy of the public record to make the copies of the public record.

(7) (a) Upon a request made in accordance with division (B) of this section and subject to division (B) (6) of this section, a public office or person responsible for public records shall transmit a copy of a public record to any person by United States mail or by any other means of delivery or transmission within a reasonable period of time after receiving the request for the copy. The public office or person responsible for the public record may require the person making the request to pay in advance the cost of postage if the copy is transmitted by United States mail or the cost of delivery if the copy is

transmitted other than by United States mail, and to pay in 1006
advance the costs incurred for other supplies used in the 1007
mailing, delivery, or transmission. 1008

(b) Any public office may adopt a policy and procedures 1009
that it will follow in transmitting, within a reasonable period 1010
of time after receiving a request, copies of public records by 1011
United States mail or by any other means of delivery or 1012
transmission pursuant to division (B) (7) of this section. A 1013
public office that adopts a policy and procedures under division 1014
(B) (7) of this section shall comply with them in performing its 1015
duties under that division. 1016

(c) In any policy and procedures adopted under division 1017
(B) (7) of this section: 1018

(i) A public office may limit the number of records 1019
requested by a person that the office will physically deliver by 1020
United States mail or by another delivery service to ten per 1021
month, unless the person certifies to the office in writing that 1022
the person does not intend to use or forward the requested 1023
records, or the information contained in them, for commercial 1024
purposes; 1025

(ii) A public office that chooses to provide some or all 1026
of its public records on a web site that is fully accessible to 1027
and searchable by members of the public at all times, other than 1028
during acts of God outside the public office's control or 1029
maintenance, and that charges no fee to search, access, 1030
download, or otherwise receive records provided on the web site, 1031
may limit to ten per month the number of records requested by a 1032
person that the office will deliver in a digital format, unless 1033
the requested records are not provided on the web site and 1034
unless the person certifies to the office in writing that the 1035

person does not intend to use or forward the requested records, 1036
or the information contained in them, for commercial purposes. 1037

(iii) For purposes of division (B)(7) of this section, 1038
"commercial" shall be narrowly construed and does not include 1039
reporting or gathering news, reporting or gathering information 1040
to assist citizen oversight or understanding of the operation or 1041
activities of government, or nonprofit educational research. 1042

(8) A public office or person responsible for public 1043
records is not required to permit a person who is incarcerated 1044
pursuant to a criminal conviction or a juvenile adjudication to 1045
inspect or to obtain a copy of any public record concerning a 1046
criminal investigation or prosecution or concerning what would 1047
be a criminal investigation or prosecution if the subject of the 1048
investigation or prosecution were an adult, unless the request 1049
to inspect or to obtain a copy of the record is for the purpose 1050
of acquiring information that is subject to release as a public 1051
record under this section and the judge who imposed the sentence 1052
or made the adjudication with respect to the person, or the 1053
judge's successor in office, finds that the information sought 1054
in the public record is necessary to support what appears to be 1055
a justiciable claim of the person. 1056

(9) (a) Upon written request made and signed by a 1057
journalist on or after December 16, 1999, a public office, or 1058
person responsible for public records, having custody of the 1059
records of the agency employing a specified peace officer, 1060
parole officer, probation officer, bailiff, prosecuting 1061
attorney, assistant prosecuting attorney, correctional employee, 1062
community-based correctional facility employee, youth services 1063
employee, firefighter, EMT, investigator of the bureau of 1064
criminal identification and investigation, or federal law 1065

enforcement officer shall disclose to the journalist the address 1066
of the actual personal residence of the peace officer, parole 1067
officer, probation officer, bailiff, prosecuting attorney, 1068
assistant prosecuting attorney, correctional employee, 1069
community-based correctional facility employee, youth services 1070
employee, firefighter, EMT, investigator of the bureau of 1071
criminal identification and investigation, or federal law 1072
enforcement officer and, if the peace officer's, parole 1073
officer's, probation officer's, bailiff's, prosecuting 1074
attorney's, assistant prosecuting attorney's, correctional 1075
employee's, community-based correctional facility employee's, 1076
youth services employee's, firefighter's, EMT's, investigator of 1077
the bureau of criminal identification and investigation's, or 1078
federal law enforcement officer's spouse, former spouse, or 1079
child is employed by a public office, the name and address of 1080
the employer of the peace officer's, parole officer's, probation 1081
officer's, bailiff's, prosecuting attorney's, assistant 1082
prosecuting attorney's, correctional employee's, community-based 1083
correctional facility employee's, youth services employee's, 1084
firefighter's, EMT's, investigator of the bureau of criminal 1085
identification and investigation's, or federal law enforcement 1086
officer's spouse, former spouse, or child. The request shall 1087
include the journalist's name and title and the name and address 1088
of the journalist's employer and shall state that disclosure of 1089
the information sought would be in the public interest. 1090

(b) Division (B) (9) (a) of this section also applies to 1091
journalist requests for: 1092

(i) Customer information maintained by a municipally owned 1093
or operated public utility, other than social security numbers 1094
and any private financial information such as credit reports, 1095
payment methods, credit card numbers, and bank account 1096

information; 1097

(ii) Information about minors involved in a school vehicle 1098
accident as provided in division (A) (1) (gg) of this section, 1099
other than personal information as defined in section 149.45 of 1100
the Revised Code. 1101

(c) As used in division (B) (9) of this section, 1102
"journalist" means a person engaged in, connected with, or 1103
employed by any news medium, including a newspaper, magazine, 1104
press association, news agency, or wire service, a radio or 1105
television station, or a similar medium, for the purpose of 1106
gathering, processing, transmitting, compiling, editing, or 1107
disseminating information for the general public. 1108

(C) (1) If a person allegedly is aggrieved by the failure 1109
of a public office or the person responsible for public records 1110
to promptly prepare a public record and to make it available to 1111
the person for inspection in accordance with division (B) of 1112
this section or by any other failure of a public office or the 1113
person responsible for public records to comply with an 1114
obligation in accordance with division (B) of this section, the 1115
person allegedly aggrieved may do only one of the following, and 1116
not both: 1117

(a) File a complaint with the clerk of the court of claims 1118
or the clerk of the court of common pleas under section 2743.75 1119
of the Revised Code; 1120

(b) Commence a mandamus action to obtain a judgment that 1121
orders the public office or the person responsible for the 1122
public record to comply with division (B) of this section, that 1123
awards court costs and reasonable attorney's fees to the person 1124
that instituted the mandamus action, and, if applicable, that 1125

includes an order fixing statutory damages under division (C) (2) 1126
of this section. The mandamus action may be commenced in the 1127
court of common pleas of the county in which division (B) of 1128
this section allegedly was not complied with, in the supreme 1129
court pursuant to its original jurisdiction under Section 2 of 1130
Article IV, Ohio Constitution, or in the court of appeals for 1131
the appellate district in which division (B) of this section 1132
allegedly was not complied with pursuant to its original 1133
jurisdiction under Section 3 of Article IV, Ohio Constitution. 1134

(2) If a requester transmits a written request by hand 1135
delivery, electronic submission, or certified mail to inspect or 1136
receive copies of any public record in a manner that fairly 1137
describes the public record or class of public records to the 1138
public office or person responsible for the requested public 1139
records, except as otherwise provided in this section, the 1140
requester shall be entitled to recover the amount of statutory 1141
damages set forth in this division if a court determines that 1142
the public office or the person responsible for public records 1143
failed to comply with an obligation in accordance with division 1144
(B) of this section. 1145

The amount of statutory damages shall be fixed at one 1146
hundred dollars for each business day during which the public 1147
office or person responsible for the requested public records 1148
failed to comply with an obligation in accordance with division 1149
(B) of this section, beginning with the day on which the 1150
requester files a mandamus action to recover statutory damages, 1151
up to a maximum of one thousand dollars. The award of statutory 1152
damages shall not be construed as a penalty, but as compensation 1153
for injury arising from lost use of the requested information. 1154
The existence of this injury shall be conclusively presumed. The 1155
award of statutory damages shall be in addition to all other 1156

remedies authorized by this section. 1157

The court may reduce an award of statutory damages or not 1158
award statutory damages if the court determines both of the 1159
following: 1160

(a) That, based on the ordinary application of statutory 1161
law and case law as it existed at the time of the conduct or 1162
threatened conduct of the public office or person responsible 1163
for the requested public records that allegedly constitutes a 1164
failure to comply with an obligation in accordance with division 1165
(B) of this section and that was the basis of the mandamus 1166
action, a well-informed public office or person responsible for 1167
the requested public records reasonably would believe that the 1168
conduct or threatened conduct of the public office or person 1169
responsible for the requested public records did not constitute 1170
a failure to comply with an obligation in accordance with 1171
division (B) of this section; 1172

(b) That a well-informed public office or person 1173
responsible for the requested public records reasonably would 1174
believe that the conduct or threatened conduct of the public 1175
office or person responsible for the requested public records 1176
would serve the public policy that underlies the authority that 1177
is asserted as permitting that conduct or threatened conduct. 1178

(3) In a mandamus action filed under division (C)(1) of 1179
this section, the following apply: 1180

(a) (i) If the court orders the public office or the person 1181
responsible for the public record to comply with division (B) of 1182
this section, the court shall determine and award to the relator 1183
all court costs, which shall be construed as remedial and not 1184
punitive. 1185

(ii) If the court makes a determination described in 1186
division (C) (3) (b) (iii) of this section, the court shall 1187
determine and award to the relator all court costs, which shall 1188
be construed as remedial and not punitive. 1189

(b) If the court renders a judgment that orders the public 1190
office or the person responsible for the public record to comply 1191
with division (B) of this section or if the court determines any 1192
of the following, the court may award reasonable attorney's fees 1193
to the relator, subject to the provisions of division (C) (4) of 1194
this section: 1195

(i) The public office or the person responsible for the 1196
public records failed to respond affirmatively or negatively to 1197
the public records request in accordance with the time allowed 1198
under division (B) of this section. 1199

(ii) The public office or the person responsible for the 1200
public records promised to permit the relator to inspect or 1201
receive copies of the public records requested within a 1202
specified period of time but failed to fulfill that promise 1203
within that specified period of time. 1204

(iii) The public office or the person responsible for the 1205
public records acted in bad faith when the office or person 1206
voluntarily made the public records available to the relator for 1207
the first time after the relator commenced the mandamus action, 1208
but before the court issued any order concluding whether or not 1209
the public office or person was required to comply with division 1210
(B) of this section. No discovery may be conducted on the issue 1211
of the alleged bad faith of the public office or person 1212
responsible for the public records. This division shall not be 1213
construed as creating a presumption that the public office or 1214
the person responsible for the public records acted in bad faith 1215

when the office or person voluntarily made the public records 1216
available to the relator for the first time after the relator 1217
commenced the mandamus action, but before the court issued any 1218
order described in this division. 1219

(c) The court shall not award attorney's fees to the 1220
relator if the court determines both of the following: 1221

(i) That, based on the ordinary application of statutory 1222
law and case law as it existed at the time of the conduct or 1223
threatened conduct of the public office or person responsible 1224
for the requested public records that allegedly constitutes a 1225
failure to comply with an obligation in accordance with division 1226
(B) of this section and that was the basis of the mandamus 1227
action, a well-informed public office or person responsible for 1228
the requested public records reasonably would believe that the 1229
conduct or threatened conduct of the public office or person 1230
responsible for the requested public records did not constitute 1231
a failure to comply with an obligation in accordance with 1232
division (B) of this section; 1233

(ii) That a well-informed public office or person 1234
responsible for the requested public records reasonably would 1235
believe that the conduct or threatened conduct of the public 1236
office or person responsible for the requested public records 1237
would serve the public policy that underlies the authority that 1238
is asserted as permitting that conduct or threatened conduct. 1239

(4) All of the following apply to any award of reasonable 1240
attorney's fees awarded under division (C) (3) (b) of this 1241
section: 1242

(a) The fees shall be construed as remedial and not 1243
punitive. 1244

(b) The fees awarded shall not exceed the total of the 1245
reasonable attorney's fees incurred before the public record was 1246
made available to the relator and the fees described in division 1247
(C) (4) (c) of this section. 1248

(c) Reasonable attorney's fees shall include reasonable 1249
fees incurred to produce proof of the reasonableness and amount 1250
of the fees and to otherwise litigate entitlement to the fees. 1251

