

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 263**

**Representative Koehler**

**Cosponsors: Representatives Dean, Becker, Lang, Seitz, Miller, A., Plummer,  
Riedel, Green**

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**A BILL**

To amend sections 101.721, 101.921, 109.572, 1  
121.22, 121.621, 147.01, 147.011, 147.05, 2  
169.16, 169.17, 173.381, 173.391, 903.05, 3  
921.23, 926.05, 935.06, 943.03, 943.031, 943.05, 4  
956.03, 956.15, 1119.05, 1119.08, 1315.04, 5  
1315.101, 1315.23, 1321.04, 1321.37, 1321.53, 6  
1321.64, 1321.74, 1322.10, 1322.21, 1322.24, 7  
1533.342, 1533.631, 1546.16, 1561.12, 1561.23, 8  
1571.012, 1707.19, 1716.05, 1716.07, 1751.05, 9  
2915.081, 2915.082, 3304.31, 3310.43, 3319.088, 10  
3319.225, 3319.30, 3319.31, 3319.39, 3327.10, 11  
3332.05, 3332.09, 3332.11, 3332.12, 3710.06, 12  
3721.07, 3734.42, 3734.44, 3743.03, 3743.16, 13  
3743.70, 3743.99, 3770.05, 3770.073, 3772.01, 14  
3772.07, 3772.10, 3773.42, 3783.03, 3796.03, 15  
3796.04, 3796.09, 3796.10, 3905.06, 3905.062, 16  
3905.07, 3905.14, 3905.15, 3905.72, 3905.85, 17  
3916.15, 3931.11, 3951.04, 4104.09, 4104.19, 18  
4508.03, 4508.04, 4511.76, 4513.34, 4517.04, 19  
4517.09, 4517.12, 4517.13, 4517.14, 4517.171, 20  
4701.01, 4701.06, 4701.07, 4701.08, 4701.09, 21  
4701.17, 4703.07, 4703.10, 4703.34, 4707.02, 22

4707.07, 4707.09, 4707.15, 4707.19, 4707.22,	23
4709.07, 4709.08, 4709.10, 4709.13, 4713.28,	24
4713.30, 4713.31, 4713.34, 4713.69, 4715.10,	25
4715.101, 4715.21, 4715.27, 4715.30, 4717.05,	26
4717.051, 4717.061, 4717.14, 4719.03, 4723.09,	27
4723.092, 4723.28, 4723.651, 4723.75, 4723.76,	28
4723.84, 4725.12, 4725.121, 4725.18, 4725.19,	29
4725.44, 4725.48, 4725.501, 4725.52, 4725.53,	30
4727.03, 4728.03, 4729.071, 4729.08, 4729.09,	31
4729.16, 4729.90, 4729.92, 4729.96, 4730.10,	32
4730.101, 4730.11, 4730.25, 4731.08, 4731.09,	33
4731.171, 4731.19, 4731.22, 4731.291, 4731.292,	34
4731.296, 4731.299, 4731.52, 4731.531, 4731.573,	35
4732.091, 4732.10, 4732.17, 4733.11, 4733.20,	36
4734.20, 4734.202, 4734.23, 4734.27, 4734.31,	37
4735.07, 4735.09, 4735.10, 4735.13, 4735.27,	38
4735.28, 4736.08, 4738.04, 4738.07, 4740.05,	39
4740.06, 4740.061, 4740.10, 4741.10, 4741.12,	40
4741.22, 4747.04, 4747.05, 4747.051, 4747.10,	41
4747.12, 4749.03, 4751.04, 4751.05, 4752.09,	42
4753.061, 4753.10, 4755.06, 4755.07, 4755.08,	43
4755.11, 4755.47, 4755.62, 4755.64, 4755.70,	44
4757.10, 4757.101, 4757.22, 4757.23, 4757.27,	45
4757.28, 4757.29, 4757.36, 4758.20, 4758.24,	46
4758.30, 4759.02, 4759.051, 4759.06, 4759.061,	47
4759.07, 4760.03, 4760.032, 4760.13, 4761.04,	48
4761.05, 4761.051, 4761.06, 4761.07, 4761.09,	49
4762.03, 4762.031, 4762.13, 4763.05, 4764.05,	50
4764.06, 4764.13, 4764.14, 4765.11, 4765.17,	51
4765.301, 4765.55, 4771.18, 4773.03, 4774.03,	52
4774.031, 4774.13, 4776.04, 4778.02, 4778.03,	53
4778.04, 4778.14, 4779.09, 4779.091, 4779.18,	54

4779.28, 4781.09, 4781.18, 4783.04, 4783.09, 55  
5120.55, 5123.169, 5123.1611, 5123.452, and 56  
5502.011, to enact section 9.79, and to repeal 57  
section 4743.06 of the Revised Code to revise 58  
the initial occupational licensing restrictions 59  
applicable to individuals convicted of criminal 60  
offenses. 61

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

**Section 1.** That sections 101.721, 101.921, 109.572, 62  
121.22, 121.621, 147.01, 147.011, 147.05, 169.16, 169.17, 63  
173.381, 173.391, 903.05, 921.23, 926.05, 935.06, 943.03, 64  
943.031, 943.05, 956.03, 956.15, 1119.05, 1119.08, 1315.04, 65  
1315.101, 1315.23, 1321.04, 1321.37, 1321.53, 1321.64, 1321.74, 66  
1322.10, 1322.21, 1322.24, 1533.342, 1533.631, 1546.16, 1561.12, 67  
1561.23, 1571.012, 1707.19, 1716.05, 1716.07, 1751.05, 2915.081, 68  
2915.082, 3304.31, 3310.43, 3319.088, 3319.225, 3319.30, 69  
3319.31, 3319.39, 3327.10, 3332.05, 3332.09, 3332.11, 3332.12, 70  
3710.06, 3721.07, 3734.42, 3734.44, 3743.03, 3743.16, 3743.70, 71  
3743.99, 3770.05, 3770.073, 3772.01, 3772.07, 3772.10, 3773.42, 72  
3783.03, 3796.03, 3796.04, 3796.09, 3796.10, 3905.06, 3905.062, 73  
3905.07, 3905.14, 3905.15, 3905.72, 3905.85, 3916.15, 3931.11, 74  
3951.04, 4104.09, 4104.19, 4508.03, 4508.04, 4511.76, 4513.34, 75  
4517.04, 4517.09, 4517.12, 4517.13, 4517.14, 4517.171, 4701.01, 76  
4701.06, 4701.07, 4701.08, 4701.09, 4701.17, 4703.07, 4703.10, 77  
4703.34, 4707.02, 4707.07, 4707.09, 4707.15, 4707.19, 4707.22, 78  
4709.07, 4709.08, 4709.10, 4709.13, 4713.28, 4713.30, 4713.31, 79  
4713.34, 4713.69, 4715.10, 4715.101, 4715.21, 4715.27, 4715.30, 80  
4717.05, 4717.051, 4717.061, 4717.14, 4719.03, 4723.09, 81

4723.092, 4723.28, 4723.651, 4723.75, 4723.76, 4723.84, 4725.12, 82  
4725.121, 4725.18, 4725.19, 4725.44, 4725.48, 4725.501, 4725.52, 83  
4725.53, 4727.03, 4728.03, 4729.071, 4729.08, 4729.09, 4729.16, 84  
4729.90, 4729.92, 4729.96, 4730.10, 4730.101, 4730.11, 4730.25, 85  
4731.08, 4731.09, 4731.171, 4731.19, 4731.22, 4731.291, 86  
4731.292, 4731.296, 4731.299, 4731.52, 4731.531, 4731.573, 87  
4732.091, 4732.10, 4732.17, 4733.11, 4733.20, 4734.20, 4734.202, 88  
4734.23, 4734.27, 4734.31, 4735.07, 4735.09, 4735.10, 4735.13, 89  
4735.27, 4735.28, 4736.08, 4738.04, 4738.07, 4740.05, 4740.06, 90  
4740.061, 4740.10, 4741.10, 4741.12, 4741.22, 4747.04, 4747.05, 91  
4747.051, 4747.10, 4747.12, 4749.03, 4751.04, 4751.05, 4752.09, 92  
4753.061, 4753.10, 4755.06, 4755.07, 4755.08, 4755.11, 4755.47, 93  
4755.62, 4755.64, 4755.70, 4757.10, 4757.101, 4757.22, 4757.23, 94  
4757.27, 4757.28, 4757.29, 4757.36, 4758.20, 4758.24, 4758.30, 95  
4759.02, 4759.051, 4759.06, 4759.061, 4759.07, 4760.03, 96  
4760.032, 4760.13, 4761.04, 4761.05, 4761.051, 4761.06, 4761.07, 97  
4761.09, 4762.03, 4762.031, 4762.13, 4763.05, 4764.05, 4764.06, 98  
4764.13, 4764.14, 4765.11, 4765.17, 4765.301, 4765.55, 4771.18, 99  
4773.03, 4774.03, 4774.031, 4774.13, 4776.04, 4778.02, 4778.03, 100  
4778.04, 4778.14, 4779.09, 4779.091, 4779.18, 4779.28, 4781.09, 101  
4781.18, 4783.04, 4783.09, 5120.55, 5123.169, 5123.1611, 102  
5123.452, and 5502.011 be amended and section 9.79 of the 103  
Revised Code be enacted to read as follows: 104

**Sec. 9.79. (A) As used in this section:** 105

(1) "License" means an authorization evidenced by a 106  
license, certificate, registration, permit, card, or other 107  
authority that is issued or conferred by a licensing authority 108  
to an individual by which the individual has or claims the 109  
privilege to engage in a profession, occupation, or occupational 110  
activity over which the licensing authority has jurisdiction. 111

(2) "Licensing authority" means a state agency that issues licenses under Title XLVII or any other provision of the Revised Code to practice an occupation or profession. 112  
113  
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(3) "Offense of violence" has the same meaning as in section 2901.01 of the Revised Code. 115  
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(4) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code. 117  
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(5) "State agency" has the same meaning as in section 1.60 of the Revised Code. 119  
120

(B)(1) Notwithstanding any provision of the Revised Code to the contrary, for each type of license issued or conferred by a licensing authority, the licensing authority shall establish within one hundred eighty days after the effective date of this section a list of specific criminal offenses for which a conviction, judicial finding of guilt, or plea of guilty may disqualify an individual from obtaining an initial license. The licensing authority shall make the list available to the public on the licensing authority's web site pursuant to division (C) of section 9.78 of the Revised Code. The licensing authority, in adopting the list, shall do both of the following: 121  
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123  
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(a) Identify each disqualifying offense by name or by the Revised Code section number that creates the offense; 132  
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(b) Include in the list only criminal offenses that are directly related to the duties and responsibilities of the licensed occupation. 134  
135  
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(2) The licensing authority may include in the list an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any section or offense included in the list 137  
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139  
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adopted under division (B)(1) of this section. 141

(C)(1) Except as provided in division (C)(2) or (D) of 142  
this section, a licensing authority shall not refuse to issue an 143  
initial license to an individual based on any of the following: 144

(a) Solely or in part on a conviction of, judicial finding 145  
of guilt of, or plea of guilty to an offense; 146

(b) A criminal charge that does not result in a 147  
conviction, judicial finding of guilt, or plea of guilty; 148

(c) A nonspecific qualification such as "moral turpitude" 149  
or lack of "moral character"; 150

(d) A disqualifying offense included on the list adopted 151  
under division (B) of this section, if consideration of that 152  
offense occurs after the time periods permitted in division (D) 153  
of this section. 154

(2) If the individual was convicted of, found guilty 155  
pursuant to a judicial finding of, or pleaded guilty to a 156  
disqualifying offense included in the list adopted under 157  
division (B) of this section for the license for which the 158  
individual applied, the licensing authority may take the 159  
conviction, judicial finding of guilt, or plea of guilty into 160  
consideration in accordance with division (D) of this section. 161

(D)(1) A licensing authority that may, under this section, 162  
consider a conviction of, judicial finding of guilt of, or plea 163  
of guilty to an offense in determining whether to refuse to 164  
issue an initial license to an individual shall consider all of 165  
the following factors and shall use a standard of clear and 166  
convincing evidence in evaluating those factors to determine 167  
whether the conviction, judicial finding of guilt, or plea of 168  
guilty disqualifies the individual from receiving the license: 169

(a) The nature and seriousness of the offense for which the individual was convicted, found guilty pursuant to a judicial finding, or pleaded guilty; 170  
171  
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(b) The passage of time since the individual committed the offense; 173  
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(c) The relationship of the offense to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the occupation; 175  
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(d) Any evidence of mitigating rehabilitation or treatment undertaken by the individual. 178  
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(2) A licensing authority may take a disqualifying offense into account only during the following time periods: 180  
181

(a) For a conviction of, judicial finding of guilt of, or plea of guilty to a disqualifying offense that is not an offense of violence or a sexually oriented offense, five years from the date of conviction, judicial finding of guilt, plea of guilty, or release from incarceration, whichever is later, provided the individual was not convicted of, found guilty pursuant to a judicial finding of, and did not enter a plea of guilty to any other offense during the applicable five-year period; 182  
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(b) For a conviction of, judicial finding of guilt of, or plea of guilty to a disqualifying offense that is an offense of violence or a sexually oriented offense, any time. 190  
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(E) If a licensing authority refuses to issue an initial license to an individual pursuant to division (D) of this section, the licensing authority shall notify the individual in writing of all of the following: 193  
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(1) The grounds and reasons for the refusal, including an 197

explanation of the licensing authority's application of the 198  
factors under division (D) of this section to the evidence the 199  
licensing authority used to reach the decision; 200

(2) The individual's right to a hearing regarding the 201  
licensing authority's decision under section 119.06 of the 202  
Revised Code; 203

(3) The earliest date the individual may reapply for a 204  
license; 205

(4) Notice that evidence of rehabilitation may be 206  
considered on reapplication. 207

(F) In an administrative hearing or civil action reviewing 208  
a licensing authority's refusal to issue an initial license 209  
under this section, the licensing authority has the burden of 210  
proof on the question of whether the individual's conviction of, 211  
judicial finding of guilt of, or plea of guilty to an offense 212  
directly relates to the licensed occupation. 213

(G) Each licensing authority shall adopt any rules that it 214  
determines are necessary to implement this section. 215

(H) This section does not apply to either of the 216  
following: 217

(1) Any position for which appointment requires compliance 218  
with section 109.77 of the Revised Code or in which an 219  
individual may satisfy the requirements for appointment or 220  
election by complying with that section; 221

(2) Any position for which federal law requires 222  
disqualification from licensure or employment based on a 223  
conviction of, judicial finding of guilt of, or plea of guilty 224  
to an offense. 225



**Sec. 101.721.** (A) ~~No person~~ The joint legislative ethics 226  
committee shall be permitted to permit a person who has been 227  
convicted of or pleads guilty to an offense to register as a 228  
legislative agent under division (A) or (B) of section 101.72 of 229  
the Revised Code ~~if the person is convicted of or pleads guilty~~ 230  
~~to committing on or after the effective date of this section any~~ 231  
~~of the following offenses that is a felony:~~ 232

~~(1) A violation of section 2921.02, 2921.03, 2921.05,~~ 233  
~~2921.41, 2921.42, or 2923.32 of the Revised Code;~~ 234

~~(2) A violation of section 2913.42, 2921.04, 2921.11,~~ 235  
~~2921.12, 2921.31, or 2921.32 of the Revised Code if the person~~ 236  
~~committed the violation while the person was serving in a public~~ 237  
~~office and the conduct constituting the violation was related to~~ 238  
~~the duties of the person's public office or to the person's~~ 239  
~~actions as a public official holding that public office;~~ 240

~~(3) A violation of an existing or former municipal~~ 241  
~~ordinance or law of this or any other state or the United States~~ 242  
~~that is substantially equivalent to any violation listed in~~ 243  
~~division (A) (1) of this section;~~ 244

~~(4) A violation of an existing or former municipal~~ 245  
~~ordinance or law of this or any other state or the United States~~ 246  
~~that is substantially equivalent to any violation listed in~~ 247  
~~division (A) (2) of this section if the person committed the~~ 248  
~~violation while the person was serving in a public office and~~ 249  
~~the conduct constituting the violation was related to the duties~~ 250  
~~of the person's public office or to the person's actions as a~~ 251  
~~public official holding that public office;~~ 252

~~(5) A conspiracy to commit, attempt to commit, or~~ 253  
~~complicity in committing any violation listed in division (A) (1)~~ 254

~~or described in division (A) (3) of this section;~~ 255

~~(6) A conspiracy to commit, attempt to commit, or 256  
complicity in committing any violation listed in division (A) (2) 257  
or described in division (A) (4) of this section if the person 258  
committed the violation while the person was serving in a public 259  
office and the conduct constituting the violation that was the 260  
subject of the conspiracy, that would have constituted the 261  
offense attempted, or constituting the violation in which the 262  
person was complicit was or would have been related to the 263  
duties of the person's public office or to the person's actions 264  
as a public official holding that public office in a manner 265  
consistent with section 9.79 of the Revised Code. 266~~

(B) (1) If a legislative agent has registered with the 267  
~~joint legislative ethics committee under division (A) or (B) of 268  
section 101.72 of the Revised Code and, on or after ~~the~~ 269  
~~effective date of this section~~ May 13, 2008, and during the 270  
period during which the registration is valid, the legislative 271  
agent is convicted of or pleads guilty to any felony offense 272  
listed or described in division ~~(A) (1), (2), (3), (4), (5), or~~ 273  
~~(6)~~ (B) (2) of this section in the circumstances specified in the 274  
particular division, the joint legislative ethics committee 275  
immediately upon becoming aware of the conviction or guilty plea 276  
shall terminate the registration of the person as a legislative 277  
agent, and, after the termination, ~~the ban imposed under~~ 278  
~~division (A) of this section applies to the person~~ impose a ban 279  
on the person. 280~~

(2) Division (B) (1) of this section applies to any of the 281  
the following offenses that is a felony: 282

(a) A violation of section 2921.02, 2921.03, 2921.05, 283  
2921.41, 2921.42, or 2923.32 of the Revised Code; 284

(b) A violation of section 2913.42, 2921.04, 2921.11, 2921.12, 2921.31, or 2921.32 of the Revised Code if the person committed the violation while the person was serving in a public office and the conduct constituting the violation was related to the duties of the person's public office or to the person's actions as a public official holding that public office;

(c) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any violation listed in division (B) (2) (a) of this section;

(d) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any violation listed in division (B) (2) (b) of this section if the person committed the violation while the person was serving in a public office and the conduct constituting the violation was related to the duties of the person's public office or to the person's actions as a public official holding that public office;

(e) A conspiracy to commit, attempt to commit, or complicity in committing any violation listed in division (B) (2) (a) or described in division (B) (2) (c) of this section;

(f) A conspiracy to commit, attempt to commit, or complicity in committing any violation listed in division (B) (2) (b) or described in division (B) (2) (d) of this section if the person committed the violation while the person was serving in a public office and the conduct constituting the violation that was the subject of the conspiracy, that would have constituted the offense attempted, or constituting the violation in which the person was complicit was or would have been related to the duties of the person's public office or to the person's actions

as a public official holding that public office. 315

(C) The ban imposed under division ~~(A)~~ (B) (1) of this 316  
section is a lifetime ban, and the offender is forever 317  
disqualified from registering as a legislative agent under 318  
section 101.72 of the Revised Code. 319

(D) For purposes of ~~divisions (A) and~~ division (B) (1) of 320  
this section, a violation of section 2923.32 of the Revised Code 321  
or any other violation or offense that includes as an element a 322  
course of conduct or the occurrence of multiple acts is 323  
"committed on or after ~~the effective date of this section~~ May 324  
13, 2008," if the course of conduct continues, one or more of 325  
the multiple acts occurs, or the subject person's accountability 326  
for the course of conduct or for one or more of the multiple 327  
acts continues, on or after ~~the effective date of this section~~ 328  
May 13, 2008. 329

(E) As used in this section, "public office" means any 330  
elected federal, state, or local government office in this 331  
state. 332

**Sec. 101.921.** (A) ~~No person~~ The joint legislative ethics 333  
committee shall be permitted to permit a person who has been 334  
convicted of or pleads guilty to an offense to register as a 335  
retirement system lobbyist under division (A) or (B) of section 336  
101.92 of the Revised Code ~~if the person is convicted of or~~ 337  
~~pleads guilty to committing on or after the effective date of~~ 338  
~~this section any felony offense listed or described in divisions~~ 339  
~~(A) (1) to (6) of section 101.721 of the Revised Code in the~~ 340  
~~circumstances specified in the particular division in a manner~~ 341  
consistent with section 9.79 of the Revised Code. 342

(B) If a retirement system lobbyist has registered with 343

the ~~joint legislative ethics committee~~ under division (A) or (B) 344  
of section 101.92 of the Revised Code, and, on or after ~~the~~ 345  
~~effective date of this section~~ May 13, 2008, and during the 346  
period during which the registration is valid, the retirement 347  
system lobbyist is convicted of or pleads guilty to any felony 348  
offense listed or described in ~~divisions (A)(1) to (6)~~ division 349  
(B)(2) of section 101.721 of the Revised Code in the 350  
circumstances specified in the particular division, the ~~joint-~~ 351  
~~legislative ethics committee~~ immediately upon becoming aware of 352  
the conviction or guilty plea shall terminate the registration 353  
of the person as a retirement system lobbyist, and, after the 354  
termination, ~~the ban imposed under division (A) of this section~~ 355  
~~applies to the person~~ from registering as a retirement system 356  
lobbyist. 357

(C) The ban imposed under division ~~(A)~~ (B) of this section 358  
is a lifetime ban, and the offender is forever disqualified from 359  
registering as a retirement system lobbyist under section 101.92 360  
of the Revised Code. 361

(D) For purposes of ~~divisions (A) and~~ division (B) of this 362  
section, a violation of section 2923.32 of the Revised Code or 363  
any other violation or offense that includes as an element a 364  
course of conduct or the occurrence of multiple acts is 365  
"committed on or after ~~the effective date of this section~~ May 366  
13, 2008," if the course of conduct continues, one or more of 367  
the multiple acts occurs, or the subject person's accountability 368  
for the course of conduct or for one or more of the multiple 369  
acts continues, on or after ~~the effective date of this section~~ 370  
May 13, 2008. 371

**Sec. 109.572.** (A) (1) Upon receipt of a request pursuant to 372  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 373

Code, a completed form prescribed pursuant to division (C)(1) of 374  
this section, and a set of fingerprint impressions obtained in 375  
the manner described in division (C)(2) of this section, the 376  
superintendent of the bureau of criminal identification and 377  
investigation shall conduct a criminal records check in the 378  
manner described in division (B) of this section to determine 379  
whether any information exists that indicates that the person 380  
who is the subject of the request previously has been convicted 381  
of or pleaded guilty to any of the following: 382

(a) A violation of section 2903.01, 2903.02, 2903.03, 383  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 384  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 385  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 386  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 387  
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 388  
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 389  
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 390  
sexual penetration in violation of former section 2907.12 of the 391  
Revised Code, a violation of section 2905.04 of the Revised Code 392  
as it existed prior to July 1, 1996, a violation of section 393  
2919.23 of the Revised Code that would have been a violation of 394  
section 2905.04 of the Revised Code as it existed prior to July 395  
1, 1996, had the violation been committed prior to that date, or 396  
a violation of section 2925.11 of the Revised Code that is not a 397  
minor drug possession offense; 398

(b) A violation of an existing or former law of this 399  
state, any other state, or the United States that is 400  
substantially equivalent to any of the offenses listed in 401  
division (A)(1)(a) of this section; 402

(c) If the request is made pursuant to section 3319.39 of 403

the Revised Code for an applicant who is a teacher, any offense 404  
specified under section 9.79 of the Revised Code or in section 405  
3319.31 of the Revised Code. 406

(2) On receipt of a request pursuant to section 3712.09 or 407  
3721.121 of the Revised Code, a completed form prescribed 408  
pursuant to division (C)(1) of this section, and a set of 409  
fingerprint impressions obtained in the manner described in 410  
division (C)(2) of this section, the superintendent of the 411  
bureau of criminal identification and investigation shall 412  
conduct a criminal records check with respect to any person who 413  
has applied for employment in a position for which a criminal 414  
records check is required by those sections. The superintendent 415  
shall conduct the criminal records check in the manner described 416  
in division (B) of this section to determine whether any 417  
information exists that indicates that the person who is the 418  
subject of the request previously has been convicted of or 419  
pleaded guilty to any of the following: 420

(a) A violation of section 2903.01, 2903.02, 2903.03, 421  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 422  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 423  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 424  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 425  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 426  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 427  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 428  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 429

(b) An existing or former law of this state, any other 430  
state, or the United States that is substantially equivalent to 431  
any of the offenses listed in division (A)(2)(a) of this 432  
section. 433

(3) On receipt of a request pursuant to section 173.27, 434  
173.38, ~~173.381~~, 3701.881, 5164.34, 5164.341, 5164.342, or 435  
5123.081, ~~or 5123.169~~ of the Revised Code, a completed form 436  
prescribed pursuant to division (C) (1) of this section, and a 437  
set of fingerprint impressions obtained in the manner described 438  
in division (C) (2) of this section, the superintendent of the 439  
bureau of criminal identification and investigation shall 440  
conduct a criminal records check of the person for whom the 441  
request is made. The superintendent shall conduct the criminal 442  
records check in the manner described in division (B) of this 443  
section to determine whether any information exists that 444  
indicates that the person who is the subject of the request 445  
previously has been convicted of, has pleaded guilty to, or 446  
(except in the case of a request pursuant to section 5164.34, 447  
5164.341, or 5164.342 of the Revised Code) has been found 448  
eligible for intervention in lieu of conviction for any of the 449  
following, regardless of the date of the conviction, the date of 450  
entry of the guilty plea, or (except in the case of a request 451  
pursuant to section 5164.34, 5164.341, or 5164.342 of the 452  
Revised Code) the date the person was found eligible for 453  
intervention in lieu of conviction: 454

(a) A violation of section 959.13, 959.131, 2903.01, 455  
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 456  
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 457  
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 458  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 459  
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 460  
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 461  
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 462  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 463  
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 464



2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 465  
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 466  
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 467  
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 468  
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 469  
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 470  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 471  
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 472  
2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code; 473

(b) Felonious sexual penetration in violation of former 474  
section 2907.12 of the Revised Code; 475

(c) A violation of section 2905.04 of the Revised Code as 476  
it existed prior to July 1, 1996; 477

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 478  
the Revised Code when the underlying offense that is the object 479  
of the conspiracy, attempt, or complicity is one of the offenses 480  
listed in divisions (A) (3) (a) to (c) of this section; 481

(e) A violation of an existing or former municipal 482  
ordinance or law of this state, any other state, or the United 483  
States that is substantially equivalent to any of the offenses 484  
listed in divisions (A) (3) (a) to (d) of this section. 485

(4) On receipt of a request pursuant to section 2151.86 of 486  
the Revised Code, a completed form prescribed pursuant to 487  
division (C) (1) of this section, and a set of fingerprint 488  
impressions obtained in the manner described in division (C) (2) 489  
of this section, the superintendent of the bureau of criminal 490  
identification and investigation shall conduct a criminal 491  
records check in the manner described in division (B) of this 492  
section to determine whether any information exists that 493

indicates that the person who is the subject of the request 494  
previously has been convicted of or pleaded guilty to any of the 495  
following: 496

(a) A violation of section 959.13, 2903.01, 2903.02, 497  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 498  
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 499  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 500  
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 501  
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 502  
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 503  
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 504  
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 505  
2927.12, or 3716.11 of the Revised Code, a violation of section 506  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 507  
a violation of section 2919.23 of the Revised Code that would 508  
have been a violation of section 2905.04 of the Revised Code as 509  
it existed prior to July 1, 1996, had the violation been 510  
committed prior to that date, a violation of section 2925.11 of 511  
the Revised Code that is not a minor drug possession offense, 512  
two or more OVI or OVUAC violations committed within the three 513  
years immediately preceding the submission of the application or 514  
petition that is the basis of the request, or felonious sexual 515  
penetration in violation of former section 2907.12 of the 516  
Revised Code; 517

(b) A violation of an existing or former law of this 518  
state, any other state, or the United States that is 519  
substantially equivalent to any of the offenses listed in 520  
division (A) (4) (a) of this section. 521

(5) Upon receipt of a request pursuant to section 5104.013 522  
of the Revised Code, a completed form prescribed pursuant to 523

division (C) (1) of this section, and a set of fingerprint 524  
impressions obtained in the manner described in division (C) (2) 525  
of this section, the superintendent of the bureau of criminal 526  
identification and investigation shall conduct a criminal 527  
records check in the manner described in division (B) of this 528  
section to determine whether any information exists that 529  
indicates that the person who is the subject of the request has 530  
been convicted of or pleaded guilty to any of the following: 531

(a) A violation of section 2151.421, 2903.01, 2903.02, 532  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 533  
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 534  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 535  
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 536  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 537  
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 538  
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 539  
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 540  
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 541  
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 542  
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 543  
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 544  
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 545  
3716.11 of the Revised Code, felonious sexual penetration in 546  
violation of former section 2907.12 of the Revised Code, a 547  
violation of section 2905.04 of the Revised Code as it existed 548  
prior to July 1, 1996, a violation of section 2919.23 of the 549  
Revised Code that would have been a violation of section 2905.04 550  
of the Revised Code as it existed prior to July 1, 1996, had the 551  
violation been committed prior to that date, a violation of 552  
section 2925.11 of the Revised Code that is not a minor drug 553  
possession offense, a violation of section 2923.02 or 2923.03 of 554

the Revised Code that relates to a crime specified in this 555  
division, or a second violation of section 4511.19 of the 556  
Revised Code within five years of the date of application for 557  
licensure or certification. 558

(b) A violation of an existing or former law of this 559  
state, any other state, or the United States that is 560  
substantially equivalent to any of the offenses or violations 561  
described in division (A) (5) (a) of this section. 562

(6) Upon receipt of a request pursuant to section 5153.111 563  
of the Revised Code, a completed form prescribed pursuant to 564  
division (C) (1) of this section, and a set of fingerprint 565  
impressions obtained in the manner described in division (C) (2) 566  
of this section, the superintendent of the bureau of criminal 567  
identification and investigation shall conduct a criminal 568  
records check in the manner described in division (B) of this 569  
section to determine whether any information exists that 570  
indicates that the person who is the subject of the request 571  
previously has been convicted of or pleaded guilty to any of the 572  
following: 573

(a) A violation of section 2903.01, 2903.02, 2903.03, 574  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 575  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 576  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 577  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 578  
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 579  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 580  
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 581  
Code, felonious sexual penetration in violation of former 582  
section 2907.12 of the Revised Code, a violation of section 583  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 584

a violation of section 2919.23 of the Revised Code that would 585  
have been a violation of section 2905.04 of the Revised Code as 586  
it existed prior to July 1, 1996, had the violation been 587  
committed prior to that date, or a violation of section 2925.11 588  
of the Revised Code that is not a minor drug possession offense; 589

(b) A violation of an existing or former law of this 590  
state, any other state, or the United States that is 591  
substantially equivalent to any of the offenses listed in 592  
division (A) (6) (a) of this section. 593

