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Senators Beagle, Lehner

Cosponsors: Senators Eklund, Gardner, Hackett, Hoagland, LaRose, Schiavoni, Sykes, Terhar, Uecker, Williams, Wilson, Manning, McColley, Tavares, Bacon, Brown, Burke, Coley, Dolan, Huffman, Kunze, Obhof, O'Brien, Peterson, Thomas, Yuko

A BILL

To amend sections 4743.04 and 5903.04 and to enact
section 4743.041 of the Revised Code to require
state occupational licensing agencies, under
certain circumstances, to issue temporary
licenses or certificates to members of the
military and spouses who are licensed in another
jurisdiction and have moved to Ohio for active
duty.

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

Section 1. That sections 4743.04 and 5903.04 be amended
and section 4743.041 of the Revised Code be enacted to read as
follows:

Sec. 4743.04. (A) The renewal of a license or other
authorization to practice a trade or profession issued under
Title XLVII of the Revised Code is subject to the provisions of
section 5903.10 of the Revised Code relating to service in the
armed forces.

(B) Continuing education requirements applicable to the licensees under Title XLVII of the Revised Code are subject to the provisions of section 5903.12 of the Revised Code relating to active duty military service.

(C) A department, agency, or office ~~of this state or of~~ any political subdivision of this state that issues a license or certificate to practice a trade or profession may, pursuant to rules adopted by the department, agency, or office, issue a temporary license or certificate to practice the trade or profession to a person whose spouse is on active military duty in this state.

(D) A department, agency, or office of this state that issues a license or certificate to practice a trade or profession shall issue a temporary license or certificate to practice the trade or profession as provided in section 4743.041 of the Revised Code.

(E) The issuance of a license or other authorization to practice a trade or profession issued under Title XLVII of the Revised Code is subject to the provisions of section 5903.03 of the Revised Code relating to service in the armed forces.

Sec. 4743.041. (A) As used in this section:

(1) "Uniformed services" has the same meaning as in 10 U.S.C. 101.

(2) An individual or an individual's license or certificate issued by another state or jurisdiction is in "good standing" if all of the following apply:

(a) The individual is in compliance with all applicable federal, state, and local regulations.

(b) The individual is not the subject of an investigation 45
or disciplinary action by any agency of federal, state, or local 46
government. 47

(c) The individual has not been denied a license or 48
certificate, or had a license or certificate limited, suspended, 49
or revoked by any public agency or licensing agency. 50

(B) Pursuant to division (D) of section 4743.04 of the 51
Revised Code, a department, agency, or office of this state 52
shall issue a temporary license or certificate to practice a 53
trade or profession to an individual for not more than one year, 54
provided that all of the following qualifications are met: 55

(1) The individual holds a valid license or certificate to 56
practice the trade or profession issued by any other state or 57
jurisdiction. 58

(2) The license or certificate is current, and the 59
individual is in good standing in the state or jurisdiction of 60
licensure or certification. 61

(3) The individual presents adequate proof to the 62
department, agency, or office of any of the following 63
circumstances: 64

(a) The individual or the individual's spouse is a member 65
of the uniformed services and is on active military duty in this 66
state. 67

(b) The individual or the individual's spouse is a 68
military technician dual status under 10 U.S.C. 10216 and was 69
transferred to duty in this state. 70

(c) A circumstance described in division (B) (3) (a) or (b) 71
of this section will occur within three months after the date of 72

application. 73

(4) The individual presents adequate proof to the 74
department, agency, or office that the individual moved or will 75
move to this state from the state or jurisdiction in which the 76
individual holds a current license or certificate. 77

(5) The individual complies with sections 4776.01 to 78
4776.04 of the Revised Code. 79

(C) A department, agency, or office of this state shall, 80
in accordance with Chapter 119. of the Revised Code, deny an 81
individual a temporary license or certificate issued under this 82
section or revoke an individual's temporary license or 83
certificate issued under this section if any of the following 84
circumstances occur: 85

(1) The individual has a criminal record according to a 86
criminal records check. 87

(2) The individual is unable to practice the trade or 88
profession according to acceptable and prevailing standards of 89
care by reason of mental illness or physical illness, including 90
physical deterioration that adversely affects cognitive, motor, 91
or perceptive skills. 92

(3) The individual is unable to practice the trade or 93
profession according to acceptable and prevailing standards of 94
care because of the habitual or excessive use or abuse of 95
alcohol or other substances that impair the ability to practice. 96

(4) An adverse action has been taken against the 97
individual by a health care institution. 98

(5) The individual's license or certificate issued by 99
another state or jurisdiction expires, is revoked, or is not in 100

good standing or the individual, with respect to that license or certificate, is placed on disciplinary probation. 101
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(6) With respect to an individual who was eligible for a temporary license or certificate under this section as the spouse of a member of the uniformed services, six months have elapsed since the divorce, dissolution, or annulment of the marriage. 103
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(7) The individual is dishonorably discharged from the military. 108
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(8) The individual is required to register under Chapter 2950. of the Revised Code or a substantially similar law of another state, the United States, or another country. 110
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(9) The individual is required to register under section 2909.15 of the Revised Code or a substantially similar law of another state, the United States, or another country. 113
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(10) The individual has been convicted of, pleaded guilty to, or had a judicial finding of guilt for any criminal violation set forth in the Revised Code mandating that the individual is ineligible for licensure or certification in the trade or profession. 116
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(11) An individual issued a temporary license or certificate under this section fails to obtain a full license or certificate within one year after the temporary license or certificate was issued. 121
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(D) A department, agency, or office of this state shall waive all fees associated with the issuance of a temporary license or certificate under this section. 125
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(E) An individual with a temporary license or certificate 128

issued under this section may practice the trade or profession 129
in this state only within the scope and practice that is 130
permitted under Ohio law and that does not exceed the 131
individual's training. 132

(F) Each department, agency, or office that issues a 133
license or certificate to practice a trade or profession shall 134
adopt rules under Chapter 119. of the Revised Code as necessary 135
to implement this section. 136

(G) The director of administrative services shall, on the 137
conclusion of the state fiscal year, prepare a report on the 138
number and type of temporary licenses or certificates that were 139
issued during the fiscal year under section 4743.041 of the 140
Revised Code. The director of administrative services shall 141
provide the report to the director of veterans services not 142
later than thirty days after the end of the fiscal year. The 143
director of veterans services shall compile the reports and make 144
them available to the public. 145

Sec. 5903.04. Each licensing agency shall adopt rules 146
under Chapter 119. of the Revised Code to establish and 147
implement all of the following: 148

(A) A process to obtain from each applicant documentation 149
and additional information necessary to determine if the 150
applicant is a service member or veteran, or the spouse or 151
surviving spouse of a service member or veteran; 152

(B) A process to record, track, and monitor applications 153
that have been received from a service member, veteran, or the 154
spouse or surviving spouse of a service member or veteran; and 155

(C) A process to prioritize and expedite certification or 156
licensing for each applicant who is a service member, veteran, 157

or the spouse or a surviving spouse of a service member or 158
veteran. 159

In establishing these processes, the licensing agency 160
shall include any special accommodations that may be appropriate 161
for applicants facing imminent deployment, and for applicants 162
for a temporary license or certificate under division (D) of 163
section 4743.04 of the Revised Code. 164

Section 2. That existing sections 4743.04 and 5903.04 of 165
the Revised Code are hereby repealed. 166