(d) The court may reduce the amount of fees awarded if the 1252
court determines that, given the factual circumstances involved 1253
with the specific public records request, an alternative means 1254
should have been pursued to more effectively and efficiently 1255
resolve the dispute that was subject to the mandamus action 1256
filed under division (C) (1) of this section. 1257

(5) If the court does not issue a writ of mandamus under 1258
division (C) of this section and the court determines at that 1259
time that the bringing of the mandamus action was frivolous 1260
conduct as defined in division (A) of section 2323.51 of the 1261
Revised Code, the court may award to the public office all court 1262
costs, expenses, and reasonable attorney's fees, as determined 1263
by the court. 1264

(D) Chapter 1347. of the Revised Code does not limit the 1265
provisions of this section. 1266

(E) (1) To ensure that all employees of public offices are 1267
appropriately educated about a public office's obligations under 1268
division (B) of this section, all elected officials or their 1269
appropriate designees shall attend training approved by the 1270
attorney general as provided in section 109.43 of the Revised 1271
Code. A future official may satisfy the requirements of this 1272
division by attending the training before taking office, 1273

provided that the future official may not send a designee in the 1274
future official's place. 1275

(2) All public offices shall adopt a public records policy 1276
in compliance with this section for responding to public records 1277
requests. In adopting a public records policy under this 1278
division, a public office may obtain guidance from the model 1279
public records policy developed and provided to the public 1280
office by the attorney general under section 109.43 of the 1281
Revised Code. Except as otherwise provided in this section, the 1282
policy may not limit the number of public records that the 1283
public office will make available to a single person, may not 1284
limit the number of public records that it will make available 1285
during a fixed period of time, and may not establish a fixed 1286
period of time before it will respond to a request for 1287
inspection or copying of public records, unless that period is 1288
less than eight hours. 1289

The public office shall distribute the public records 1290
policy adopted by the public office under this division to the 1291
employee of the public office who is the records custodian or 1292
records manager or otherwise has custody of the records of that 1293
office. The public office shall require that employee to 1294
acknowledge receipt of the copy of the public records policy. 1295
The public office shall create a poster that describes its 1296
public records policy and shall post the poster in a conspicuous 1297
place in the public office and in all locations where the public 1298
office has branch offices. The public office may post its public 1299
records policy on the internet web site of the public office if 1300
the public office maintains an internet web site. A public 1301
office that has established a manual or handbook of its general 1302
policies and procedures for all employees of the public office 1303
shall include the public records policy of the public office in 1304

the manual or handbook. 1305

(F) (1) The bureau of motor vehicles may adopt rules 1306
pursuant to Chapter 119. of the Revised Code to reasonably limit 1307
the number of bulk commercial special extraction requests made 1308
by a person for the same records or for updated records during a 1309
calendar year. The rules may include provisions for charges to 1310
be made for bulk commercial special extraction requests for the 1311
actual cost of the bureau, plus special extraction costs, plus 1312
ten per cent. The bureau may charge for expenses for redacting 1313
information, the release of which is prohibited by law. 1314

(2) As used in division (F) (1) of this section: 1315

(a) "Actual cost" means the cost of depleted supplies, 1316
records storage media costs, actual mailing and alternative 1317
delivery costs, or other transmitting costs, and any direct 1318
equipment operating and maintenance costs, including actual 1319
costs paid to private contractors for copying services. 1320

(b) "Bulk commercial special extraction request" means a 1321
request for copies of a record for information in a format other 1322
than the format already available, or information that cannot be 1323
extracted without examination of all items in a records series, 1324
class of records, or database by a person who intends to use or 1325
forward the copies for surveys, marketing, solicitation, or 1326
resale for commercial purposes. "Bulk commercial special 1327
extraction request" does not include a request by a person who 1328
gives assurance to the bureau that the person making the request 1329
does not intend to use or forward the requested copies for 1330
surveys, marketing, solicitation, or resale for commercial 1331
purposes. 1332

(c) "Commercial" means profit-seeking production, buying, 1333

or selling of any good, service, or other product. 1334

(d) "Special extraction costs" means the cost of the time 1335
spent by the lowest paid employee competent to perform the task, 1336
the actual amount paid to outside private contractors employed 1337
by the bureau, or the actual cost incurred to create computer 1338
programs to make the special extraction. "Special extraction 1339
costs" include any charges paid to a public agency for computer 1340
or records services. 1341

(3) For purposes of divisions (F)(1) and (2) of this 1342
section, "surveys, marketing, solicitation, or resale for 1343
commercial purposes" shall be narrowly construed and does not 1344
include reporting or gathering news, reporting or gathering 1345
information to assist citizen oversight or understanding of the 1346
operation or activities of government, or nonprofit educational 1347
research. 1348

(G) A request by a defendant, counsel of a defendant, or 1349
any agent of a defendant in a criminal action that public 1350
records related to that action be made available under this 1351
section shall be considered a demand for discovery pursuant to 1352
the Criminal Rules, except to the extent that the Criminal Rules 1353
plainly indicate a contrary intent. The defendant, counsel of 1354
the defendant, or agent of the defendant making a request under 1355
this division shall serve a copy of the request on the 1356
prosecuting attorney, director of law, or other chief legal 1357
officer responsible for prosecuting the action. 1358

Sec. 1347.08. (A) Every state or local agency that 1359
maintains a personal information system, upon the request and 1360
the proper identification of any person who is the subject of 1361
personal information in the system, shall: 1362

(1) Inform the person of the existence of any personal 1363
information in the system of which the person is the subject; 1364

(2) Except as provided in divisions (C) and (E) (2) of this 1365
section, permit the person, the person's legal guardian, or an 1366
attorney who presents a signed written authorization made by the 1367
person, to inspect all personal information in the system of 1368
which the person is the subject; 1369

(3) Inform the person about the types of uses made of the 1370
personal information, including the identity of any users 1371
usually granted access to the system. 1372

(B) Any person who wishes to exercise a right provided by 1373
this section may be accompanied by another individual of the 1374
person's choice. 1375

(C) (1) A state or local agency, upon request, shall 1376
disclose medical, psychiatric, or psychological information to a 1377
person who is the subject of the information or to the person's 1378
legal guardian, unless a physician, psychiatrist, or 1379
psychologist determines for the agency that the disclosure of 1380
the information is likely to have an adverse effect on the 1381
person, in which case the information shall be released to a 1382
physician, psychiatrist, or psychologist who is designated by 1383
the person or by the person's legal guardian. 1384

(2) Upon the signed written request of either a licensed 1385
attorney at law or a licensed physician designated by the 1386
inmate, together with the signed written request of an inmate of 1387
a correctional institution under the administration of the 1388
department of rehabilitation and correction, the department 1389
shall disclose medical information to the designated attorney or 1390
physician as provided in division (C) of section 5120.21 of the 1391

Revised Code. 1392

(D) If an individual who is authorized to inspect personal 1393
information that is maintained in a personal information system 1394
requests the state or local agency that maintains the system to 1395
provide a copy of any personal information that the individual 1396
is authorized to inspect, the agency shall provide a copy of the 1397
personal information to the individual. Each state and local 1398
agency may establish reasonable fees for the service of copying, 1399
upon request, personal information that is maintained by the 1400
agency. 1401

(E) (1) This section regulates access to personal 1402
information that is maintained in a personal information system 1403
by persons who are the subject of the information, but does not 1404
limit the authority of any person, including a person who is the 1405
subject of personal information maintained in a personal 1406
information system, to inspect or have copied, pursuant to 1407
section 149.43 of the Revised Code, a public record as defined 1408
in that section. 1409

(2) This section does not provide a person who is the 1410
subject of personal information maintained in a personal 1411
information system, the person's legal guardian, or an attorney 1412
authorized by the person, with a right to inspect or have 1413
copied, or require an agency that maintains a personal 1414
information system to permit the inspection of or to copy, a 1415
confidential law enforcement investigatory record or trial 1416
preparation record, as defined in divisions (A) (2) and (4) of 1417
section 149.43 of the Revised Code. 1418

(F) This section does not apply to any of the following: 1419

(1) The contents of an adoption file maintained by the 1420

department of health under sections 3705.12 to 3705.124 of the Revised Code;	1421 1422
(2) Information contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;	1423 1424 1425 1426 1427 1428
(3) Papers, records, and books that pertain to an adoption and that are subject to inspection in accordance with section 3107.17 of the Revised Code;	1429 1430 1431
(4) Records specified in division (A) of section 3107.52 of the Revised Code;	1432 1433
(5) Records that identify an individual described in division (A)(1) of section 3721.031 of the Revised Code, or that would tend to identify such an individual;	1434 1435 1436
(6) Files and records that have been expunged under division (D)(1) or (2) of section 3721.23 of the Revised Code;	1437 1438
(7) Records that identify an individual described in division (A)(1) of section 3721.25 of the Revised Code, or that would tend to identify such an individual;	1439 1440 1441
(8) Records that identify an individual described in division (A)(1) of section 5165.88 of the Revised Code, or that would tend to identify such an individual;	1442 1443 1444
(9) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of executives of long-term services and supports administers under section 4751.04 <u>4751.15</u> of the Revised Code or	1445 1446 1447 1448

contracts under that section with a private or government entity	1449
to administer;	1450
(10) Information contained in a database established and	1451
maintained pursuant to section 5101.13 of the Revised Code;	1452
(11) Information contained in a database established and	1453
maintained pursuant to section 5101.631 of the Revised Code.	1454
Sec. 2925.01. As used in this chapter:	1455
(A) "Administer," "controlled substance," "controlled	1456
substance analog," "dispense," "distribute," "hypodermic,"	1457
"manufacturer," "official written order," "person,"	1458
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II,"	1459
"schedule III," "schedule IV," "schedule V," and "wholesaler"	1460
have the same meanings as in section 3719.01 of the Revised	1461
Code.	1462
(B) "Drug dependent person" and "drug of abuse" have the	1463
same meanings as in section 3719.011 of the Revised Code.	1464
(C) "Drug," "dangerous drug," "licensed health	1465
professional authorized to prescribe drugs," and "prescription"	1466
have the same meanings as in section 4729.01 of the Revised	1467
Code.	1468
(D) "Bulk amount" of a controlled substance means any of	1469
the following:	1470
(1) For any compound, mixture, preparation, or substance	1471
included in schedule I, schedule II, or schedule III, with the	1472
exception of controlled substance analogs, marihuana, cocaine,	1473
L.S.D., heroin, and hashish and except as provided in division	1474
(D)(2) or (5) of this section, whichever of the following is	1475
applicable:	1476

- (a) An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I opiate or opium derivative; 1477
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- (b) An amount equal to or exceeding ten grams of a compound, mixture, preparation, or substance that is or contains any amount of raw or gum opium; 1481
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- (c) An amount equal to or exceeding thirty grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I hallucinogen other than tetrahydrocannabinol or lysergic acid amide, or a schedule I stimulant or depressant; 1484
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- (d) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II opiate or opium derivative; 1489
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- (e) An amount equal to or exceeding five grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of phencyclidine; 1494
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- (f) An amount equal to or exceeding one hundred twenty grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II stimulant that is in a final dosage form manufactured by a person authorized by the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and the federal drug abuse control laws, as defined in section 3719.01 of the Revised Code, that is 1497
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or contains any amount of a schedule II depressant substance or 1506
a schedule II hallucinogenic substance; 1507

(g) An amount equal to or exceeding three grams of a 1508
compound, mixture, preparation, or substance that is or contains 1509
any amount of a schedule II stimulant, or any of its salts or 1510
isomers, that is not in a final dosage form manufactured by a 1511
person authorized by the Federal Food, Drug, and Cosmetic Act 1512
and the federal drug abuse control laws. 1513

(2) An amount equal to or exceeding one hundred twenty 1514
grams or thirty times the maximum daily dose in the usual dose 1515
range specified in a standard pharmaceutical reference manual of 1516
a compound, mixture, preparation, or substance that is or 1517
contains any amount of a schedule III or IV substance other than 1518
an anabolic steroid or a schedule III opiate or opium 1519
derivative; 1520