(7) On receipt of a request for a criminal records check 594  
from an individual pursuant to section 4749.03 or 4749.06 of the 595  
Revised Code, accompanied by a completed copy of the form 596  
prescribed in division (C) (1) of this section and a set of 597  
fingerprint impressions obtained in a manner described in 598  
division (C) (2) of this section, the superintendent of the 599  
bureau of criminal identification and investigation shall 600  
conduct a criminal records check in the manner described in 601  
division (B) of this section to determine whether any 602  
information exists indicating that the person who is the subject 603  
of the request has been convicted of or pleaded guilty to a ~~felony~~ 604  
~~any criminal offense~~ in this state or in any other state. 605  
If the individual indicates that a firearm will be carried in 606  
the course of business, the superintendent shall require 607  
information from the federal bureau of investigation as 608  
described in division (B) (2) of this section. Subject to 609  
division (F) of this section, the superintendent shall report 610  
the findings of the criminal records check and any information 611  
the federal bureau of investigation provides to the director of 612  
public safety. 613

(8) On receipt of a request pursuant to section 1321.37, 614

1321.53, or 4763.05 of the Revised Code, a completed form 615  
prescribed pursuant to division (C) (1) of this section, and a 616  
set of fingerprint impressions obtained in the manner described 617  
in division (C) (2) of this section, the superintendent of the 618  
bureau of criminal identification and investigation shall 619  
conduct a criminal records check with respect to any person who 620  
has applied for a license, permit, or certification from the 621  
department of commerce or a division in the department. The 622  
superintendent shall conduct the criminal records check in the 623  
manner described in division (B) of this section to determine 624  
whether any information exists that indicates that the person 625  
who is the subject of the request previously has been convicted 626  
of or pleaded guilty to any ~~of the following: a violation of~~ 627  
~~section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the~~ 628  
~~Revised Code; any other criminal offense involving theft,~~ 629  
~~receiving stolen property, embezzlement, forgery, fraud, passing~~ 630  
~~bad checks, money laundering, or drug trafficking, or any~~ 631  
~~criminal offense involving money or securities, as set forth in~~ 632  
~~Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of~~ 633  
~~the Revised Code; or any existing or former law of in this~~ 634  
state, any other state, or the United States ~~that is~~ 635  
~~substantially equivalent to those offenses.~~ 636

(9) On receipt of a request for a criminal records check 637  
from the treasurer of state under section 113.041 of the Revised 638  
Code or from an individual under section 4701.08, 4715.101, 639  
4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 4729.90, 640  
4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 641  
4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 642  
4734.202, 4740.061, 4741.10, 4747.051, 4753.061, 4755.70, 643  
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 644  
4762.06, 4774.031, 4774.06, 4776.021, 4778.04, 4778.07, 645

4779.091, or 4783.04 of the Revised Code, accompanied by a 646  
completed form prescribed under division (C)(1) of this section 647  
and a set of fingerprint impressions obtained in the manner 648  
described in division (C)(2) of this section, the superintendent 649  
of the bureau of criminal identification and investigation shall 650  
conduct a criminal records check in the manner described in 651  
division (B) of this section to determine whether any 652  
information exists that indicates that the person who is the 653  
subject of the request has been convicted of or pleaded guilty 654  
to any criminal offense in this state or any other state. 655  
Subject to division (F) of this section, the superintendent 656  
shall send the results of a check requested under section 657  
113.041 of the Revised Code to the treasurer of state and shall 658  
send the results of a check requested under any of the other 659  
listed sections to the licensing board specified by the 660  
individual in the request. 661

(10) On receipt of a request pursuant to section 124.74, 662  
173.381, 1121.23, 1315.141, 1733.47, ~~or~~ 1761.26, or 5123.169 of 663  
the Revised Code, a completed form prescribed pursuant to 664  
division (C)(1) of this section, and a set of fingerprint 665  
impressions obtained in the manner described in division (C)(2) 666  
of this section, the superintendent of the bureau of criminal 667  
identification and investigation shall conduct a criminal 668  
records check in the manner described in division (B) of this 669  
section to determine whether any information exists that 670  
indicates that the person who is the subject of the request 671  
previously has been convicted of or pleaded guilty to any 672  
criminal offense under any existing or former law of this state, 673  
any other state, or the United States. 674

(11) On receipt of a request for a criminal records check 675  
from an appointing or licensing authority under section 3772.07 676

of the Revised Code, a completed form prescribed under division 677  
(C) (1) of this section, and a set of fingerprint impressions 678  
obtained in the manner prescribed in division (C) (2) of this 679  
section, the superintendent of the bureau of criminal 680  
identification and investigation shall conduct a criminal 681  
records check in the manner described in division (B) of this 682  
section to determine whether any information exists that 683  
indicates that the person who is the subject of the request 684  
previously has been convicted of or pleaded guilty or no contest 685  
to any offense under any existing or former law of this state, 686  
any other state, or the United States that is a disqualifying 687  
offense as defined in section 3772.07 of the Revised Code or 688  
substantially equivalent to such an offense. 689

(12) On receipt of a request pursuant to section 2151.33 690  
or 2151.412 of the Revised Code, a completed form prescribed 691  
pursuant to division (C) (1) of this section, and a set of 692  
fingerprint impressions obtained in the manner described in 693  
division (C) (2) of this section, the superintendent of the 694  
bureau of criminal identification and investigation shall 695  
conduct a criminal records check with respect to any person for 696  
whom a criminal records check is required under that section. 697  
The superintendent shall conduct the criminal records check in 698  
the manner described in division (B) of this section to 699  
determine whether any information exists that indicates that the 700  
person who is the subject of the request previously has been 701  
convicted of or pleaded guilty to any of the following: 702

(a) A violation of section 2903.01, 2903.02, 2903.03, 703  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 704  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 705  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 706  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 707



2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 708  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 709  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 710  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 711

(b) An existing or former law of this state, any other 712  
state, or the United States that is substantially equivalent to 713  
any of the offenses listed in division (A) (12) (a) of this 714  
section. 715

(13) On receipt of a request pursuant to section 3796.12 716  
of the Revised Code, a completed form prescribed pursuant to 717  
division (C) (1) of this section, and a set of fingerprint 718  
impressions obtained in a manner described in division (C) (2) of 719  
this section, the superintendent of the bureau of criminal 720  
identification and investigation shall conduct a criminal 721  
records check in the manner described in division (B) of this 722  
section to determine whether any information exists that 723  
indicates that the person who is the subject of the request 724  
previously has been convicted of or pleaded guilty to the 725  
following: 726

(a) A disqualifying offense as specified in rules adopted 727  
under section 9.79 and division (B) (2) (b) of section 3796.03 of 728  
the Revised Code if the person who is the subject of the request 729  
is an administrator or other person responsible for the daily 730  
operation of, or an owner or prospective owner, officer or 731  
prospective officer, or board member or prospective board member 732  
of, an entity seeking a license from the department of commerce 733  
under Chapter 3796. of the Revised Code; 734

(b) A disqualifying offense as specified in rules adopted 735  
under section 9.79 and division (B) (2) (b) of section 3796.04 of 736  
the Revised Code if the person who is the subject of the request 737

is an administrator or other person responsible for the daily 738  
operation of, or an owner or prospective owner, officer or 739  
prospective officer, or board member or prospective board member 740  
of, an entity seeking a license from the state board of pharmacy 741  
under Chapter 3796. of the Revised Code. 742

(14) On receipt of a request required by section 3796.13 743  
of the Revised Code, a completed form prescribed pursuant to 744  
division (C) (1) of this section, and a set of fingerprint 745  
impressions obtained in a manner described in division (C) (2) of 746  
this section, the superintendent of the bureau of criminal 747  
identification and investigation shall conduct a criminal 748  
records check in the manner described in division (B) of this 749  
section to determine whether any information exists that 750  
indicates that the person who is the subject of the request 751  
previously has been convicted of or pleaded guilty to the 752  
following: 753

(a) A disqualifying offense as specified in rules adopted 754  
under division (B) (8) (a) of section 3796.03 of the Revised Code 755  
if the person who is the subject of the request is seeking 756  
employment with an entity licensed by the department of commerce 757  
under Chapter 3796. of the Revised Code; 758

(b) A disqualifying offense as specified in rules adopted 759  
under division (B) (14) (a) of section 3796.04 of the Revised Code 760  
if the person who is the subject of the request is seeking 761  
employment with an entity licensed by the state board of 762  
pharmacy under Chapter 3796. of the Revised Code. 763

(15) On receipt of a request pursuant to section 4768.06 764  
of the Revised Code, a completed form prescribed under division 765  
(C) (1) of this section, and a set of fingerprint impressions 766  
obtained in the manner described in division (C) (2) of this 767

section, the superintendent of the bureau of criminal 768  
identification and investigation shall conduct a criminal 769  
records check in the manner described in division (B) of this 770  
section to determine whether any information exists indicating 771  
that the person who is the subject of the request has been 772  
convicted of or pleaded guilty to ~~a felony~~ any criminal offense 773  
in this state or in any other state. 774

(16) On receipt of a request pursuant to division (B) of 775  
section 4764.07 of the Revised Code, a completed form prescribed 776  
under division (C) (1) of this section, and a set of fingerprint 777  
impressions obtained in the manner described in division (C) (2) 778  
of this section, the superintendent of the bureau of criminal 779  
identification and investigation shall conduct a criminal 780  
records check in the manner described in division (B) of this 781  
section to determine whether any information exists indicating 782  
that the person who is the subject of the request has been 783  
convicted of or pleaded guilty to any ~~crime of moral turpitude,~~ 784  
~~a felony, or an equivalent~~ criminal offense in any ~~other~~ state 785  
or the United States. 786

(17) On receipt of a request for a criminal records check 787  
under section 147.022 of the Revised Code, a completed form 788  
prescribed under division (C) (1) of this section, and a set of 789  
fingerprint impressions obtained in the manner prescribed in 790  
division (C) (2) of this section, the superintendent of the 791  
bureau of criminal identification and investigation shall 792  
conduct a criminal records check in the manner described in 793  
division (B) of this section to determine whether any 794  
information exists that indicates that the person who is the 795  
subject of the request previously has been convicted of or 796  
pleaded guilty or no contest to any ~~disqualifying~~ criminal 797  
~~offense, as defined in section 147.011 of the Revised Code, or~~ 798

~~to any offense~~ under any existing or former law of this state, 799  
any other state, or the United States ~~that is substantially~~ 800  
~~equivalent to such a disqualifying offense.~~ 801

(B) Subject to division (F) of this section, the 802  
superintendent shall conduct any criminal records check to be 803  
conducted under this section as follows: 804

(1) The superintendent shall review or cause to be 805  
reviewed any relevant information gathered and compiled by the 806  
bureau under division (A) of section 109.57 of the Revised Code 807  
that relates to the person who is the subject of the criminal 808  
records check, including, if the criminal records check was 809  
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 810  
173.381, 1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 811  
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 812  
3721.121, 3772.07, 3796.12, 3796.13, 4729.071, 4729.53, 4729.90, 813  
4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 5104.013, 814  
5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 5153.111 of 815  
the Revised Code, any relevant information contained in records 816  
that have been sealed under section 2953.32 of the Revised Code; 817

(2) If the request received by the superintendent asks for 818  
information from the federal bureau of investigation, the 819  
superintendent shall request from the federal bureau of 820  
investigation any information it has with respect to the person 821  
who is the subject of the criminal records check, including 822  
fingerprint-based checks of national crime information databases 823  
as described in 42 U.S.C. 671 if the request is made pursuant to 824  
section 2151.86 or 5104.013 of the Revised Code or if any other 825  
Revised Code section requires fingerprint-based checks of that 826  
nature, and shall review or cause to be reviewed any information 827  
the superintendent receives from that bureau. If a request under 828

section 3319.39 of the Revised Code asks only for information 829  
from the federal bureau of investigation, the superintendent 830  
shall not conduct the review prescribed by division (B) (1) of 831  
this section. 832

(3) The superintendent or the superintendent's designee 833  
may request criminal history records from other states or the 834  
federal government pursuant to the national crime prevention and 835  
privacy compact set forth in section 109.571 of the Revised 836  
Code. 837

(4) The superintendent shall include in the results of the 838  
criminal records check a list or description of the offenses 839  
listed or described in division (A) (1), (2), (3), (4), (5), (6), 840  
(7), (8), (9), (10), (11), (12), (13), (14), (15), (16), or (17) 841  
of this section, whichever division requires the superintendent 842  
to conduct the criminal records check. The superintendent shall 843  
exclude from the results any information the dissemination of 844  
which is prohibited by federal law. 845

(5) The superintendent shall send the results of the 846  
criminal records check to the person to whom it is to be sent 847  
not later than the following number of days after the date the 848  
superintendent receives the request for the criminal records 849  
check, the completed form prescribed under division (C) (1) of 850  
this section, and the set of fingerprint impressions obtained in 851  
the manner described in division (C) (2) of this section: 852

(a) If the superintendent is required by division (A) of 853  
this section (other than division (A) (3) of this section) to 854  
conduct the criminal records check, thirty; 855

(b) If the superintendent is required by division (A) (3) 856  
of this section to conduct the criminal records check, sixty. 857

(C) (1) The superintendent shall prescribe a form to obtain 858  
the information necessary to conduct a criminal records check 859  
from any person for whom a criminal records check is to be 860  
conducted under this section. The form that the superintendent 861  
prescribes pursuant to this division may be in a tangible 862  
format, in an electronic format, or in both tangible and 863  
electronic formats. 864

(2) The superintendent shall prescribe standard impression 865  
sheets to obtain the fingerprint impressions of any person for 866  
whom a criminal records check is to be conducted under this 867  
section. Any person for whom a records check is to be conducted 868  
under this section shall obtain the fingerprint impressions at a 869  
county sheriff's office, municipal police department, or any 870  
other entity with the ability to make fingerprint impressions on 871  
the standard impression sheets prescribed by the superintendent. 872  
The office, department, or entity may charge the person a 873  
reasonable fee for making the impressions. The standard 874  
impression sheets the superintendent prescribes pursuant to this 875  
division may be in a tangible format, in an electronic format, 876  
or in both tangible and electronic formats. 877

(3) Subject to division (D) of this section, the 878  
superintendent shall prescribe and charge a reasonable fee for 879  
providing a criminal records check under this section. The 880  
person requesting the criminal records check shall pay the fee 881  
prescribed pursuant to this division. In the case of a request 882  
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 883  
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 884  
fee shall be paid in the manner specified in that section. 885

(4) The superintendent of the bureau of criminal 886  
identification and investigation may prescribe methods of 887

forwarding fingerprint impressions and information necessary to 888  
conduct a criminal records check, which methods shall include, 889  
but not be limited to, an electronic method. 890

(D) The results of a criminal records check conducted 891  
under this section, other than a criminal records check 892  
specified in division (A) (7) of this section, are valid for the 893  
person who is the subject of the criminal records check for a 894  
period of one year from the date upon which the superintendent 895  
completes the criminal records check. If during that period the 896  
superintendent receives another request for a criminal records 897  
check to be conducted under this section for that person, the 898  
superintendent shall provide the results from the previous 899  
criminal records check of the person at a lower fee than the fee 900  
prescribed for the initial criminal records check. 901

(E) When the superintendent receives a request for 902  
information from a registered private provider, the 903  
superintendent shall proceed as if the request was received from 904  
a school district board of education under section 3319.39 of 905  
the Revised Code. The superintendent shall apply division (A) (1) 906  
(c) of this section to any such request for an applicant who is 907  
a teacher. 908

(F) (1) Subject to division (F) (2) of this section, all 909  
information regarding the results of a criminal records check 910  
conducted under this section that the superintendent reports or 911  
sends under division (A) (7) or (9) of this section to the 912  
director of public safety, the treasurer of state, or the 913  
person, board, or entity that made the request for the criminal 914  
records check shall relate to the conviction of the subject 915  
person, or the subject person's plea of guilty to, a criminal 916  
offense. 917

(2) Division (F)(1) of this section does not limit, 918  
restrict, or preclude the superintendent's release of 919  
information that relates to the arrest of a person who is 920  
eighteen years of age or older, to an adjudication of a child as 921  
a delinquent child, or to a criminal conviction of a person 922  
under eighteen years of age in circumstances in which a release 923  
of that nature is authorized under division (E)(2), (3), or (4) 924  
of section 109.57 of the Revised Code pursuant to a rule adopted 925  
under division (E)(1) of that section. 926

(G) As used in this section: 927

(1) "Criminal records check" means any criminal records 928  
check conducted by the superintendent of the bureau of criminal 929  
identification and investigation in accordance with division (B) 930  
of this section. 931

(2) "Minor drug possession offense" has the same meaning 932  
as in section 2925.01 of the Revised Code. 933

(3) "OVI or OVUAC violation" means a violation of section 934  
4511.19 of the Revised Code or a violation of an existing or 935  
former law of this state, any other state, or the United States 936  
that is substantially equivalent to section 4511.19 of the 937  
Revised Code. 938

(4) "Registered private provider" means a nonpublic school 939  
or entity registered with the superintendent of public 940  
instruction under section 3310.41 of the Revised Code to 941  
participate in the autism scholarship program or section 3310.58 942  
of the Revised Code to participate in the Jon Peterson special 943  
needs scholarship program. 944

**Sec. 121.22.** (A) This section shall be liberally construed 945  
to require public officials to take official action and to 946



conduct all deliberations upon official business only in open 947  
meetings unless the subject matter is specifically excepted by 948  
law. 949

(B) As used in this section: 950

(1) "Public body" means any of the following: 951

(a) Any board, commission, committee, council, or similar 952  
decision-making body of a state agency, institution, or 953  
authority, and any legislative authority or board, commission, 954  
committee, council, agency, authority, or similar decision- 955  
making body of any county, township, municipal corporation, 956  
school district, or other political subdivision or local public 957  
institution; 958

(b) Any committee or subcommittee of a body described in 959  
division (B) (1) (a) of this section; 960

(c) A court of jurisdiction of a sanitary district 961  
organized wholly for the purpose of providing a water supply for 962  
domestic, municipal, and public use when meeting for the purpose 963  
of the appointment, removal, or reappointment of a member of the 964  
board of directors of such a district pursuant to section 965  
6115.10 of the Revised Code, if applicable, or for any other 966  
matter related to such a district other than litigation 967  
involving the district. As used in division (B) (1) (c) of this 968  
section, "court of jurisdiction" has the same meaning as "court" 969  
in section 6115.01 of the Revised Code. 970

(2) "Meeting" means any prearranged discussion of the 971  
public business of the public body by a majority of its members. 972

(3) "Regulated individual" means either of the following: 973

(a) A student in a state or local public educational 974

institution;	975
(b) A person who is, voluntarily or involuntarily, an	976
inmate, patient, or resident of a state or local institution	977
because of criminal behavior, mental illness, an intellectual	978
disability, disease, disability, age, or other condition	979
requiring custodial care.	980
(4) "Public office" has the same meaning as in section	981
149.011 of the Revised Code.	982
(C) All meetings of any public body are declared to be	983
public meetings open to the public at all times. A member of a	984
public body shall be present in person at a meeting open to the	985
public to be considered present or to vote at the meeting and	986
for purposes of determining whether a quorum is present at the	987
meeting.	988
The minutes of a regular or special meeting of any public	989
body shall be promptly prepared, filed, and maintained and shall	990
be open to public inspection. The minutes need only reflect the	991
general subject matter of discussions in executive sessions	992
authorized under division (G) or (J) of this section.	993
(D) This section does not apply to any of the following:	994
(1) A grand jury;	995
(2) An audit conference conducted by the auditor of state	996
or independent certified public accountants with officials of	997
the public office that is the subject of the audit;	998
(3) The adult parole authority when its hearings are	999
conducted at a correctional institution for the sole purpose of	1000
interviewing inmates to determine parole or pardon and the	1001
department of rehabilitation and correction when its hearings	1002

are conducted at a correctional institution for the sole purpose 1003  
of making determinations under section 2967.271 of the Revised 1004  
Code regarding the release or maintained incarceration of an 1005  
offender to whom that section applies; 1006

(4) The organized crime investigations commission 1007  
established under section 177.01 of the Revised Code; 1008

(5) Meetings of a child fatality review board established 1009  
under section 307.621 of the Revised Code, meetings related to a 1010  
review conducted pursuant to guidelines established by the 1011  
director of health under section 3701.70 of the Revised Code, 1012  
and meetings conducted pursuant to sections 5153.171 to 5153.173 1013  
of the Revised Code; 1014

(6) The state medical board when determining whether to 1015  
suspend a certificate without a prior hearing pursuant to 1016  
division (G) of either section 4730.25 or 4731.22 of the Revised 1017  
Code; 1018

(7) The board of nursing when determining whether to 1019  
suspend a license or certificate without a prior hearing 1020  
pursuant to division (B) of section 4723.281 of the Revised 1021  
Code; 1022

(8) The state board of pharmacy when determining whether 1023  
to suspend a license without a prior hearing pursuant to 1024  
division (D) of section 4729.16 of the Revised Code; 1025

(9) The state chiropractic board when determining whether 1026  
to suspend a license without a hearing pursuant to section 1027  
4734.37 of the Revised Code; 1028

(10) The executive committee of the emergency response 1029  
commission when determining whether to issue an enforcement 1030  
order or request that a civil action, civil penalty action, or 1031

criminal action be brought to enforce Chapter 3750. of the 1032  
Revised Code; 1033

(11) The board of directors of the nonprofit corporation 1034  
formed under section 187.01 of the Revised Code or any committee 1035  
thereof, and the board of directors of any subsidiary of that 1036  
corporation or a committee thereof; 1037

(12) An audit conference conducted by the audit staff of 1038  
the department of job and family services with officials of the 1039  
public office that is the subject of that audit under section 1040  
5101.37 of the Revised Code; 1041

(13) The occupational therapy section of the occupational 1042  
therapy, physical therapy, and athletic trainers board when 1043  
determining whether to suspend a license or limited permit 1044  
without a hearing pursuant to division ~~(D)~~(E) of section 4755.11 1045  
of the Revised Code; 1046

(14) The physical therapy section of the occupational 1047  
therapy, physical therapy, and athletic trainers board when 1048  
determining whether to suspend a license without a hearing 1049  
pursuant to division ~~(E)~~(F) of section 4755.47 of the Revised 1050  
Code; 1051

(15) The athletic trainers section of the occupational 1052  
therapy, physical therapy, and athletic trainers board when 1053  
determining whether to suspend a license without a hearing 1054  
pursuant to division ~~(D)~~(E) of section 4755.64 of the Revised 1055  
Code. 1056

(E) The controlling board, the tax credit authority, or 1057  
the minority development financing advisory board, when meeting 1058  
to consider granting assistance pursuant to Chapter 122. or 166. 1059  
of the Revised Code, in order to protect the interest of the 1060

applicant or the possible investment of public funds, by 1061  
unanimous vote of all board or authority members present, may 1062  
close the meeting during consideration of the following 1063  
information confidentially received by the authority or board 1064  
from the applicant: 1065

(1) Marketing plans; 1066

(2) Specific business strategy; 1067

(3) Production techniques and trade secrets; 1068

(4) Financial projections; 1069

(5) Personal financial statements of the applicant or 1070  
members of the applicant's immediate family, including, but not 1071  
limited to, tax records or other similar information not open to 1072  
public inspection. 1073

The vote by the authority or board to accept or reject the 1074  
application, as well as all proceedings of the authority or 1075  
board not subject to this division, shall be open to the public 1076  
and governed by this section. 1077

(F) Every public body, by rule, shall establish a 1078  
reasonable method whereby any person may determine the time and 1079  
place of all regularly scheduled meetings and the time, place, 1080  
and purpose of all special meetings. A public body shall not 1081  
hold a special meeting unless it gives at least twenty-four 1082  
hours' advance notice to the news media that have requested 1083  
notification, except in the event of an emergency requiring 1084  
immediate official action. In the event of an emergency, the 1085  
member or members calling the meeting shall notify the news 1086  
media that have requested notification immediately of the time, 1087  
place, and purpose of the meeting. 1088

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

(G) Except as provided in divisions (G)(8) and (J) of this section, the members of a public body may hold an executive session only after a majority of a quorum of the public body determines, by a roll call vote, to hold an executive session and only at a regular or special meeting for the sole purpose of the consideration of any of the following matters:

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

(2) To consider the purchase of property for public 1120  
purposes, the sale of property at competitive bidding, or the 1121  
sale or other disposition of unneeded, obsolete, or unfit-for- 1122  
use property in accordance with section 505.10 of the Revised 1123  
Code, if premature disclosure of information would give an 1124  
unfair competitive or bargaining advantage to a person whose 1125  
personal, private interest is adverse to the general public 1126  
interest. No member of a public body shall use division (G) (2) 1127  
of this section as a subterfuge for providing covert information 1128  
to prospective buyers or sellers. A purchase or sale of public 1129  
property is void if the seller or buyer of the public property 1130  
has received covert information from a member of a public body 1131  
that has not been disclosed to the general public in sufficient 1132  
time for other prospective buyers and sellers to prepare and 1133  
submit offers. 1134

If the minutes of the public body show that all meetings 1135  
and deliberations of the public body have been conducted in 1136  
compliance with this section, any instrument executed by the 1137  
public body purporting to convey, lease, or otherwise dispose of 1138  
any right, title, or interest in any public property shall be 1139  
conclusively presumed to have been executed in compliance with 1140  
this section insofar as title or other interest of any bona fide 1141  
purchasers, lessees, or transferees of the property is 1142  
concerned. 1143

(3) Conferences with an attorney for the public body 1144  
concerning disputes involving the public body that are the 1145  
subject of pending or imminent court action; 1146

(4) Preparing for, conducting, or reviewing negotiations 1147  
or bargaining sessions with public employees concerning their 1148  
compensation or other terms and conditions of their employment; 1149

- (5) Matters required to be kept confidential by federal law or regulations or state statutes; 1150  
1151
- (6) Details relative to the security arrangements and emergency response protocols for a public body or a public office, if disclosure of the matters discussed could reasonably be expected to jeopardize the security of the public body or public office; 1152  
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- (7) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code, a joint township hospital operated pursuant to Chapter 513. of the Revised Code, or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, to consider trade secrets, as defined in section 1333.61 of the Revised Code; 1157  
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- (8) To consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance, provided that both of the following conditions apply: 1163  
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- (a) The information is directly related to a request for economic development assistance that is to be provided or administered under any provision of Chapter 715., 725., 1724., or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of the Revised Code, or that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project. 1170  
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- (b) A unanimous quorum of the public body determines, by a 1178



roll call vote, that the executive session is necessary to 1179  
protect the interests of the applicant or the possible 1180  
investment or expenditure of public funds to be made in 1181  
connection with the economic development project. 1182

If a public body holds an executive session to consider 1183  
any of the matters listed in divisions (G) (2) to (8) of this 1184  
section, the motion and vote to hold that executive session 1185  
shall state which one or more of the approved matters listed in 1186  
those divisions are to be considered at the executive session. 1187

A public body specified in division (B) (1) (c) of this 1188  
section shall not hold an executive session when meeting for the 1189  
purposes specified in that division. 1190

(H) A resolution, rule, or formal action of any kind is 1191  
invalid unless adopted in an open meeting of the public body. A 1192  
resolution, rule, or formal action adopted in an open meeting 1193  
that results from deliberations in a meeting not open to the 1194  
public is invalid unless the deliberations were for a purpose 1195  
specifically authorized in division (G) or (J) of this section 1196  
and conducted at an executive session held in compliance with 1197  
this section. A resolution, rule, or formal action adopted in an 1198  
open meeting is invalid if the public body that adopted the 1199  
resolution, rule, or formal action violated division (F) of this 1200  
section. 1201

(I) (1) Any person may bring an action to enforce this 1202  
section. An action under division (I) (1) of this section shall 1203  
be brought within two years after the date of the alleged 1204  
violation or threatened violation. Upon proof of a violation or 1205  
threatened violation of this section in an action brought by any 1206  
person, the court of common pleas shall issue an injunction to 1207  
compel the members of the public body to comply with its 1208

provisions. 1209

(2) (a) If the court of common pleas issues an injunction 1210  
pursuant to division (I) (1) of this section, the court shall 1211  
order the public body that it enjoins to pay a civil forfeiture 1212  
of five hundred dollars to the party that sought the injunction 1213  
and shall award to that party all court costs and, subject to 1214  
reduction as described in division (I) (2) of this section, 1215  
reasonable attorney's fees. The court, in its discretion, may 1216  
reduce an award of attorney's fees to the party that sought the 1217  
injunction or not award attorney's fees to that party if the 1218  
court determines both of the following: 1219

(i) That, based on the ordinary application of statutory 1220  
law and case law as it existed at the time of violation or 1221  
threatened violation that was the basis of the injunction, a 1222  
well-informed public body reasonably would believe that the 1223  
public body was not violating or threatening to violate this 1224  
section; 1225

(ii) That a well-informed public body reasonably would 1226  
believe that the conduct or threatened conduct that was the 1227  
basis of the injunction would serve the public policy that 1228  
underlies the authority that is asserted as permitting that 1229  
conduct or threatened conduct. 1230

(b) If the court of common pleas does not issue an 1231  
injunction pursuant to division (I) (1) of this section and the 1232  
court determines at that time that the bringing of the action 1233  
was frivolous conduct, as defined in division (A) of section 1234  
2323.51 of the Revised Code, the court shall award to the public 1235  
body all court costs and reasonable attorney's fees, as 1236  
determined by the court. 1237

(3) Irreparable harm and prejudice to the party that 1238  
sought the injunction shall be conclusively and irrebuttably 1239  
presumed upon proof of a violation or threatened violation of 1240  
this section. 1241

(4) A member of a public body who knowingly violates an 1242  
injunction issued pursuant to division (I)(1) of this section 1243  
may be removed from office by an action brought in the court of 1244  
common pleas for that purpose by the prosecuting attorney or the 1245  
attorney general. 1246

(J)(1) Pursuant to division (C) of section 5901.09 of the 1247  
Revised Code, a veterans service commission shall hold an 1248  
executive session for one or more of the following purposes 1249  
unless an applicant requests a public hearing: 1250

(a) Interviewing an applicant for financial assistance 1251  
under sections 5901.01 to 5901.15 of the Revised Code; 1252

(b) Discussing applications, statements, and other 1253  
documents described in division (B) of section 5901.09 of the 1254  
Revised Code; 1255

(c) Reviewing matters relating to an applicant's request 1256  
for financial assistance under sections 5901.01 to 5901.15 of 1257  
the Revised Code. 1258

(2) A veterans service commission shall not exclude an 1259  
applicant for, recipient of, or former recipient of financial 1260  
assistance under sections 5901.01 to 5901.15 of the Revised 1261  
Code, and shall not exclude representatives selected by the 1262  
applicant, recipient, or former recipient, from a meeting that 1263  
the commission conducts as an executive session that pertains to 1264  
the applicant's, recipient's, or former recipient's application 1265  
for financial assistance. 1266

(3) A veterans service commission shall vote on the grant 1267  
or denial of financial assistance under sections 5901.01 to 1268  
5901.15 of the Revised Code only in an open meeting of the 1269  
commission. The minutes of the meeting shall indicate the name, 1270  
address, and occupation of the applicant, whether the assistance 1271  
was granted or denied, the amount of the assistance if 1272  
assistance is granted, and the votes for and against the 1273  
granting of assistance. 1274

**Sec. 121.621.** (A) ~~No person~~ The joint legislative ethics 1275  
committee shall be permitted ~~permit~~ a person who has been 1276  
convicted of or pleaded guilty to an offense to register as an 1277  
executive agency lobbyist under division (A) or (B) of section 1278  
121.62 of the Revised Code ~~if the person is convicted of or~~ 1279  
~~pleads guilty to committing on or after the effective date of~~ 1280  
~~this section any felony offense listed or described in divisions~~ 1281  
~~(A) (1) to (6) of section 101.721 of the Revised Code in the~~ 1282  
~~circumstances specified in the particular division in a manner~~ 1283  
consistent with section 9.79 of the Revised Code. 1284