(3) An amount equal to or exceeding twenty grams or five 1521
times the maximum daily dose in the usual dose range specified 1522
in a standard pharmaceutical reference manual of a compound, 1523
mixture, preparation, or substance that is or contains any 1524
amount of a schedule III opiate or opium derivative; 1525

(4) An amount equal to or exceeding two hundred fifty 1526
milliliters or two hundred fifty grams of a compound, mixture, 1527
preparation, or substance that is or contains any amount of a 1528
schedule V substance; 1529

(5) An amount equal to or exceeding two hundred solid 1530
dosage units, sixteen grams, or sixteen milliliters of a 1531
compound, mixture, preparation, or substance that is or contains 1532
any amount of a schedule III anabolic steroid. 1533

(E) "Unit dose" means an amount or unit of a compound, 1534

mixture, or preparation containing a controlled substance that 1535
is separately identifiable and in a form that indicates that it 1536
is the amount or unit by which the controlled substance is 1537
separately administered to or taken by an individual. 1538

(F) "Cultivate" includes planting, watering, fertilizing, 1539
or tilling. 1540

(G) "Drug abuse offense" means any of the following: 1541

(1) A violation of division (A) of section 2913.02 that 1542
constitutes theft of drugs, or a violation of section 2925.02, 1543
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 1544
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 1545
or 2925.37 of the Revised Code; 1546

(2) A violation of an existing or former law of this or 1547
any other state or of the United States that is substantially 1548
equivalent to any section listed in division (G) (1) of this 1549
section; 1550

(3) An offense under an existing or former law of this or 1551
any other state, or of the United States, of which planting, 1552
cultivating, harvesting, processing, making, manufacturing, 1553
producing, shipping, transporting, delivering, acquiring, 1554
possessing, storing, distributing, dispensing, selling, inducing 1555
another to use, administering to another, using, or otherwise 1556
dealing with a controlled substance is an element; 1557

(4) A conspiracy to commit, attempt to commit, or 1558
complicity in committing or attempting to commit any offense 1559
under division (G) (1), (2), or (3) of this section. 1560

(H) "Felony drug abuse offense" means any drug abuse 1561
offense that would constitute a felony under the laws of this 1562
state, any other state, or the United States. 1563

(I) "Harmful intoxicant" does not include beer or	1564
intoxicating liquor but means any of the following:	1565
(1) Any compound, mixture, preparation, or substance the	1566
gas, fumes, or vapor of which when inhaled can induce	1567
intoxication, excitement, giddiness, irrational behavior,	1568
depression, stupefaction, paralysis, unconsciousness,	1569
asphyxiation, or other harmful physiological effects, and	1570
includes, but is not limited to, any of the following:	1571
(a) Any volatile organic solvent, plastic cement, model	1572
cement, fingernail polish remover, lacquer thinner, cleaning	1573
fluid, gasoline, or other preparation containing a volatile	1574
organic solvent;	1575
(b) Any aerosol propellant;	1576
(c) Any fluorocarbon refrigerant;	1577
(d) Any anesthetic gas.	1578
(2) Gamma Butyrolactone;	1579
(3) 1,4 Butanediol.	1580
(J) "Manufacture" means to plant, cultivate, harvest,	1581
process, make, prepare, or otherwise engage in any part of the	1582
production of a drug, by propagation, extraction, chemical	1583
synthesis, or compounding, or any combination of the same, and	1584
includes packaging, repackaging, labeling, and other activities	1585
incident to production.	1586
(K) "Possess" or "possession" means having control over a	1587
thing or substance, but may not be inferred solely from mere	1588
access to the thing or substance through ownership or occupation	1589
of the premises upon which the thing or substance is found.	1590

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

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

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

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

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

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

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

(4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size, and color, or its markings, labeling, packaging, distribution, or the price for which it is sold or offered for sale.

(P) An offense is "committed in the vicinity of a school" 1619
if the offender commits the offense on school premises, in a 1620
school building, or within one thousand feet of the boundaries 1621
of any school premises, regardless of whether the offender knows 1622
the offense is being committed on school premises, in a school 1623
building, or within one thousand feet of the boundaries of any 1624
school premises. 1625

(Q) "School" means any school operated by a board of 1626
education, any community school established under Chapter 3314. 1627
of the Revised Code, or any nonpublic school for which the state 1628
board of education prescribes minimum standards under section 1629
3301.07 of the Revised Code, whether or not any instruction, 1630
extracurricular activities, or training provided by the school 1631
is being conducted at the time a criminal offense is committed. 1632

(R) "School premises" means either of the following: 1633

(1) The parcel of real property on which any school is 1634
situated, whether or not any instruction, extracurricular 1635
activities, or training provided by the school is being 1636
conducted on the premises at the time a criminal offense is 1637
committed; 1638

(2) Any other parcel of real property that is owned or 1639
leased by a board of education of a school, the governing 1640
authority of a community school established under Chapter 3314. 1641
of the Revised Code, or the governing body of a nonpublic school 1642
for which the state board of education prescribes minimum 1643
standards under section 3301.07 of the Revised Code and on which 1644
some of the instruction, extracurricular activities, or training 1645
of the school is conducted, whether or not any instruction, 1646
extracurricular activities, or training provided by the school 1647
is being conducted on the parcel of real property at the time a 1648

criminal offense is committed. 1649

(S) "School building" means any building in which any of 1650
the instruction, extracurricular activities, or training 1651
provided by a school is conducted, whether or not any 1652
instruction, extracurricular activities, or training provided by 1653
the school is being conducted in the school building at the time 1654
a criminal offense is committed. 1655

(T) "Disciplinary counsel" means the disciplinary counsel 1656
appointed by the board of commissioners on grievances and 1657
discipline of the supreme court under the Rules for the 1658
Government of the Bar of Ohio. 1659

(U) "Certified grievance committee" means a duly 1660
constituted and organized committee of the Ohio state bar 1661
association or of one or more local bar associations of the 1662
state of Ohio that complies with the criteria set forth in Rule 1663
V, section 6 of the Rules for the Government of the Bar of Ohio. 1664

(V) "Professional license" means any license, permit, 1665
certificate, registration, qualification, admission, temporary 1666
license, temporary permit, temporary certificate, or temporary 1667
registration that is described in divisions (W)(1) to (36) of 1668
this section and that qualifies a person as a professionally 1669
licensed person. 1670

(W) "Professionally licensed person" means any of the 1671
following: 1672

(1) A person who has obtained a license as a manufacturer 1673
of controlled substances or a wholesaler of controlled 1674
substances under Chapter 3719. of the Revised Code; 1675

(2) A person who has received a certificate or temporary 1676
certificate as a certified public accountant or who has 1677

registered as a public accountant under Chapter 4701. of the 1678
Revised Code and who holds an Ohio permit issued under that 1679
chapter; 1680

(3) A person who holds a certificate of qualification to 1681
practice architecture issued or renewed and registered under 1682
Chapter 4703. of the Revised Code; 1683

(4) A person who is registered as a landscape architect 1684
under Chapter 4703. of the Revised Code or who holds a permit as 1685
a landscape architect issued under that chapter; 1686

(5) A person licensed under Chapter 4707. of the Revised 1687
Code; 1688

(6) A person who has been issued a certificate of 1689
registration as a registered barber under Chapter 4709. of the 1690
Revised Code; 1691

(7) A person licensed and regulated to engage in the 1692
business of a debt pooling company by a legislative authority, 1693
under authority of Chapter 4710. of the Revised Code; 1694

(8) A person who has been issued a cosmetologist's 1695
license, hair designer's license, manicurist's license, 1696
esthetician's license, natural hair stylist's license, advanced 1697
cosmetologist's license, advanced hair designer's license, 1698
advanced manicurist's license, advanced esthetician's license, 1699
advanced natural hair stylist's license, cosmetology 1700
instructor's license, hair design instructor's license, 1701
manicurist instructor's license, esthetics instructor's license, 1702
natural hair style instructor's license, independent 1703
contractor's license, or tanning facility permit under Chapter 1704
4713. of the Revised Code; 1705

(9) A person who has been issued a license to practice 1706

dentistry, a general anesthesia permit, a conscious intravenous 1707
sedation permit, a limited resident's license, a limited 1708
teaching license, a dental hygienist's license, or a dental 1709
hygienist's teacher's certificate under Chapter 4715. of the 1710
Revised Code; 1711

(10) A person who has been issued an embalmer's license, a 1712
funeral director's license, a funeral home license, or a 1713
crematory license, or who has been registered for an embalmer's 1714
or funeral director's apprenticeship under Chapter 4717. of the 1715
Revised Code; 1716

(11) A person who has been licensed as a registered nurse 1717
or practical nurse, or who has been issued a certificate for the 1718
practice of nurse-midwifery under Chapter 4723. of the Revised 1719
Code; 1720

(12) A person who has been licensed to practice optometry 1721
or to engage in optical dispensing under Chapter 4725. of the 1722
Revised Code; 1723

(13) A person licensed to act as a pawnbroker under 1724
Chapter 4727. of the Revised Code; 1725

(14) A person licensed to act as a precious metals dealer 1726
under Chapter 4728. of the Revised Code; 1727

(15) A person licensed as a pharmacist, a pharmacy intern, 1728
a wholesale distributor of dangerous drugs, or a terminal 1729
distributor of dangerous drugs under Chapter 4729. of the 1730
Revised Code; 1731

(16) A person who is authorized to practice as a physician 1732
assistant under Chapter 4730. of the Revised Code; 1733

(17) A person who has been issued a license to practice 1734

medicine and surgery, osteopathic medicine and surgery, or	1735
podiatric medicine and surgery under Chapter 4731. of the	1736
Revised Code or has been issued a certificate to practice a	1737
limited branch of medicine under that chapter;	1738
(18) A person licensed as a psychologist or school	1739
psychologist under Chapter 4732. of the Revised Code;	1740
(19) A person registered to practice the profession of	1741
engineering or surveying under Chapter 4733. of the Revised	1742
Code;	1743
(20) A person who has been issued a license to practice	1744
chiropractic under Chapter 4734. of the Revised Code;	1745
(21) A person licensed to act as a real estate broker or	1746
real estate salesperson under Chapter 4735. of the Revised Code;	1747
(22) A person registered as a registered sanitarian under	1748
Chapter 4736. of the Revised Code;	1749
(23) A person licensed to operate or maintain a junkyard	1750
under Chapter 4737. of the Revised Code;	1751
(24) A person who has been issued a motor vehicle salvage	1752
dealer's license under Chapter 4738. of the Revised Code;	1753
(25) A person who has been licensed to act as a steam	1754
engineer under Chapter 4739. of the Revised Code;	1755
(26) A person who has been issued a license or temporary	1756
permit to practice veterinary medicine or any of its branches,	1757
or who is registered as a graduate animal technician under	1758
Chapter 4741. of the Revised Code;	1759
(27) A person who has been issued a hearing aid dealer's	1760
or fitter's license or trainee permit under Chapter 4747. of the	1761

Revised Code;	1762
(28) A person who has been issued a class A, class B, or	1763
class C license or who has been registered as an investigator or	1764
security guard employee under Chapter 4749. of the Revised Code;	1765
(29) A person licensed and registered to practice as a	1766
nursing home administrator under Chapter 4751. of the Revised	1767
Code;	1768
(30) A person licensed to practice as a speech-language	1769
pathologist or audiologist under Chapter 4753. of the Revised	1770
Code;	1771
(31) A person issued a license as an occupational	1772
therapist or physical therapist under Chapter 4755. of the	1773
Revised Code;	1774
(32) A person who is licensed as a licensed professional	1775
clinical counselor, licensed professional counselor, social	1776
worker, independent social worker, independent marriage and	1777
family therapist, or marriage and family therapist, or	1778
registered as a social work assistant under Chapter 4757. of the	1779
Revised Code;	1780
(33) A person issued a license to practice dietetics under	1781
Chapter 4759. of the Revised Code;	1782
(34) A person who has been issued a license or limited	1783
permit to practice respiratory therapy under Chapter 4761. of	1784
the Revised Code;	1785
(35) A person who has been issued a real estate appraiser	1786
certificate under Chapter 4763. of the Revised Code;	1787
(36) A person who has been admitted to the bar by order of	1788
the supreme court in compliance with its prescribed and	1789

published rules. 1790

(X) "Cocaine" means any of the following: 1791

(1) A cocaine salt, isomer, or derivative, a salt of a 1792
cocaine isomer or derivative, or the base form of cocaine; 1793

(2) Coca leaves or a salt, compound, derivative, or 1794
preparation of coca leaves, including ecgonine, a salt, isomer, 1795
or derivative of ecgonine, or a salt of an isomer or derivative 1796
of ecgonine; 1797

(3) A salt, compound, derivative, or preparation of a 1798
substance identified in division (X) (1) or (2) of this section 1799
that is chemically equivalent to or identical with any of those 1800
substances, except that the substances shall not include 1801
decocainized coca leaves or extraction of coca leaves if the 1802
extractions do not contain cocaine or ecgonine. 1803

(Y) "L.S.D." means lysergic acid diethylamide. 1804

(Z) "Hashish" means the resin or a preparation of the 1805
resin contained in marihuana, whether in solid form or in a 1806
liquid concentrate, liquid extract, or liquid distillate form. 1807

(AA) "Marihuana" has the same meaning as in section 1808
3719.01 of the Revised Code, except that it does not include 1809
hashish. 1810

(BB) An offense is "committed in the vicinity of a 1811
juvenile" if the offender commits the offense within one hundred 1812
feet of a juvenile or within the view of a juvenile, regardless 1813
of whether the offender knows the age of the juvenile, whether 1814
the offender knows the offense is being committed within one 1815
hundred feet of or within view of the juvenile, or whether the 1816
juvenile actually views the commission of the offense. 1817

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

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

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

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

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

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

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

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

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

(JJ) "Lawful prescription" means a prescription that is

issued for a legitimate medical purpose by a licensed health professional authorized to prescribe drugs, that is not altered or forged, and that was not obtained by means of deception or by the commission of any theft offense.