(B) If an executive agency lobbyist has registered with 1285  
the ~~joint legislative ethics committee~~ under division (A) or (B) 1286  
of section 121.62 of the Revised Code and, on or after ~~the~~ 1287  
~~effective date of this section~~ May 13, 2008, and during the 1288  
period during which the registration is valid, the executive 1289  
agency lobbyist is convicted of or pleads guilty to any felony 1290  
offense listed or described in ~~divisions (A) (1) to (6)~~ division 1291  
(B) (2) of section 101.721 of the Revised Code in the 1292  
circumstances specified in the particular division, the ~~joint-~~ 1293  
~~legislative ethics committee~~ immediately upon becoming aware of 1294  
the conviction or guilty plea shall terminate the registration 1295  
of the person as an executive agency lobbyist, and, after the 1296  
termination, ~~the ban imposed under division (A) of this section~~ 1297

~~applies to the person from registering as an executive agency~~ 1298  
~~lobbyist.~~ 1299

(C) The ban imposed under ~~divisions (A) and~~ division (B) 1300  
of this section is a lifetime ban, and the offender is forever 1301  
disqualified from registering as an executive agency lobbyist 1302  
under section 121.62 of the Revised Code. 1303

(D) For purposes of ~~divisions (A) and~~ division (B) of this 1304  
section, a violation of section 2923.32 of the Revised Code or 1305  
any other violation or offense that includes as an element a 1306  
course of conduct or the occurrence of multiple acts is 1307  
"committed on or after ~~the effective date of this section~~ May 1308  
13, 2008," if the course of conduct continues, one or more of 1309  
the multiple acts occurs, or the subject person's accountability 1310  
for the course of conduct or for one or more of the multiple 1311  
acts continues, on or after ~~the effective date of this section~~ 1312  
May 13, 2008. 1313

**Sec. 147.01.** (A) The secretary of state may appoint and 1314  
commission as notaries public as many persons who meet the 1315  
qualifications of division (B) of this section as the secretary 1316  
of state considers necessary. 1317

(B) In order for a person to qualify to be appointed and 1318  
commissioned as a notary public, the person shall demonstrate to 1319  
the secretary of state that the person satisfies all of the 1320  
following: 1321

(1) The person has attained the age of eighteen years. 1322

(2) (a) Except as provided in division (B) (2) (b) of this 1323  
section, the person is a legal resident of this state. 1324

(b) The person is not a legal resident of this state, but 1325  
is an attorney admitted to the practice of law in this state by 1326

the Ohio supreme court, and has the person's principal place of 1327  
business or the person's primary practice in this state. 1328

(3) (a) Except as provided in division (B) (3) (b) of this 1329  
section, the person has submitted a criminal records check 1330  
report completed within the preceding six months in accordance 1331  
with section 147.022 of the Revised Code demonstrating that the 1332  
applicant has not been convicted of or pleaded guilty or no 1333  
contest to a disqualifying offense, ~~or any offense under an~~ 1334  
~~existing or former law of this state, any other state, or the~~ 1335  
~~United States that is substantially equivalent to such a~~ 1336  
~~disqualifying offense~~ as determined in accordance with section 1337  
9.79 of the Revised Code. 1338

(b) An attorney admitted to the practice of law in this 1339  
state shall not be required to submit a criminal records check 1340  
when applying to be appointed a notary public. 1341

(4) (a) Except as provided in divisions (B) (4) (b) and (c) 1342  
of this section, the person has successfully completed an 1343  
educational program and passed a test administered by the 1344  
entities authorized by the secretary of state as required under 1345  
section 147.021 of the Revised Code. 1346

(b) An attorney who is commissioned as a notary public in 1347  
this state prior to ~~the effective date of this amendment~~ 1348  
September 20, 2019, shall not be required to complete an 1349  
education program or pass a test as required in division (B) (4) 1350  
(a) of this section. 1351

(c) Any attorney who applies to become commissioned as a 1352  
notary public in this state after ~~the effective date of this~~ 1353  
~~amendment~~ September 20, 2019, shall not be required to pass a 1354  
test as required in division (B) (4) (a) of this section, but 1355

shall be required to complete an education program required by 1356  
that division. 1357

(C) A notary public shall be appointed and commissioned as 1358  
a notary public for the state. The secretary of state may revoke 1359  
a commission issued to a notary public upon presentation of 1360  
satisfactory evidence of official misconduct or incapacity. 1361

(D) The secretary of state shall oversee the processing of 1362  
notary public applications and shall issue all notary public 1363  
commissions. The secretary of state shall oversee the creation 1364  
and maintenance of the online database of notaries public 1365  
commissioned in this state pursuant to section 147.051 of the 1366  
Revised Code. The secretary of state may perform all other 1367  
duties as required by this section. The entities authorized by 1368  
the secretary of state pursuant to section 147.021 or 147.63 of 1369  
the Revised Code shall administer the educational program and 1370  
required test or course of instruction and examination, as 1371  
applicable. 1372

(E) All submissions to the secretary of state for 1373  
receiving and renewing commissions, or notifications made under 1374  
section 147.05 of the Revised Code, shall be done 1375  
electronically. 1376

**Sec. 147.011.** As used in this chapter: 1377

(A) "Acknowledgment" means a notarial act in which the 1378  
signer of the notarized document acknowledges all of the 1379  
following: 1380

(1) That the signer has signed the document; 1381

(2) That the signer understands the document; 1382

(3) That the signer is aware of the consequences of 1383

executing the document by signing it. 1384

(B) "Criminal records check" has the same meaning as in 1385  
section 109.572 of the Revised Code. 1386

(C) ~~"Disqualifying offense" means a crime of moral-~~ 1387  
~~turpitude as defined in section 4776.10 of the Revised Code and~~ 1388  
~~a violation of a provision of Chapter 2913. of the Revised Code.~~ 1389

~~(D)~~ "Jurat" means a notarial act in which both of the 1390  
following are met: 1391

(1) The signer of the notarized document is required to 1392  
give an oath or affirmation that the statement in the notarized 1393  
document is true and correct; 1394

(2) The signer signs the notarized document in the 1395  
presence of a notary public. 1396

~~(E)~~ (D) "Notarial certificate" means the part of, or 1397  
attachment to, a document that is completed by the notary public 1398  
and upon which the notary public places the notary public's 1399  
signature and seal. 1400

**Sec. 147.05.** (A) The secretary of state shall maintain a 1401  
record of the commissions of each notary public appointed and 1402  
commissioned by the secretary of state under this chapter and 1403  
make a proper index to that record. 1404

The governor's office shall transfer to the secretary of 1405  
state's office, on or after June 6, 2001, the record of notaries 1406  
public formerly kept by the governor's office under section 1407  
107.10 of the Revised Code. The secretary of state's office 1408  
shall maintain that record together with the record and index of 1409  
commissions of notaries public required by this division. 1410

(B) If a notary public legally changes the notary public's 1411



name or address after having been commissioned as a notary 1412  
public, the notary public shall notify the secretary of state 1413  
within thirty days after the name or address change. Such a 1414  
notification shall be on a form prescribed by the secretary of 1415  
state. 1416

(C) A notary who resigns the person's commission shall 1417  
deliver to the secretary of state, on a form prescribed by the 1418  
secretary of state, a written notice indicating the effective 1419  
date of resignation. 1420

(D) (1) A notary shall inform the secretary of state of 1421  
being convicted of or pleading guilty or no contest to ~~any~~ 1422  
~~disqualifying offense, as defined in section 147.011 a crime of~~ 1423  
moral turpitude as defined in section 4776.10 of the Revised 1424  
Code, a violation of a provision of Chapter 2913. of the Revised 1425  
Code, or any offense under an existing or former law of this 1426  
state, any other state, or the United States that is 1427  
substantially equivalent to such a disqualifying offense during 1428  
the term of the notary's commission. 1429

(2) The secretary of state shall revoke the commission of 1430  
any person who is convicted of or pleads guilty or no contest to 1431  
a disqualifying offense, including an attorney licensed to 1432  
practice law in this state. 1433

**Sec. 169.16.** (A) No person, on behalf of any other person, 1434  
shall engage in any activity for the purpose of locating, 1435  
delivering, recovering, or assisting in the recovery of 1436  
unclaimed funds or contents of a safe deposit box, and receive a 1437  
fee, compensation, commission, or other remuneration for such 1438  
activity, without first having obtained a certificate of 1439  
registration from the director of commerce in accordance with 1440  
this section. 1441

(B) An application for a certificate of registration shall 1442  
be in writing and in the form prescribed by the director. The 1443  
application shall be accompanied by a recent full-face color 1444  
photograph of the applicant and notarized ~~character~~ reference 1445  
letters from two reputable ~~character~~ witnesses. The application 1446  
shall, at a minimum, provide all of the following: 1447

(1) The applicant's full name, home address, and work 1448  
address; 1449

(2) The name, address, and telephone number of the two 1450  
~~character~~ witnesses who have provided the ~~character~~ reference 1451  
letters; 1452

(3) A statement that the applicant has not, during the 1453  
ten-year period immediately preceding the submission of the 1454  
application, violated division (A) of this section on or after 1455  
the effective date of this section, or division (C) of section 1456  
169.13 of the Revised Code, ~~or~~; 1457

(4) A statement that the applicant has not been convicted 1458  
of, or pleaded guilty to, ~~any felony or any~~ disqualifying 1459  
~~offense involving moral turpitude, including theft, attempted~~ 1460  
~~theft, falsification, tampering with records, securing writings~~ 1461  
~~by deception, fraud, forgery, and perjury as determined in~~ 1462  
accordance with section 9.79 of the Revised Code; 1463

~~(4)~~ (5) The notarized signature of the applicant 1464  
immediately following an acknowledgment that any false or 1465  
perjured statement subjects the applicant to criminal liability 1466  
under section 2921.13 of the Revised Code. 1467

(C) Upon the filing of the application with the division 1468  
of unclaimed funds, the division may investigate the applicant 1469  
to verify the information provided in the application and to 1470

determine the applicant's eligibility for a certificate of registration under this section. False information on an application is grounds for the denial or revocation of the applicant's certificate of registration.

(D) The director shall issue a certificate of registration to an applicant if the director finds that the following conditions are met:

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

(2) The applicant has not been convicted of, or pleaded guilty to, any felony or any disqualifying offense involving moral turpitude, including theft, attempted theft, falsification, tampering with records, securing writings by deception, fraud, forgery, and perjury as determined in accordance with section 9.79 of the Revised Code.

~~(2)~~ (3) The applicant's ~~character and~~ general fitness command the confidence of the public and warrant the belief that the applicant's business will be conducted honestly and fairly.

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

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

(2) The applicant meets the conditions set forth in ~~division (D)~~ divisions (D) (1) and (3) of this section.

(3) The applicant has not, during the ten-year period 1499  
immediately preceding the submission of the renewal application 1500  
but excluding any time before the initial issuance of the 1501  
certificate of registration, been convicted of, or pleaded 1502  
guilty to, any felony or any offense involving moral turpitude, 1503  
including theft, attempted theft, falsification, tampering with 1504  
records, securing writings by deception, fraud, forgery, and 1505  
perjury. 1506

(4) The applicant's certificate of registration is not 1507  
subject to an order of revocation by the director. 1508

**Sec. 169.17.** (A) After notice and an opportunity for a 1509  
hearing conducted in accordance with Chapter 119. of the Revised 1510  
Code and except as provided in division (B) of this section, the 1511  
director of commerce shall revoke or refuse to issue or renew a 1512  
certificate of registration if the director finds either of the 1513  
following: 1514

(1) During the immediately preceding ten-year period, the 1515  
person violated division (A) of section 169.16 on or after the 1516  
effective date of this section, or division (C) of section 1517  
169.13 of the Revised Code, or has been convicted of, or pleaded 1518  
guilty to, any felony or any offense involving moral turpitude, 1519  
including theft, attempted theft, falsification, tampering with 1520  
records, securing writings by deception, fraud, forgery, and 1521  
perjury. 1522

(2) The person's character and general fitness do not 1523  
command the confidence of the public or warrant the belief that 1524  
the person's business will be conducted honestly and fairly. 1525

(B) The director shall not refuse to issue a license to a 1526  
person for reasons related to the person's character. The 1527

director shall not refuse to issue a license to a person because 1528  
of a conviction of or plea of guilty to an offense unless the 1529  
refusal is in accordance with section 9.79 of the Revised Code. 1530

(C) The director may investigate alleged violations of 1531  
division (C) of section 169.13 or division (A) of section 169.16 1532  
of the Revised Code or complaints concerning any such violation. 1533  
The director may make application to the court of common pleas 1534  
for an order enjoining any such violation and, upon a showing by 1535  
the director that a person has committed or is about to commit 1536  
such a violation, the court shall grant an injunction, 1537  
restraining order, or other appropriate relief. 1538

~~(C)~~(D) In conducting any investigation pursuant to this 1539  
section, the director may compel, by subpoena, witnesses to 1540  
testify in relation to any matter over which the director has 1541  
jurisdiction and may require the production of any book, record, 1542  
or other document pertaining to that matter. If a person fails 1543  
to file any statement or report, obey any subpoena, give 1544  
testimony, produce any book, record, or other document as 1545  
required by a subpoena, or permit photocopying of any book, 1546  
record, or other document subpoenaed, the court of common pleas 1547  
of any county in this state, upon application made to it by the 1548  
director, shall compel obedience by attachment proceedings for 1549  
contempt, as in the case of disobedience of the requirements of 1550  
a subpoena issued from the court or a refusal to testify 1551  
therein. 1552

~~(D)~~(E) If the director determines that a person is 1553  
engaged in or is believed to be engaged in activities that may 1554  
constitute a violation of division (C) of section 169.13 or 1555  
division (A) of section 169.16 of the Revised Code, the 1556  
director, after notice and a hearing conducted in accordance 1557

with Chapter 119. of the Revised Code, may issue a cease and 1558  
desist order. Such an order shall be enforceable in the court of 1559  
common pleas. 1560

**Sec. 173.381.** (A) As used in this section: 1561

(1) "Community-based long-term care services" means 1562  
community-based long-term care services, as defined in section 1563  
173.14 of the Revised Code, that are provided under a program 1564  
the department of aging administers. 1565

(2) "Community-based long-term care services certificate" 1566  
means a certificate issued under section 173.391 of the Revised 1567  
Code. 1568

(3) "Community-based long-term care services contract or 1569  
grant" means a contract or grant awarded under section 173.392 1570  
of the Revised Code. 1571

(4) "Criminal records check" has the same meaning as in 1572  
section 109.572 of the Revised Code. 1573

(5) "~~Disqualifying Post-issuance disqualifying offense~~" 1574  
means any of the offenses listed or described in divisions (A) 1575  
(3) (a) to (e) of section 109.572 of the Revised Code. 1576

(6) "Provider" has the same meaning as in section 173.39 1577  
of the Revised Code. 1578

(7) "Self-employed provider" means a provider who works 1579  
for the provider's self and has no employees. 1580

(B) This section does not apply to any individual who is 1581  
subject to a database review or criminal records check under 1582  
section 3701.881 of the Revised Code. 1583

(C) (1) ~~The Except as provided in division (C) (3) of this~~ 1584

section, the department of aging or its designee shall take the 1585  
following actions when the circumstances specified in division 1586  
(C) (2) of this section apply: 1587

(a) Refuse to issue a community-based long-term care 1588  
services certificate to a self-employed provider; 1589

(b) Revoke a self-employed provider's community-based 1590  
long-term care services certificate; 1591

(c) Refuse to award a community-based long-term care 1592  
services contract or grant to a self-employed provider; 1593

(d) Terminate a self-employed provider's community-based 1594  
long-term care services contract or grant awarded on or after 1595  
September 15, 2014. 1596

(2) The following are the circumstances that require the 1597  
department of aging or its designee to take action under 1598  
division (C) (1) of this section: 1599

(a) A review of the databases listed in division (E) of 1600  
this section reveals any of the following: 1601

(i) That the self-employed provider is included in one or 1602  
more of the databases listed in divisions (E) (1) to (5) of this 1603  
section; 1604

(ii) That there is in the state nurse aide registry 1605  
established under section 3721.32 of the Revised Code a 1606  
statement detailing findings by the director of health that the 1607  
self-employed provider abused, neglected, or exploited a long- 1608  
term care facility or residential care facility resident or 1609  
misappropriated property of such a resident; 1610

(iii) That the self-employed provider is included in one 1611  
or more of the databases, if any, specified in rules adopted 1612

under this section and the rules require the department or its 1613  
designee to take action under division (C) (1) of this section if 1614  
a self-employed provider is included in such a database. 1615

(b) After the self-employed provider is provided, pursuant 1616  
to division (F) (2) (a) of this section, a copy of the form 1617  
prescribed pursuant to division (C) (1) of section 109.572 of the 1618  
Revised Code and the standard impression sheet prescribed 1619  
pursuant to division (C) (2) of that section, the self-employed 1620  
provider fails to complete the form or provide the self-employed 1621  
provider's fingerprint impressions on the standard impression 1622  
sheet. 1623

(c) Unless the self-employed provider meets standards 1624  
specified in rules adopted under this section, the self-employed 1625  
provider is found by a criminal records check required by this 1626  
section to have been convicted of, pleaded guilty to, or been 1627  
found eligible for intervention in lieu of conviction for a 1628  
post-issuance disqualifying offense. 1629

(3) The department of aging or its designee shall not 1630  
refuse to issue an initial community-based long-term care 1631  
services certificate or an initial community-based long-term 1632  
care services contract or grant to a self-employed provider 1633  
because the provider was convicted of, pleaded guilty to, or was 1634  
found eligible for intervention in lieu of conviction for an 1635  
offense unless the refusal is in accordance with section 9.79 of 1636  
the Revised Code. 1637

(D) The department of aging or its designee shall inform 1638  
each self-employed provider of both of the following at the time 1639  
of the self-employed provider's initial application for a 1640  
community-based long-term care services certificate or initial 1641  
bid for a community-based long-term care services contract or 1642



grant: 1643

(1) That a review of the databases listed in division (E) 1644  
of this section will be conducted to determine whether the 1645  
department or its designee is required by division (C) of this 1646  
section to refuse to issue or award a community-based long-term 1647  
care services certificate or community-based long-term care 1648  
services contract or grant to the self-employed provider; 1649

(2) That, unless the database review reveals that the 1650  
department or its designee is required to refuse to issue or 1651  
award a community-based long-term care services certificate or 1652  
community-based long-term care services contract or grant to the 1653  
self-employed provider, a criminal records check of the self- 1654  
employed provider will be conducted and the self-employed 1655  
provider is required to provide a set of the self-employed 1656  
provider's fingerprint impressions as part of the criminal 1657  
records check. 1658

(E) As a condition of issuing or awarding a community- 1659  
based long-term care services certificate or community-based 1660  
long-term care services contract or grant to a self-employed 1661  
provider, the department of aging or its designee shall conduct 1662  
a database review of the self-employed provider in accordance 1663  
with rules adopted under this section. If rules adopted under 1664  
this section so require, the department or its designee shall 1665  
conduct a database review of a self-employed provider in 1666  
accordance with the rules as a condition of not revoking or 1667  
terminating the self-employed provider's community-based long- 1668  
term care services certificate or community-based long-term care 1669  
services contract or grant. A database review shall determine 1670  
whether the self-employed provider is included in any of the 1671  
following: 1672

- (1) The excluded parties list system that is maintained by 1673  
the United States general services administration pursuant to 1674  
subpart 9.4 of the federal acquisition regulation and available 1675  
at the federal web site known as the system for award 1676  
management; 1677
- (2) The list of excluded individuals and entities 1678  
maintained by the office of inspector general in the United 1679  
States department of health and human services pursuant to the 1680  
"Social Security Act," 42 U.S.C. 1320a-7 and 1320c-5; 1681
- (3) The registry of developmental disabilities employees 1682  
established under section 5123.52 of the Revised Code; 1683
- (4) The internet-based sex offender and child-victim 1684  
offender database established under division (A)(11) of section 1685  
2950.13 of the Revised Code; 1686
- (5) The internet-based database of inmates established 1687  
under section 5120.66 of the Revised Code; 1688
- (6) The state nurse aide registry established under 1689  
section 3721.32 of the Revised Code; 1690
- (7) Any other database, if any, specified in rules adopted 1691  
under this section. 1692
- (F)(1) As a condition of issuing or awarding a community- 1693  
based long-term care services certificate or community-based 1694  
long-term care services contract or grant to a self-employed 1695  
provider, the department of aging or its designee shall request 1696  
that the superintendent of the bureau of criminal identification 1697  
and investigation conduct a criminal records check of the self- 1698  
employed provider. If rules adopted under this section so 1699  
require, the department or its designee shall request that the 1700  
superintendent conduct a criminal records check of a self- 1701

employed provider at times specified in the rules as a condition 1702  
of not revoking or terminating the self-employed provider's 1703  
community-based long-term care services certificate or 1704  
community-based long-term care services contract or grant. 1705  
However, the department or its designee is not required to 1706  
request the criminal records check of the self-employed provider 1707  
if the department or its designee, because of circumstances 1708  
specified in division (C)(2)(a) of this section, is required to 1709  
refuse to issue or award a community-based long-term care 1710  
services certificate or community-based long-term care services 1711  
contract or grant to the self-employed provider or to revoke or 1712  
terminate the self-employed provider's certificate or contract 1713  
or grant. 1714

If a self-employed provider for whom a criminal records 1715  
check request is required by this section does not present proof 1716  
of having been a resident of this state for the five-year period 1717  
immediately prior to the date the criminal records check is 1718  
requested or provide evidence that within that five-year period 1719  
the superintendent has requested information about the self- 1720  
employed provider from the federal bureau of investigation in a 1721  
criminal records check, the department or its designee shall 1722  
request that the superintendent obtain information from the 1723  
federal bureau of investigation as part of the criminal records 1724  
check. Even if a self-employed provider for whom a criminal 1725  
records check request is required by this section presents proof 1726  
of having been a resident of this state for the five-year 1727  
period, the department or its designee may request that the 1728  
superintendent include information from the federal bureau of 1729  
investigation in the criminal records check. 1730

(2) The department or its designee shall do all of the 1731  
following: 1732

(a) Provide to each self-employed provider for whom a criminal records check request is required by this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet prescribed pursuant to division (C)(2) of that section; 1733  
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(b) Obtain the completed form and standard impression sheet from the self-employed provider; 1738  
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(c) Forward the completed form and standard impression sheet to the superintendent. 1740  
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(3) The department or its designee shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check of a self-employed provider the department or its designee requests under this section. The department or its designee may charge the self-employed provider a fee that does not exceed the amount the department or its designee pays to the bureau. 1742  
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(G) The report of any criminal records check of a self-employed provider conducted pursuant to a request made under this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following: 1750  
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1752  
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(1) The self-employed provider or the self-employed provider's representative; 1755  
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(2) The department of aging, the department's designee, or a representative of the department or its designee; 1757  
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(3) The medicaid director and the staff of the department of medicaid who are involved in the administration of the medicaid program if the self-employed provider is to provide, or 1759  
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1761

provides, community-based long-term care services under a 1762  
component of the medicaid program that the department of aging 1763  
administers; 1764

(4) A court, hearing officer, or other necessary 1765  
individual involved in a case dealing with any of the following: 1766

(a) A refusal to issue or award a community-based long- 1767  
term services certificate or community-based long-term care 1768  
services contract or grant to the self-employed provider; 1769

(b) A revocation or termination of the self-employed 1770  
provider's community-based long-term care services certificate 1771  
or community-based long-term care services contract or grant; 1772

(c) A civil or criminal action regarding a program the 1773  
department of aging administers. 1774

(H) In a tort or other civil action for damages that is 1775  
brought as the result of an injury, death, or loss to person or 1776  
property caused by a self-employed provider, both of the 1777  
following shall apply: 1778

(1) If the department of aging or its designee, in good 1779  
faith and reasonable reliance on the report of a criminal 1780  
records check requested under this section, issued or awarded a 1781  
community-based long-term care services certificate or 1782  
community-based long-term care services contract or grant to the 1783  
self-employed provider or did not revoke or terminate the self- 1784  
employed provider's certificate or contract or grant, the 1785  
department and its designee shall not be found negligent solely 1786  
because of its reliance on the report, even if the information 1787  
in the report is determined later to have been incomplete or 1788  
inaccurate. 1789

(2) If the department or its designee in good faith issued 1790

or awarded a community-based long-term care services certificate 1791  
or community-based long-term care services contract or grant to 1792  
the self-employed provider ~~or~~ because the self-employed provider 1793  
satisfied a determination under section 9.79 of the Revised 1794  
Code, the department and its designee shall not be found 1795  
negligent solely because the self-employed provider has been 1796  
convicted of, pleaded guilty to, or been found eligible for 1797  
intervention in lieu of conviction for an offense specified by 1798  
the department under section 9.79 of the Revised Code. 1799

(3) If the department or its designee in good faith did 1800  
not revoke or terminate the self-employed provider's certificate 1801  
or contract or grant because the self-employed provider meets 1802  
standards specified in rules adopted under this section, the 1803  
department and its designee shall not be found negligent solely 1804  
because the self-employed provider has been convicted of, 1805  
pleaded guilty to, or been found eligible for intervention in 1806  
lieu of conviction for a post-issuance disqualifying offense. 1807

(I) The director of aging shall adopt rules in accordance 1808  
with Chapter 119. of the Revised Code to implement this section. 1809

(1) The rules may do the following: 1810

(a) Require self-employed providers who have been issued 1811  
or awarded community-based long-term care services certificates 1812  
or community-based long-term care services contracts or grants 1813  
to undergo database reviews and criminal records checks under 1814  
this section; 1815

(b) If the rules require self-employed providers who have 1816  
been issued or awarded community-based long-term care services 1817  
certificates or community-based long-term care services 1818  
contracts or grants to undergo database reviews and criminal 1819

records checks under this section, exempt one or more classes of 1820  
such self-employed providers from the requirements; 1821

(c) For the purpose of division (E)(7) of this section, 1822  
specify other databases that are to be checked as part of a 1823  
database review conducted under this section. 1824

(2) The rules shall specify all of the following: 1825

(a) The procedures for conducting database reviews under 1826  
this section; 1827

(b) If the rules require self-employed providers who have 1828  
been issued or awarded community-based long-term care services 1829  
certificates or community-based long-term care services 1830  
contracts or grants to undergo database reviews and criminal 1831  
records checks under this section, the times at which the 1832  
database reviews and criminal records checks are to be 1833  
conducted; 1834

(c) If the rules specify other databases to be checked as 1835  
part of the database reviews, the circumstances under which the 1836  
department of aging or its designee is required to refuse to 1837  
issue or award a community-based long-term care services 1838  
certificate or community-based long-term care services contract 1839  
or grant to a self-employed provider or to revoke or terminate a 1840  
self-employed provider's certificate or contract or grant when 1841  
the self-employed provider is found by a database review to be 1842  
included in one or more of those databases; 1843

(d) Standards that a self-employed provider must meet for 1844  
the department or its designee ~~to be permitted to issue or award~~ 1845  
~~a community-based long-term care services certificate or~~ 1846  
~~community-based long-term care services contract or grant to the~~ 1847  
~~self-employed provider or~~ not to revoke or terminate the self- 1848

employed provider's certificate or contract or grant if the 1849  
self-employed provider is found by a criminal records check 1850  
required by this section to have been convicted of, pleaded 1851  
guilty to, or been found eligible for intervention in lieu of 1852  
conviction for a post-issuance disqualifying offense. 1853

**Sec. 173.391.** (A) Subject to section 173.381 of the 1854  
Revised Code, the department of aging or its designee shall do 1855  
all of the following in accordance with Chapter 119. of the 1856  
Revised Code: 1857

(1) Certify a provider to provide community-based long- 1858  
term care services under a program the department administers if 1859  
the provider satisfies the requirements for certification 1860  
established by rules adopted under division (B) of this section 1861  
and pays the fee, if any, established by rules adopted under 1862  
division (G) of this section; 1863

(2) When required to do so by rules adopted under division 1864  
(B) of this section, take one or more of the following 1865  
disciplinary actions against a provider certified under division 1866  
(A) (1) of this section: 1867

(a) Issue a written warning; 1868

(b) Require the submission of a plan of correction or 1869  
evidence of compliance with requirements identified by the 1870  
department; 1871

(c) Suspend referrals; 1872

(d) Remove clients; 1873

(e) Impose a fiscal sanction such as a civil monetary 1874  
penalty or an order that unearned funds be repaid; 1875

(f) Suspend the certification; 1876



(g) Revoke the certification;	1877
(h) Impose another sanction.	1878
(3) Except as provided in division (E) of this section,	1879
hold hearings when there is a dispute between the department or	1880
its designee and a provider concerning actions the department or	1881
its designee takes regarding a decision not to certify the	1882
provider under division (A) (1) of this section or a disciplinary	1883
action under divisions (A) (2) (e) to (h) of this section.	1884
(B) The director of aging shall adopt rules in accordance	1885
with Chapter 119. of the Revised Code establishing certification	1886
requirements and standards for determining which type of	1887
disciplinary action to take under division (A) (2) of this	1888
section in individual situations. The rules shall establish	1889
procedures for all of the following:	1890
(1) Ensuring that providers comply with sections 173.38	1891
and 173.381 of the Revised Code;	1892
(2) Evaluating the services provided by the providers to	1893
ensure that the services are provided in a quality manner	1894
advantageous to the individual receiving the services;	1895
(3) In a manner consistent with section 173.381 of the	1896
Revised Code, determining when to take disciplinary action under	1897
division (A) (2) of this section and which disciplinary action to	1898
take;	1899
(4) Determining what constitutes another sanction for	1900
purposes of division (A) (2) (h) of this section.	1901
(C) The procedures established in rules adopted under	1902
division (B) (2) of this section shall require that all of the	1903
following be considered as part of an evaluation described in	1904

division (B) (2) of this section:	1905
(1) The provider's experience and financial responsibility;	1906 1907
(2) The provider's ability to comply with standards for the community-based long-term care services that the provider provides under a program the department administers;	1908 1909 1910
(3) The provider's ability to meet the needs of the individuals served;	1911 1912
(4) Any other factor the director considers relevant.	1913
(D) The rules adopted under division (B) (3) of this section shall specify that the reasons disciplinary action may be taken under division (A) (2) of this section include good cause, including misfeasance, malfeasance, nonfeasance, confirmed abuse or neglect, financial irresponsibility, or other conduct the director determines is injurious, or poses a threat, to the health or safety of individuals being served.	1914 1915 1916 1917 1918 1919 1920
(E) Subject to <del>division</del> <u>divisions</u> (F) (1) and (2) of this section, the department is not required to hold hearings under division (A) (3) of this section if any of the following conditions apply:	1921 1922 1923 1924
(1) Rules adopted by the director of aging pursuant to this chapter require the provider to be a party to a provider agreement; hold a license, certificate, or permit; or maintain a certification, any of which is required or issued by a state or federal government entity other than the department of aging, and either of the following is the case:	1925 1926 1927 1928 1929 1930
(a) The provider agreement has not been entered into or the license, certificate, permit, or certification has not been	1931 1932

obtained or maintained. 1933

(b) The provider agreement, license, certificate, permit,  
or certification has been denied, revoked, not renewed, or  
suspended or has been otherwise restricted. 1934  
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(2) The provider's certification under this section has  
been denied, suspended, or revoked for any of the following  
reasons: 1937  
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(a) A government entity of this state, other than the  
department of aging, has terminated or refused to renew any of  
the following held by, or has denied any of the following sought  
by, a provider: a provider agreement, license, certificate,  
permit, or certification. Division (E) (2) (a) of this section  
applies regardless of whether the provider has entered into a  
provider agreement in, or holds a license, certificate, permit,  
or certification issued by, another state. 1940  
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(b) The provider or a principal owner or manager of the  
provider who provides direct care has entered a guilty plea for,  
or has been convicted of, an offense materially related to the  
medicaid program. 1948  
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(c) A principal owner or manager of the provider who  
provides direct care has entered a guilty plea for, been  
convicted of, or been found eligible for intervention in lieu of  
conviction for an offense listed or described in divisions (A)  
(3) (a) to (e) of section 109.572 of the Revised Code, but only  
if the provider, principal owner, or manager does not meet  
standards specified by the director in rules adopted under  
section 173.38 of the Revised Code. 1952  
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(d) The department or its designee is required by section  
173.381 of the Revised Code to deny or revoke the provider's 1960  
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certification.	1962
(e) The United States department of health and human services has taken adverse action against the provider and that action impacts the provider's participation in the medicaid program.	1963 1964 1965 1966
(f) The provider has failed to enter into or renew a provider agreement with the PASSPORT administrative agency, as that term is defined in section 173.42 of the Revised Code, that administers programs on behalf of the department of aging in the region of the state in which the provider is certified to provide services.	1967 1968 1969 1970 1971 1972
(g) The provider has not billed or otherwise submitted a claim to the department for payment under the medicaid program in at least two years.	1973 1974 1975
(h) The provider denied or failed to provide the department or its designee access to the provider's facilities during the provider's normal business hours for purposes of conducting an audit or structural compliance review.	1976 1977 1978 1979
(i) The provider has ceased doing business.	1980
(j) The provider has voluntarily relinquished its certification for any reason.	1981 1982
(3) The provider's provider agreement with the department of medicaid has been suspended under division (C) of section 5164.37 of the Revised Code.	1983 1984 1985
(4) The provider's provider agreement with the department of medicaid is denied or revoked because the provider or its owner, officer, authorized agent, associate, manager, or employee has been convicted of an offense that caused the	1986 1987 1988 1989

provider agreement to be suspended under section 5164.37 of the Revised Code. 1990  
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(F) (1) If the department does not hold hearings when any condition described in division (E) of this section applies, the department may send a notice to the provider describing a decision not to certify the provider under division (A) (1) of this section or the disciplinary action the department proposes to take under ~~division~~ divisions (A) (2) (e) to (h) of this section. The notice shall be sent to the provider's address that is on record with the department and may be sent by regular mail. 1992  
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(2) Notwithstanding division (E) (2) (c) of this section, the director shall not refuse to certify a provider under division (A) (1) of this section because the provider was convicted of, pleaded guilty to, or was found eligible for intervention in lieu of conviction for an offense unless the refusal is in accordance with section 9.79 of the Revised Code. 2001  
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(G) The director of aging may adopt rules in accordance with Chapter 119. of the Revised Code establishing a fee to be charged by the department of aging or its designee for certification issued under this section. 2007  
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All fees collected by the department or its designee under this section shall be deposited in the state treasury to the credit of the provider certification fund, which is hereby created. Money credited to the fund shall be used to pay for community-based long-term care services, administrative costs associated with provider certification under this section, and administrative costs related to the publication of the Ohio long-term care consumer guide. 2011  
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**Sec. 903.05.** (A) Each application for a permit to install 2019  
or permit to operate a concentrated animal feeding facility that 2020  
is submitted by an applicant who has not owned or operated a 2021  
concentrated animal feeding facility in this state for at least 2022  
two of the five years immediately preceding the submission of 2023  
the application shall be accompanied by all of the following: 2024

(1) A listing of all animal feeding facilities that the 2025  
applicant or any person identified by the applicant under 2026  
division (C)(1) of section 903.02 or 903.03 of the Revised Code 2027  
owns, has owned, has operated, or is operating in this state; 2028

(2) A listing of the animal feeding facilities that the 2029  
applicant or any person identified by the applicant under 2030  
division (C)(1) of section 903.02 or 903.03 of the Revised Code 2031  
owns, has owned, has operated, or is operating elsewhere in the 2032  
United States and that are regulated under the Federal Water 2033  
Pollution Control Act together with a listing of the animal 2034  
feeding facilities that the applicant or any such person owns, 2035  
has owned, has operated, or is operating outside the United 2036  
States; 2037

(3) A listing of all administrative enforcement orders 2038  
issued to the applicant or any person identified by the 2039  
applicant under division (C)(1) of section 903.02 or 903.03 of 2040  
the Revised Code, all civil actions in which the applicant or 2041  
any such person was determined by the trier of fact to be liable 2042  
in damages or was the subject of injunctive relief or another 2043  
type of civil relief, and all criminal actions in which the 2044  
applicant or any such person pleaded guilty or was convicted, 2045  
during the five years immediately preceding the submission of 2046  
the application, in connection with any violation of the Federal 2047  
Water Pollution Control Act, the "Safe Drinking Water Act," as 2048

defined in section 6109.01 of the Revised Code, or any other 2049  
applicable state laws pertaining to environmental protection 2050  
that was alleged to have occurred or to be occurring at any 2051  
animal feeding facility that the applicant or any such person 2052  
owns, has owned, has operated, or is operating in the United 2053  
States or with any violation of the environmental laws of 2054  
another country that was alleged to have occurred or to be 2055  
occurring at any animal feeding facility that the applicant or 2056  
any such person owns, has owned, has operated, or is operating 2057  
outside the United States. 2058

The lists of animal feeding facilities owned or operated 2059  
by the applicant or any person identified by the applicant under 2060  
division (C) (1) of section 903.02 or 903.03 of the Revised Code 2061  
within or outside this state or outside the United States shall 2062  
include, respectively, all such facilities owned or operated by 2063  
the applicant or any such person during the five-year period 2064  
immediately preceding the submission of the application. 2065

(B) If the applicant for a permit to install or permit to 2066  
operate or any person identified by the applicant under division 2067  
(C) (1) of section 903.02 or 903.03 of the Revised Code has been 2068  
involved in any prior activity involving the operation of an 2069  
animal feeding facility, the director of agriculture may, except 2070  
as provided in division (E) of this section, deny the 2071  
application if the director finds from the application, the 2072  
information submitted under divisions (A) (1) to (3) of this 2073  
section, pertinent information submitted to the director, and 2074  
other pertinent information obtained by the director at the 2075  
director's discretion that the applicant and any such person, in 2076  
the operation of animal feeding facilities, have a history of 2077  
substantial noncompliance with the Federal Water Pollution 2078  
Control Act, the "Safe Drinking Water Act," as defined in 2079

section 6109.01 of the Revised Code, any other applicable state 2080  
laws pertaining to environmental protection, or the 2081  
environmental laws of another country that indicates that the 2082  
applicant or any such person lacks sufficient reliability, 2083  
expertise, and competence to operate the proposed new or 2084  
modified concentrated animal feeding facility in substantial 2085  
compliance with this chapter and rules adopted under it. 2086

(C) A person who seeks to acquire or operate a 2087  
concentrated animal feeding facility that has been issued an 2088  
installation permit that has been transferred from the director 2089  
of environmental protection to the director of agriculture, a 2090  
permit to install, or a permit to operate shall submit to the 2091  
director the information specified in divisions (A)(1) to (3) of 2092  
this section prior to the transfer of the permit. The permit 2093  
shall not, except as provided in division (E) of this section, 2094  
be transferred as otherwise provided in division (I) of section 2095  
903.09 of the Revised Code if the director finds from the 2096  
information submitted under divisions (A)(1) to (3) of this 2097  
section, pertinent information submitted to the director, and 2098  
other pertinent information obtained by the director at the 2099  
director's discretion that the person, in the operation of 2100  
animal feeding facilities, has a history of substantial 2101  
noncompliance with the Federal Water Pollution Control Act, the 2102  
"Safe Drinking Water Act," as defined in section 6109.01 of the 2103  
Revised Code, any other applicable state laws pertaining to 2104  
environmental protection, or the environmental laws of another 2105  
country that indicates that the person lacks sufficient 2106  
reliability, expertise, and competence to operate the 2107  
concentrated animal feeding facility in substantial compliance 2108  
with this chapter and rules adopted under it. 2109

(D) An owner or operator of a concentrated animal feeding 2110



facility that has been issued an installation permit that has 2111  
been transferred from the director of environmental protection 2112  
to the director of agriculture, a permit to install, or a permit 2113  
to operate shall submit to the director notice of any proposed 2114  
change in the persons identified to the director under division 2115  
(C) (1) of section 903.02 or 903.03 of the Revised Code, as 2116  
applicable. The director may deny approval of the proposed 2117  
change if the director finds from the information submitted 2118  
under divisions (A) (1) to (3) of this section, pertinent 2119  
information submitted to the director, and other pertinent 2120  
information obtained by the director at the director's 2121  
discretion that the proposed person, in the operation of animal 2122  
feeding facilities, has a history of substantial noncompliance 2123  
with the Federal Water Pollution Control Act, the "Safe Drinking 2124  
Water Act," as defined in section 6109.01 of the Revised Code, 2125  
any other applicable state laws pertaining to environmental 2126  
protection, or the environmental laws of another country that 2127  
indicates that the person lacks sufficient reliability, 2128  
expertise, and competence to operate the concentrated animal 2129  
feeding facility in substantial compliance with this chapter and 2130  
rules adopted under it. 2131

(E) The director shall not deny an application for or a 2132  
transfer of a permit to install or a permit to operate a 2133  
concentrated animal feeding facility because of a criminal 2134  
conviction unless the refusal is in accordance with section 9.79 2135  
of the Revised Code. 2136

**Sec. 921.23.** ~~The~~ (A) Except as provided in division (B) of 2137  
this section, the director of agriculture may suspend, prior to 2138  
a hearing, for not longer than ten days, and after the 2139  
opportunity for a hearing may deny, suspend, revoke, refuse to 2140  
renew, or modify any provision of any license, permit, or 2141

registration issued pursuant to this chapter if the director 2142  
finds that the applicant or the holder of a license, permit, or 2143  
registration is no longer qualified, has violated any provision 2144  
of this chapter or rules adopted under it, has been found guilty 2145  
of violating the federal act, or has been convicted of a 2146  
misdemeanor involving moral turpitude or of a felony. 2147

(B) The director shall not deny a license, permit, or 2148  
registration issued pursuant to this chapter because an 2149  
applicant was convicted of or pleaded guilty to an offense 2150  
unless the refusal is in accordance with section 9.79 of the 2151  
Revised Code. 2152

**Sec. 926.05.** (A) Each person desiring to obtain or renew a 2153  
handler's license shall file an application annually with the 2154  
director of agriculture at such times, on such forms, and 2155  
containing such information as the director prescribes, 2156  
including, if applicable, the appointment of a statutory agent 2157  
under section 926.051 of the Revised Code. 2158

(B) Each application for a license or license renewal 2159  
shall be accompanied by an application fee of two hundred 2160  
dollars for the first facility operated by the applicant plus 2161  
one hundred dollars for each additional facility operated by the 2162  
same applicant and by an examination fee, established by rule of 2163  
the director pursuant to section 926.02 of the Revised Code, for 2164  
each facility operated by the applicant. "Facility" means all 2165  
warehouse storage located on one premises, including any 2166  
additional warehouse storage located within one thousand yards 2167  
of that premises. The director may charge fees for examinations 2168  
in an amount not to exceed those fees charged by the United 2169  
States department of agriculture for comparable examinations. 2170

The director shall deposit all fees collected under this 2171

section in the commodity handler regulatory program fund created 2172  
in section 926.19 of the Revised Code. 2173

(C) The director shall approve or reject each application 2174  
for a license within fifteen days after receipt thereof, 2175  
provided that such application is in proper form and contains 2176  
the information required under division (A) of this section. A 2177  
rejection of an application shall be accompanied by a statement 2178  
from the director of the additional requirements necessary for a 2179  
license. The applicant may resubmit the application without 2180  
payment of any additional fee. 2181

(D) A handler's license shall expire on the date 2182  
prescribed by rule of the director. Whenever the director 2183  
considers it advisable to cancel the unexpired portion of an 2184  
outstanding license in order to renew it according to a new or 2185  
existing system of expiration dates, the director shall refund 2186  
to the handler the unexpired portion of the fees paid under 2187  
division (B) of this section. Whenever the director issues an 2188  
initial license on a date that does not conform to the existing 2189  
system, the director shall issue the license for a period of 2190  
time, not less than six nor more than eighteen months, that 2191  
makes the date conform to the existing system. The application 2192  
fee for that initial license shall be proportionate to the fee 2193  
for a one-year license. 2194

(E) An application for renewal of a handler's license 2195  
shall be filed with the director not later than thirty days 2196  
before the current license expires. An applicant who fails to 2197  
file a renewal application in time shall pay a late fee of one 2198  
dollar for each day the application is late or fifteen dollars, 2199  
whichever is greater. A renewal license shall not be issued 2200  
until a late fee that is due has been paid. 2201

(F) The director, with the approval of the commodity advisory commission, may, except as provided in division (E) of this section, revoke or refuse to issue or renew a handler's license if any of the following occurred within five years before the application for the license or renewal was filed:

(1) The applicant, or the spouse, parent, sibling, or child of the applicant, or a manager employed by the applicant, or any other individual materially involved in the agricultural commodity handling business of the applicant was a principal in a receivership or insolvency that resulted in losses to creditors or to the agricultural commodity depositories fund established in section 926.16 of the Revised Code;

(2) The applicant pled guilty to or was convicted of any felony or charge of embezzlement under the laws of this state, any other state, or of the United States;

(3) The applicant made a delivery of commodities not authorized under this chapter;

(4) The applicant's license under the "United States Warehouse Act," 39 Stat. 486 (1916), 7 U.S.C. 241, as amended, was revoked or canceled due to a violation of that act.

(E) The director shall not refuse to issue a handler's license because an applicant was convicted of or pleaded guilty to an offense unless the refusal is in accordance with section 9.79 of the Revised Code.

**Sec. 935.06.** (A) Not later than ninety days after receipt of an application under section 935.05 of the Revised Code, the director of agriculture shall issue or deny a wildlife shelter permit. The director shall issue a permit to an applicant only if all of the following apply:

- (1) The applicant is eighteen years of age or older. 2231
- (2) The applicant has registered the dangerous wild animal 2232  
or animals that are the subject of the application under section 2233  
935.04 of the Revised Code. 2234
- (3) The applicant is in compliance with the standards of 2235  
care established in rules adopted under division (A) (2) of 2236  
section 935.17 of the Revised Code. 2237
- (4) The applicant has sterilized each male dangerous wild 2238  
animal that is possessed by the applicant. However, a dangerous 2239  
wild animal is not required to be sterilized if a veterinarian 2240  
that is qualified to provide veterinary care to the dangerous 2241  
wild animal determines that the sterilization is medically 2242  
contraindicated and the applicant has submitted a copy of the 2243  
veterinarian's written determination with the applicant's 2244  
application. 2245
- (5) The applicant has signed an affidavit attesting that 2246  
the applicant will not allow members of the public to be in 2247  
physical contact with a dangerous wild animal possessed by the 2248  
applicant. Division (A) (5) of this section does not apply to an 2249  
employee of the applicant or a volunteer who has entered into a 2250  
written agreement with the applicant to work for or volunteer 2251  
for the applicant and assists in the care of a dangerous wild 2252  
animal or animals specified in division (C) (20) of section 2253  
935.01 of the Revised Code possessed by the applicant if the 2254  
care is provided under the direction of the applicant. 2255
- (6) The applicant has not been convicted of or pleaded 2256  
guilty to a ~~felony drug abuse offense, an offense of violence~~ 2257  
~~that is a felony, or a violation of section 959.13 or 959.131 of~~ 2258  
~~the Revised Code or of section 2927.21 of the Revised Code as~~ 2259

~~that section existed prior to its repeal by S.B. 310 of the~~ 2260  
~~129th general assembly, a disqualifying offense as determined by~~ 2261  
~~a in accordance with section 9.79 of the Revised Code and a~~ 2262  
criminal records check performed in accordance with division (B) 2263  
of this section. 2264

(7) The facility at which a dangerous wild animal or 2265  
dangerous wild animals will be maintained under the permit 2266  
consists of at least one acre. Division (A) (7) of this section 2267  
does not apply to either of the following: 2268

(a) Dangerous wild animals specified in division (C) (20) 2269  
of section 935.01 of the Revised Code; 2270

(b) An applicant to whom the director issues a written 2271  
waiver stating that the acreage requirement does not apply to 2272  
the applicant. 2273

(8) The applicant has signed an affidavit attesting that 2274  
the facility at which a dangerous wild animal or dangerous wild 2275  
animals will be maintained under the permit and the conditions 2276  
in which each dangerous wild animal will be kept in that 2277  
facility are in compliance with this chapter and rules. 2278

(9) The applicant has submitted a complete application 2279  
that meets the requirements established in section 935.05 of the 2280  
Revised Code. 2281

(10) The applicant has submitted the applicable fee under 2282  
section 935.05 of the Revised Code. 2283

If a permit is issued, the director shall assign a unique 2284  
identification number to the permit. 2285

(B) Prior to issuing or denying a wildlife shelter permit, 2286  
the director shall submit a request to the bureau of criminal 2287

identification and investigation in the office of the attorney 2288  
general for a criminal records check of the applicant for the 2289  
permit. Upon receipt of a request, the superintendent of the 2290  
bureau shall conduct a criminal records check in the manner 2291  
described in division (B) of section 109.572 of the Revised Code 2292  
to determine whether any information exists that indicates that 2293  
the applicant previously has been convicted of or pleaded guilty 2294  
to any of the following: 2295

(1) A felony drug abuse offense; 2296

(2) An offense of violence that is a felony; 2297

(3) A violation of section 959.13 or 959.131 of the 2298  
Revised Code or of section 2927.21 of the Revised Code as that 2299  
section existed prior to its repeal by S.B. 310 of the 129th 2300  
general assembly. 2301

The applicant is responsible for paying all costs 2302  
associated with the criminal records check. 2303

(C) If a permit application is denied, two hundred fifty 2304  
dollars of the permit application fee shall be retained by the 2305  
director as payment for the reasonable expense of processing the 2306  
application, and the remainder of the fee shall be returned to 2307  
the applicant. 2308

(D) Not later than the first day of December of each year, 2309  
a permit holder shall apply to the director, on a form 2310  
prescribed and provided by the director, for a renewal of the 2311  
permit if the permit holder intends to retain possession of the 2312  
dangerous wild animal or animals that are identified in the 2313  
permit. Not later than thirty days after receipt of an 2314  
application for renewal, the director shall renew or deny the 2315  
renewal of the permit. The director shall renew the permit if 2316

the permit holder complies with this chapter and rules and pays 2317  
a renewal fee in the same amount as the fee established for the 2318  
initial permit in section 935.05 of the Revised Code. If a 2319  
renewal permit is denied, two hundred fifty dollars of the 2320  
renewal fee shall be retained by the director as payment for the 2321  
reasonable expense of processing the application, and the 2322  
remainder of the renewal fee shall be returned to the applicant. 2323

(E) If the director denies an application for a permit or 2324  
a renewal of a permit, the director shall notify the person of 2325  
the denial, the grounds for the denial, and the person's right 2326  
to an adjudication under Chapter 119. of the Revised Code. 2327

(F) If a person does not appeal the determination of the 2328  
director to deny an application for a permit or a renewal of a 2329  
permit or if the determination of the director is affirmed under 2330  
Chapter 119. of the Revised Code, not later than thirty days 2331  
after the decision not to appeal or after the determination is 2332  
affirmed, as applicable, the person shall transfer the dangerous 2333  
wild animal or animals that the person possesses to a humane 2334  
society, wildlife sanctuary, rescue facility, facility that is 2335  
an accredited member of either the association of zoos and 2336  
aquariums or the zoological association of America, or facility 2337  
that is located in another state and that complies with that 2338  
state's applicable laws. After the transfer has occurred, the 2339  
person shall submit proof to the director that the dangerous 2340  
wild animal or animals were transferred and shall specify the 2341  
society, sanctuary, or facility to which the animal or animals 2342  
were transferred. 2343

The person is responsible for all costs associated with 2344  
the transfer of the dangerous wild animal or animals. 2345

(G) If a person that has been issued a wildlife shelter 2346



permit under this section or a wildlife propagation permit under 2347  
section 935.07 of the Revised Code dies, the person's next of 2348  
kin shall do one of the following: 2349

(1) If the next of kin wishes to possess the dangerous 2350  
wild animal or animals, obtain a wildlife shelter permit under 2351  
this section or a wildlife propagation permit under section 2352  
935.07 of the Revised Code, as applicable. That next of kin 2353  
shall comply with this chapter and rules, except that, with 2354  
respect to the next of kin's initial permit, the person need not 2355  
pay the applicable permit application fee. 2356

(2) If the deceased person has a last will and testament 2357  
that specifies that the dangerous wild animal or animals 2358  
possessed by the person are to be transferred to another person 2359  
that has been issued a wildlife shelter permit, wildlife 2360  
propagation permit, or rescue facility permit issued under this 2361  
chapter, transfer the dangerous wild animal or animals to the 2362  
applicable permit holder; 2363

(3) Transfer the dangerous wild animal or animals that 2364  
were possessed by the deceased person in accordance with 2365  
division (F) of this section. 2366

(H) All fees collected under this section shall be 2367  
credited to the dangerous and restricted animal fund created in 2368  
section 935.25 of the Revised Code. 2369

**Sec. 943.03.** (A) (1) Application for a license as a dealer 2370  
or broker shall be made in writing to the department of 2371  
agriculture. The application shall state the nature of the 2372  
business, the municipal corporation, township, and county, and 2373  
the post-office address of the location where the business is to 2374  
be conducted, the name of any employee authorized to act in the 2375

dealer's or broker's behalf, and such additional information as 2376  
the department prescribes. 2377

The applicant shall satisfy the department of the 2378  
applicant's ~~character and~~ good faith in seeking to engage in 2379  
such business. The department shall issue to the applicant a 2380  
license to conduct the business of a dealer or broker at the 2381  
place named in the application. Licenses, unless revoked, shall 2382  
expire annually on the thirty-first day of March and shall be 2383  
renewed according to the standard renewal procedure of sections 2384  
4745.01 to 4745.03 of the Revised Code. 2385

(2) No license shall be issued by the department to a 2386  
dealer or broker having weighing facilities until the applicant 2387  
has filed with the department a copy of a scale test certificate 2388  
showing the weighing facilities to be in satisfactory condition, 2389  
a copy of the license of each weigher employed by the applicant, 2390  
and a certificate of inspection by the department showing 2391  
livestock market facilities to be in satisfactory sanitary 2392  
condition. 2393

(3) Except as provided in division (A) (4) of this section, 2394  
no license shall be issued by the department until the applicant 2395  
has furnished proof of financial responsibility. Except as 2396  
provided in division (C) of this section, such proof may be in 2397  
the following forms: 2398

(a) A bond of a surety company authorized to do business 2399  
in this state in the form prescribed by and to the satisfaction 2400  
of the department, conditioned for the payment of a judgment 2401  
against the applicant furnishing the bond and arising out of the 2402  
failure of such dealer or broker to pay for the livestock 2403  
purchased for the dealer's or broker's own or for the accounts 2404  
of others or to pay when due to the person entitled thereto the 2405

gross amount, less lawful charges, for which all of the 2406  
livestock is sold. The amount of bond required, the termination 2407  
of the bond, and the limitation on filing claims against the 2408  
dealer or broker or their surety shall be the same as prescribed 2409  
in division (B) of this section. 2410

(b) A deposit with a trustee acceptable to the department 2411  
of the required amount in money or negotiable bonds of the 2412  
United States or of this state or of a political subdivision of 2413  
this state of that par or face value, or any combination 2414  
thereof, for the purpose of securing the payment of a judgment 2415  
against the dealer or broker furnishing the deposit and arising 2416  
out of the failure of the dealer or broker to pay for the 2417  
livestock purchased for the dealer's or broker's own or for the 2418  
accounts of others, or to pay when due to the person entitled 2419  
thereto the gross amount, less lawful charges, for which all of 2420  
the livestock is sold. The deposit shall be made under a deposit 2421  
agreement acceptable to the department. The deposit is not 2422  
subject to attachment for any other claim or levy of execution 2423  
upon a judgment based on any other claims. 2424

(4) An applicant for a license as a dealer or broker of 2425  
poultry is not required to maintain financial responsibility or 2426  
furnish proof of financial responsibility. 2427

(B) Any person damaged by failure of a dealer or broker to 2428  
pay for the livestock purchased for the dealer's or broker's or 2429  
for the accounts of others or to pay when due to the person 2430  
entitled thereto the gross amount, less lawful charges, for 2431  
which all of the livestock is sold may maintain an action 2432  
against the broker or dealer and the sureties on the bonds, or 2433  
the trustee, provided for in this section. The aggregate 2434  
liability of the sureties or trustee for all such damage shall 2435

not exceed the amount of the bond or deposit. 2436

Unless the person damaged files a claim with the dealer or 2437  
broker and the sureties or trustee within sixty days from the 2438  
date of the transaction on which the claim is based, the person 2439  
shall be barred from maintaining an action on the bond or for 2440  
the application of the deposit. Upon the filing of a claim, the 2441  
claimant shall notify the department of that action. 2442

The amount of the bond or deposit shall not be less than 2443  
the nearest multiple of one thousand dollars above the average 2444  
daily value of livestock sold by the dealer or broker for the 2445  
accounts of others and livestock purchased by the dealer or 2446  
broker for the dealer's or broker's or for the accounts of 2447  
others on the dealer's or broker's ten largest business days 2448  
during the preceding twelve months or such part thereof as the 2449  
dealer or broker was purchasing, selling, or exchanging 2450  
livestock. In no case shall the amount of the bond or deposit 2451  
total less than ten thousand dollars. 2452

Whenever the amount of bond or deposit calculated as above 2453  
specified exceeds fifty thousand dollars, the amount of the bond 2454  
shall be fifty thousand dollars plus ten per cent of the 2455  
valuation in excess of fifty thousand dollars. 2456

In no case shall the bond or deposit covering the business 2457  
of the dealer or broker be less than the amount specified above 2458  
or such higher amount as may be specified by the "Packer and 2459  
Stockyards Act of 1921," 42 Stat. 159, 7 U.S.C.A. 181, as 2460  
amended. 2461

Whenever in the judgment of the department the business 2462  
volume of the licensee is such as to render the bond or deposit 2463  
inadequate, the amount of the bond or deposit shall be adjusted, 2464

upon thirty days' notice, to meet sections 943.01 to 943.18 of 2465  
the Revised Code and rules adopted under them. All of the bonds 2466  
or deposit agreements shall contain a provision requiring that 2467  
at least thirty days' prior notice in writing be given to the 2468  
department and the packers and stockyards administration of the 2469  
United States department of agriculture by the party terminating 2470  
the bonds or deposit agreements in order to effect termination, 2471  
except that a bond may be terminated as of the effective date of 2472  
a replacement bond. 2473

The termination of a bond shall not release the parties 2474  
from any liability arising out of facts or transactions 2475  
occurring prior to the termination date. 2476

The termination of a deposit agreement shall neither 2477  
release the party furnishing the deposit from any liability 2478  
arising out of acts or transactions occurring prior to the 2479  
termination date, nor shall the trustee permit the withdrawal of 2480  
the deposit until after sixty days after the termination date, 2481  
and then only if no claims under the agreement have been filed 2482  
with the trustee. If any claims have been filed with the 2483  
trustee, the withdrawal of the deposit shall not be permitted 2484  
until the claims have been satisfied or released and evidence of 2485  
the satisfaction or release filed with the trustee. 2486

(C) If approved by the director of agriculture, in lieu of 2487  
the bond or deposit required in division (A) (3) of this section, 2488  
a broker or dealer subject to the "Packers and Stockyards Act of 2489  
1921," 42 Stat. 159, 7 U.S.C.A. 181, as amended, may furnish 2490  
proof in a manner and form acceptable to the director that the 2491  
broker or dealer has an irrevocable letter of credit on file 2492  
with the packers and stockyards administration under regulations 2493  
adopted by the packers and stockyards administration in 9 C.F.R. 2494

201.35, as amended. 2495

(D) No licensed livestock dealer or broker shall employ as 2496  
an employee a person who, as a dealer or broker, previously 2497  
defaulted on contracts pertaining to the purchase, exchange, or 2498  
sale of livestock until the licensee does both of the following: 2499

(1) Increases the value of the dealer's or broker's bond, 2500  
deposit, or letter of credit, in addition to the amount of any 2501  
other bond, deposit, or letter of credit required by this 2502  
section, by an amount equal to that owed by such person for the 2503  
purchase, exchange, or sale of livestock prior to being employed 2504  
by the licensee; 2505

(2) Signs and files with the director an agreement that 2506  
guarantees, without condition, all contracts pertaining to the 2507  
purchase, exchange, or sale of livestock made by such person 2508  
while in the employ of the licensee. The agreement shall be in 2509  
addition to any other proof of financial responsibility required 2510  
by this section. The director shall prescribe the form and 2511  
content of the agreement. 2512

(E) No licensed livestock dealer or broker shall employ a 2513  
person whose dealer's or broker's license was revoked or is 2514  
suspended. 2515

**Sec. 943.031.** (A) Application for a license as a small 2516  
dealer shall be made in writing to the department of 2517  
agriculture. The application shall state the nature of the 2518  
business, the municipal corporation or township, county, and 2519  
post-office address of the location where the business is to be 2520  
conducted, the name of any employee who is authorized to act in 2521  
the small dealer's behalf, and any additional information that 2522  
the department prescribes. 2523

(B) The applicant shall satisfy the department of the 2524  
applicant's ~~character and~~ good faith in seeking to engage in the 2525  
business of a small dealer. The department then shall issue to 2526  
the applicant a license to conduct the business of a small 2527  
dealer at the place named in the application. Licenses, unless 2528  
revoked, shall expire annually on the thirty-first day of March 2529  
and shall be renewed according to the standard renewal procedure 2530  
established in sections 4745.01 to 4745.03 of the Revised Code. 2531

(C) No license shall be issued by the department to a 2532  
small dealer having weighing facilities until the applicant has 2533  
filed with the department a copy of a scale test certificate 2534  
showing the weighing facilities to be in satisfactory condition, 2535  
a copy of the license of each weigher employed by the applicant, 2536  
and a certificate of inspection by the department showing 2537  
livestock market facilities to be in satisfactory sanitary 2538  
condition. 2539

(D) No licensed small dealer shall employ as an employee a 2540  
person who, as a small dealer, dealer, or broker, previously 2541  
defaulted on contracts pertaining to the purchase, exchange, or 2542  
sale of livestock until the licensee signs and files with the 2543  
director an agreement that guarantees, without condition, all 2544  
contracts pertaining to the purchase, exchange, or sale of 2545  
livestock made by the person while in the employ of the 2546  
licensee. The director shall prescribe the form and content of 2547  
the agreement. 2548

(E) A licensed small dealer is not required to maintain 2549  
financial responsibility or furnish proof of financial 2550  
responsibility. 2551

**Sec. 943.05.** (A) (1) The director of agriculture may, 2552  
except as provided in division (A) (2) of this section, refuse to 2553

grant or may suspend a small dealer's, dealer's, or broker's 2554  
license, without prior hearing, after determining from evidence 2555  
presented to the director that there is reasonable cause to 2556  
believe any of the following situations exist: 2557

~~(1)~~ (a) Where the applicant or licensee or an employee has 2558  
violated the laws of the state or official regulations governing 2559  
the interstate or intrastate movement, shipment, or 2560  
transportation of animals, or has been convicted of a crime 2561  
involving moral turpitude or convicted of a felony; 2562