(KK) "Deception" and "theft offense" have the same meanings as in section 2913.01 of the Revised Code.

Sec. 4743.02. The examination papers of each applicant examined by boards, commissions, or agencies created under or by virtue of Chapters 4701. to 4741., 4751., and 4757. of the Revised Code shall be open for inspection by the applicant or his attorney for at least ninety days subsequent to the announcement of the applicant's grade; provided, papers not graded by members of examining boards or their employees and which by terms of a contract with any testing company the papers are not available for inspection, need not be made available for inspection; but it shall be the applicant's right to have any such paper regraded manually, upon written request of either himself or his attorney made to the board within ninety days after announcement of the grade.

Sec. 4751.01. ~~As used in sections 4751.01 to 4751.13 of the Revised Code this chapter:~~

(A) "Health-care licensing agency" means any department, division, board, section of a board, or other government unit that is authorized by a statute of this or another state to issue a license, certificate, permit, card, or other authority to do either of the following in the context of health care:

(1) Engage in a specific profession, occupation, or occupational activity;

(2) Have charge of and operate certain specified

equipment, machinery, or premises. 1875

(B) "Licensed health services executive" means an individual who holds a valid health services executive license. 1876
1877

(C) "Licensed nursing home administrator" means an individual who holds a valid nursing home administrator license. 1878
1879

(D) "Licensed temporary nursing home administrator" means an individual who holds a valid temporary nursing home administrator license. 1880
1881
1882

(E) "Long-term services and supports—~~settings~~ setting" means any institutional or community-based setting in which medical, health, ~~psycho-social~~ psychosocial, habilitative, rehabilitative, or personal care services are provided to individuals on a post-acute care basis. 1883
1884
1885
1886
1887

~~(B) "Nursing home administrator" means any individual responsible for planning, organizing, directing, and managing the operation of a nursing home, or who in fact performs such function, whether or not such functions and duties are shared by one or more other persons.~~ 1888
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~~(C)~~ (F) "Nursing home" means a nursing home as defined by or under the authority of section 3721.01 of the Revised Code, or a nursing home operated by a governmental agency. 1893
1894
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~~(D) "Temporary license" means a license for a period not to exceed one hundred eighty days issued pursuant to division ~~(B)~~ of section 4751.06 of the Revised Code.~~ 1896
1897
1898

~~(E)~~ (G) "Nursing home administration" means planning, organizing, directing, and managing the operation of a nursing home. 1899
1900
1901

(H) "Nursing home administrator" means any individual who 1902

engages in the practice of nursing home administration, whether 1903
or not the individual shares the functions and duties of nursing 1904
home administration with one or more other individuals. 1905

(I) "Valid health services executive license" means a 1906
health services executive license to which all of the following 1907
apply: 1908

(1) It was issued by the board of executives of long-term 1909
services and supports under section 4751.21, 4751.23, 4751.25, 1910
or 4751.33 of the Revised Code; 1911

(2) It was not sold, fraudulently furnished, or 1912
fraudulently obtained in violation of division (F) of section 1913
4751.10 of the Revised Code; 1914

(3) It is current and in good standing. 1915

(J) "Valid nursing home administrator license" means a 1916
nursing home administrator license to which all of the following 1917
apply: 1918

(1) It was issued by the board under section 4751.20, 1919
4751.201, 4751.23, 4751.24, or 4751.33 of the Revised Code; 1920

(2) It was not sold, fraudulently furnished, or 1921
fraudulently obtained in violation of division (F) of section 1922
4751.10 of the Revised Code; 1923

(3) It is current and in good standing. 1924

(K) "Valid temporary nursing home administrator license" 1925
means a temporary nursing home administrator license to which 1926
all of the following apply: 1927

(1) It was issued by the board under section 4751.202, 1928
4751.23, or 4751.33 of the Revised Code; 1929

(2) It was not sold, fraudulently furnished, or 1930
fraudulently obtained in violation of division (F) of section 1931
4751.10 of the Revised Code; 1932

(3) It is current and in good standing. 1933

Sec. ~~4751.03~~ 4751.02. (A) There is hereby established in 1934
the department of aging a board of executives of long-term 1935
services and supports, which board shall be composed of the 1936
following eleven members: 1937

(1) Four members who are nursing home administrators, 1938
owners of nursing homes, or officers of corporations owning 1939
nursing homes, and who shall have an understanding of person- 1940
centered care, and experience with a range of long-term services 1941
and supports settings; 1942

(2) (a) Three members who work in long-term services and 1943
supports settings that are not nursing homes, and who shall have 1944
an understanding of person-centered care, and experience with a 1945
range of long-term services and supports settings; 1946

(b) At least one of the members described in division (A) 1947
(2) (a) of this section shall be a home health administrator, an 1948
owner of a home health agency, or an officer of a home health 1949
agency. 1950

(3) One member who is a member of the academic community; 1951

(4) One member who is a consumer of services offered in a 1952
long-term services and supports setting; 1953

(5) One nonvoting member who is a representative of the 1954
department of health, designated by the director of health, who 1955
is involved in the nursing home survey and certification 1956
process, who shall serve in an advisory capacity only; 1957

(6) One nonvoting member who is a representative of the office of the state long-term care ombudsman, designated by the state long-term care ombudsman, who shall serve in an advisory capacity only.

All members of the board shall be citizens of the United States and residents of this state. No member of the board who is appointed under divisions (A) (3) to (6) of this section may have or acquire any direct financial interest in a nursing home or long-term services and supports settings.

(B) The term of office for each appointed member of the board shall be for three years, commencing on the twenty-eighth day of May and ending on the twenty-seventh day of May. Each member shall serve from the date of appointment until the end of the term for which appointed. No member shall serve more than two consecutive full terms.

(C) Appointments to the board shall be made by the governor. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. Any appointed member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first.

(D) The governor may remove any member of the board for misconduct, incapacity, incompetence, or neglect of duty after the member so charged has been served with a written statement of charges and has been given an opportunity to be heard.

(E) Each member of the board, except the member designated by the director of health and the member designated by the

ombudsman, shall be paid in accordance with section 124.15 of 1987
the Revised Code and each member shall be reimbursed for the 1988
member's actual and necessary expenses incurred in the discharge 1989
of such duties. 1990

(F) The board shall elect annually from its membership a 1991
chairperson and a vice-chairperson. 1992

(G) The board shall hold and conduct meetings quarterly 1993
and at such other times as its business requires. A majority of 1994
the voting members of the board shall constitute a quorum. The 1995
affirmative vote of a majority of the voting members of the 1996
board is necessary for the board to act. 1997

(H) The board shall appoint a secretary who has no 1998
financial interest in a long-term services and supports setting, 1999
and may employ and prescribe the powers and duties of such 2000
employees and consultants as are necessary to carry out this 2001
chapter and the rules adopted under it. 2002

Sec. ~~4751.042~~ 4751.021. (A) The board of executives of 2003
long-term services and supports shall enter into a written 2004
agreement with the department of aging for the department to 2005
serve as the board's fiscal agent. The fiscal agent shall be 2006
responsible for all the board's fiscal matters and financial 2007
transactions, as specified in the agreement. The written 2008
agreement shall specify the fees that the board shall pay to the 2009
fiscal agent for services performed under the agreement, and 2010
such fees shall be in proportion to the services performed for 2011
the board. 2012

(1) The agreement shall require the fiscal agent to 2013
provide the following services: 2014

(a) Preparation and processing of payroll and other 2015

personnel documents that the board approves;	2016
(b) Maintenance of ledgers of accounts and reports of	2017
account balances, and monitoring of budgets and allotment plans	2018
in consultation with the board;	2019
(c) Performance of other routine support services,	2020
specified in the agreement, that the fiscal agent considers	2021
appropriate to achieve efficiency.	2022
(2) The agreement may require the fiscal agent to provide	2023
the following services:	2024
(a) Any shared services between the board and the fiscal	2025
agent;	2026
(b) Any other services agreed to by the board and the	2027
department, including administrative or technical services.	2028
(B) The board, in conjunction and consultation with the	2029
fiscal agent, has the following authority and responsibility	2030
relative to fiscal matters:	2031
(1) Sole authority to expend funds from the board's	2032
accounts for programs and any other necessary expenses the board	2033
may incur;	2034
(2) Responsibility to cooperate with and inform the fiscal	2035
agent fully of all financial transactions.	2036
(C) The board shall follow all state procurement, fiscal,	2037
human resources, information technology, statutory, and	2038
administrative rule requirements.	2039
(D) In its role as fiscal agent for the board, the	2040
department shall serve as a contractor of the board, and does	2041
not assume responsibility for the debts or fiscal obligations of	2042

the board. 2043

~~Sec. 4751.14~~ 4751.03. There is hereby created in the state 2044
treasury the board of executives of long-term services and 2045
supports fund. The fund shall consist of the amounts the board 2046
of executives of long-term services and supports collects under 2047
this chapter as ~~license and registration fees, other fees,~~ civil 2048
penalties, and fines. ~~Money~~ The board shall use the money in the 2049
fund ~~shall be used by the board of executives of long term~~ 2050
~~services and supports~~ to administer and enforce this chapter and 2051
the rules adopted under ~~it~~ section 4751.04 of the Revised Code. 2052
Investment earnings of the fund shall be credited to the fund. 2053

Sec. 4751.04. The board of executives of long-term 2054
services and supports shall adopt rules in accordance with 2055
Chapter 119. of the Revised Code as necessary to implement and 2056
enforce this chapter. 2057

Sec. 4751.10. No person shall knowingly do any of the 2058
following: 2059

(A) Operate a nursing home unless it is under the 2060
supervision of an administrator whose principal occupation is 2061
nursing home administration or hospital administration and who 2062
is a licensed nursing home administrator or licensed temporary 2063
nursing home administrator; 2064

(B) Practice or offer to practice nursing home 2065
administration unless the person is a licensed nursing home 2066
administrator or licensed temporary nursing home administrator; 2067

(C) Use any of the following unless the person is a 2068
licensed nursing home administrator: 2069

(1) The title "licensed nursing home administrator," 2070
"nursing home administrator," "licensed assistant nursing home 2071

<u>administrator," or "assistant nursing home administrator";</u>	2072
<u>(2) The acronym "LNHA," "L.N.H.A.," "NHA," "N.H.A.,"</u>	2073
<u>"LANHA," "L.A.N.H.A.," "ANHA," or "A.N.H.A." after the person's</u>	2074
<u>name;</u>	2075
<u>(3) Any other words, letters, signs, cards, or devices</u>	2076
<u>that tend to indicate or imply that the person is a licensed</u>	2077
<u>nursing home administrator.</u>	2078
<u>(D) Use any of the following unless the person is a</u>	2079
<u>licensed temporary nursing home administrator:</u>	2080
<u>(1) The title "licensed temporary nursing home</u>	2081
<u>administrator," "temporary nursing home administrator,"</u>	2082
<u>"licensed temporary assistant nursing home administrator," or</u>	2083
<u>"temporary assistant nursing home administrator";</u>	2084
<u>(2) The acronym "LTNHA," "L.T.N.H.A.," "TNHA," "T.N.H.A.,"</u>	2085
<u>"LTANHA," "L.T.A.N.H.A.," "TANHA," or "T.A.N.H.A." after the</u>	2086
<u>person's name;</u>	2087
<u>(3) Any other words, letters, signs, cards, or devices</u>	2088
<u>that tend to indicate or imply that the person is a licensed</u>	2089
<u>temporary nursing home administrator.</u>	2090
<u>(E) Use any of the following unless the person is a</u>	2091
<u>licensed health services executive:</u>	2092
<u>(1) The title "licensed health services executive" or</u>	2093
<u>"health services executive";</u>	2094
<u>(2) The acronym "LHSE," "L.H.S.E.," "HSE," or "H.S.E."</u>	2095
<u>after the person's name;</u>	2096
<u>(3) Any other words, letters, signs, cards, or devices</u>	2097
<u>that tend to indicate or imply that the person is a licensed</u>	2098

<u>health services executive.</u>	2099
<u>(F) Sell, fraudulently furnish, fraudulently obtain, or</u>	2100
<u>aid or abet another person in selling, fraudulently furnishing,</u>	2101
<u>or fraudulently obtaining any of the following:</u>	2102
<u>(1) A nursing home administrator license;</u>	2103
<u>(2) A temporary nursing home administrator license;</u>	2104
<u>(3) A health services executive license.</u>	2105
<u>(G) Otherwise violate any of the provisions of this</u>	2106
<u>chapter or the rules adopted under section 4751.04 of the</u>	2107
<u>Revised Code.</u>	2108
<u>Sec. 4751.101. Nothing in this chapter or the rules</u>	2109
<u>adopted under it shall be construed as requiring either of the</u>	2110
<u>following:</u>	2111
<u>(A) An individual to be a licensed health services</u>	2112
<u>executive in order to do either of the following:</u>	2113
<u>(1) Practice nursing home administration;</u>	2114
<u>(2) Serve in a leadership position at a long-term services</u>	2115
<u>and supports setting or direct the practices of others in such a</u>	2116
<u>setting.</u>	2117
<u>(B) An applicant for a nursing home administrator license</u>	2118
<u>or temporary nursing home administrator license who is employed</u>	2119
<u>by an institution for the care and treatment of the sick to</u>	2120
<u>demonstrate proficiency in any medical techniques or to meet any</u>	2121
<u>medical educational qualifications or medical standards not in</u>	2122
<u>accord with the remedial care and treatment provided by the</u>	2123
<u>institution if all of the following apply to the institution:</u>	2124
<u>(1) It is operated exclusively for patients who use</u>	2125

spiritual means for healing and for whom the acceptance of 2126
medical care is inconsistent with their religious beliefs. 2127

(2) It is accredited by a national accrediting 2128
organization. 2129

(3) It is exempt from federal income taxation under 2130
section 501 of the "Internal Revenue Code of 1986," 26 U.S.C. 2131
501. 2132

(4) It provides twenty-four hour nursing care pursuant to 2133
the exemption in division (E) of section 4723.32 of the Revised 2134
Code from the licensing requirements of Chapter 4723. of the 2135
Revised Code. 2136

Sec. 4751.102. Every operator of a nursing home shall 2137
report to the board of executives of long-term services and 2138
supports the name and license number of each licensed nursing 2139
home administrator and licensed temporary nursing home 2140
administrator who practices nursing home administration at the 2141
nursing home not later than ten days after the following dates: 2142

(A) The date the licensed nursing home administrator or 2143
licensed temporary nursing home administrator begins to practice 2144
nursing home administration at the nursing home; 2145

(B) The date the licensed nursing home administrator or 2146
licensed temporary nursing home administrator ceases to practice 2147
nursing home administration at the nursing home. 2148

Sec. ~~4751.05~~ 4751.15. ~~(A) The board of executives of long-~~ 2149
~~term services and supports, or shall administer, or contract~~ 2150
~~with a government or private entity under contract with the~~ 2151
~~board to administer, examinations for licensure as that an~~ 2152
~~individual must pass to obtain a nursing home administrator,~~ 2153
~~shall admit to an examination any candidate who:~~ 2154

- ~~(1) Pays the application fee of fifty dollars;~~ 2155
- ~~(2) Submits evidence of good moral character and
suitability;~~ 2156
2157
- ~~(3) Is at least eighteen years of age;~~ 2158
- ~~(4) Has completed educational requirements and work-
experience satisfactory to the board;~~ 2159
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- ~~(5) Submits an application on forms prescribed by the
board;~~ 2161
2162
- ~~(6) Pays license under section 4751.20 or 4751.201 of the 2163
Revised Code. If the board contracts with a government or 2164
private entity to administer the examinations, the contract may 2165
authorize the entity to collect and keep, as all or part of the 2166
entity's compensation under the contract, any fee an individual 2167
pays to take the examination. The entity is not required to 2168
deposit the fee into the state treasury. 2169~~
- To be admitted to an examination administered under this 2170
section, an individual must pay the examination fee charged by 2171
the board or government or private entity. 2172
- ~~(B) Nothing in Chapter 4751. of the Revised Code or the~~ 2173
~~rules adopted thereunder shall be construed to require an~~ 2174
~~applicant for licensure or a temporary license, who is employed~~ 2175
~~by an institution for the care and treatment of the sick to~~ 2176
~~demonstrate proficiency in any medical techniques or to meet any~~ 2177
~~medical educational qualifications or medical standards not in~~ 2178
~~accord with the remedial care and treatment provided by the~~ 2179
~~institution if the institution is all of the following:~~ 2180
- ~~(1) Operated exclusively for patients who use spiritual~~ 2181
~~means for healing and for whom the acceptance of medical care is~~ 2182

~~inconsistent with their religious beliefs,~~ 2183

~~(2) Accredited by a national accrediting organization,~~ 2184

~~(3) Exempt from federal income taxation under section 501-~~ 2185

~~of the Internal Revenue Code of 1986, 100 Stat. 2085, 26-~~ 2186

~~U.S.C.A. 1, as amended,~~ 2187

~~(4) Providing twenty-four hour nursing care pursuant to~~ 2188

~~the exemption in division (E) of section 4723.32 of the Revised~~ 2189

~~Code from the licensing requirements of Chapter 4723. of the~~ 2190

~~Revised Code.~~ 2191

~~(C) entity. If a person an individual fails three times to~~ 2192

~~attain a passing grade on pass the examination, said person the~~ 2193

~~individual, before the person may again be being admitted to the~~ 2194

~~examination a subsequent time, shall meet such additional also~~ 2195

~~must satisfy any education or requirements, experience~~ 2196

~~requirements, or both, as that may be prescribed by the board in~~ 2197

~~rules adopted under section 4751.04 of the Revised Code in~~ 2198

~~addition to any education requirements or experience~~ 2199

~~requirements that must be satisfied to obtain a nursing home~~ 2200

~~administrator license under section 4751.20 or 4751.201 of the~~ 2201

~~Revised Code.~~ 2202

~~Sec. 4751.041 4751.151.~~ Except when the board of 2203

executives of long-term services and supports considers it 2204

necessary, the board shall not disclose test materials, 2205

examinations, or evaluation tools used in an examination for 2206

licensure as a nursing home administrator that the board 2207

administers administered under section 4751.04 4751.15 of the 2208

Revised Code or contracts under that section with a private or 2209

government entity to administer. 2210

~~Sec. 4751.06 4751.20.~~ (A) An applicant for licensure as 2211

Subject to section 4751.32 of the Revised Code, the board of 2212
executives of long-term services and supports shall issue a 2213
nursing home administrator ~~who has successfully completed the~~ 2214
~~requirements of section 4751.05 of the Revised Code,~~ license to 2215
an individual under this section if all of the following 2216
requirements are satisfied: 2217

(1) The individual has submitted to the board a completed 2218
application for the license in accordance with rules adopted 2219
under section 4751.04 of the Revised Code. 2220

(2) If the individual is required by rules adopted under 2221
section 4751.04 of the Revised Code to serve as a nursing home 2222
administrator in training, the individual has paid to the board 2223
the administrator in training fee of fifty dollars. 2224

(3) The individual is at least twenty-one years of age. 2225

(4) The individual has successfully completed educational 2226
requirements and work experience specified in rules adopted 2227
under section 4751.04 of the Revised Code, including, if so 2228
required by the rules, experience obtained as a nursing home 2229
administrator in training. 2230

(5) The individual is of good moral character. 2231

(6) The individual has complied with section 4776.02 of 2232
the Revised Code regarding a criminal records check. 2233

(7) The board, in its discretion, has determined that the 2234
results of the criminal records check do not make the individual 2235
ineligible for the license. 2236

(8) The individual has passed the licensing examination 2237
administered by the board of executives of long term services 2238
and supports or a government or private entity under contract 2239

~~with the board, and paid section 4751.15 of the Revised Code.~~ 2240

~~(9) The individual has paid to the board an original a license fee of two hundred fifty dollars shall be issued a license on a form provided by the board. Such~~ 2241
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~~(10) The individual has satisfied any additional requirements as may be prescribed in rules adopted under section 4751.04 of the Revised Code.~~ 2244
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~~(B) A nursing home administrator license shall certify that the applicant individual to whom it was issued has met the licensure applicable requirements of Chapter 4751. this chapter and any applicable rules adopted under section 4751.04 of the Revised Code and is entitled authorized to practice as a licensed nursing home administrator administration while the license is valid.~~ 2247
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~~(B) A temporary license for a period not to exceed one hundred eighty days may be issued to an individual temporarily filling the position of a nursing home administrator vacated by reason of death, illness, or other unexpected cause, pursuant to regulations adopted by the board.~~ 2254
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~~(C) The fee for a temporary license is one hundred dollars. Said fee must accompany the application for the temporary license.~~ 2259
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~~(D) Any license or temporary license issued by the board pursuant to this section shall be under the hand of the chairperson and the secretary of the board.~~ 2262
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~~(E) A duplicate of the original certificate of registration or license may be secured to replace one that has been lost or destroyed by submitting to the board a notarized statement explaining the conditions of the loss, mutilation, or~~ 2265
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2268

~~destruction of the certificate or license and by paying a fee of~~ 2269
~~twenty five dollars.~~ 2270

~~(F) A duplicate certificate of registration and license~~ 2271
~~may be issued in the event of a legal change of name by~~ 2272
~~submitting to the board a certified copy of the court order or~~ 2273
~~marriage license establishing the change of name, by returning~~ 2274
~~at the same time the original license and certificate of~~ 2275
~~registration, and by paying a fee of twenty five dollars.~~ 2276

~~**Sec. 4751.08** **4751.201.** The~~ (A) Subject to section 4751.32 2277
of the Revised Code, the board of executives of long-term 2278
services and supports, in its discretion, and otherwise subject 2279
to Chapter 4751. of the Revised Code and the rules adopted by 2280
the board thereunder prescribing the qualifications for a 2281
nursing home administrator license, may license issue a nursing 2282
home administrator without examination if the nursing home 2283
administrator has a valid license issued by the proper 2284
authorities of any other state, upon payment of to an individual 2285
under this section if all of the following requirements are 2286
satisfied: 2287

(1) The individual is legally authorized to practice 2288
nursing home administration in another state. 2289

(2) The individual has submitted to the board a completed 2290
application for the license in accordance with rules adopted 2291
under section 4751.04 of the Revised Code. 2292

(3) The individual is at least twenty-one years of age. 2293

(4) The individual holds at least a bachelor's degree from 2294
an accredited educational institution. 2295

(5) The individual is of good moral character. 2296

(6) The individual has complied with section 4776.02 of 2297
the Revised Code regarding a criminal records check. 2298

(7) The board, in its discretion, has determined that the 2299
results of the criminal records check do not make the individual 2300
ineligible for the license. 2301