~~(2)~~ (b) Where there have been false or misleading 2563  
statements as to the health or physical condition of the animals 2564  
with regard to official tests or quantity of animals, or the 2565  
practice of fraud or misrepresentation in connection therewith 2566  
or in the buying or receiving of animals or receiving, selling, 2567  
exchanging, soliciting, or negotiating the sale, resale, 2568  
exchange, weighing, or shipment of animals; 2569

~~(3)~~ (c) Where the applicant or licensee acts as a small 2570  
dealer, dealer, or broker for a person attempting to conduct 2571  
business in violation of section 943.02 of the Revised Code, 2572  
after the notice of the violation has been given to the licensee 2573  
by the department of agriculture; 2574

~~(4)~~ (d) Where the applicant or licensee or employee fails 2575  
to practice measures of sanitation, disinfection, and inspection 2576  
as required by sections 943.01 to 943.18 of the Revised Code, or 2577  
prescribed by the department, of premises or vehicles used for 2578  
the yarding, holding, or transporting of animals; 2579

~~(5)~~ (e) Where there has been a failure to keep records 2580  
required by the department or where there is a refusal on the 2581  
part of the applicant or licensee or employee to produce records 2582



of transactions in the carrying on of the business for which the license is granted; 2583  
2584

~~(6)~~ (f) Where the applicant or licensee providing weighing facilities used for, in connection with, or incident to the purchase or sale of livestock for the account of the licensee or others, fails to maintain and operate the weighing facilities in accordance with sections 943.08 and 943.10 of the Revised Code; 2585  
2586  
2587  
2588  
2589

~~(7)~~ (g) Where the applicant or licensee in the conduct of the business covered by the license fails to maintain and operate weighing facilities in accordance with sections 943.08 and 943.10 of the Revised Code or fails to cause its livestock to be weighed by licensed weighers as provided in those sections; 2590  
2591  
2592  
2593  
2594  
2595

~~(8)~~ (h) With regard to a dealer or broker licensee, where the licensee fails to maintain a bond or deposit, or letter of credit, if applicable, or fails to adjust the bond or deposit upon thirty days' notice or refuses or neglects to pay the fees or inspection charges required to be paid; 2596  
2597  
2598  
2599  
2600

~~(9)~~ (i) Where the licensee has been suspended by order of the secretary of agriculture of the United States department of agriculture under provisions of the "Packers and Stockyards Act of 1921," 42 Stat. 159, 7 U.S.C.A. 181, as amended; 2601  
2602  
2603  
2604

~~(10)~~ (j) With regard to a dealer or broker licensee, where the surety company, trustee, or issuer of a letter of credit of the licensee issues a notice of termination of the licensee's bond agreement, deposit agreement, or letter of credit; 2605  
2606  
2607  
2608

~~(11)~~ (k) Where the applicant has had a small dealer's, dealer's, or broker's license revoked or has had a small dealer's, dealer's, or broker's license suspended two or more 2609  
2610  
2611

times in the previous five years. 2612

(2) The director shall not refuse to grant a small 2613  
dealer's, dealer's, or broker's license because of an 2614  
applicant's criminal conviction unless the refusal is in 2615  
accordance with section 9.79 of the Revised Code. 2616

(B) When the director refuses to grant or suspends a small 2617  
dealer's, dealer's, or broker's license, the director or the 2618  
director's designee may hand deliver the order. The licensee to 2619  
whom a suspension order is issued shall be afforded a hearing in 2620  
accordance with Chapter 119. of the Revised Code, after which 2621  
the director shall reinstate, revoke, or suspend for a longer or 2622  
indefinite period the suspended license. 2623

**Sec. 956.03.** (A) The director of agriculture shall adopt 2624  
rules in accordance with Chapter 119. of the Revised Code 2625  
establishing all of the following: 2626

(1) Requirements and procedures governing high volume 2627  
breeders, including the licensing and inspection of and record 2628  
keeping by high volume breeders, in addition to the requirements 2629  
and procedures established in this chapter. The rules shall 2630  
include a requirement that a high volume breeder keep and 2631  
maintain a record of veterinary care for each dog kept, housed, 2632  
and maintained by the high volume breeder. The rules shall 2633  
require the records to be kept and maintained for three years 2634  
after the care is provided by a veterinarian. 2635

(2) Requirements and procedures for conducting background 2636  
investigations of each applicant for a license issued under 2637  
section 956.04 of the Revised Code in order to determine if the 2638  
applicant has been convicted of or pleaded guilty to ~~any of the~~ 2639  
~~violations specified in division (A)(2) of section 956.15 of the~~ 2640

~~Revised Code~~ an offense the director determines is a 2641  
disqualifying offense under section 9.79 of the Revised Code; 2642

(3) Requirements and procedures governing dog brokers, 2643  
including the licensing of and record keeping by dog brokers, in 2644  
addition to the requirements and procedures established in this 2645  
chapter; 2646

(4) The form of applications for licenses issued under 2647  
this chapter and the information that is required to be 2648  
submitted in the applications; 2649

(5) The form of an application for registration and 2650  
registration renewal as an animal rescue for dogs under this 2651  
chapter and the information that is required to be provided with 2652  
a registration or registration renewal, including the name and 2653  
address of each foster home that an animal rescue for dogs 2654  
utilizes; 2655

(6) A requirement that each high volume breeder submit to 2656  
the director, with an application for a high volume breeder 2657  
license, evidence of insurance or, in the alternative, evidence 2658  
of a surety bond payable to the state to ensure compliance with 2659  
this chapter and rules adopted under it. The face value of the 2660  
insurance coverage or bond shall be in the following amounts: 2661

(a) Five thousand dollars for high volume breeders 2662  
keeping, housing, and maintaining not more than twenty-five 2663  
adult dogs; 2664

(b) Ten thousand dollars for high volume breeders keeping, 2665  
housing, and maintaining at least twenty-six adult dogs, but not 2666  
more than fifty adult dogs; 2667

(c) Fifty thousand dollars for high volume breeders 2668  
keeping, housing, and maintaining more than fifty adult dogs. 2669

The rules shall require that the insurance be payable to 2670  
the state or that the surety bond be subject to redemption by 2671  
the state, as applicable, upon a suspension or revocation of a 2672  
high volume breeder license for the purpose of paying for the 2673  
maintenance and care of dogs that are seized or otherwise 2674  
impounded from the high volume breeder in accordance with this 2675  
chapter. 2676

(7) (a) For high volume breeders, standards of care 2677  
governing all of the following: 2678

(i) Housing; 2679

(ii) Nutrition; 2680

(iii) Exercise; 2681

(iv) Grooming; 2682

(v) Biosecurity and disease control; 2683

(vi) Waste management; 2684

(vii) Whelping; 2685

(viii) Any other general standards of care for dogs. 2686

(b) In adopting rules under division (A) (7) (a) of this 2687  
section, the director shall consider the following factors, 2688  
without limitation: 2689

(i) Best management practices for the care and well-being 2690  
of dogs; 2691

(ii) Biosecurity; 2692

(iii) The prevention of disease; 2693

(iv) Morbidity and mortality data; 2694

(v) Generally accepted veterinary medical standards and 2695  
ethical standards established by the American veterinary medical 2696  
association; 2697

(vi) Standards established by the United States department 2698  
of agriculture under the federal animal welfare act as defined 2699  
in section 959.131 of the Revised Code. 2700

(8) Procedures for inspections conducted under section 2701  
956.10 of the Revised Code in addition to the procedures 2702  
established in that section, and procedures for making records 2703  
of the inspections; 2704

(9) (a) A requirement that an in-state retailer of a puppy 2705  
or adult dog provide to the purchaser the complete name, 2706  
address, and telephone number of all high volume breeders, dog 2707  
brokers, and private owners that kept, housed, or maintained the 2708  
puppy or adult dog prior to its coming into the possession of 2709  
the retailer or proof that the puppy or adult dog was acquired 2710  
through an animal rescue for dogs, animal shelter for dogs, or 2711  
humane society, or a valid health certificate from the state of 2712  
origin pertaining to the puppy or adult dog; 2713

(b) A requirement that an out-of-state retailer of a puppy 2714  
or adult dog that is conducting business in this state provide 2715  
to the purchaser a valid health certificate from the state of 2716  
origin pertaining to the puppy or adult dog and the complete 2717  
name, address, and telephone number of all breeders, brokers, 2718  
and private owners that kept, housed, or maintained the puppy or 2719  
adult dog prior to its coming into the possession of the 2720  
retailer or proof that the puppy or adult dog was acquired 2721  
through an animal rescue for dogs, animal shelter for dogs, or 2722  
humane society in this state or another state. 2723

(10) A requirement that a high volume breeder or a dog broker who advertises the sale of a puppy or adult dog include with the advertisement the vendor number assigned by the tax commissioner to the high volume breeder or to the dog broker if the sale of the puppy or dog is subject to the tax levied under Chapter 5739. of the Revised Code;

(11) A requirement that a licensed high volume breeder and a licensed dog broker comply with Chapter 5739. of the Revised Code. The rules shall authorize the director to suspend or revoke a license for failure to comply with that chapter. The director shall work in conjunction with the tax commissioner for the purposes of rules adopted under this division.

(12) Requirements and procedures governing pet stores, including requirements and procedures governing the initial licensing of pet stores and the renewal of pet store licenses;

(13) The application form for a license issued under division (A) of section 956.21 of the Revised Code and the information that is required to be submitted in the application;

(14) Requirements governing permanent implanted identification microchips for dogs to be sold at a pet store and by a dog broker;

(15) Any other requirements and procedures that are determined by the director to be necessary for the administration and enforcement of this chapter and rules adopted under it. However, rules adopted under this division shall not establish additional requirements and procedures governing animal rescues for dogs other than those adopted under division (A) (5) of this section.

(B) The director of agriculture may adopt rules in

accordance with Chapter 119. of the Revised Code establishing 2753  
disease testing protocols and vaccination requirements for dogs 2754  
to be sold at a pet store. 2755

**Sec. 956.15.** (A) The director of agriculture shall deny an 2756  
application for a license that is submitted under section 956.04 2757  
or 956.05 of the Revised Code for either of the following 2758  
reasons: 2759

(1) The applicant for the license has violated any 2760  
provision of this chapter or a rule adopted under it if the 2761  
violation materially threatens the health or welfare of a dog. 2762

(2) The applicant, ~~in the past twenty years,~~ has been 2763  
convicted of or pleaded guilty to ~~violating section 959.01,~~ 2764  
~~959.02, 959.03, 959.13, 959.131, 959.15, or 959.16 of the~~ 2765  
~~Revised Code or an equivalent municipal ordinance, or, in the~~ 2766  
~~past twenty years, has been convicted of or pleaded guilty to~~ 2767  
~~violating more than once section 2919.25 of the Revised Code or~~ 2768  
~~an equivalent municipal ordinance~~ a disqualifying offense as 2769  
determined in accordance with section 9.79 of the Revised Code. 2770

(B) The director may suspend or revoke a license issued 2771  
under this chapter for violation of any provision of this 2772  
chapter or a rule adopted or order issued under it if the 2773  
violation materially threatens the health and welfare of a dog. 2774

(C) An application or a license shall not be denied, 2775  
suspended, or revoked under this section without a written order 2776  
of the director stating the findings on which the denial, 2777  
suspension, or revocation is based. A copy of the order shall be 2778  
sent to the applicant or license holder by certified mail or may 2779  
be provided to the applicant or license holder by personal 2780  
service. In addition, the person to whom a denial, suspension, 2781

or revocation applies may request an adjudication hearing under 2782  
Chapter 119. of the Revised Code. The director shall comply with 2783  
such a request. The determination of the director at an 2784  
adjudication hearing may be appealed in accordance with section 2785  
119.12 of the Revised Code, except that the determination may be 2786  
appealed only to the environmental division of the Franklin 2787  
county municipal court. 2788

**Sec. 1119.05.** (A) (1) For each representative office a 2789  
foreign bank proposes to operate, the foreign bank shall first 2790  
submit to the superintendent of financial institutions an 2791  
application for preliminary approval of the representative 2792  
office. The superintendent shall approve or disapprove the 2793  
application within sixty days after accepting the application. 2794

(2) In determining whether to approve or disapprove the 2795  
foreign bank's application, the superintendent shall consider 2796  
all of the following: 2797

(a) Whether the foreign bank is subject to comprehensive 2798  
supervision and regulation on a consolidated basis by the 2799  
appropriate authorities in the country that granted its banking 2800  
charter; 2801

(b) Whether the management of the foreign bank and the 2802  
proposed management of the representative office are adequate; 2803

(c) Whether any controlling person of the foreign bank, 2804  
each director and executive officer of the foreign bank, and 2805  
each director and executive officer of any controlling person of 2806  
the foreign bank is competent and of ~~good character and~~ sound 2807  
financial standing; 2808

(d) Whether the capital and financial resources of the 2809  
foreign bank are adequate; 2810



(e) Whether the foreign bank is currently operating in compliance with applicable laws, regulations, and orders;	2811 2812
(f) Whether it is reasonable to believe the foreign bank will operate the representative office in compliance with applicable laws, regulations, and orders;	2813 2814 2815
(g) Any other reasonable criteria the superintendent may prescribe.	2816 2817
(B) The superintendent shall issue a license to a foreign bank to operate the representative office if all of the following have occurred:	2818 2819 2820
(1) The superintendent has approved the foreign bank's application for preliminary approval to operate the representative office under division (A) of this section.	2821 2822 2823
(2) The foreign bank has met all conditions of the superintendent's preliminary approval.	2824 2825
(3) The foreign bank has delivered to the superintendent an appointment of an agent for service of process, the agent's acknowledgment of the appointment, and the foreign bank's agreement to service of process upon the superintendent if reasonable efforts to serve the foreign bank's agent or place of business in this state are unsuccessful.	2826 2827 2828 2829 2830 2831
<b>Sec. 1119.08.</b> (A) (1) For each agency or branch a foreign bank proposes to operate, the foreign bank shall first submit to the superintendent of financial institutions an application for preliminary approval of the agency or branch. The superintendent shall determine whether to approve or disapprove the application within sixty days after accepting the application.	2832 2833 2834 2835 2836 2837
(2) In determining whether to approve or disapprove the	2838

foreign bank's application, the superintendent shall consider 2839  
all of the following: 2840

(a) Whether the foreign bank is subject to comprehensive 2841  
supervision and regulation on a consolidated basis by the 2842  
appropriate authorities in the country that granted its banking 2843  
charter; 2844

(b) Whether the management of the foreign bank and the 2845  
proposed management of the agency or branch are adequate; 2846

(c) Whether any controlling person of the foreign bank, 2847  
each director and executive officer of the foreign bank, and 2848  
each director and executive officer of any controlling person of 2849  
the foreign bank is competent and of ~~good character and~~ sound 2850  
financial standing; 2851

(d) Whether the capital and financial resources of the 2852  
foreign bank are adequate; 2853

(e) Whether the foreign bank is currently operating in a 2854  
safe and sound manner, and is in compliance with applicable 2855  
laws, regulations, and orders; 2856

(f) Whether it is reasonable to believe the foreign bank 2857  
will operate the agency or branch in a safe and sound manner, 2858  
and in compliance with applicable laws, regulations, and orders; 2859

(g) Any other reasonable criteria the superintendent may 2860  
prescribe. 2861

(B) The superintendent shall issue a license to a foreign 2862  
bank to operate the agency or branch if the following have 2863  
occurred: 2864

(1) The superintendent has approved the foreign bank's 2865  
application for preliminary approval to operate the agency or 2866

branch under division (A) of this section. 2867

(2) The foreign bank has met all conditions of the 2868  
superintendent's preliminary approval. 2869

(3) The foreign bank has delivered to the superintendent 2870  
an appointment of an agent for service of process, the agent's 2871  
acknowledgment of the appointment, and the foreign bank's 2872  
agreement to service of process upon the superintendent if 2873  
reasonable efforts to serve the foreign bank's agent or place of 2874  
business in this state are unsuccessful. 2875

(4) The foreign bank has pledged assets as required under 2876  
section 1119.09 of the Revised Code and maintains assets in this 2877  
state as required by section 1119.10 of the Revised Code. 2878

**Sec. 1315.04.** (A) (1) After accepting an application for a 2879  
money transmitter license described in section 1315.03 of the 2880  
Revised Code, the superintendent of financial institutions shall 2881  
examine all the facts and circumstances relating to the 2882  
application. 2883

(2) At the applicant's expense, the superintendent may 2884  
conduct an on-site examination of the applicant's books, 2885  
records, and operations. If the superintendent requests, the 2886  
applicant shall advance to the superintendent the 2887  
superintendent's estimate of the cost of the on-site 2888  
examination, with any unconsumed portion to be returned to the 2889  
applicant. 2890

(3) The applicant shall pay the cost of its examination 2891  
described in division (A) of this section, or any balance of the 2892  
cost of its examination in the case of an applicant that 2893  
advanced the estimated cost of its examination, within fourteen 2894  
days after receiving an invoice for payment. 2895

(B) In making a determination on an application described	2896
in division (A) (1) of this section, the superintendent shall	2897
consider all of the following:	2898
(1) The applicant's financial condition;	2899
(2) The applicant's business practices;	2900
(3) The applicant's and its directors', executive	2901
officers', and controlling persons' experience, competence,	2902
<del>character,</del> and history of compliance with applicable laws.	2903
(C) The superintendent shall not approve an application	2904
described in division (A) (1) of this section if the applicant	2905
does not meet both of the following requirements:	2906
(1) The applicant is a legally established business entity	2907
that is capitalized separately and distinctly from every other	2908
legal entity and is qualified to do business in this state.	2909
(2) The applicant has a minimum net worth of not less than	2910
five hundred thousand dollars, calculated according to generally	2911
accepted accounting principles, but excluding any assets that	2912
the superintendent disqualifies and including any off-balance	2913
sheet liabilities that the superintendent requires.	2914
(D) (1) In approving an application for a money transmitter	2915
license, the superintendent may impose any condition the	2916
superintendent determines to be appropriate.	2917
(2) When an applicant has satisfied all prior conditions	2918
imposed by the superintendent in approving the applicant's	2919
application for a money transmitter license and has provided a	2920
security device as required by section 1315.07 of the Revised	2921
Code, the superintendent shall issue the applicant a money	2922
transmitter license. A license issued pursuant to this section	2923

remains in force and effect until surrendered by the licensee 2924  
pursuant to section 1315.18 of the Revised Code or suspended or 2925  
revoked by the superintendent pursuant to section 1315.151 of 2926  
the Revised Code. 2927

(E) On or before the first day of July of each year, each 2928  
licensee shall pay to the superintendent an annual fee for 2929  
carrying on the business as a money transmitter, which fee is 2930  
established by the superintendent pursuant to division (B) of 2931  
section 1315.13 of the Revised Code. 2932

**Sec. 1315.101.** (A) After accepting an application to 2933  
acquire control of a licensee described in section 1315.10 of 2934  
the Revised Code, the superintendent of financial institutions 2935  
shall examine all of the facts and circumstances relating to the 2936  
application. 2937

(B) The superintendent shall approve the application 2938  
described in division (A) of this section if the superintendent 2939  
determines both of the following: 2940

(1) The competence, and experience, ~~and character~~ of the 2941  
applicant or applicants seeking to acquire control of a licensee 2942  
and the applicant's or applicants' general fitness to operate 2943  
the licensee or person in control of the licensee in a lawful 2944  
and proper manner are acceptable. 2945

(2) The interests of the public are not jeopardized by the 2946  
change of control. 2947

**Sec. 1315.23.** (A) Upon the filing of an application for an 2948  
original license to engage in the business of cashing checks, 2949  
and the payment of the fees for investigation and licensure, the 2950  
superintendent of financial institutions shall investigate the 2951  
financial condition and responsibility, ~~character~~, and general 2952

fitness of the applicant. As part of that investigation, the 2953  
superintendent shall request that the superintendent of the 2954  
bureau of criminal identification and investigation investigate 2955  
and determine, with respect to the applicant, whether the bureau 2956  
has any information gathered under section 109.57 of the Revised 2957  
Code that pertains to that applicant. 2958

(B) The superintendent shall issue a license, which shall 2959  
apply to all check-cashing business locations of the applicant, 2960  
if the superintendent determines that the applicant meets all 2961  
the following requirements: 2962

(1) The applicant is financially sound and has a net worth 2963  
of at least twenty-five thousand dollars. The applicant's net 2964  
worth shall be computed according to generally accepted 2965  
accounting principles. The applicant shall maintain a net worth 2966  
of at least twenty-five thousand dollars throughout the 2967  
licensure period. 2968

(2) The applicant ~~is a person of good character and has~~ 2969  
the ability and fitness in the capacity involved to engage in 2970  
the business of cashing checks. 2971

(3) The applicant has not been convicted of, or has not 2972  
pleaded guilty or no contest to, a felony disqualifying offense 2973  
determined in accordance with section 9.79 of the Revised Code. 2974

(4) The applicant has never had a check-cashing license 2975  
revoked. 2976

(C) (1) A license issued to a check-cashing business shall 2977  
remain in full force and effect through the thirty-first day of 2978  
December following its date of issuance, unless earlier 2979  
surrendered, suspended, or revoked. 2980

(2) Each check-cashing business shall conspicuously post 2981

and at all times display in every business location its check- 2982  
cashing license. No check-cashing license is transferable or 2983  
assignable. 2984

(D) A check-cashing business voluntarily may surrender its 2985  
license at any time by giving written notice to the 2986  
superintendent and sending, by certified mail, to the 2987  
superintendent all license documents issued to it pursuant to 2988  
sections 1315.21 to 1315.28 of the Revised Code. 2989

(E) (1) A check-cashing business annually may apply to the 2990  
superintendent for a renewal of its license on or after the 2991  
first day of December of the year in which its existing license 2992  
expires. 2993

(2) If a check-cashing business files an application for a 2994  
renewal license with the superintendent before the first day of 2995  
January of any year, the license sought to be renewed shall 2996  
continue in full force and effect until the issuance by the 2997  
superintendent of the renewal license applied for or until ten 2998  
days after the superintendent has given the check-cashing 2999  
business notice of the superintendent's refusal to issue a 3000  
renewal license. 3001

(F) The superintendent may, except as otherwise provided 3002  
in this division, suspend, revoke, or refuse an original or 3003  
renewal license for failure to comply with this section or for 3004  
any violation of section 1315.28 of the Revised Code. If a 3005  
suspension, revocation, or refusal of an original or renewal 3006  
license is based on a violation of section 1315.28 of the 3007  
Revised Code that is committed, without the licensee's 3008  
knowledge, at a check-cashing business location of the licensee, 3009  
the suspension or revocation applies only to that check-cashing 3010  
business location. In all other cases, a suspension, revocation, 3011

or refusal of an original or renewal license applies to all 3012  
check-cashing business locations of the licensee. The 3013  
superintendent shall not refuse an original license to an 3014  
applicant because of a criminal conviction unless the refusal is 3015  
in accordance with section 9.79 of the Revised Code. 3016

(G) No original or renewal license shall be suspended, 3017  
revoked, or refused except after a hearing in accordance with 3018  
Chapter 119. of the Revised Code. In suspending a license under 3019  
this division, the superintendent shall establish the length of 3020  
the suspension, provided that no suspension may be for a period 3021  
exceeding one year. The superintendent's decision to revoke, 3022  
suspend, or refuse an original or renewal license may be 3023  
appealed pursuant to Chapter 119. of the Revised Code. 3024

(H) Upon revocation of a license, the licensee shall 3025  
immediately send, by certified mail, all license documents 3026  
issued pursuant to sections 1310.21 to 1310.28 of the Revised 3027  
Code to the superintendent. 3028

(I) The superintendent may, in lieu of a suspension or 3029  
revocation of a license, impose a fine of not more than one 3030  
thousand dollars for each violation. 3031

**Sec. 1321.04.** Upon the filing of an application under 3032  
section 1321.03 of the Revised Code and payment of fees pursuant 3033  
to section 1321.20 of the Revised Code, the division of 3034  
financial institutions shall investigate the facts concerning 3035  
the applicant and the requirements provided for in divisions (A) 3036  
and (B) of this section. 3037

The division shall approve the application and issue and 3038  
deliver a license to the applicant if the division finds both of 3039  
the following: 3040



(A) That the financial responsibility, experience, 3041  
~~reputation,~~ and general fitness of the applicant and of the 3042  
members thereof, if the applicant is a partnership or an 3043  
association, and of the officers and directors thereof, if the 3044  
applicant is a corporation, are such as to warrant the belief 3045  
that the business will be operated lawfully, honestly, and 3046  
fairly under sections 1321.01 to 1321.19 of the Revised Code and 3047  
within the purposes of those sections, that the applicant has 3048  
fully complied with those sections, and that the applicant is 3049  
qualified to act as a licensed lender; 3050

(B) That the applicant has available for the operation of 3051  
such business cash or moneys deposited in a readily accessible 3052  
fund or account of not less than twenty-five thousand dollars. 3053

If the division does not so find, it shall enter an order 3054  
denying such application and forthwith notify the applicant of 3055  
the denial, the grounds for the denial, and the applicant's 3056  
reasonable opportunity to be heard on the action in accordance 3057  
with Chapter 119. of the Revised Code. In the event of denial, 3058  
the division shall return the license fee but shall retain the 3059  
investigation fee. 3060

**Sec. 1321.37.** (A) Application for an original or renewal 3061  
license to make short-term loans shall be in writing, under 3062  
oath, and in the form prescribed by the superintendent of 3063  
financial institutions, and shall contain the name and address 3064  
of the applicant, the location where the business of making 3065  
loans is to be conducted, and any further information as the 3066  
superintendent requires. At the time of making an application 3067  
for an original license, the applicant shall pay to the 3068  
superintendent a nonrefundable investigation fee of two hundred 3069  
dollars. No investigation fee or any portion thereof shall be 3070

refunded after an original license has been issued. The 3071  
application for an original or renewal license shall be 3072  
accompanied by an original or renewal license fee, for each 3073  
business location of one thousand dollars, except that 3074  
applications for original licenses issued on or after the first 3075  
day of July for any year shall be accompanied by an original 3076  
license fee of five hundred dollars, and except that an 3077  
application for an original or renewal license, for a nonprofit 3078  
corporation that is incorporated under Chapter 1702. of the 3079  
Revised Code, shall be accompanied by an original or renewal 3080  
license fee, for each business location, that is one-half of the 3081  
fee otherwise required. All fees paid to the superintendent 3082  
pursuant to this division shall be deposited into the state 3083  
treasury to the credit of the consumer finance fund. 3084

(B) Upon the filing of an application for an original 3085  
license and, with respect to an application filed for a renewal 3086  
license, on a schedule determined by the superintendent by rule 3087  
adopted pursuant to section 1321.43 of the Revised Code, and the 3088  
payment of fees in accordance with division (A) of this section, 3089  
the superintendent shall investigate the facts concerning the 3090  
applicant and the requirements provided by this division. The 3091  
superintendent shall request the superintendent of the bureau of 3092  
criminal identification and investigation, or a vendor approved 3093  
by the bureau, to conduct a criminal records check based on the 3094  
applicant's fingerprints in accordance with section 109.572 of 3095  
the Revised Code. Notwithstanding division (K) of section 121.08 3096  
of the Revised Code, the superintendent of financial 3097  
institutions shall request that criminal record information from 3098  
the federal bureau of investigation be obtained as part of the 3099  
criminal records check. The superintendent of financial 3100  
institutions shall conduct a civil records check. The 3101

superintendent shall approve an application and issue an 3102  
original or renewal license to the applicant if the 3103  
superintendent finds all of the following: 3104

(1) The financial responsibility, experience, ~~reputation,~~ 3105  
and general fitness of the applicant are such as to warrant the 3106  
belief that the business of making loans will be operated 3107  
lawfully, honestly, and fairly under sections 1321.35 to 1321.48 3108  
of the Revised Code and within the purposes of those sections; 3109  
that the applicant has fully complied with those sections and 3110  
any rule or order adopted or issued pursuant to section 1321.43 3111  
of the Revised Code; and that the applicant is qualified to 3112  
engage in the business of making loans under sections 1321.35 to 3113  
1321.48 of the Revised Code. 3114

(2) The applicant is financially sound and has a net worth 3115  
of not less than one hundred thousand dollars, or in the case of 3116  
a nonprofit corporation that is incorporated under Chapter 1702. 3117  
of the Revised Code, a net worth of not less than fifty thousand 3118  
dollars. The applicant's net worth shall be computed according 3119  
to generally accepted accounting principles. 3120

(3) The applicant has never had revoked a license to make 3121  
loans under sections 1321.35 to 1321.48 of the Revised Code, 3122  
under former sections 1315.35 to 1315.44 of the Revised Code, or 3123  
to do business under sections 1315.21 to 1315.30 of the Revised 3124  
Code. 3125

(4) Neither the applicant nor any senior officer, or 3126  
partner of the applicant, has pleaded guilty to or been 3127  
convicted of ~~any criminal offense involving theft, receiving-~~ 3128  
~~stolen property, embezzlement, forgery, fraud, passing bad-~~ 3129  
~~checks, money laundering, or drug trafficking, or any criminal-~~ 3130  
~~offense involving money or securities or any violation of an-~~ 3131

~~existing or former law of this state, any other state, or the~~ 3132  
~~United States that substantially is equivalent to a criminal~~ 3133  
~~offense described in that division. However, if the applicant or~~ 3134  
~~any of those other persons has pleaded guilty to or been~~ 3135  
~~convicted of any such offense other than theft, the~~ 3136  
~~superintendent shall not consider the offense if the applicant~~ 3137  
~~has proven to the superintendent, by a preponderance of the~~ 3138  
~~evidence, that the applicant's or other person's activities and~~ 3139  
~~employment record since the conviction show that the applicant~~ 3140  
~~or other person is honest, truthful, and of good reputation, and~~ 3141  
~~there is no basis in fact for believing that the applicant or~~ 3142  
~~other person will commit such an offense again a disqualifying~~ 3143  
~~offense as determined in accordance with section 9.79 of the~~ 3144  
~~Revised Code.~~ 3145

(5) Neither the applicant nor any senior officer, or 3146  
partner of the applicant, has been subject to any adverse 3147  
judgment for conversion, embezzlement, misappropriation of 3148  
funds, fraud, misfeasance or malfeasance, or breach of fiduciary 3149  
duty, or if the applicant or any of those other persons has been 3150  
subject to such a judgment, the applicant has proven to the 3151  
superintendent, by a preponderance of the evidence, that the 3152  
applicant's or other person's activities and employment record 3153  
since the judgment show that the applicant or other person is 3154  
honest, and truthful, ~~and of good reputation,~~ and there is no 3155  
basis in fact for believing that the applicant or other person 3156  
will be subject to such a judgment again. 3157

(C) If the superintendent finds that the applicant does 3158  
not meet the requirements of division (B) of this section, or 3159  
the superintendent finds that the applicant knowingly or 3160  
repeatedly contracts with or employs persons to directly engage 3161  
in lending activities who have been convicted of a felony crime 3162

listed in division (B) (5) of this section, the superintendent 3163  
shall issue an order denying the application for an original or 3164  
renewal license and giving the applicant an opportunity for a 3165  
hearing on the denial in accordance with Chapter 119. of the 3166  
Revised Code. The superintendent shall notify the applicant of 3167  
the denial, the grounds for the denial, and the applicant's 3168  
opportunity for a hearing. If the application is denied, the 3169  
superintendent shall return the annual license fee but shall 3170  
retain the investigation fee. 3171