(8) The individual has passed the licensing examination 2302
administered under section 4751.15 of the Revised Code. 2303

(9) The individual has paid to the board a license fee of 2304
one two hundred fifty dollars, and upon submission of evidence 2305
satisfactory to the board both: 2306

~~(A) That such other state maintained a system and standard~~ 2307
~~of qualifications and examinations for a nursing home~~ 2308
~~administrator license which were substantially equivalent to~~ 2309
~~those required in this state at the time such other license was~~ 2310
~~issued by such other state;~~ 2311

~~(B) That such other state gives similar recognition to~~ 2312
~~nursing home administrators licensed in this state.~~ 2313

(10) The individual has satisfied any additional 2314
requirements as may be prescribed in rules adopted under section 2315
4751.04 of the Revised Code. 2316

(B) A nursing home administrator license shall certify 2317
that the individual to whom it was issued has met the applicable 2318
requirements of this chapter and any applicable rules adopted 2319
under section 4751.04 of the Revised Code and is authorized to 2320
practice nursing home administration while the license is valid. 2321

Sec. 4751.202. (A) Subject to section 4751.32 of the 2322
Revised Code, the board of executives of long-term services and 2323
supports may issue a temporary nursing home administrator 2324

license to an individual if all of the following requirements 2325
are satisfied: 2326

(1) The operator of a nursing home has requested that the 2327
board issue a temporary nursing home administrator license to 2328
the individual to authorize the individual to temporarily 2329
practice nursing home administration at the nursing home because 2330
of a vacancy in the position of nursing home administrator at 2331
the nursing home resulting from a death, illness, or other 2332
unexpected cause. 2333

(2) The individual is at least twenty-one years of age. 2334

(3) The individual is of good moral character. 2335

(4) The individual has complied with section 4776.02 of 2336
the Revised Code regarding a criminal records check. 2337

(5) The board, in its discretion, has determined that the 2338
results of the criminal records check do not make the individual 2339
ineligible for the license. 2340

(6) The individual has paid to the board a fee for the 2341
temporary license of one hundred dollars. 2342

(7) The individual has satisfied any additional 2343
requirements as may be prescribed in rules adopted under section 2344
4751.04 of the Revised Code. 2345

(B) A temporary nursing home administrator license shall 2346
certify that the individual to whom it was issued has met the 2347
applicable requirements of this chapter and any applicable rules 2348
adopted under section 4751.04 of the Revised Code and is 2349
authorized to practice nursing home administration while the 2350
temporary license is valid. 2351

(C) Except as provided in section 4751.32 of the Revised 2352

Code, a temporary nursing home administrator license is valid 2353
for a period of time the board shall specify on the temporary 2354
license. The period of time so specified shall not exceed one 2355
hundred eighty days. If the period of time so specified is less 2356
than one hundred eighty days, the individual holding the 2357
temporary license may apply to the board for renewal of the 2358
temporary license in accordance with rules the board shall adopt 2359
under section 4751.04 of the Revised Code. Except as provided in 2360
section 4751.32 of the Revised Code, a renewed temporary nursing 2361
home administrator license is valid for a period of time the 2362
board shall specify on the renewed temporary license. That 2363
period shall not exceed the difference between one hundred 2364
eighty days and the number of days for which the original 2365
temporary license was valid. A renewed temporary nursing home 2366
administrator license shall not be renewed. A licensed temporary 2367
nursing home administrator who intends to continue to practice 2368
nursing home administration after the temporary license, 2369
including, if applicable, the renewed temporary license, expires 2370
must obtain a nursing home administrator license under section 2371
4751.20 of the Revised Code. 2372

Sec. 4751.21. (A) Subject to section 4751.32 of the 2373
Revised Code, the board of executives of long-term services and 2374
supports shall issue a health services executive license to an 2375
individual if all of the following requirements are satisfied: 2376

(1) The individual has submitted to the board a completed 2377
application for the license in accordance with rules adopted 2378
under section 4751.04 of the Revised Code. 2379

(2) The individual is a licensed nursing home 2380
administrator. 2381

(3) The individual has obtained the health services 2382

executive qualification through the national association of 2383
long-term care administrator boards. 2384

(4) The individual has complied with section 4776.02 of 2385
the Revised Code regarding a criminal records check. 2386

(5) The board, in its discretion, has determined that the 2387
results of the criminal records check do not make the individual 2388
ineligible for the license. 2389

(6) The individual has paid to the board a license fee of 2390
one hundred dollars. 2391

(B) A health services executive license shall certify that 2392
the individual to whom it was issued has met the applicable 2393
requirements of this chapter and any applicable rules adopted 2394
under section 4751.04 of the Revised Code and is a licensed 2395
health services executive while the license is valid. 2396

Sec. 4751.22. All licenses and temporary licenses that the 2397
board of executives of long-term services and supports issues 2398
under this chapter shall include the signatures of the board's 2399
chairperson and secretary. 2400

Sec. 4751.23. (A) Subject to section 4751.32 of the 2401
Revised Code, the board of executives of long-term services and 2402
supports may issue to a licensed nursing home administrator, 2403
licensed temporary nursing home administrator, or licensed 2404
health services executive a duplicate of the individual's 2405
nursing home administrator license, temporary nursing home 2406
administrator license, or health services executive license if 2407
the license or temporary license has been lost, mutilated, or 2408
destroyed and the individual does both of the following: 2409

(1) Submits to the board a notarized statement explaining 2410
the conditions of the loss, mutilation, or destruction; 2411

<u>(2) Pays to the board a fee of twenty-five dollars.</u>	2412
<u>(B) Subject to section 4751.32 of the Revised Code, the</u>	2413
<u>board may issue to a licensed nursing home administrator,</u>	2414
<u>licensed temporary nursing home administrator, or licensed</u>	2415
<u>health services executive whose name has been legally changed a</u>	2416
<u>duplicate of the individual's nursing home administrator</u>	2417
<u>license, temporary nursing home administrator license, or health</u>	2418
<u>services executive license that has the individual's new name if</u>	2419
<u>the individual does all of the following:</u>	2420
<u>(1) Submits to the board a certified copy of the court</u>	2421
<u>order or marriage license establishing the change of name;</u>	2422
<u>(2) Returns to the board the license or temporary license</u>	2423
<u>that has the individual's previous name;</u>	2424
<u>(3) Pays to the board a fee of twenty-five dollars.</u>	2425
Sec. 4751.07 <u>4751.24</u>. (A) Every individual who holds a	2426
valid license as a nursing home administrator issued under	2427
division (A) of section 4751.06 of the Revised Code, shall	2428
immediately upon issuance thereof be registered with the board	2429
of executives of long-term services and supports and be issued a	2430
certificate of registration. Such individual shall annually	2431
apply to the board for a new certificate of registration on	2432
forms provided for such purpose prior to the expiration of the	2433
certificate of registration and shall at the same time submit	2434
<u>Subject to section 4751.32 of the Revised Code, a nursing home</u>	2435
<u>administrator license is valid for one year and may be renewed</u>	2436
<u>and reinstated in accordance with this section.</u>	2437
<u>(B) If a licensed nursing home administrator intends to</u>	2438
<u>continue to practice nursing home administration without</u>	2439
<u>interruption after the administrator's license expires, the</u>	2440

administrator shall apply to the board of executives of long- 2441
term services and supports for a renewed nursing home 2442
administrator license. Subject to section 4751.32 of the Revised 2443
Code, the board shall renew the license if the administrator 2444
does all of the following before the license expires: 2445

(1) Submits to the board a completed application for 2446
license renewal in accordance with rules adopted under section 2447
4751.04 of the Revised Code; 2448

(2) Pays to the board the license renewal fee of three 2449
hundred dollars; 2450

(3) Submits to the board satisfactory evidence to the 2451
~~board~~ of having attended such continuing education programs or 2452
courses of study as may be prescribed in rules adopted by the 2453
~~board~~ under section 4751.04 of the Revised Code; 2454

(4) Satisfies any other requirements as may be prescribed 2455
in rules adopted under section 4751.04 of the Revised Code. 2456

~~(B) Upon making an application for a new certificate of~~ 2457
~~registration such individual shall pay the annual registration~~ 2458
~~fee of three hundred dollars.~~ 2459

~~(C) Upon receipt of such application for registration and~~ 2460
~~the registration fee required by divisions (A) and (B) of this~~ 2461
~~section, the board shall issue a certificate of registration to~~ 2462
~~such nursing home administrator. If a nursing home administrator~~ 2463
license issued under section 4751.20 or 4751.201 of the Revised 2464
Code is not renewed before it expires, the individual who held 2465
the license may apply to the board for the license's 2466
reinstatement. Subject to section 4751.32 of the Revised Code, 2467
the board shall reinstate the license if the individual does all 2468
of the following not later than one year after the date the 2469

<u>license expired:</u>	2470
<u>(1) Submits to the board the completed application for</u>	2471
<u>license reinstatement in accordance with rules adopted under</u>	2472
<u>section 4751.04 of the Revised Code;</u>	2473
<u>(2) Pays to the board the license reinstatement fee equal</u>	2474
<u>to the sum of the following:</u>	2475
<u>(a) Three hundred dollars;</u>	2476
<u>(b) Fifty dollars for each calendar quarter that occurs</u>	2477
<u>during the period beginning on the date the license expires and</u>	2478
<u>ending on the last day of the calendar quarter during which the</u>	2479
<u>individual applies for license reinstatement, up to a maximum of</u>	2480
<u>two hundred dollars.</u>	2481
<u>(3) Submits to the board satisfactory evidence of having</u>	2482
<u>attended such continuing education programs or courses of study</u>	2483
<u>as may be prescribed in rules adopted by the board under section</u>	2484
<u>4751.04 of the Revised Code;</u>	2485
<u>(4) Satisfies any other requirements as may be prescribed</u>	2486
<u>in rules adopted under section 4751.04 of the Revised Code.</u>	2487
(D) The license of a nursing home administrator who fails-	2488
to comply with this section shall automatically lapse.	2489
(E) A licensed nursing home administrator who has been-	2490
licensed and registered in this state who determines to	2491
temporarily abandon the practice of nursing home administration	2492
shall notify the board in writing immediately; provided, that-	2493
such individual. The former administrator may thereafter	2494
register to resume the practice of nursing home administration	2495
within the state upon complying with the requirements of this	2496
section regarding annual registration license renewal or license	2497

reinstatement, whichever is applicable. 2498

~~(F) Only an individual who has qualified as a licensed and registered nursing home administrator under Chapter 4751. of the Revised Code and the rules adopted thereunder, and who holds a valid current registration certificate pursuant to this section, may use the title "nursing home administrator," or the abbreviation "N.H.A." after the individual's name. No other person shall use such title or such abbreviation or any other words, letters, sign, card, or device tending to indicate or to imply that the person is a licensed and registered nursing home administrator.~~ 2499
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~~(G) Every person holding a valid license entitling the person to practice nursing home administration in this state shall display said license in the nursing home which is the person's principal place of employment, and while engaged in the practice of nursing home administration shall have at hand the current registration certificate.~~ 2509
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~~(H) Every person holding a valid temporary license shall have such license at hand while engaged in the practice of nursing home administration.~~ 2515
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Sec. 4751.25. (A) Subject to section 4751.32 of the Revised Code, a health services executive license is valid for one year and may be renewed and reinstated in accordance with this section. 2518
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(B) A licensed health services executive may apply to the board of executives of long-term services and supports for a renewed license. Subject to section 4751.32 of the Revised Code, the board shall renew the license if the licensed health services executive does all of the following before the license 2522
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<u>expires:</u>	2527
<u>(1) Submits to the board the completed application for</u>	2528
<u>license renewal in accordance with rules adopted under section</u>	2529
<u>4751.04 of the Revised Code;</u>	2530
<u>(2) Pays to the board the license renewal fee of fifty</u>	2531
<u>dollars;</u>	2532
<u>(3) Submits to the board satisfactory evidence of having</u>	2533
<u>attended such continuing education programs or courses of study</u>	2534
<u>as may be prescribed in rules adopted under section 4751.04 of</u>	2535
<u>the Revised Code.</u>	2536
<u>(C) (1) If a health services executive license is not</u>	2537
<u>renewed before it expires, the individual who held the license</u>	2538
<u>may apply to the board for the license's reinstatement. Subject</u>	2539
<u>to section 4751.32 of the Revised Code, the board shall</u>	2540
<u>reinstate the license if the individual does all of the</u>	2541
<u>following not later than one year after the date the license</u>	2542
<u>expired:</u>	2543
<u>(a) Submits to the board the completed application for</u>	2544
<u>license reinstatement in accordance with rules adopted under</u>	2545
<u>section 4751.04 of the Revised Code;</u>	2546
<u>(b) Pays to the board the license reinstatement fee</u>	2547
<u>specified in division (C) (2) of this section;</u>	2548
<u>(c) Submits to the board satisfactory evidence of having</u>	2549
<u>attended such continuing education programs or courses of study</u>	2550
<u>as may be prescribed in rules adopted under section 4751.04 of</u>	2551
<u>the Revised Code.</u>	2552
<u>(2) The fee to reinstate a health services executive</u>	2553
<u>license under division (C) (1) of this section is the following:</u>	2554

(a) If the individual applying for reinstatement has, at 2555
the same time, applied for reinstatement of a nursing home 2556
administrator license under division (C) of section 4751.24 of 2557
the Revised Code and paid the reinstatement fee required by 2558
division (C) (2) of that section, one hundred dollars; 2559

(b) If division (C) (2) (a) of this section does not apply 2560
to the individual, the sum of the following: 2561

(i) One hundred dollars; 2562

(ii) Twenty-five dollars for each calendar quarter that 2563
occurs during the period beginning on the date the license 2564
expired and ending on the last day of the calendar quarter 2565
during which the individual applies for license reinstatement, 2566
up to a maximum of one hundred dollars. 2567

Sec. ~~4751.044~~ 4751.26. The board of executives of long- 2568
term services and supports shall approve continuing education 2569
courses for licensed nursing home administrators and licensed 2570
health services executives. The board may establish a fee for 2571
approval of such courses that is adequate to cover any expense 2572
the board incurs in the approval process. 2573

Sec. 4751.30. (A) Any person may submit to the board of 2574
executives of long-term services and supports a complaint that 2575
the person reasonably believes that another person has violated, 2576
or failed to comply with a requirement of, this chapter or a 2577
rule adopted under section 4751.04 of the Revised Code. All of 2578
the following apply to complaints submitted to the board under 2579
this section: 2580

(1) They are not subject to discovery in any civil action. 2581

(2) They are not public records for purposes of section 2582
149.43 of the Revised Code. 2583

(3) They are not subject to inspection or copying under section 1347.08 of the Revised Code. 2584
2585

(B) Except as provided in division (D) of section 4751.31 of the Revised Code, the board shall protect the confidentiality of each person who submits a complaint to the board under this section. 2586
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Sec. 4751.31. (A) The board of executives of long-term services and supports shall receive, investigate, and take appropriate action with respect to any complaint submitted to the board under section 4751.30 of the Revised Code and any other credible information the board possesses that indicates a person may have violated, or failed to comply with a requirement of, this chapter or a rule adopted under section 4751.04 of the Revised Code. 2590
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(B) In conducting an investigation under this section, the board may do any of the following: 2598
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(1) Question witnesses; 2600

(2) Conduct interviews; 2601

(3) Inspect and copy any books, accounts, papers, records, or other documents; 2602
2603

(4) Issue subpoenas; 2604

(5) Compel the attendance of witnesses and the production of documents and testimony. 2605
2606

(C) No member of the board who supervises an investigation conducted under this section shall participate in any adjudication arising from the investigation. 2607
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(D) The board may disclose any information it receives as 2610

part of an investigation conducted under this section, including 2611
the identity of a person who submits a complaint under section 2612
4751.30 of the Revised Code, to a law enforcement agency, 2613
licensing board, or other government agency that investigates, 2614
prosecutes, or adjudicates alleged violations of statutes or 2615
rules. An agency or board that receives such information shall 2616
protect the confidentiality of a person who submits a complaint 2617
under section 4751.30 of the Revised Code in the same manner as 2618
the board of executives of long-term services and supports, 2619
notwithstanding any other information that the agency or other 2620
board possesses. 2621

~~Sec. 4751.10~~ 4751.32. (A) ~~The license or registration, or~~ 2622
~~both, or the temporary license of any person practicing or~~ 2623
~~offering to practice nursing home administration, shall be~~ 2624
~~revoked or suspended by the board of executives of long-term~~ 2625
services and supports may take any of the actions authorized by 2626
division (B) of this section against an individual who has 2627
applied for or holds a nursing home administrator license, 2628
temporary nursing home administrator license, or health services 2629
executive license if such licensee or temporary licensee any of 2630
the following apply to the individual: 2631

~~(A) Is~~ (1) The individual has failed to satisfy any 2632
requirement established by this chapter or the rules adopted 2633
under section 4751.04 of the Revised Code that must be satisfied 2634
to obtain the license or temporary license. 2635

(2) The individual has violated, or failed to comply with 2636
a requirement of, this chapter or a rule adopted under section 2637
4751.04 of the Revised Code regarding the practice of nursing 2638
home administration, including the requirements of sections 2639
4751.40 and 4751.41 of the Revised Code. 2640

(3) The individual is unfit or incompetent to practice 2641
nursing home administration, serve in a leadership position at a 2642
long-term services and supports setting, or direct the practices 2643
of others in such a setting by reason of negligence, habits, or 2644
other causes; 2645

~~(B) Has willfully or repeatedly violated any of the~~ 2646
~~provisions of Chapter 4751. of the Revised Code or the~~ 2647
~~regulations adopted thereunder; or willfully or repeatedly,~~ 2648
including the individual's habitual or excessive use or abuse of 2649
drugs, alcohol, or other substances. 2650

(4) The individual has acted in a manner inconsistent with 2651
the health and safety of either of the patients following: 2652

(a) The residents of the nursing home in at which the 2653
~~licensee or temporary licensee is the administrator~~ individual 2654
practices nursing home administration; 2655

~~(C) Is guilty of fraud or deceit in the practice of~~ 2656
~~nursing home administration or in the licensee's or temporary~~ 2657
~~licensee's admission to such practice;~~ 2658

~~(D) Has~~ (b) The consumers of services and supports 2659
provided by a long-term services and supports setting at which 2660
the individual serves in a leadership position or directs the 2661
practices of others. 2662

(5) The individual has been convicted of, or pleaded 2663
guilty to, either of the following in a court of competent 2664
jurisdiction, either within or without this state, of a: 2665

(a) A felony; 2666

(b) An offense of moral turpitude that constitutes a 2667
misdemeanor in this state. 2668

(6) The individual made a false, fraudulent, deceptive, or misleading statement in seeking to obtain, or obtaining, a nursing home administrator license, temporary nursing home administrator license, or health services executive license. 2669
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(7) The individual made a fraudulent misrepresentation in attempting to obtain, or obtaining, money or anything of value in the practice of nursing home administration or while serving in a leadership position at a long-term services and supports setting or directing the practices of others in such a setting. 2673
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(8) The individual has substantially deviated from the board's code of ethics. 2678
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(9) Another health care licensing agency has taken any of the following actions against the individual for any reason other than nonpayment of a fee: 2680
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2682

(a) Denied, refused to renew or reinstate, limited, revoked, or suspended, or accepted the surrender of, a license or other authorization to practice; 2683
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(b) Imposed probation; 2686

(c) Issued a censure or other reprimand. 2687

(10) The individual has failed to do any of the following: 2688

(a) Cooperate with an investigation conducted by the board under section 4751.31 of the Revised Code; 2689
2690

(b) Respond to or comply with a subpoena issued by the board in an investigation of the individual; 2691
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(c) Comply with any disciplinary action the board has taken against the individual pursuant to this section. 2693
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(B) The following are the actions that the board may take 2695

<u>for the purpose of division (A) of this section:</u>	2696
<u>(1) Deny the individual any of the following:</u>	2697
<u>(a) A nursing home administrator license under section</u>	2698
<u>4751.20, 4751.201, 4751.23, or 4751.24 of the Revised Code;</u>	2699
<u>(b) A temporary nursing home administrator license under</u>	2700
<u>section 4751.202 or 4751.23 of the Revised Code;</u>	2701
<u>(c) A health services executive license under section</u>	2702
<u>4751.21, 4751.23, or 4751.25 of the Revised Code.</u>	2703
<u>(2) Suspend the individual's nursing home administrator</u>	2704
<u>license, temporary nursing home administrator license, or health</u>	2705
<u>services executive license;</u>	2706
<u>(3) Revoke the individual's nursing home administrator</u>	2707
<u>license, temporary nursing home administrator license, or health</u>	2708
<u>services executive license, either permanently or for a period</u>	2709
<u>of time the board specifies;</u>	2710
<u>(4) Place a limitation on the individual's nursing home</u>	2711
<u>administrator license, temporary nursing home administrator</u>	2712
<u>license, or health services executive license;</u>	2713
<u>(5) Place the individual on probation;</u>	2714
<u>(6) Issue a written reprimand of the individual;</u>	2715
<u>(7) Impose on the individual a civil penalty, fine, or</u>	2716
<u>other sanction specified in rules adopted under section 4751.04</u>	2717
<u>of the Revised Code.</u>	2718
<u>(C) The board shall take actions authorized by division</u>	2719
<u>(B) of this section in accordance with Chapter 119. of the</u>	2720
<u>Revised Code, except that the board may enter into a consent</u>	2721
<u>agreement with an individual to resolve an alleged violation of</u>	2722

this chapter or a rule adopted under section 4751.04 of the 2723
Revised Code in lieu of making an adjudication regarding the 2724
alleged violation. A consent agreement constitutes the board's 2725
findings and order with respect to the matter addressed in the 2726
consent agreement if the board ratifies the consent agreement. 2727
Any admissions or findings included in a proposed consent 2728
agreement have no force or effect if the board refuses to ratify 2729
the consent agreement. 2730

Sec. ~~4751.11~~ 4751.33. (A) The board of executives of long- 2731
term services and supports may, in its discretion, reissue a 2732
nursing home administrator license or registration, or both, 2733
temporary nursing home administrator license, or health services 2734
executive license to any person individual whose license or 2735
registration, or both, temporary license has been revoked. 2736

~~(B)~~ revoked. Application for the reissuance of a license- 2737
~~or registration, or both,~~ shall not be made prior to one year 2738
after revocation and shall be made in such manner as the board 2739
may direct. 2740

~~(C)~~ ~~(B)~~ If a person an individual who has been convicted 2741
of, or pleaded guilty to, a felony is subsequently pardoned by 2742
the governor of the state where such conviction or plea was had 2743
or by the president of the United States, or receives a final 2744
release granted by the adult parole authority of this state or 2745
its equivalent agency of another state, the board may, in its 2746
discretion, on application of ~~such person~~ the individual and on 2747
the submission of evidence satisfactory to the board, restore to 2748
~~such person~~ the individual's nursing home administrator's 2749
administrator license or registration, temporary nursing home 2750
administrator license, or both health services executive 2751
license. 2752

~~Sec. 4751.12~~ 4751.35. On receipt of a notice pursuant to 2753
section 3123.43 of the Revised Code, the board of executives of 2754
long-term services and supports shall comply with sections 2755
3123.41 to 3123.50 of the Revised Code and any applicable rules 2756
adopted under section 3123.63 of the Revised Code with respect 2757
to a license or temporary license issued pursuant to this 2758
chapter. 2759

~~Sec. 4751.13~~ 4751.36. The board of executives of long-term 2760
services and supports shall comply with section 4776.20 of the 2761
Revised Code. 2762

Sec. 4751.37. The board of executives of long-term 2763
services and supports shall take such actions as may be 2764
necessary to enable the state to meet the requirements set forth 2765
in section 1908 of the "Social Security Act," 42 U.S.C. 1396g. 2766

Sec. 4751.38. The board of executives of long-term 2767
services and supports shall create opportunities for the 2768
education, training, and credentialing of nursing home 2769
administrators, persons in leadership positions who practice in 2770
long-term services and supports settings or who direct the 2771
practices of others in those settings, and persons interested in 2772
serving in those roles. In carrying out this duty, the board 2773
shall do both the following: 2774