(D) No person licensed under sections 1321.35 to 1321.48 3172  
of the Revised Code shall conduct business in this state unless 3173  
the licensee has obtained and maintains in effect at all times a 3174  
corporate surety bond issued by a bonding company or insurance 3175  
company authorized to do business in this state. The bond shall 3176  
be in favor of the superintendent and in the penal sum of at 3177  
least one hundred thousand dollars, or in the case of a 3178  
nonprofit corporation that is incorporated under Chapter 1702. 3179  
of the Revised Code, in the amount of fifty thousand dollars. 3180  
The term of the bond shall coincide with the term of the 3181  
license. The licensee shall file a copy of the bond with the 3182  
superintendent. The bond shall be for the exclusive benefit of 3183  
any borrower injured by a violation by a licensee or any 3184  
employee of a licensee, of any provision of sections 1321.35 to 3185  
1321.48 of the Revised Code. 3186

**Sec. 1321.53.** (A) (1) An application for a certificate of 3187  
registration under sections 1321.51 to 1321.60 of the Revised 3188  
Code shall contain an undertaking by the applicant to abide by 3189  
those sections. The application shall be in writing, under oath, 3190  
and in the form prescribed by the division of financial 3191  
institutions, and shall contain any information that the 3192  
division may require. Applicants that are foreign corporations 3193

shall obtain and maintain a license pursuant to Chapter 1703. of 3194  
the Revised Code before a certificate is issued or renewed. 3195

(2) Upon the filing of the application and the payment by 3196  
the applicant of a nonrefundable two-hundred-dollar 3197  
investigation fee and a nonrefundable three-hundred-dollar 3198  
annual registration fee, the division shall investigate the 3199  
relevant facts. If the application involves investigation 3200  
outside this state, the applicant may be required by the 3201  
division to advance sufficient funds to pay any of the actual 3202  
expenses of such investigation, when it appears that these 3203  
expenses will exceed two hundred dollars. An itemized statement 3204  
of any of these expenses which the applicant is required to pay 3205  
shall be furnished to the applicant by the division. No 3206  
certificate shall be issued unless all the required fees have 3207  
been submitted to the division. 3208

(3) The investigation undertaken upon application shall 3209  
include both a civil and criminal records check of the applicant 3210  
including any individual whose identity is required to be 3211  
disclosed in the application. Where the applicant is a business 3212  
entity the superintendent shall have the authority to require a 3213  
civil and criminal background check of those persons that in the 3214  
determination of the superintendent have the authority to direct 3215  
and control the operations of the applicant. 3216

(4) (a) Notwithstanding division (K) of section 121.08 of 3217  
the Revised Code, the superintendent of financial institutions 3218  
shall obtain a criminal history records check and, as part of 3219  
that records check, request that criminal record information 3220  
from the federal bureau of investigation be obtained. To fulfill 3221  
this requirement, the superintendent shall request the 3222  
superintendent of the bureau of criminal identification and 3223

investigation, or a vendor approved by the bureau, to conduct a 3224  
criminal records check based on the applicant's fingerprints or, 3225  
if the fingerprints are unreadable, based on the applicant's 3226  
social security number, in accordance with section 109.572 of 3227  
the Revised Code. 3228

(b) Any fee required under division (C) (3) of section 3229  
109.572 of the Revised Code shall be paid by the applicant. 3230

(5) If an application for a certificate of registration 3231  
does not contain all of the information required under division 3232  
(A) of this section, and if such information is not submitted to 3233  
the division within ninety days after the superintendent 3234  
requests the information in writing, including by electronic 3235  
transmission or facsimile, the superintendent may consider the 3236  
application withdrawn. 3237

(6) If the division finds that the financial 3238  
responsibility, experience, ~~character~~, and general fitness of 3239  
the applicant command the confidence of the public and warrant 3240  
the belief that the business will be operated honestly and 3241  
fairly in compliance with the purposes of sections 1321.51 to 3242  
1321.60 of the Revised Code and the rules adopted thereunder, 3243  
and that the applicant has the applicable net worth and assets 3244  
required by division (B) of this section, the division shall 3245  
thereupon issue a certificate of registration to the applicant. 3246  
The superintendent shall not use a credit score as the sole 3247  
basis for a registration denial. 3248

(a) (i) Certificates of registration issued on or after 3249  
July 1, 2010, shall annually expire on the thirty-first day of 3250  
December, unless renewed by the filing of a renewal application 3251  
and payment of a three-hundred-dollar nonrefundable annual 3252  
registration fee and any assessment as determined by the 3253

superintendent pursuant to division (A) (6) (a) (ii) of this 3254  
section on or before the last day of December of each year. No 3255  
other fee or assessment shall be required of a registrant by the 3256  
state or any political subdivision of this state. 3257

(ii) If the renewal fees billed by the superintendent 3258  
pursuant to division (A) (6) (a) (i) of this section are less than 3259  
the estimated expenditures of the consumer finance section of 3260  
the division of financial institutions, as determined by the 3261  
superintendent, for the following fiscal year, the 3262  
superintendent may assess each registrant at a rate sufficient 3263  
to equal in the aggregate the difference between the renewal 3264  
fees billed and the estimated expenditures. Each registrant 3265  
shall pay the assessed amount to the superintendent prior to the 3266  
last day of June. In no case shall the assessment exceed ten 3267  
cents per each one hundred dollars of interest (excluding 3268  
charge-off recoveries), points, loan origination charges, and 3269  
credit line charges collected by that registrant during the 3270  
previous calendar year. If such an assessment is imposed, it 3271  
shall not be less than two hundred fifty dollars per registrant 3272  
and shall not exceed thirty thousand dollars less the total 3273  
renewal fees paid pursuant to division (A) (6) (a) (i) of this 3274  
section by each registrant. 3275

(b) Registrants shall timely file renewal applications on 3276  
forms prescribed by the division and provide any further 3277  
information that the division may require. If a renewal 3278  
application does not contain all of the information required 3279  
under this section, and if that information is not submitted to 3280  
the division within ninety days after the superintendent 3281  
requests the information in writing, including by electronic 3282  
transmission or facsimile, the superintendent may consider the 3283  
application withdrawn. 3284



(c) Renewal shall not be granted if the applicant's 3285  
certificate of registration is subject to an order of 3286  
suspension, revocation, or an unpaid and past due fine imposed 3287  
by the superintendent. 3288

(d) If the division finds the applicant does not meet the 3289  
conditions set forth in this section, it shall issue a notice of 3290  
intent to deny the application, and forthwith notify the 3291  
applicant of the denial, the grounds for the denial, and the 3292  
applicant's reasonable opportunity to be heard on the action in 3293  
accordance with Chapter 119. of the Revised Code. 3294

(7) If there is a change of five per cent or more in the 3295  
ownership of a registrant, the division may make any 3296  
investigation necessary to determine whether any fact or 3297  
condition exists that, if it had existed at the time of the 3298  
original application for a certificate of registration, the fact 3299  
or condition would have warranted the division to deny the 3300  
application under division (A) (6) of this section. If such a 3301  
fact or condition is found, the division may, in accordance with 3302  
Chapter 119. of the Revised Code, revoke the registrant's 3303  
certificate. 3304

(B) Each registrant that engages in lending under sections 3305  
1321.51 to 1321.60 of the Revised Code shall maintain both of 3306  
the following: 3307

(1) A net worth of at least fifty thousand dollars; 3308

(2) For each certificate of registration, assets of at 3309  
least fifty thousand dollars either in use or readily available 3310  
for use in the conduct of the business. 3311

(C) Not more than one place of business shall be 3312  
maintained under the same certificate, but the division may 3313

issue additional certificates to the same registrant upon 3314  
compliance with sections 1321.51 to 1321.60 of the Revised Code, 3315  
governing the issuance of a single certificate. No change in the 3316  
place of business of a registrant to a location outside the 3317  
original municipal corporation shall be permitted under the same 3318  
certificate without the approval of a new application, the 3319  
payment of the registration fee and, if required by the 3320  
superintendent, the payment of an investigation fee of two 3321  
hundred dollars. When a registrant wishes to change its place of 3322  
business within the same municipal corporation, it shall give 3323  
written notice of the change in advance to the division, which 3324  
shall provide a certificate for the new address without cost. If 3325  
a registrant changes its name, prior to making loans under the 3326  
new name it shall give written notice of the change to the 3327  
division, which shall provide a certificate in the new name 3328  
without cost. Sections 1321.51 to 1321.60 of the Revised Code do 3329  
not limit the loans of any registrant to residents of the 3330  
community in which the registrant's place of business is 3331  
situated. Each certificate shall be kept conspicuously posted in 3332  
the place of business of the registrant and is not transferable 3333  
or assignable. 3334

(D) Sections 1321.51 to 1321.60 of the Revised Code do not 3335  
apply to any of the following: 3336

(1) Entities chartered and lawfully doing business under 3337  
the authority of any law of this state, another state, or the 3338  
United States as a bank, savings bank, trust company, savings 3339  
and loan association, or credit union, or a subsidiary of any 3340  
such entity, which subsidiary is regulated by a federal banking 3341  
agency and is owned and controlled by such a depository 3342  
institution; 3343

(2) Life, property, or casualty insurance companies 3344  
licensed to do business in this state; 3345

(3) Any person that is a lender making a loan pursuant to 3346  
sections 1321.01 to 1321.19 or sections 1321.62 to 1321.701 of 3347  
the Revised Code or a business loan as described in division (B) 3348  
(6) of section 1343.01 of the Revised Code; 3349

(4) Any political subdivision, or any governmental or 3350  
other public entity, corporation, instrumentality, or agency, in 3351  
or of the United States or any state of the United States, or 3352  
any entity described in division (B) (3) of section 1343.01 of 3353  
the Revised Code; 3354

(5) A college or university, or controlled entity of a 3355  
college or university, as those terms are defined in section 3356  
1713.05 of the Revised Code. 3357

(E) No person engaged in the business of selling tangible 3358  
goods or services related to tangible goods may receive or 3359  
retain a certificate under sections 1321.51 to 1321.60 of the 3360  
Revised Code for such place of business. 3361

**Sec. 1321.64.** (A) An application for a license shall 3362  
contain an undertaking by the applicant to abide by those 3363  
sections. The application shall be in writing, under oath, and 3364  
in the form prescribed by the superintendent of financial 3365  
institutions, and shall contain any information that the 3366  
superintendent may require. Applicants that are foreign 3367  
corporations shall obtain and maintain a license pursuant to 3368  
Chapter 1703. of the Revised Code before a license is issued or 3369  
renewed. 3370

(B) Upon the filing of the application and the payment by 3371  
the applicant of a nonrefundable investigation fee of two 3372

hundred dollars, a nonrefundable annual registration fee of 3373  
three hundred dollars, and any additional fee required by the 3374  
NMLSR, the division of financial institutions shall investigate 3375  
the relevant facts. If the application involves investigation 3376  
outside this state, the applicant may be required by the 3377  
division to advance sufficient funds to pay any of the actual 3378  
expenses of the investigation when it appears that these 3379  
expenses will exceed two hundred dollars. An itemized statement 3380  
of any of these expenses which the applicant is required to pay 3381  
shall be furnished to the applicant by the division. A license 3382  
shall not be issued unless all the required fees have been 3383  
submitted to the division. 3384

(C) (1) The investigation undertaken upon receipt of an 3385  
application shall include both a civil and criminal records 3386  
check of any control person. 3387

(2) (a) Notwithstanding division (K) of section 121.08 of 3388  
the Revised Code, the superintendent shall obtain a criminal 3389  
records check on each control person and, as part of that 3390  
records check, request that criminal records information from 3391  
the federal bureau of investigation be obtained. To fulfill this 3392  
requirement, the superintendent shall do either of the 3393  
following: 3394

(i) Request the superintendent of the bureau of criminal 3395  
identification and investigation, or a vendor approved by the 3396  
bureau, to conduct a criminal records check based on the control 3397  
person's fingerprints or, if the fingerprints are unreadable, 3398  
based on the control person's social security number, in 3399  
accordance with section 109.572 of the Revised Code; 3400

(ii) Authorize the NMLSR to request a criminal records 3401  
check of the control person. 3402

(b) Any fee required under division (C) (3) of section 3403  
109.572 of the Revised Code or by the NMLSR shall be paid by the 3404  
applicant. 3405

(D) If an application for a license does not contain all 3406  
of the information required under division (A) of this section, 3407  
and if such information is not submitted to the division or to 3408  
the NMLSR within ninety days after the superintendent or the 3409  
NMLSR requests the information in writing, including by 3410  
electronic transmission or facsimile, the superintendent may 3411  
consider the application withdrawn. 3412

(E) If the superintendent of financial institutions finds 3413  
that the financial responsibility, experience, ~~character,~~ and 3414  
general fitness of the applicant command the confidence of the 3415  
public and warrant the belief that the business will be operated 3416  
honestly and fairly in compliance with the purposes of sections 3417  
1321.62 to 1321.702 of the Revised Code and the rules adopted 3418  
thereunder, and that the applicant has the requisite net worth 3419  
and assets required under section 1321.65 of the Revised Code, 3420  
the superintendent shall issue a license to the applicant. The 3421  
license shall be valid until the thirty-first day of December of 3422  
the year in which it is issued. A person may be licensed under 3423  
both sections 1321.51 to 1321.60 and sections 1321.62 to 3424  
1321.702 of the Revised Code. 3425

(F) If the superintendent finds that the applicant does 3426  
not meet the conditions set forth in this section, the 3427  
superintendent shall issue a notice of intent to deny the 3428  
application, and promptly notify the applicant of the denial, 3429  
the grounds for the denial, and the applicant's reasonable 3430  
opportunity to be heard on the action in accordance with Chapter 3431  
119. of the Revised Code. 3432

**Sec. 1321.74.** (A) Application for a license as a premium 3433  
finance company shall be in writing, under oath, in the form 3434  
prescribed by the division of financial institutions. An 3435  
applicant also shall provide the form of premium finance 3436  
agreement it intends to use in doing business under sections 3437  
1321.71 to 1321.83 of the Revised Code. Upon the filing of an 3438  
application and the payment of the license fee, and upon deposit 3439  
of an investigation fee not to exceed three hundred dollars if 3440  
the investigation can be conducted in this state or the 3441  
estimated costs of the investigation if it must be conducted 3442  
outside this state, the division shall make an investigation of 3443  
each applicant and shall issue a license if the applicant is 3444  
qualified in accordance with sections 1321.71 to 1321.83 of the 3445  
Revised Code. An itemized statement of any investigation 3446  
expenses incurred which the applicant is required to pay shall 3447  
be furnished the applicant by the division, and only the actual 3448  
cost of such investigation shall be paid by the applicant, but 3449  
at no time shall the investigation fee be less than two hundred 3450  
dollars. If the division does not so find, it shall, within a 3451  
reasonable period of time after it has received the application, 3452  
at the request of the applicant, give the applicant opportunity 3453  
for a hearing conducted in accordance with Chapter 119. of the 3454  
Revised Code. 3455

(B) (1) The division shall, except as provided in division 3456  
(B) (2) of this section, issue or renew a license when it is 3457  
satisfied that the applicant: 3458

~~(1)~~ (a) Is competent and trustworthy and intends to act in 3459  
good faith in the capacity involved by the license applied for; 3460

~~(2)~~ (b) Has a good business reputation and has had 3461  
experience, training, or education so as to be qualified in the 3462

business for which the license is applied for; 3463

~~(3)~~ (c) If a corporation, is a corporation incorporated 3464  
under the laws of this state or is a foreign corporation 3465  
authorized to transact business in this state; 3466

~~(4)~~ (d) Has a net worth of at least fifty thousand 3467  
dollars, as determined in accordance with generally accepted 3468  
accounting principles; 3469

~~(5)~~ (e) With respect to the issuance of a license, has 3470  
filed with the division a form of premium finance agreement that 3471  
complies with sections 1321.71 to 1321.83 of the Revised Code. 3472

(2) The division shall not refuse to issue a license to an 3473  
applicant because of a criminal conviction unless the refusal is 3474  
in accordance with section 9.79 of the Revised Code. 3475

(C) Not more than one place of business shall be 3476  
maintained under the same license, but the division may issue 3477  
additional licenses to the same licensee upon compliance with 3478  
sections 1321.71 to 1321.83 of the Revised Code. 3479

No change in the place of business of a licensee to a 3480  
location outside the original municipal corporation shall be 3481  
permitted under the same license without the approval of a new 3482  
application, the payment of the license fee as determined by the 3483  
superintendent of financial institutions pursuant to section 3484  
1321.20 of the Revised Code, and, if required by the 3485  
superintendent, the payment of an investigation fee of two 3486  
hundred dollars. If a licensee wishes to change its place of 3487  
business within the same municipal corporation, it shall give 3488  
written notice of the change in advance to the division, which 3489  
shall provide a license for the new address without cost. If a 3490  
licensee changes its name, it shall give, prior to entering into 3491

or otherwise acquiring premium finance agreements under the new 3492  
name, written notice of the change to the division, which shall 3493  
provide a license in the new name, without cost. 3494

Each license shall be kept conspicuously posted in the 3495  
place of business of the licensee and is not transferable or 3496  
assignable. 3497

**Sec. 1322.10.** (A) Upon the conclusion of the investigation 3498  
required under division (B) of section 1322.09 of the Revised 3499  
Code, the superintendent of financial institutions shall issue a 3500  
certificate of registration to the applicant if the 3501  
superintendent finds that the following conditions are met: 3502

(1) The application is accompanied by the application fee 3503  
and any fee required by the nationwide mortgage licensing system 3504  
and registry. 3505

(a) If a check or other draft instrument is returned to 3506  
the superintendent for insufficient funds, the superintendent 3507  
shall notify the applicant by certified mail, return receipt 3508  
requested, that the application will be withdrawn unless the 3509  
applicant, within thirty days after receipt of the notice, 3510  
submits the application fee and a one-hundred-dollar penalty to 3511  
the superintendent. If the applicant does not submit the 3512  
application fee and penalty within that time period, or if any 3513  
check or other draft instrument used to pay the fee or penalty 3514  
is returned to the superintendent for insufficient funds, the 3515  
application shall be withdrawn. 3516

(b) If a check or other draft instrument is returned to 3517  
the superintendent for insufficient funds after the certificate 3518  
of registration has been issued, the superintendent shall notify 3519  
the registrant by certified mail, return receipt requested, that 3520



the certificate of registration issued in reliance on the check 3521  
or other draft instrument will be canceled unless the 3522  
registrant, within thirty days after receipt of the notice, 3523  
submits the application fee and a one-hundred-dollar penalty to 3524  
the superintendent. If the registrant does not submit the 3525  
application fee and penalty within that time period, or if any 3526  
check or other draft instrument used to pay the fee or penalty 3527  
is returned to the superintendent for insufficient funds, the 3528  
certificate of registration shall be canceled immediately 3529  
without a hearing, and the registrant shall cease activity as a 3530  
mortgage broker. 3531

(2) If the application is for a location that is a 3532  
residence, evidence that the use of the residence to transact 3533  
business as a mortgage lender or mortgage broker is not 3534  
prohibited. 3535

(3) The applicant maintains all necessary filings and 3536  
approvals required by the secretary of state. 3537

(4) The applicant complies with the surety bond 3538  
requirements of section 1322.32 of the Revised Code. 3539

(5) The applicant has not made a material misstatement of 3540  
fact or material omission of fact in the application. 3541

(6) Neither the applicant nor any person whose identity is 3542  
required to be disclosed on an application for a certificate of 3543  
registration has had such a certificate of registration or 3544  
mortgage loan originator license, or any comparable authority, 3545  
revoked in any governmental jurisdiction or has pleaded guilty 3546  
or nolo contendere to or been convicted of ~~any of the following~~ 3547  
~~in a domestic, foreign, or military court.~~ 3548

~~(a) During the seven year period immediately preceding the~~ 3549

~~date of application for the certificate of registration, a~~ 3550  
~~misdemeanor involving theft or any felony.~~ 3551

~~(b) At any time prior to the date the application for the~~ 3552  
~~certificate of registration is approved, a felony involving an~~ 3553  
~~act of fraud, dishonesty, a breach of trust, theft, or money~~ 3554  
~~laundering a disqualifying offense as determined in accordance~~ 3555  
~~with section 9.79 of the Revised Code.~~ 3556

(7) The applicant's operations manager successfully 3557  
completed the examination required by section 1322.27 of the 3558  
Revised Code. 3559

(8) The applicant's financial responsibility, experience, 3560  
~~character,~~ and general fitness command the confidence of the 3561  
public and warrant the belief that the business will be operated 3562  
honestly, fairly, and efficiently in compliance with the 3563  
purposes of this chapter and the rules adopted thereunder. The 3564  
superintendent shall not use a credit score or a bankruptcy as 3565  
the sole basis for registration denial. 3566

(B) For purposes of determining whether an applicant that 3567  
is a partnership, corporation, or other business entity or 3568  
association has met the conditions set forth in divisions (A) (6) 3569  
and (8) of this section, the superintendent shall determine 3570  
which partners, shareholders, or persons named in the 3571  
application must meet those conditions. This determination shall 3572  
be based on the extent and nature of the partner's, 3573  
shareholder's, or person's ownership interest in the 3574  
partnership, corporation, or other business entity or 3575  
association that is the applicant and on whether the person is 3576  
in a position to direct, control, or adversely influence the 3577  
operations of the applicant. 3578

(C) The certificate of registration issued pursuant to 3579  
division (A) of this section may be renewed annually on or 3580  
before the thirty-first day of December if the superintendent 3581  
finds that all of the following conditions are met: 3582

(1) The renewal application is accompanied by a 3583  
nonrefundable renewal fee of five hundred dollars for each 3584  
location of an office to be maintained by the applicant in 3585  
accordance with division (A) of section 1322.07 of the Revised 3586  
Code and any fee required by the nationwide mortgage licensing 3587  
system and registry. If a check or other draft instrument is 3588  
returned to the superintendent for insufficient funds, the 3589  
superintendent shall notify the registrant by certified mail, 3590  
return receipt requested, that the certificate of registration 3591  
renewed in reliance on the check or other draft instrument will 3592  
be canceled unless the registrant, within thirty days after 3593  
receipt of the notice, submits the renewal fee and a one- 3594  
hundred-dollar penalty to the superintendent. If the registrant 3595  
does not submit the renewal fee and penalty within that time 3596  
period, or if any check or other draft instrument used to pay 3597  
the fee or penalty is returned to the superintendent for 3598  
insufficient funds, the certificate of registration shall be 3599  
canceled immediately without a hearing and the registrant shall 3600  
cease activity as a mortgage broker. 3601

(2) The operations manager designated under section 3602  
1322.12 of the Revised Code has completed at least eight hours 3603  
of continuing education as required under section 1322.28 of the 3604  
Revised Code. 3605

(3) The applicant meets the conditions set forth in 3606  
divisions (A) ~~(2) to~~, (3), (4), (5), (7), and (8) of this 3607  
section. 3608

(4) Neither the applicant nor any person whose identity is 3609  
required to be disclosed on the renewal application has had a 3610  
certificate of registration or mortgage loan originator license, 3611  
or any comparable authority, revoked in any governmental 3612  
jurisdiction or has pleaded guilty or nolo contendere to or been 3613  
convicted of any of the following in a domestic, foreign, or 3614  
military court: 3615

(a) During the seven-year period immediately preceding the 3616  
date of the renewal application but excluding any time before 3617  
the certificate of registration was issued, a misdemeanor 3618  
involving theft or any felony; 3619

(b) At any time between the date of the original 3620  
certificate of registration and the date of the renewal 3621  
application, a felony involving an act of fraud, dishonesty, a 3622  
breach of trust, theft, or money laundering. 3623

(5) The applicant's certificate of registration is not 3624  
subject to an order of suspension or an unpaid and past due fine 3625  
imposed by the superintendent. 3626

(D) (1) Subject to division (D) (2) of this section, if a 3627  
renewal fee or additional fee required by the nationwide 3628  
mortgage licensing system and registry is received by the 3629  
superintendent after the thirty-first day of December, the 3630  
certificate of registration shall not be considered renewed, and 3631  
the applicant shall cease activity as a mortgage lender or 3632  
mortgage broker. 3633

(2) Division (D) (1) of this section shall not apply if the 3634  
applicant, not later than forty-five days after the renewal 3635  
deadline, submits the renewal fee or additional fee and a one- 3636  
hundred-dollar penalty to the superintendent. 3637

(E) Certificates of registration issued under this chapter 3638  
annually expire on the thirty-first day of December. 3639

(F) The pardon or expungement of a conviction shall not be 3640  
considered a conviction for purposes of this section. ~~When~~ 3641  
~~determining the eligibility of an applicant, the superintendent~~ 3642  
~~may consider the underlying crime, facts, or circumstances~~ 3643  
~~connected with a pardoned or expunged conviction.~~ 3644

**Sec. 1322.21.** (A) Upon the conclusion of the investigation 3645  
required under division (C) of section 1322.20 of the Revised 3646  
Code, the superintendent of financial institutions shall issue a 3647  
mortgage loan originator license to the applicant if the 3648  
superintendent finds that the following conditions are met: 3649

(1) The application is accompanied by the application fee 3650  
and any fee required by the nationwide mortgage licensing system 3651  
and registry. 3652

(a) If a check or other draft instrument is returned to 3653  
the superintendent for insufficient funds, the superintendent 3654  
shall notify the applicant by certified mail, return receipt 3655  
requested, that the application will be withdrawn unless the 3656  
applicant, within thirty days after receipt of the notice, 3657  
submits the application fee and a one-hundred-dollar penalty to 3658  
the superintendent. If the applicant does not submit the 3659  
application fee and penalty within that time period, or if any 3660  
check or other draft instrument used to pay the fee or penalty 3661  
is returned to the superintendent for insufficient funds, the 3662  
application shall be withdrawn. 3663

(b) If a check or other draft instrument is returned to 3664  
the superintendent for insufficient funds after the license has 3665  
been issued, the superintendent shall notify the licensee by 3666

certified mail, return receipt requested, that the license 3667  
issued in reliance on the check or other draft instrument will 3668  
be canceled unless the licensee, within thirty days after 3669  
receipt of the notice, submits the application fee and a one- 3670  
hundred-dollar penalty to the superintendent. If the licensee 3671  
does not submit the application fee and penalty within that time 3672  
period, or if any check or other draft instrument used to pay 3673  
the fee or penalty is returned to the superintendent for 3674  
insufficient funds, the license shall be canceled immediately 3675  
without a hearing, and the licensee shall cease activity as a 3676  
loan originator. 3677

(2) The applicant has not made a material misstatement of 3678  
fact or material omission of fact in the application. 3679

(3) The applicant has not been convicted of or pleaded 3680  
guilty or nolo contendere to ~~any of the following in a domestic,~~ 3681  
~~foreign, or military court:~~ 3682

~~(a) During the seven year period immediately preceding the~~ 3683  
~~date of application for the license, a misdemeanor involving~~ 3684  
~~theft or any felony;~~ 3685

~~(b) At any time prior to the date the application for the~~ 3686  
~~license is approved, a felony involving an act of fraud,~~ 3687  
~~dishonesty, a breach of trust, theft, or money laundering a~~ 3688  
disqualifying offense as determined in accordance with section 3689  
9.79 of the Revised Code. 3690

(4) The applicant completed the prelicensing instruction 3691  
set forth in division (B) of section 1322.20 of the Revised 3692  
Code. 3693

(5) The applicant's financial responsibility, ~~character,~~ 3694  
and general fitness command the confidence of the public and 3695

warrant the belief that the business will be operated honestly 3696  
and fairly in compliance with the purposes of this chapter. The 3697  
superintendent shall not use a credit score or bankruptcy as the 3698  
sole basis for a license denial. 3699

(6) The applicant is in compliance with the surety bond 3700  
requirements of section 1322.32 of the Revised Code. 3701

(7) The applicant has not had a mortgage loan originator 3702  
license, or comparable authority, revoked in any governmental 3703  
jurisdiction. 3704

(B) The license issued under division (A) of this section 3705  
may be renewed annually on or before the thirty-first day of 3706  
December if the superintendent finds that all of the following 3707  
conditions are met: 3708

(1) The renewal application is accompanied by a 3709  
nonrefundable renewal fee of one hundred fifty dollars and any 3710  
fee required by the nationwide mortgage licensing system and 3711  
registry. If a check or other draft instrument is returned to 3712  
the superintendent for insufficient funds, the superintendent 3713  
shall notify the licensee by certified mail, return receipt 3714  
requested, that the license renewed in reliance on the check or 3715  
other draft instrument will be canceled unless the licensee, 3716  
within thirty days after receipt of the notice, submits the 3717  
renewal fee and a one-hundred-dollar penalty to the 3718  
superintendent. If the licensee does not submit the renewal fee 3719  
and penalty within that time period, or if any check or other 3720  
draft instrument used to pay the fee or penalty is returned to 3721  
the superintendent for insufficient funds, the license shall be 3722  
canceled immediately without a hearing, and the licensee shall 3723  
cease activity as a loan originator. 3724

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

(3) The applicant meets the conditions set forth in divisions (A) (2) ~~to~~, (4), (5), (6), and (7) of this section.

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

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

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

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

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

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



(D) Mortgage originator licenses annually expire on the 3754  
thirty-first day of December. 3755

(E) The pardon or expungement of a conviction shall not be 3756  
considered a conviction for purposes of this section. When 3757  
determining the eligibility of an applicant, the superintendent 3758  
may consider the underlying crime, facts, or circumstances 3759  
connected with a pardoned or expunged conviction. 3760

**Sec. 1322.24.** (A) As used in this section: 3761

(1) "Out-of-state mortgage loan originator" means an 3762  
individual to whom both of the following apply: 3763

(a) The individual holds a valid mortgage loan originator 3764  
license, or comparable authority, issued pursuant to the law of 3765  
any other state of the United States. 3766

(b) The individual is registered, fingerprinted, and 3767  
maintains a unique identifier through the nationwide mortgage 3768  
licensing system and registry. 3769

(2) "Sponsor" means a registrant that employs or is 3770  
associated with an applicant for a temporary mortgage loan 3771  
originator license and, during the term of the applicant's 3772  
temporary license, covers the applicant under its corporate 3773  
surety bond or requires the applicant to obtain and maintain a 3774  
corporate surety bond. 3775

(B) The superintendent of financial institutions may, in 3776  
accordance with this section, issue to an out-of-state mortgage 3777  
loan originator a temporary mortgage loan originator license 3778  
that enables the licensee to engage in the business of a 3779  
mortgage loan originator while the individual completes the 3780  
requirements necessary to meet the conditions set forth in 3781  
section 1322.21 of the Revised Code for a mortgage loan 3782

originator license. A temporary mortgage loan originator license 3783  
shall be valid for a term of not more than one hundred twenty 3784  
days from the date of issuance. A temporary mortgage loan 3785  
originator license may not be renewed. 3786

(C) An application for a temporary mortgage loan 3787  
originator license shall be in writing, under oath, and in a 3788  
form that meets the requirements of the nationwide mortgage 3789  
licensing system and registry. The application shall be 3790  
accompanied by a nonrefundable application fee, the amount of 3791  
which shall be determined by the superintendent in rule, and a 3792  
certification that, as of the date of application, the applicant 3793  
meets the following conditions: 3794

(1) The applicant has at least two years of experience in 3795  
the field of residential mortgage lending in the five years 3796  
immediately preceding the date of application for the temporary 3797  
mortgage loan originator license. 3798

(2) The applicant has not previously applied for a 3799  
temporary mortgage loan originator license in this state. 3800

(3) The applicant has not had a mortgage loan originator 3801  
license, or comparable authority, revoked in any governmental 3802  
jurisdiction. For purposes of division (C)(3) of this section, a 3803  
subsequent formal vacation of such a revocation shall not be 3804  
considered a revocation. 3805

(4) The applicant has not been convicted of, or pleaded 3806  
guilty or nolo contendere to, ~~any of the following in a~~ 3807  
~~domestic, foreign, or military court:~~ 3808

~~(a) During the seven-year period immediately preceding the~~ 3809  
~~date of application, a misdemeanor involving theft or any~~ 3810  
~~felony;~~ 3811

~~(b) At any time prior to the date of application, a felony involving an act of fraud, dishonesty, a breach of trust, theft, or money laundering a disqualifying offense as determined in accordance with section 9.79 of the Revised Code.~~

For purposes of division (C)(4) of this section, any conviction for which the applicant has received a pardon shall not be considered a conviction.