(A) Identify core competencies and areas of knowledge that 2775
are appropriate for nursing home administrators, credentialed 2776
individuals, and others working within the long-term services 2777
and supports settings system, with an emphasis on all of the 2778
following: 2779

(1) Leadership; 2780

(2) Person-centered care; 2781

(3) Principles of management within both the business and regulatory environments; 2782
2783

(4) An understanding of all post-acute settings, including transitions from acute settings and between post-acute settings. 2784
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(B) Assist in the development of a strong, competitive market in this state for making training, continuing education, and degree programs available to individuals seeking to practice nursing home administration, serve in a leadership position at a long-term services and support setting, or direct the practice of others in such a setting. 2786
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Sec. ~~4751.043~~ 4751.381. (A) Training and education 2792
programs developed by the board of executives of long-term 2793
services and supports pursuant to ~~division (A) (10) of section~~ 2794
~~4751.04-4751.38~~ of the Revised Code may be conducted in person 2795
or through electronic media. The board may establish and charge 2796
a fee for the education and training programs. 2797

(B) The board may enter into a contract with a government 2798
or private entity to perform the board's duties under ~~division~~ 2799
~~(A) (10) of section 4751.04-4751.38~~ of the Revised Code to 2800
develop and conduct education and training programs. If the 2801
board enters into such a contract, the contract may authorize 2802
the entity to pay any or all costs associated with the education 2803
or training programs and to collect and keep, as all or part of 2804
the entity's compensation under the contract, any fee an 2805
applicant for education or training pays to enroll in the 2806
education or training program. 2807

Sec. 4751.40. Each licensed nursing home administrator, licensed temporary nursing home administrator, and licensed health services executive shall report to the board of 2808
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executives of long-term services and supports any change in any 2811
of the following not later than ten days after the change: 2812

(A) The individual's residence mailing address; 2813

(B) The name and address of each place at which the 2814
individual practices nursing home administration; 2815

(C) The name and address of each long-term services and 2816
supports setting at which the individual serves in a leadership 2817
position or directs the practices of others. 2818

Sec. 4751.41. Every licensed nursing home administrator, 2819
licensed temporary nursing home administrator, and licensed 2820
health services executive shall display the individual's license 2821
or temporary license in the place at which the individual 2822
practices nursing home administration and the long-term services 2823
and supports setting at which the individual serves in a 2824
leadership position or directs the practices of others. 2825

Sec. 4751.45. An individual who is a licensed nursing home 2826
administrator, licensed temporary nursing home administrator, or 2827
licensed health services executive may request that the board of 2828
executives of long-term services and supports provide to a 2829
licensing board or agency of another state verification of the 2830
individual's licensure status under this chapter and other 2831
related information in the board's possession. The board shall 2832
provide the licensing board or agency of the other state the 2833
verification and other related information so requested if the 2834
individual pays to the board the fee for this service. The board 2835
shall adopt a rule under section 4751.04 of the Revised Code 2836
establishing the fee. 2837

Sec. 4751.99. Whoever violates section ~~4751.02 or 4751.09~~ 2838
4751.10 of the Revised Code may be fined not more than five 2839

hundred dollars for the first offense; for each subsequent 2840
offense such person may be fined not more than five hundred 2841
dollars or imprisoned for not more than ninety days, or both. 2842

The imposition of fines pursuant to this section does not 2843
preclude the imposition of any civil penalties or fines 2844
authorized ~~under by~~ section ~~4751.04~~ 4751.32 or any other section 2845
of the Revised Code. 2846

Sec. 4776.01. As used in this chapter: 2847

(A) "License" means an authorization evidenced by a 2848
license, certificate, registration, permit, card, or other 2849
authority that is issued or conferred by a licensing agency to a 2850
licensee or to an applicant for an initial license by which the 2851
licensee or initial license applicant has or claims the 2852
privilege to engage in a profession, occupation, or occupational 2853
activity, or, except in the case of the state dental board, to 2854
have control of and operate certain specific equipment, 2855
machinery, or premises, over which the licensing agency has 2856
jurisdiction. 2857

(B) Except as provided in section 4776.20 of the Revised 2858
Code, "licensee" means the person to whom the license is issued 2859
by a licensing agency. "Licensee" includes a person who, for 2860
purposes of section 3796.13 of the Revised Code, has complied 2861
with sections 4776.01 to 4776.04 of the Revised Code and has 2862
been determined by the department of commerce or state board of 2863
pharmacy, as the applicable licensing agency, to meet the 2864
requirements for employment. 2865

(C) Except as provided in section 4776.20 of the Revised 2866
Code, "licensing agency" means any of the following: 2867

(1) The board authorized by Chapters 4701., 4717., 4725., 2868

4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4751., 2869
4753., 4755., 4757., 4759., 4760., 4761., 4762., 4774., 4778., 2870
4779., and 4783. of the Revised Code to issue a license to 2871
engage in a specific profession, occupation, or occupational 2872
activity, or to have charge of and operate certain specific 2873
equipment, machinery, or premises. 2874

(2) The state dental board, relative to its authority to 2875
issue a license pursuant to section 4715.12, 4715.16, 4715.21, 2876
or 4715.27 of the Revised Code; 2877

(3) The department of commerce or state board of pharmacy, 2878
relative to its authority under Chapter 3796. of the Revised 2879
Code and any rules adopted under that chapter with respect to a 2880
person who is subject to section 3796.13 of the Revised Code. 2881

(D) "Applicant for an initial license" includes persons 2882
seeking a license for the first time and persons seeking a 2883
license by reciprocity, endorsement, or similar manner of a 2884
license issued in another state. "Applicant for an initial 2885
license" also includes a person who, for purposes of section 2886
3796.13 of the Revised Code, is required to comply with sections 2887
4776.01 to 4776.04 of the Revised Code. 2888

(E) "Applicant for a restored license" includes persons 2889
seeking restoration of a license under section 4730.14, 2890
4731.281, 4760.06, or 4762.06 of the Revised Code. "Applicant 2891
for a restored license" does not include a person seeking 2892
restoration of a license under section 4751.33 of the Revised 2893
Code. 2894

(F) "Criminal records check" has the same meaning as in 2895
section 109.572 of the Revised Code. 2896

Sec. 4776.20. (A) As used in this section: 2897

(1) "Licensing agency" means, in addition to each board 2898
identified in division (C) of section 4776.01 of the Revised 2899
Code, the board or other government entity authorized to issue a 2900
license under Chapters 4703., 4707., 4709., 4712., 4713., 4719., 2901
4723., 4727., 4728., 4733., 4735., 4736., 4737., 4738., 4740., 2902
4742., 4747., 4749., ~~4751.~~4752., 4753., 4758., 4759., 4763., 2903
4765., 4766., 4771., 4773., and 4781. of the Revised Code. 2904
"Licensing agency" includes an administrative officer that has 2905
authority to issue a license. 2906

(2) "Licensee" means, in addition to a licensee as 2907
described in division (B) of section 4776.01 of the Revised 2908
Code, the person to whom a license is issued by the board or 2909
other government entity authorized to issue a license under 2910
Chapters 4703., 4707., 4709., 4712., 4713., 4719., 4723., 4727., 2911
4728., 4733., 4735., 4736., 4737., 4738., 4740., 4742., 4747., 2912
4749., 4751., 4752., 4753., 4758., 4759., 4763., 4765., 4766., 2913
4771., 4773., and 4781. of the Revised Code. 2914

(3) "Prosecutor" has the same meaning as in section 2915
2935.01 of the Revised Code. 2916

(B) On a licensee's conviction of, plea of guilty to, 2917
judicial finding of guilt of, or judicial finding of guilt 2918
resulting from a plea of no contest to the offense of 2919
trafficking in persons in violation of section 2905.32 of the 2920
Revised Code, the prosecutor in the case shall promptly notify 2921
the licensing agency of the conviction, plea, or finding and 2922
provide the licensee's name and residential address. On receipt 2923
of this notification, the licensing agency shall immediately 2924
suspend the licensee's license. 2925

(C) If there is a conviction of, plea of guilty to, 2926
judicial finding of guilt of, or judicial finding of guilt 2927

resulting from a plea of no contest to the offense of 2928
trafficking in persons in violation of section 2905.32 of the 2929
Revised Code and all or part of the violation occurred on the 2930
premises of a facility that is licensed by a licensing agency, 2931
the prosecutor in the case shall promptly notify the licensing 2932
agency of the conviction, plea, or finding and provide the 2933
facility's name and address and the offender's name and 2934
residential address. On receipt of this notification, the 2935
licensing agency shall immediately suspend the facility's 2936
license. 2937

(D) Notwithstanding any provision of the Revised Code to 2938
the contrary, the suspension of a license under division (B) or 2939
(C) of this section shall be implemented by a licensing agency 2940
without a prior hearing. After the suspension, the licensing 2941
agency shall give written notice to the subject of the 2942
suspension of the right to request a hearing under Chapter 119. 2943
of the Revised Code. After a hearing is held, the licensing 2944
agency shall either revoke or permanently revoke the license of 2945
the subject of the suspension, unless it determines that the 2946
license holder has not been convicted of, pleaded guilty to, 2947
been found guilty of, or been found guilty based on a plea of no 2948
contest to the offense of trafficking in persons in violation of 2949
section 2905.32 of the Revised Code. 2950

Sec. 5903.12. (A) As used in this section: 2951

"Continuing education" means continuing education required 2952
of a licensee by law and includes, but is not limited to, the 2953
continuing education required of licensees under sections 2954
3737.881, 3781.10, 4701.11, 4715.141, 4715.25, 4717.09, 4723.24, 2955
4725.16, 4725.51, 4730.14, 4730.49, 4731.155, 4731.282, 4734.25, 2956
4735.141, 4736.11, 4741.16, 4741.19, ~~4751.07~~, 4751.24, 4751.25, 2957

4755.63, 4757.33, 4759.06, 4761.06, and 4763.07 of the Revised Code. 2958
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"Reporting period" means the period of time during which a licensee must complete the number of hours of continuing education required of the licensee by law. 2960
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(B) A licensee may submit an application to a licensing agency, stating that the licensee requires an extension of the current reporting period because the licensee has served on active duty during the current or a prior reporting period. The licensee shall submit proper documentation certifying the active duty service and the length of that active duty service. Upon receiving the application and proper documentation, the licensing agency shall extend the current reporting period by an amount of time equal to the total number of months that the licensee spent on active duty during the current reporting period. For purposes of this division, any portion of a month served on active duty shall be considered one full month. 2963
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Section 2. That existing sections 109.572, 149.43, 1347.08, 2925.01, 4743.02, 4751.01, 4751.03, 4751.041, 4751.042, 4751.043, 4751.044, 4751.05, 4751.06, 4751.07, 4751.08, 4751.10, 4751.11, 4751.12, 4751.13, 4751.14, 4751.99, 4776.01, 4776.20, and 5903.12 and sections 4751.02, 4751.04, and 4751.09 of the Revised Code are hereby repealed. 2975
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Section 3. As used in this section, "authorizing statute" means a Revised Code section or provision of a Revised Code section that is cited in the Ohio Administrative Code as the statute that authorizes the adoption of a rule. 2981
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The Board of Executives of Long-Term Services and Supports is not required to amend any rule for the sole purpose of 2985
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updating the citation in the Ohio Administrative Code to the 2987
rule's authorizing statute to reflect that this act renumbers 2988
the authorizing statute or relocates it to another Revised Code 2989
section. Such citations shall be updated as the Board amends the 2990
rules for other purposes. 2991

Section 4. The General Assembly, applying the principle 2992
stated in division (B) of section 1.52 of the Revised Code that 2993
amendments are to be harmonized if reasonably capable of 2994
simultaneous operation, finds that the following sections, 2995
presented in this act as composites of the sections as amended 2996
by the acts indicated, are the resulting versions of the 2997
sections in effect prior to the effective date of the sections 2998
as presented in this act: 2999

Section 109.572 of the Revised Code as amended by Am. Sub. 3000
H.B. 49, Sub. H.B. 199, and Sub. H.B. 213, all of the 132nd 3001
General Assembly. 3002

Section 149.43 of the Revised Code as amended by Am. Sub. 3003
H.B. 8, Sub. H.B. 34, and Sub. H.B. 312, all of the 132nd 3004
General Assembly. 3005