(D) The superintendent shall issue a temporary mortgage loan originator license to the applicant if the superintendent finds that all of the following conditions are met:

(1) The application is accompanied by the application fee and the certification described in division (C) of this section.

(2) The applicant is registered, fingerprinted, and has a valid unique identifier through the nationwide mortgage licensing system and registry as of the date of application.

(3) The applicant has authorized the nationwide mortgage licensing system and registry to obtain a credit report for submission to the superintendent.

(4) The applicant has a sponsor that certifies employment of, or association with, the applicant and has signed the application.

(E) The sponsor of a temporary licensee shall have an affirmative duty to supervise the conduct of the temporary licensee in the same manner as is required of its other licensees. If the temporary licensee's employment or association with the sponsor is terminated, the sponsor shall notify the division of financial institutions of the termination through the nationwide mortgage licensing system and registry. Upon the division's receipt of the notice, the sponsor shall no longer be

held responsible for the conduct of the temporary licensee. 3841

**Sec. 1533.342.** (A) The chief of the division of wildlife, 3842  
with the approval of the wildlife council, may limit the type 3843  
and number of commercial fishing licenses to be issued for 3844  
fishing in the Lake Erie fishing district and other water 3845  
wherein nets are licensed by law, except that such limitations 3846  
shall not prohibit any person who was issued an Ohio commercial 3847  
fishing license in the prior fishing season from being issued, 3848  
upon satisfaction of the qualifications established in division 3849  
(C) of this section and proper application, a license of the 3850  
same type for the current fishing season unless the issuance of 3851  
such a license is prohibited by this chapter or Chapter 1531. of 3852  
the Revised Code or division rule. 3853

In limiting the number and type of licenses, the chief and 3854  
the council shall give consideration to the number and type of 3855  
licenses needed to harvest the fish determined to be 3856  
harvestable; the capacity of the boats and characteristics of 3857  
the equipment owned or used by the applicant; and any other 3858  
facts or data relating to the protection, preservation, 3859  
management, and utilization of fish species in a biologically 3860  
sound manner. 3861

(B) The chief, in prescribing forms for license 3862  
applications, may require the applicant to list information 3863  
relating to the kind and condition of boats and fishing 3864  
equipment proposed to be used by the applicant, port or ports of 3865  
entry, years of commercial fishing experience, quantity and 3866  
kinds of fish taken during the previous five years, conviction 3867  
records relating to Chapter 1531. and this chapter of the 3868  
Revised Code and division rules, and any other facts the chief 3869  
determines necessary to assist the chief in determining whether 3870

or not the applicant may engage in commercial fishing in 3871  
accordance with those chapters and division rules. All questions 3872  
shall be answered fully and completely by the applicant. The 3873  
application shall be sworn to and signed by the applicant before 3874  
a person authorized to administer oaths. 3875

(C) Any person, prior to making application for an Ohio 3876  
commercial fishing license, first shall satisfy the following 3877  
qualifications to the satisfaction of the chief: over eighteen 3878  
years of age; no prior conviction of or plea of guilty on or 3879  
after ~~the effective date of this amendment~~ October 10, 2007, to 3880  
a ~~felony concerning commercial fishing activities for a~~ 3881  
~~violation of state or federal law~~ disqualifying offense as 3882  
determined in accordance with section 9.79 of the Revised Code; 3883  
ninety days Ohio residency immediately preceding application; 3884  
two years commercial fishing gear experience or holder of an 3885  
Ohio commercial license of another gear; and posting of a one 3886  
thousand dollar performance bond or cash deposit in a like 3887  
amount. In the event the person does not meet these pre- 3888  
application qualifications or does meet those qualifications, 3889  
but a license is not granted, the bond or cash deposit 3890  
immediately shall be returned by the division. In the event the 3891  
person is granted a license, the bond or cash deposit shall be 3892  
held by the division during the term of the license. 3893

(D) In determining the terms and conditions of any 3894  
commercial fishing license, the chief, with the approval of the 3895  
wildlife council, may do both of the following: 3896

(1) Fix by species, the weight, number, or size of fish to 3897  
be taken; 3898

(2) Specify the home port and up to two alternate ports at 3899  
which the licensee shall land the licensee's catch, as listed on 3900

the licensee's application. 3901

(E) Any wildlife officer, or other division employee 3902  
designated by the chief to inspect commercial fishing 3903  
operations, may enter upon any property used, owned, or leased 3904  
by the holder of a commercial fishing license and may inspect 3905  
any boat, net, seine, or other equipment used in commercial 3906  
fishing; any building or premises used to hold, store, repair, 3907  
or build commercial fishing gear or equipment; and any building 3908  
or premises used in boxing, storing, or processing fish. No 3909  
person shall assault, threaten, abuse, or interfere with any 3910  
wildlife officer or designated inspector when carrying out an 3911  
inspection under authority of this section, nor shall any person 3912  
prohibit such an inspection. 3913

(F) No person shall fail to comply with this section or a 3914  
division rule adopted pursuant thereto. 3915

(G) No person having been issued a commercial fishing 3916  
license shall fail to comply with all terms, specifications, and 3917  
conditions set forth in the license. 3918

(H) (1) In addition to other penalties provided in the 3919  
Revised Code, the license of any person who is convicted of 3920  
assaulting, threatening, abusing, or interfering with any person 3921  
inspecting by authority of this section is suspended upon such 3922  
conviction by operation of law for a period of eighteen fishing 3923  
season months immediately following that conviction. 3924

(2) In addition to other penalties provided in the Revised 3925  
Code, the license of any person who is convicted of two 3926  
violations of provisions of this section relating to inspection 3927  
or terms and conditions of any commercial fishing license that 3928  
occurred within a twelve-month period is suspended upon the 3929

second such conviction by operation of law for a period of sixty 3930  
fishing season days immediately following that conviction. 3931

(3) In addition to other penalties provided in the Revised 3932  
Code, the license of any person who is convicted of three or 3933  
more violations of provisions of this section relating to 3934  
inspection or terms and conditions of any commercial fishing 3935  
licenses that occurred within a twelve-month period is suspended 3936  
upon the third or subsequent such conviction by operation of law 3937  
for a period of eighteen fishing season months immediately 3938  
following that conviction. 3939

(I) During any period of suspension, no person shall use 3940  
or engage in fishing with commercial gear owned, used, or 3941  
controlled at the time of conviction by the licensee whose 3942  
license has been suspended. 3943

**Sec. 1533.631.** Any person may apply for a permit to handle 3944  
commercial fish, or other fish that may be bought or sold under 3945  
the Revised Code or division rule, at wholesale. Prior to making 3946  
application for such a permit, a person first shall satisfy the 3947  
following qualifications to the satisfaction of the chief of the 3948  
division of wildlife: over eighteen years of age, no prior 3949  
conviction of or plea of guilty on or after ~~the effective date~~ 3950  
~~of this amendment October 10, 2007,~~ to a ~~felony concerning~~ 3951  
~~commercial fishing activities for a violation of state or~~ 3952  
~~federal law~~ disqualifying offense as determined in accordance 3953  
with section 9.79 of the Revised Code, and ninety days Ohio 3954  
residency immediately preceding application. The chief shall 3955  
issue an annual permit granting the applicant the privilege to 3956  
handle such fish at wholesale at one or more designated premises 3957  
upon satisfaction of the pre-application qualifications, filing 3958  
of an application on a form prescribed by the chief, and payment 3959

of a fee of sixty-five dollars. No person or a person's agent 3960  
shall handle at wholesale any fresh water fish or part thereof 3961  
unless a permit has been issued for the calendar year in which 3962  
the fish is handled at wholesale for the premises at which the 3963  
fish is handled. 3964

A fish is handled at wholesale for purposes of this 3965  
section when it is on a premises within the state and is being 3966  
held, stored, handled, or processed for the purpose of sale to a 3967  
person who resells the fish. 3968

The permit required by this section shall be issued 3969  
subject to the right of entry and inspection of the designated 3970  
premises of the permittee by any law enforcement officer 3971  
authorized by section 1531.13 of the Revised Code to enforce the 3972  
laws and rules of the division of wildlife. Such an officer may 3973  
enter and inspect the designated premises and any box, package, 3974  
or receptacle, and the contents thereof, for the purpose of 3975  
determining whether any provision of this chapter or Chapter 3976  
1531. of the Revised Code or division rule is being violated. 3977

No person holding a permit under this section shall remove 3978  
a label required by section 1533.301 of the Revised Code unless 3979  
the box, package, or receptacle bearing the label has been 3980  
opened or unless the label is replaced with another label that 3981  
meets the requirements of that section. 3982

No person shall fail to comply with any provision of this 3983  
section or division rule adopted pursuant to it. 3984

**Sec. 1546.16.** The chief of the division of parks and 3985  
watercraft shall issue pilot licenses and engineer licenses to 3986  
all persons employed by a boat owner or operator to act as pilot 3987  
or engineer on any boat carrying passengers for hire on 3988



reservoir parks or other bodies of water under the supervision 3989  
and control of the division. The applicant for such license 3990  
shall be over eighteen years of age ~~and of good character~~. The 3991  
violation of any of the sections of the Revised Code relating to 3992  
reservoir parks or other bodies of water under supervision and 3993  
control of the division or any rule or regulation of the 3994  
division for the management of such reservoir parks or other 3995  
bodies of water shall be cause for the chief to revoke such 3996  
license. 3997

**Sec. 1561.12.** An applicant for any examination or 3998  
certificate under this section shall, before being examined, 3999  
register the applicant's name with the chief of the division of 4000  
mineral resources management and file with the chief an 4001  
affidavit as to all matters of fact establishing the applicant's 4002  
right to receive the examination, ~~a certificate of good~~ 4003  
~~character and temperate habits signed by at least three~~ 4004  
~~reputable citizens of the community in which the applicant~~ 4005  
~~resides,~~ and a certificate from a reputable and disinterested 4006  
physician as to the physical condition of the applicant showing 4007  
that the applicant is physically capable of performing the 4008  
duties of the office or position. 4009

Each applicant for examination for any of the following 4010  
positions shall present evidence satisfactory to the chief that 4011  
the applicant has been a resident and citizen of this state for 4012  
two years next preceding the date of application: 4013

(A) An applicant for the position of deputy mine inspector 4014  
of underground mines shall have had actual practical experience 4015  
of not less than six years, at least two of which shall have 4016  
been in the underground workings of mines in this state. In the 4017  
case of an applicant who would inspect underground coal mines, 4018

the two years shall consist of actual practical experience in 4019  
underground coal mines. In the case of an applicant who would 4020  
inspect noncoal mines, the two years shall consist of actual 4021  
practical experience in noncoal mines. In lieu of two years of 4022  
the actual practical experience required, the chief may accept 4023  
as the equivalent thereof a certificate evidencing graduation 4024  
from an accredited school of mines or mining, after a four-year 4025  
course of study, but such credit shall not apply as to the two 4026  
years' actual practical experience required in the mines in this 4027  
state. 4028

The applicant shall pass an examination as to the 4029  
applicant's practical and technological knowledge of mine 4030  
surveying, mining machinery, and appliances; the proper 4031  
development and operation of mines; the best methods of working 4032  
and ventilating mines; the nature, properties, and powers of 4033  
noxious, poisonous, and explosive gases, particularly methane; 4034  
the best means and methods of detecting, preventing, and 4035  
removing the accumulation of such gases; the use and operation 4036  
of gas detecting devices and appliances; first aid to the 4037  
injured; and the uses and dangers of electricity as applied and 4038  
used in, at, and around mines. The applicant shall also hold a 4039  
certificate for foreperson of gaseous mines issued by the chief. 4040

(B) An applicant for the position of deputy mine inspector 4041  
of surface mines shall have had actual practical mining 4042  
experience of not less than six years, at least two of which 4043  
shall have been in surface mines in this state. In lieu of two 4044  
years of the actual practical experience required, the chief may 4045  
accept as the equivalent thereof a certificate evidencing 4046  
graduation from an accredited school of mines or mining, after a 4047  
four-year course of study, but that credit shall not apply as to 4048  
the two years' actual practical experience required in the mines 4049

in this state. The applicant shall pass an examination as to the 4050  
applicant's practical and technological knowledge of surface 4051  
mine surveying, machinery, and appliances; the proper 4052  
development and operations of surface mines; first aid to the 4053  
injured; and the use and dangers of explosives and electricity 4054  
as applied and used in, at, and around surface mines. The 4055  
applicant shall also hold a surface mine foreperson certificate 4056  
issued by the chief. 4057

(C) An applicant for the position of electrical inspector 4058  
shall have had at least five years' practical experience in the 4059  
installation and maintenance of electrical circuits and 4060  
equipment in mines, and the applicant shall be thoroughly 4061  
familiar with the principles underlying the safety features of 4062  
permissible and approved equipment as authorized and used in 4063  
mines. 4064

The applicant shall be required to pass the examination 4065  
required for deputy mine inspectors and an examination testing 4066  
and determining the applicant's qualification and ability to 4067  
competently inspect and administer the mining law that relates 4068  
to electricity used in and around mines and mining in this 4069  
state. 4070

(D) An applicant for the position of superintendent or 4071  
assistant superintendent of rescue stations shall possess the 4072  
same qualifications as those required for a deputy mine 4073  
inspector. In addition, the applicant shall present evidence 4074  
satisfactory to the chief that the applicant is sufficiently 4075  
qualified and trained to organize, supervise, and conduct group 4076  
training classes in first aid, safety, and rescue work. 4077

The applicant shall pass the examination required for 4078  
deputy mine inspectors and shall be tested as to the applicant's 4079

practical and technological experience and training in first 4080  
aid, safety, and mine rescue work. 4081

(E) An applicant for the position of mine chemist shall 4082  
have such educational training as is represented by the degree 4083  
MS in chemistry from a university of recognized standing, and at 4084  
least five years of actual practical experience in research work 4085  
in chemistry or as an assistant chemist. The chief may provide 4086  
that an equivalent combination of education and experience 4087  
together with a wide knowledge of the methods of and skill in 4088  
chemical analysis and research may be accepted in lieu of the 4089  
above qualifications. It is preferred that the chemist shall 4090  
have had actual experience in mineralogy and metallurgy. 4091

**Sec. 1561.23.** The chief of the division of mineral 4092  
resources management shall issue the following certificates to 4093  
those applicants who pass their examination: 4094

- (A) Certificates for mine forepersons of gaseous mines; 4095
- (B) Certificates for mine forepersons of nongaseous mines; 4096
- (C) Certificates for forepersons of gaseous mines; 4097
- (D) Certificates for forepersons of nongaseous mines; 4098
- (E) Certificates for forepersons of surface maintenance 4099  
facilities of underground or surface mines; 4100
- (F) Certificates for mine forepersons of surface mines; 4101
- (G) Certificates for forepersons of surface mines; 4102
- (H) Certificates for fire bosses; 4103
- (I) Certificates for mine electricians; 4104
- (J) Certificates for surface mine blasters; 4105

(K) Certificates for shot firers. 4106

Applicants for certificates shall make application to the 4107  
chief, on a form provided by the chief, for examination. All 4108  
applicants shall be able to read and write the English language 4109  
intelligently, and shall furnish the chief with a certificate as 4110  
to ~~their character,~~ the length and description of their 4111  
practical experience, and satisfactory evidence of their ability 4112  
to perform the duties of the position for which they make 4113  
application for examination. 4114

Except as provided in sections 1561.16 and 1561.17 of the 4115  
Revised Code, any certificate issued by the former mine 4116  
examining board prior to October 29, 1995, shall remain in 4117  
effect notwithstanding the new classifications of certificates 4118  
established by this section. 4119

**Sec. 1571.012.** An applicant for the position of gas 4120  
storage well inspector shall register the applicant's name with 4121  
the chief of the division of oil and gas resources management 4122  
and file with the chief an affidavit as to all matters of fact 4123  
establishing the applicant's right to take the examination for 4124  
that position, ~~a certificate of good character and temperate~~ 4125  
~~habits signed by at least three reputable citizens of the~~ 4126  
~~community in which the applicant resides,~~ and a certificate from 4127  
a reputable and disinterested physician as to the physical 4128  
condition of the applicant showing that the applicant is 4129  
physically capable of performing the duties of the position. The 4130  
applicant also shall present evidence satisfactory to the chief 4131  
that the applicant has been a resident and citizen of this state 4132  
for at least two years next preceding the date of application. 4133

An applicant shall possess the same qualifications as an 4134  
applicant for the position of deputy mine inspector established 4135

in section 1561.12 of the Revised Code. In addition, the 4136  
applicant shall have practical knowledge and experience of and 4137  
in the operation, location, drilling, maintenance, and 4138  
abandonment of oil and gas wells, especially in coal or mineral 4139  
bearing townships, and shall have a thorough knowledge of the 4140  
latest and best method of plugging and sealing abandoned oil and 4141  
gas wells. 4142

An applicant for gas storage well inspector shall pass an 4143  
examination conducted by the chief to determine the applicant's 4144  
fitness to act as gas storage well inspector before being 4145  
eligible for appointment. 4146

**Sec. 1707.19.** (A) (1) An original license, or a renewal 4147  
thereof, applied for by a dealer or salesperson of securities, 4148  
or by an investment adviser, investment adviser representative, 4149  
bureau of workers' compensation chief investment officer, or 4150  
state retirement system investment officer, may, except as 4151  
provided in division (A)(2) of this section, be refused, and any 4152  
such license granted may be suspended and, after notice and 4153  
hearing in accordance with Chapter 119. of the Revised Code, may 4154  
be revoked, by the division of securities, if the division 4155  
determines that the applicant or the licensed dealer, 4156  
salesperson, investment adviser, investment adviser 4157  
representative, bureau of workers' compensation chief investment 4158  
officer, or state retirement system investment officer: 4159

~~(1)~~ (a) Is not of good business repute; 4160

~~(2)~~ (b) Is conducting an illegitimate or fraudulent 4161  
business; 4162

~~(3)~~ (c) Is, in the case of a dealer or investment adviser, 4163  
insolvent; 4164

~~(4)~~ (d) Has knowingly violated any provision of sections 4165  
1707.01 to 1707.45 of the Revised Code, or any regulation or 4166  
order made thereunder; 4167

~~(5)~~ (e) Has knowingly made a false statement of a material 4168  
fact or an omission of a material fact in an application for a 4169  
license, in a description or application that has been filed, or 4170  
in any statement made to the division under such sections; 4171

~~(6)~~ (f) Has refused to comply with any lawful order or 4172  
requirement of the division under section 1707.23 of the Revised 4173  
Code; 4174

~~(7)~~ (g) Has been guilty of any fraudulent act in 4175  
connection with the sale of any securities or in connection with 4176  
acting as an investment adviser, investment adviser 4177  
representative, bureau of workers' compensation chief investment 4178  
officer, or state retirement system investment officer; 4179

~~(8)~~ (h) Conducts business in purchasing or selling 4180  
securities at such variations from the existing market as in the 4181  
light of all the circumstances are unconscionable; 4182

~~(9)~~ (i) Conducts business in violation of such rules and 4183  
regulations as the division prescribes for the protection of 4184  
investors, clients, or prospective clients; 4185

~~(10)~~ (a) ~~(j)~~ Has failed to furnish to the division any 4186  
information with respect to the purchases or sales of securities 4187  
within this state that may be reasonably requested by the 4188  
division as pertinent to the protection of investors in this 4189  
state. 4190

~~(b)~~ (k) Has failed to furnish to the division any 4191  
information with respect to acting as an investment adviser, 4192  
investment adviser representative, bureau of workers' 4193

compensation chief investment officer, or state retirement 4194  
system investment officer within this state that may be 4195  
reasonably requested by the division. 4196

(2) The division of securities shall not refuse to issue 4197  
an original license to an applicant under division (A) (1) of 4198  
this section because of a criminal conviction unless the refusal 4199  
is in accordance with section 9.79 of the Revised Code. 4200

(B) For the protection of investors the division may 4201  
prescribe reasonable rules defining fraudulent, evasive, 4202  
deceptive, or grossly unfair practices or devices in the 4203  
purchase or sale of securities. 4204

(C) For the protection of investors, clients, or 4205  
prospective clients, the division may prescribe reasonable rules 4206  
regarding the acts and practices of an investment adviser or an 4207  
investment adviser representative. 4208

(D) Pending any investigation or hearing provided for in 4209  
sections 1707.01 to 1707.45 of the Revised Code, the division 4210  
may order the suspension of any dealer's, salesperson's, 4211  
investment adviser's, investment adviser representative's, 4212  
bureau of workers' compensation chief investment officer's, or 4213  
state retirement system investment officer's license by 4214  
notifying the party concerned of such suspension and the cause 4215  
for it. If it is a salesperson whose license is suspended, the 4216  
division shall also notify the dealer employing the salesperson. 4217  
If it is an investment adviser representative whose license is 4218  
suspended, the division also shall notify the investment adviser 4219  
with whom the investment adviser representative is employed or 4220  
associated. If it is a state retirement system investment 4221  
officer whose license is suspended, the division shall also 4222  
notify the state retirement system with whom the state 4223



retirement system investment officer is employed. If it is a 4224  
bureau of workers' compensation chief investment officer whose 4225  
license is suspended, the division shall also notify the bureau 4226  
of workers' compensation. 4227

(E) (1) The suspension or revocation of the dealer's 4228  
license suspends the licenses of all the dealer's salespersons. 4229

(2) The suspension or revocation of the investment 4230  
adviser's license suspends the licenses of all the investment 4231  
adviser's investment adviser representatives. The suspension or 4232  
revocation of an investment adviser's registration under section 4233  
203 of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-3, 4234  
suspends the licenses of all the investment adviser's investment 4235  
adviser representatives. 4236

(F) It is sufficient cause for refusal, revocation, or 4237  
suspension of the license in case of a partnership, partnership 4238  
association, corporation, or unincorporated association if any 4239  
general partner of the partnership, manager of the partnership 4240  
association, or executive officer of the corporation or 4241  
unincorporated association is not of good business repute or has 4242  
been guilty of any act or omission which would be cause for 4243  
refusing or revoking the license of an individual dealer, 4244  
salesperson, investment adviser, or investment adviser 4245  
representative. 4246

**Sec. 1716.05.** (A) No person shall act as a fund-raising 4247  
counsel unless the person first has complied with the 4248  
requirements of this chapter and any rules adopted under this 4249  
chapter. 4250

(B) Any fund-raising counsel that at any time has custody 4251  
of contributions from a solicitation shall do all of the 4252

following: 4253

(1) Register with the attorney general. Applications for 4254  
registration or renewal of registration shall be in writing, 4255  
under oath, and in the form prescribed by the attorney general, 4256  
and shall be accompanied by a fee in the amount of two hundred 4257  
dollars. Any corporation, partnership, association, or other 4258  
entity that intends to act as a fund-raising counsel may 4259  
register for and pay a single fee of two hundred dollars on 4260  
behalf of all its members, officers, employees, and agents. In 4261  
that case, the names and addresses of all the officers, 4262  
employees, and agents of the fund-raising counsel and all other 4263  
persons with whom the fund-raising counsel has contracted to 4264  
work under its direction shall be listed in the application. The 4265  
application shall contain any other information that the 4266  
attorney general may require. The registration or renewal of 4267  
registration shall be for a period of one year or part of one 4268  
year and shall expire on the thirty-first day of March of each 4269  
year. All fees prescribed in this division shall be paid into 4270  
the state treasury to the credit of the charitable law fund 4271  
established under section 109.32 of the Revised Code. 4272

(2) At the time of making an application for registration 4273  
or renewal of registration, file with and have approved by the 4274  
attorney general a bond in which the fund-raising counsel shall 4275  
be the principal obligor, in the sum of twenty-five thousand 4276  
dollars, with one or more sureties authorized to do business in 4277  
this state. The fund-raising counsel shall maintain the bond in 4278  
effect as long as the registration is in effect; however, the 4279  
liability of the surety under the bond shall not exceed an all- 4280  
time aggregate liability of twenty-five thousand dollars. The 4281  
bond, which may be in the form of a rider to a larger blanket 4282  
liability bond, shall run to the state and to any person who may 4283

have a cause of action against the principal obligor of the bond 4284  
for any liability arising out of a violation by the obligor of 4285  
any provision of this chapter or any rule adopted pursuant to 4286  
this chapter. 4287

(3) Not later than ninety days after a solicitation 4288  
campaign has been completed and on the anniversary of the 4289  
commencement of a solicitation campaign lasting more than one 4290  
year, furnish an accounting of all contributions collected and 4291  
expenses paid, to the charitable organization with which the 4292  
fund-raising counsel has contracted. The accounting shall be in 4293  
writing and shall be retained by the charitable organization for 4294  
three years. The fund-raising counsel shall file a copy of the 4295  
accounting with the attorney general not later than seven days 4296  
after it is furnished to the charitable organization. 4297

(4) Not later than two days after receipt of each 4298  
contribution, deposit the entire amount of the contribution in 4299  
an account at a bank or other federally insured financial 4300  
institution which shall be in the name of the charitable 4301  
organization with which the fund-raising counsel has contracted. 4302  
Each contribution collected by the fund-raising counsel shall be 4303  
solely in the name of that charitable organization. The 4304  
charitable organization shall have sole control of all 4305  
withdrawals from the account and the fund-raising counsel shall 4306  
not be given the authority to withdraw any deposited funds from 4307  
the account. 4308

(5) During each solicitation campaign and for not less 4309  
than three years after its completion, maintain the following 4310  
records that shall be made available to the attorney general 4311  
upon the attorney general's request: 4312

(a) A record of each contribution that at any time is in 4313

the custody of the fund-raising counsel, including the name and 4314  
address of each contributor and the date and amount of the 4315  
contribution, provided that the attorney general shall not 4316  
disclose that information except to the extent necessary for 4317  
investigative or law enforcement purposes; 4318

(b) The location of each bank or financial institution in 4319  
which the fund-raising counsel has deposited revenue from the 4320  
solicitation campaign and the account number of each account in 4321  
which the deposits were made. 4322

(C) Unless otherwise provided in this section, any change 4323  
in any information filed with the attorney general pursuant to 4324  
this section shall be reported in writing to the attorney 4325  
general within seven days after the change occurs. 4326

(D) No person shall serve as a fund-raising counsel, or be 4327  
a member, officer, employee, or agent of any fund-raising 4328  
counsel, who has been convicted ~~in the last five years of either~~ 4329  
~~of the following:~~ 4330

~~(1) Any violation of this chapter or any rule adopted~~ 4331  
~~under this chapter, or of any charitable solicitation~~ 4332  
~~legislation or regulation of a political subdivision of this~~ 4333  
~~state or charitable solicitation law of any other jurisdiction~~ 4334  
~~that is similar to this chapter;~~ 4335

~~(2) A felony in this or another state a disqualifying~~ 4336  
~~offense as determined in accordance with section 9.79 of the~~ 4337  
~~Revised Code.~~ 4338

(E) The information provided under this section to the 4339  
attorney general by a fund-raising counsel shall be included in 4340  
the reports and files required to be compiled and maintained by 4341  
the attorney general pursuant to divisions (E) and (F) of 4342

section 1716.08 of the Revised Code. 4343

(F) If a fund-raising counsel fails to comply in a timely 4344  
or complete manner with any of the requirements under this 4345  
section, the fund-raising counsel is liable for and, in addition 4346  
to any fee required in this section, shall pay two hundred 4347  
dollars for each late filing. Each registration, renewal of 4348  
registration, bond, or accounting shall be considered a separate 4349  
filing for the purposes of this section. Any fees required by 4350  
this section are in addition to, and not in place of, penalties 4351  
prescribed in this chapter. 4352

**Sec. 1716.07.** (A) No professional solicitor shall engage 4353  
in any solicitation unless it has complied with the requirements 4354  
of this chapter and any rules adopted under this chapter. 4355

(B) Every professional solicitor, before engaging in any 4356  
solicitation, shall register with the attorney general. 4357  
Applications for registration or renewal of registration shall 4358  
be in writing, under oath, and in the form prescribed by the 4359  
attorney general, and shall be accompanied by a fee in the 4360  
amount of two hundred dollars. Any corporation, partnership, 4361  
association, or other entity that intends to act as a 4362  
professional solicitor may register for and pay a single fee of 4363  
two hundred dollars on behalf of all its members, officers, 4364  
employees, agents, and solicitors. In that case, the names and 4365  
addresses of all the officers, employees, and agents of the 4366  
professional solicitor and all other persons with whom the 4367  
professional solicitor has contracted to work under its 4368  
direction, including solicitors, shall be listed in the 4369  
application or furnished to the attorney general within five 4370  
days of the date of employment or contractual arrangement. The 4371  
application shall contain any other information that the 4372

attorney general may require. The registration shall be for a 4373  
period of one year or part of one year and shall expire on the 4374  
thirty-first day of March of each year. Upon application and 4375  
payment of the fee specified in this division and filing of the 4376  
bond prescribed in division (C) of this section, the 4377  
registration may be renewed for additional one-year periods. All 4378  
fees prescribed in this division shall be paid into the state 4379  
treasury to the credit of the charitable law fund established 4380  
under section 109.32 of the Revised Code. 4381

(C) At the time of making an application for registration 4382  
or renewal of registration, the professional solicitor shall 4383  
file with and have approved by the attorney general a bond in 4384  
which the professional solicitor shall be the principal obligor, 4385  
in the sum of twenty-five thousand dollars, with one or more 4386  
sureties authorized to do business in this state. The 4387  
professional solicitor shall maintain the bond in effect as long 4388  
as the registration is in effect; however, the liability of the 4389  
surety under the bond shall not exceed an all-time aggregate 4390  
liability of twenty-five thousand dollars. The bond, which may 4391  
be in the form of a rider to a larger blanket liability bond, 4392  
shall run to the state and to any person who may have a cause of 4393  
action against the principal obligor of the bond for any 4394  
liability arising out of a violation by the obligor of any 4395  
provision of this chapter or any rule adopted pursuant to this 4396  
chapter. 4397

(D) (1) Prior to the commencement of any solicitation, the 4398  
professional solicitor shall file all of the following with the 4399  
attorney general: 4400

(a) A completed document called "Solicitation Notice" upon 4401  
a form prescribed by the attorney general and containing all of 4402

the information specified in division (D) (2) of this section;	4403
(b) A copy of the contract described in division (A) of section 1716.08 of the Revised Code;	4404 4405
(c) A sworn statement by the charitable organization on whose behalf the professional solicitor is acting certifying that the solicitation notice and any accompanying material are true and correct to the best of its knowledge.	4406 4407 4408 4409
(2) The solicitation notice shall include all of the following:	4410 4411
(a) The fund-raising methods to be used;	4412
(b) The projected dates when the solicitation will commence and terminate;	4413 4414
(c) The location and telephone number from where the solicitation will be conducted if it will be conducted by telephone;	4415 4416 4417
(d) The name and residence address of each person responsible for directing and supervising the conduct of the solicitation campaign;	4418 4419 4420
(e) A statement of whether the professional solicitor will at any time have custody of any contributions;	4421 4422
(f) A full and fair description of the charitable program for which the solicitation campaign is being carried out;	4423 4424
(g) The written and signed consent of every charitable organization on whose behalf the professional solicitor will be soliciting contributions or whose name will be mentioned during the solicitation.	4425 4426 4427 4428
(E) Not later than ninety days after a solicitation	4429

campaign has been completed and on the anniversary of the 4430  
commencement of a solicitation campaign lasting more than one 4431  
year, the professional solicitor shall provide to the charitable 4432  
organization and file with the attorney general a financial 4433  
report of the campaign, including the gross revenue received and 4434  
an itemization of all expenses incurred. The report shall be 4435  
completed on a form prescribed by the attorney general and 4436  
signed by an authorized official of the professional solicitor 4437  
who shall certify under oath that the report is true and 4438  
correct. 4439

(F) Each contribution collected by or in the custody of 4440  
the professional solicitor shall be solely in the name of the 4441  
charitable organization on whose behalf the contribution was 4442  
solicited. Not later than two days after receipt of each 4443  
contribution, the professional solicitor shall deposit the 4444  
entire amount of the contribution in an account at a bank or 4445  
other federally insured financial institution, which shall be in 4446  
the name of that charitable organization. The charitable 4447  
organization shall have sole control of all withdrawals from the 4448  
account and the professional solicitor shall not be given the 4449  
authority to withdraw any deposited funds from the account. 4450

(G) (1) During each solicitation campaign and for not less 4451  
than three years after its completion, the professional 4452  
solicitor shall maintain the following records: 4453

(a) The name and, if known to the professional solicitor, 4454  
the address and telephone number of each contributor and the 4455  
date and amount of the contribution, provided that the attorney 4456  
general shall not disclose that information except to the extent 4457  
necessary for investigative or law enforcement purposes; 4458

(b) The name and residence address of each employee, 4459



agent, and any other person, however designated, who is involved 4460  
in the solicitation, the amount of compensation paid to each, 4461  
and the dates on which the payments were made; 4462

(c) A record of all contributions that at any time are in 4463  
the custody of the professional solicitor; 4464

(d) A record of all expenses incurred by the professional 4465  
solicitor for the payment of which the professional solicitor is 4466  
liable; 4467

(e) A record of all expenses incurred by the professional 4468  
solicitor for the payment of which the charitable organization 4469  
is liable; 4470

(f) The location of each bank or financial institution in 4471  
which the professional solicitor has deposited revenue from the 4472  
solicitation campaign and the account number of each account in 4473  
which the deposits were made; 4474

(g) A copy of each pitch sheet or solicitation script used 4475  
during the solicitation campaign; 4476

(h) If a refund of a contribution has been requested, the 4477  
name and address of each person requesting the refund, and if a 4478  
refund was made, its amount and the date it was made. 4479

(i) Any other record of such information as the attorney 4480  
general may require. 4481

(2) If the professional solicitor sells tickets to any 4482  
event and represents that the tickets will be donated for use by 4483  
another person, the professional solicitor also shall maintain 4484  
for the same period as specified in division (G)(1) of this 4485  
section the following records: 4486

(a) The name and address of each contributor that 4487

purchases or donates tickets and the number of tickets purchased 4488  
or donated by the contributor; 4489

(b) The name and address of each organization that 4490  
receives the donated tickets for the use of others, and the 4491  
number of tickets received by the organization. 4492

(3) Any of the records described in divisions (G) (1) and 4493  
(2) of this section shall be made available to the attorney 4494  
general upon the attorney general's request and shall be 4495  
furnished to the attorney general within ten days of the 4496  
request. 4497

(H) Unless otherwise provided in this section or section 4498  
1716.08 of the Revised Code, any change in any information filed 4499  
with the attorney general pursuant to this section and section 4500  
1716.08 of the Revised Code shall be reported in writing to the 4501  
attorney general within seven days after the change occurs. 4502

(I) No person shall serve as a professional solicitor, or 4503  
be a member, officer, employee, or agent of any professional 4504  
solicitor, who has been convicted ~~in the last five years of~~ 4505  
~~either of the following:~~ 4506

~~(1) Any violation of this chapter or any rule adopted~~ 4507  
~~under this chapter, or of any charitable solicitation~~ 4508  
~~legislation or regulation of a political subdivision of this~~ 4509  
~~state or charitable solicitation law of any other jurisdiction~~ 4510  
~~that is similar to this chapter;~~ 4511

~~(2) A felony in this or another state a disqualifying~~ 4512  
~~offense determined in accordance with section 9.79 of the~~ 4513  
~~Revised Code.~~ 4514

(J) If a professional solicitor fails to comply in a 4515  
timely or complete manner with any of the requirements under 4516

this section, the professional solicitor is liable for and, in 4517  
addition to any fee required in this section, shall pay two 4518  
hundred dollars for each late filing. Each registration, renewal 4519  
of registration, bond, solicitation notice, contract, sworn 4520  
statement, or financial report shall be considered a separate 4521  
filing for the purposes of this section. Any fees required by 4522  
this section are in addition to, and not in place of, penalties 4523  
prescribed in this chapter. 4524

**Sec. 1751.05.** (A) The superintendent of insurance shall 4525  
issue or deny a certificate of authority to a health insuring 4526  
corporation filing an application pursuant to section 1751.03 of 4527  
the Revised Code, one hundred thirty-five days from the 4528  
superintendent's receipt of a complete application and 4529  
accompanying documents. 4530

(B) A certificate of authority shall be issued upon 4531  
payment of the application fee prescribed in section 1751.44 of 4532  
the Revised Code if the superintendent is satisfied that the 4533  
following conditions are met: 4534

(1) The persons responsible for the conduct of the affairs 4535  
of the applicant are competent, and trustworthy, ~~and possess~~ 4536  
~~good reputations~~. 4537

(2) The superintendent determines, in accordance with 4538  
division (B) of section 1751.04 of the Revised Code, that the 4539  
organization's proposed plan of operation meets the requirements 4540  
of division (A) of that section. 4541

(3) The applicant constitutes an appropriate mechanism to 4542  
effectively provide or arrange for the provision of the basic 4543  
health care services, supplemental health care services, or 4544  
specialty health care services to be provided to enrollees. 4545

(4) The applicant is financially responsible, complies 4546  
with section 1751.28 of the Revised Code, and may reasonably be 4547  
expected to meet its obligations to enrollees and prospective 4548  
enrollees. In making this determination, the superintendent may 4549  
consider: 4550

(a) The financial soundness of the applicant's 4551  
arrangements for health care services, including the applicant's 4552  
proposed contractual periodic prepayments or premiums and the 4553  
use of copayments and deductibles; 4554

(b) The adequacy of working capital; 4555

(c) Any agreement with an insurer, a government, or any 4556  
other person for insuring the payment of the cost of health care 4557  
services or providing for automatic applicability of an 4558  
alternative coverage in the event of discontinuance of the 4559  
health insuring corporation's operations; 4560

(d) Any agreement with providers or health care facilities 4561  
for the provision of health care services; 4562

(e) Any deposit of securities submitted in accordance with 4563  
section 1751.27 of the Revised Code as a guarantee that the 4564  
obligations will be performed. 4565

(5) The applicant has submitted documentation of an 4566  
arrangement to provide health care services to its enrollees 4567  
until the expiration of the enrollees' contracts with the 4568  
applicant if a health care plan or the operations of the health 4569  
insuring corporation are discontinued prior to the expiration of 4570  
the enrollees' contracts. An arrangement to provide health care 4571  
services may be made by using any one, or any combination, of 4572  
the following methods: 4573

(a) The maintenance of insolvency insurance; 4574

(b) A provision in contracts with providers and health care facilities, but no health insuring corporation shall rely solely on such a provision for more than thirty days;

(c) An agreement with other health insuring corporations or insurers, providing enrollees with automatic conversion rights upon the discontinuation of a health care plan or the health insuring corporation's operations;

(d) Such other methods as approved by the superintendent.

(6) Nothing in the applicant's proposed method of operation, as shown by the information submitted pursuant to section 1751.03 of the Revised Code or by independent investigation, will cause harm to an enrollee or to the public at large, as determined by the superintendent.

(7) Any deficiencies identified by the superintendent under section 1751.04 of the Revised Code have been corrected.

(8) The applicant has deposited securities as set forth in section 1751.27 of the Revised Code.

(C) If an applicant elects to fulfill the requirements of division (B) (5) of this section through an agreement with other health insuring corporations or insurers, the agreement shall require those health insuring corporations or insurers to give thirty days' notice to the superintendent prior to cancellation or discontinuation of the agreement for any reason.

(D) A certificate of authority shall be denied only after compliance with the requirements of section 1751.36 of the Revised Code.

**Sec. 2915.081.** (A) No distributor shall sell, offer to sell, or otherwise provide or offer to provide bingo supplies to

another person, or modify, convert, add to, or remove parts from 4603  
bingo supplies to further their promotion or sale, for use in 4604  
this state without having obtained a license from the attorney 4605  
general under this section. 4606

(B) The attorney general may issue a distributor license 4607  
to any person that meets the requirements of this section. The 4608  
application for the license shall be on a form prescribed by the 4609  
attorney general and be accompanied by the annual fee prescribed 4610  
by this section. The license is valid for a period of one year, 4611  
and the annual fee for the license is five thousand dollars. 4612

(C) The attorney general may refuse to issue a distributor 4613  
license to any person to which any of the following applies, or 4614  
to any person that has an officer, partner, or other person who 4615  
has an ownership interest of ten per cent or more and to whom 4616  
any of the following applies: 4617

(1) The person, officer, or partner has been convicted of 4618  
~~a felony under the laws of this state, another state, or the~~ 4619  
~~United States.~~ 4620

~~(2) The person, officer, or partner has been convicted of~~ 4621  
~~any gambling offense~~ disqualifying offense as determined in 4622  
accordance with section 9.79 of the Revised Code. 4623

~~(3)~~ (2) The person, officer, or partner has made an 4624  
incorrect or false statement that is material to the granting of 4625  
a license in an application submitted to the attorney general 4626  
under this section or in a similar application submitted to a 4627  
gambling licensing authority in another jurisdiction if the 4628  
statement resulted in license revocation through administrative 4629  
action in the other jurisdiction. 4630

~~(4)~~ (3) The person, officer, or partner has submitted any 4631

incorrect or false information relating to the application to 4632  
the attorney general under this section, if the information is 4633  
material to the granting of the license. 4634

~~(5)~~(4) The person, officer, or partner has failed to 4635  
correct any incorrect or false information that is material to 4636  
the granting of the license in the records required to be 4637  
maintained under division ~~(E)~~(F) of section 2915.10 of the 4638  
Revised Code. 4639

~~(6)~~(5) The person, officer, or partner has had a license 4640  
related to gambling revoked or suspended under the laws of this 4641  
state, another state, or the United States. 4642

(D) The attorney general shall not issue a distributor 4643  
license to any person that is involved in the conduct of bingo 4644  
on behalf of a charitable organization or that is a lessor of 4645  
premises used for the conduct of bingo. This division does not 4646  
prohibit a distributor from advising charitable organizations on 4647  
the use and benefit of specific bingo supplies or prohibit a 4648  
distributor from advising a customer on operational methods to 4649  
improve bingo profitability. 4650

(E) (1) No distributor shall sell, offer to sell, or 4651  
otherwise provide or offer to provide bingo supplies to any 4652  
person, or modify, convert, add to, or remove parts from bingo 4653  
supplies to further their promotion or sale, for use in this 4654  
state except to or for the use of a charitable organization that 4655  
has been issued a license under section 2915.08 of the Revised 4656  
Code or to another distributor that has been issued a license 4657  
under this section. No distributor shall accept payment for the 4658  
sale or other provision of bingo supplies other than by check or 4659  
electronic fund transfer. 4660

(2) No distributor may donate, give, loan, lease, or otherwise provide any bingo supplies or equipment, or modify, convert, add to, or remove parts from bingo supplies to further their promotion or sale, to or for the use of a charitable organization for use in a bingo session conditioned on or in consideration for an exclusive right to provide bingo supplies to the charitable organization. A distributor may provide a licensed charitable organization with free samples of the distributor's products to be used as prizes or to be used for the purpose of sampling.

(3) No distributor shall purchase bingo supplies for use in this state from any person except from a manufacturer issued a license under section 2915.082 of the Revised Code or from another distributor issued a license under this section. Subject to division (D) of section 2915.082 of the Revised Code, no distributor shall pay for purchased bingo supplies other than by check or electronic fund transfer.

(4) No distributor shall participate in the conduct of bingo on behalf of a charitable organization or have any direct or indirect ownership interest in a premises used for the conduct of bingo.

(5) No distributor shall knowingly solicit, offer, pay, or receive any kickback, bribe, or undocumented rebate, directly or indirectly, overtly or covertly, in cash or in kind, in return for providing bingo supplies to any person in this state.

(F) The attorney general may suspend or revoke a distributor license for any of the following reasons:

(1) Any reason for which the attorney general may refuse to issue a distributor license specified in ~~division~~ divisions



(C) (2) to (5) of this section ~~or if the~~; 4690

(2) The distributor holding the license violates any 4691  
provision of this chapter or any rule adopted by the attorney 4692  
general under this chapter; 4693

(3) The distributor or any officer, partner, or other 4694  
person who has an ownership interest of ten per cent or more in 4695  
the distributor is convicted of either of the following: 4696

(a) A felony under the laws of this state, another state, 4697  
or the United States; 4698

(b) Any gambling offense. 4699

(G) Whoever violates division (A) or (E) of this section 4700  
is guilty of illegally operating as a distributor. Except as 4701  
otherwise provided in this division, illegally operating as a 4702  
distributor is a misdemeanor of the first degree. If the 4703  
offender previously has been convicted of a violation of 4704  
division (A) or (E) of this section, illegally operating as a 4705  
distributor is a felony of the fifth degree. 4706

**Sec. 2915.082.** (A) No manufacturer shall sell, offer to 4707  
sell, or otherwise provide or offer to provide bingo supplies 4708  
for use in this state without having obtained a license from the 4709  
attorney general under this section. 4710

(B) The attorney general may issue a manufacturer license 4711  
to any person that meets the requirements of this section. The 4712  
application for the license shall be on a form prescribed by the 4713  
attorney general and be accompanied by the annual fee prescribed 4714  
by this section. The license is valid for a period of one year, 4715  
and the annual fee for the license is five thousand dollars. 4716

(C) The attorney general may refuse to issue a 4717

manufacturer license to any person to which any of the following 4718  
applies, or to any person that has an officer, partner, or other 4719  
person who has an ownership interest of ten per cent or more and 4720  
to whom any of the following applies: 4721

(1) The person, officer, or partner has been convicted of 4722  
~~a felony under the laws of this state, another state, or the~~ 4723  
~~United States.~~ 4724

~~(2) The person, officer, or partner has been convicted of~~ 4725  
~~any gambling offense~~ a disqualifying offense as determined in 4726  
accordance with section 9.79 of the Revised Code. 4727

~~(3)~~ (2) The person, officer, or partner has made an 4728  
incorrect or false statement that is material to the granting of 4729  
a license in an application submitted to the attorney general 4730  
under this section or in a similar application submitted to a 4731  
gambling licensing authority in another jurisdiction if the 4732  
statement resulted in license revocation through administrative 4733  
action in the other jurisdiction. 4734

~~(4)~~ (3) The person, officer, or partner has submitted any 4735  
incorrect or false information relating to the application to 4736  
the attorney general under this section, if the information is 4737  
material to the granting of the license. 4738

~~(5)~~ (4) The person, officer, or partner has failed to 4739  
correct any incorrect or false information that is material to 4740  
the granting of the license in the records required to be 4741  
maintained under division ~~(F)~~ (G) of section 2915.10 of the 4742  
Revised Code. 4743

~~(6)~~ (5) The person, officer, or partner has had a license 4744  
related to gambling revoked or suspended under the laws of this 4745  
state, another state, or the United States. 4746

(D) (1) No manufacturer shall sell, offer to sell, or 4747  
otherwise provide or offer to provide bingo supplies to any 4748  
person for use in this state except to a distributor that has 4749  
been issued a license under section 2915.081 of the Revised 4750  
Code. No manufacturer shall accept payment for the sale of bingo 4751  
supplies other than by check or electronic fund transfer. 4752

(2) No manufacturer shall knowingly solicit, offer, pay, 4753  
or receive any kickback, bribe, or undocumented rebate, directly 4754  
or indirectly, overtly or covertly, in cash or in kind, in 4755  
return for providing bingo supplies to any person in this state. 4756

(E) (1) The attorney general may suspend or revoke a 4757  
manufacturer license for any of the following reasons: 4758

(a) Any reason for which the attorney general may refuse 4759  
to issue a manufacturer license specified in ~~division~~ divisions 4760  
(C) (2) to (5) of this section or if the; 4761

(b) The manufacturer holding the license violates any 4762  
provision of this chapter or any rule adopted by the attorney 4763  
general under this chapter; 4764

(c) The manufacturer or any officer, partner, or other 4765  
person who has an ownership interest of ten per cent or more in 4766  
the manufacturer is convicted of either of the following: 4767

(i) A felony under the laws of this state, another state, 4768  
or the United States; 4769

(ii) Any gambling offense. 4770

(2) The attorney general may perform an onsite inspection 4771  
of a manufacturer of bingo supplies that is selling, offering to 4772  
sell, or otherwise providing or offering to provide bingo 4773  
supplies or that is applying for a license to sell, offer to 4774

sell, or otherwise provide or offer to provide bingo supplies in 4775  
this state. 4776

(F) Whoever violates division (A) or (D) of this section 4777  
is guilty of illegally operating as a manufacturer. Except as 4778  
otherwise provided in this division, illegally operating as a 4779  
manufacturer is a misdemeanor of the first degree. If the 4780  
offender previously has been convicted of a violation of 4781  
division (A) or (D) of this section, illegally operating as a 4782  
manufacturer is a felony of the fifth degree. 4783

**Sec. 3304.31.** (A) Licenses issued by the bureau of 4784  
services for the visually impaired under section 3304.29 of the 4785  
Revised Code shall be in effect until suspended or revoked. ~~The~~ 4786  
Except as provided in division (B) of this section, the bureau 4787  
may deny, revoke, or suspend a license or otherwise discipline a 4788  
licensee upon proof that the licensee is guilty of fraud or 4789  
deceit in procuring or attempting to procure a license, is 4790  
guilty of a felony or a crime of moral turpitude, is addicted to 4791  
the use of habit-forming drugs or alcohol, or is mentally 4792  
incompetent. Such license may also be denied, revoked, or 4793  
suspended on proof of violation by the applicant or licensee of 4794  
the rules established by the bureau for the operation of 4795  
suitable vending facilities by the blind or if a licensee fails 4796  
to maintain a vending facility as a suitable vending facility. 4797

(B) The bureau shall not refuse to issue a license to an 4798  
applicant because of a conviction of or plea of guilty to an 4799  
offense unless the refusal is in accordance with section 9.79 of 4800  
the Revised Code. 4801

(C) Any individual who is blind and who has had the 4802  
individual's license suspended or revoked or the individual's 4803  
application denied by the bureau may reapply for a license and 4804

may be reinstated or be granted a license by the bureau upon 4805  
presentation of satisfactory evidence that there is no longer 4806  
cause for such suspension, revocation, or denial. Before the 4807  
bureau may revoke, deny, or suspend a license, or otherwise 4808  
discipline a licensee, written charges must be filed by the 4809  
director of the bureau and a hearing shall be held as provided 4810  
in Chapter 119. of the Revised Code. 4811

**Sec. 3310.43.** (A) As used in this section: 4812

(1) "Registered private provider" has the same meaning as 4813  
in section 3310.41 of the Revised Code. 4814

(2) "Two years of study" means the equivalent of forty- 4815  
eight semester hours or seventy-two quarter hours. 4816

(B) The state board of education may issue an 4817  
instructional assistant permit to an individual, upon the 4818  
request of a registered private provider, qualifying that 4819  
individual to provide services to a child under the autism 4820  
scholarship program under section 3310.41 of the Revised Code. 4821  
The permit shall be valid for one year from the date of issue 4822  
and shall be renewable. 4823

For an individual to qualify for a permit under this 4824  
section, the registered private provider shall assure to the 4825  
state board all of the following: 4826

(1) ~~The individual is of good moral character.~~ 4827

~~(2)~~ The individual possesses the appropriate skills 4828  
necessary to perform the duties of an instructional assistant, 4829  
including the supervision of children and assistance with 4830  
instructional tasks. 4831

~~(3)~~ (2) The individual demonstrates the potential to 4832

benefit from and consents to participating in in-service 4833  
training, as required by the registered private provider. 4834

~~(4)~~ (3) The individual either: 4835

(a) Has an associate degree or higher from an accredited 4836  
institution of higher education; 4837

(b) Has completed at least two years of study at an 4838  
accredited institution of higher education. 4839

(C) An individual issued a permit under this section may 4840  
provide instructional services in the home of a child so long as 4841  
the individual is subject to adequate training and supervision. 4842  
The state board shall adopt rules, pursuant to Chapter 119. of 4843  
the Revised Code, regarding how providers will demonstrate this 4844  
supervision. 4845

(D) An individual issued a permit under this section shall 4846  
be subject to the requirements of sections 3319.291, 3319.31, 4847  
3319.311, and 3319.313 of the Revised Code. 4848

**Sec. 3319.088.** As used in this section, "educational 4849  
assistant" means any nonteaching employee in a school district 4850  
who directly assists a teacher as defined in section 3319.09 of 4851  
the Revised Code, by performing duties for which a license 4852  
issued pursuant to sections 3319.22 to 3319.30 of the Revised 4853  
Code is not required. 4854

(A) The state board of education shall issue educational 4855  
aide permits and educational paraprofessional licenses for 4856  
educational assistants and shall adopt rules for the issuance 4857  
and renewal of such permits and licenses which shall be 4858  
consistent with the provisions of this section. Educational aide 4859  
permits and educational paraprofessional licenses may be of 4860  
several types and the rules shall prescribe the minimum 4861

qualifications of education, ~~and health, and character~~ for the 4862  
service to be authorized under each type. The prescribed minimum 4863  
qualifications may require special training or educational 4864  
courses designed to qualify a person to perform effectively the 4865  
duties authorized under an educational aide permit or 4866  
educational paraprofessional license. 4867

(B) (1) Any application for a permit or license, or a 4868  
renewal or duplicate of a permit or license, under this section 4869  
shall be accompanied by the payment of a fee in the amount 4870  
established under division (A) of section 3319.51 of the Revised 4871  
Code. Any fees received under this division shall be paid into 4872  
the state treasury to the credit of the state board of education 4873  
licensure fund established under division (B) of section 3319.51 4874  
of the Revised Code. 4875

(2) Any person applying for or holding a permit or license 4876  
pursuant to this section is subject to sections 3123.41 to 4877  
3123.50 of the Revised Code and any applicable rules adopted 4878  
under section 3123.63 of the Revised Code and sections 3319.31 4879  
and 3319.311 of the Revised Code. 4880

(C) Educational assistants shall at all times while in the 4881  
performance of their duties be under the supervision and 4882  
direction of a teacher as defined in section 3319.09 of the 4883  
Revised Code. Educational assistants may assist a teacher to 4884  
whom assigned in the supervision of pupils, in assisting with 4885  
instructional tasks, and in the performance of duties which, in 4886  
the judgment of the teacher to whom the assistant is assigned, 4887  
may be performed by a person not licensed pursuant to sections 4888  
3319.22 to 3319.30 of the Revised Code and for which a teaching 4889  
license, issued pursuant to sections 3319.22 to 3319.30 of the 4890  
Revised Code is not required. The duties of an educational 4891

assistant shall not include the assignment of grades to pupils. 4892  
The duties of an educational assistant need not be performed in 4893  
the physical presence of the teacher to whom assigned, but the 4894  
activity of an educational assistant shall at all times be under 4895  
the direction of the teacher to whom assigned. The assignment of 4896  
an educational assistant need not be limited to assisting a 4897  
single teacher. In the event an educational assistant is 4898  
assigned to assist more than one teacher the assignments shall 4899  
be clearly delineated and so arranged that the educational 4900  
assistant shall never be subject to simultaneous supervision or 4901  
direction by more than one teacher. 4902

Educational assistants assigned to supervise children 4903  
shall, when the teacher to whom assigned is not physically 4904  
present, maintain the degree of control and discipline that 4905  
would be maintained by the teacher. 4906

Educational assistants may not be used in place of 4907  
classroom teachers or other employees and any payment of 4908  
compensation by boards of education to educational assistants 4909  
for such services is prohibited. The ratio between the number of 4910  
licensed teachers and the pupils in a school district may not be 4911  
decreased by utilization of educational assistants and no 4912  
grouping, or other organization of pupils, for utilization of 4913  
educational assistants shall be established which is 4914  
inconsistent with sound educational practices and procedures. A 4915  
school district may employ up to one full time equivalent 4916  
educational assistant for each six full time equivalent licensed 4917  
employees of the district. Educational assistants shall not be 4918  
counted as licensed employees for purposes of state support in 4919  
the school foundation program and no grouping or regrouping of 4920  
pupils with educational assistants may be counted as a class or 4921  
unit for school foundation program purposes. Neither special 4922



courses required by the regulations of the state board of 4923  
education, prescribing minimum qualifications of education for 4924  
an educational assistant, nor years of service as an educational 4925  
assistant shall be counted in any way toward qualifying for a 4926  
teacher license, for a teacher contract of any type, or for 4927  
determining placement on a salary schedule in a school district 4928  
as a teacher. 4929

(D) Educational assistants employed by a board of 4930  
education shall have all rights, benefits, and legal protection 4931  
available to other nonteaching employees in the school district, 4932  
except that provisions of Chapter 124. of the Revised Code shall 4933  
not apply to any person employed as an educational assistant, 4934  
and shall be members of the school employees retirement system. 4935  
Educational assistants shall be compensated according to a 4936  
salary plan adopted annually by the board. 4937

Except as provided in this section nonteaching employees 4938  
shall not serve as educational assistants without first 4939  
obtaining an appropriate educational aide permit or educational 4940  
paraprofessional license from the state board of education. A 4941  
nonteaching employee who is the holder of a valid educational 4942  
aide permit or educational paraprofessional license shall 4943  
neither render nor be required to render services inconsistent 4944  
with the type of services authorized by the permit or license 4945  
held. No person shall receive compensation from a board of 4946  
education for services rendered as an educational assistant in 4947  
violation of this provision. 4948

Nonteaching employees whose functions are solely 4949  
secretarial-clerical and who do not perform any other duties as 4950  
educational assistants, even though they assist a teacher and 4951  
work under the direction of a teacher shall not be required to 4952

hold a permit or license issued pursuant to this section. 4953  
Students preparing to become licensed teachers or educational 4954  
assistants shall not be required to hold an educational aide 4955  
permit or paraprofessional license for such periods of time as 4956  
such students are assigned, as part of their training program, 4957  
to work with a teacher in a school district. Such students shall 4958  
not be compensated for such services. 4959

Following the determination of the assignment and general 4960  
job description of an educational assistant and subject to 4961  
supervision by the teacher's immediate administrative officer, a 4962  
teacher to whom an educational assistant is assigned shall make 4963  
all final determinations of the duties to be assigned to such 4964  
assistant. Teachers shall not be required to hold a license 4965  
designated for being a supervisor or administrator in order to 4966  
perform the necessary supervision of educational assistants. 4967

(E) No person who is, or who has been employed as an 4968  
educational assistant shall divulge, except to the teacher to 4969  
whom assigned, or the administrator of the school in the absence 4970  
of the teacher to whom assigned, or when required to testify in 4971  
a court or proceedings, any personal information concerning any 4972  
pupil in the school district which was obtained or obtainable by 4973  
the educational assistant while so employed. Violation of this 4974  
provision is grounds for disciplinary action or dismissal, or 4975  
both. 4976

(F) Notwithstanding anything to the contrary in this 4977  
section, the superintendent of a school district may allow an 4978  
employee who does not hold a permit or license issued under this 4979  
section to work as a substitute for an educational assistant who 4980  
is absent on account of illness or on a leave of absence, or to 4981  
fill a temporary position created by an emergency, provided that 4982

the superintendent believes the employee's application materials 4983  
indicate that the employee is qualified to obtain a permit or 4984  
license under this section. 4985

An employee shall begin work as a substitute under this 4986  
division not earlier than on the date on which the employee 4987  
files an application with the state board for a permit or 4988  
license under this section. An employee shall cease working as a 4989  
substitute under this division on the earliest of the following: 4990

(1) The date on which the employee files a valid permit or 4991  
license issued under this section with the superintendent; 4992

(2) The date on which the employee is denied a permit or 4993  
license under this section; 4994

(3) Sixty days following the date on which the employee 4995  
began work as a substitute under this division. 4996

The superintendent shall ensure that an employee assigned 4997  
to work as a substitute under division (F) of this section has 4998  
undergone a criminal records check in accordance with section 4999  
3319.391 of the Revised Code. 5000

**Sec. 3319.225.** (A) No temporary educator license shall be 5001  
issued under this section for employment as a principal after 5002  
the effective date of the rules prescribed by division (A) of 5003  
section 3319.27 of the Revised Code. No temporary educator 5004  
license shall be issued under this section for employment as a 5005  
superintendent or in any other administrative position except 5006  
principal after the effective date of the rules prescribed by 5007  
division (B) of section 3319.27 of the Revised Code. 5008

(B) Notwithstanding sections 3319.01 and 3319.22 of the 5009  
Revised Code, the board of education of any city, local, or 5010  
exempted village, or joint vocational school district, or the 5011

governing board of any educational service center may request 5012  
the state board of education to issue a one-year temporary 5013  
educator license valid for being employed as a superintendent, 5014  
or in any other administrative position, to an individual 5015  
specified by the district board. The state board of education 5016  
may issue the educator license if the requesting district board 5017  
has determined ~~both of the following:~~ 5018

~~(1) The individual is of good moral character;~~ 5019

~~(2) The that the individual holds at least a baccalaureate 5020  
degree from an accredited institution of higher education in a 5021  
field related to finance or administration, or has five years of 5022  
recent work experience in education, management, or 5023  
administration. 5024~~

A one-year temporary educator license is valid only in the 5025  
district whose board requested the license. An individual 5026  
holding such a license may be employed as a superintendent or in 5027  
any other administrative position in such district. The state 5028  
board of education may renew such license annually upon request 5029  
of the employing district. 5030

**Sec. 3319.30.** Except as provided in section 3319.36 of the 5031  
Revised Code, no person shall receive any compensation for the 5032  
performance of duties as teacher in any school supported wholly 5033  
or in part by the state or by federal funds who has not obtained 5034  
a license of qualification for the position as provided for 5035  
under section 3319.22 of the Revised Code ~~and which license~~ 5036  
~~shall further certify to the good moral character of the holder~~ 5037  
~~thereof.~~ Any teacher so qualified may, at the discretion of the 5038  
employing board of education, receive compensation for days on 5039  
which the teacher is excused by such board for the purpose of 5040  
attending professional meetings, and the board may provide and 5041

pay the salary of a substitute teacher for such days. 5042

**Sec. 3319.31.** (A) As used in this section and sections 5043  
3123.41 to 3123.50 and 3319.311 of the Revised Code, "license" 5044  
means a certificate, license, or permit described in this 5045  
chapter or in division (B) of section 3301.071 or in section 5046  
3301.074 of the Revised Code. 5047

(B) For any of the following reasons, the state board of 5048  
education, except as provided in division (H) of this section 5049  
and in accordance with Chapter 119. and section 3319.311 of the 5050  
Revised Code, may refuse to issue a license to an applicant; may 5051  
limit a license it issues to an applicant; may suspend, revoke, 5052  
or limit a license that has been issued to any person; or may 5053  
revoke a license that has been issued to any person and has 5054  
expired: 5055

(1) Engaging in an immoral act, incompetence, negligence, 5056  
or conduct that is unbecoming to the applicant's or person's 5057  
position; 5058

(2) A plea of guilty to, a finding of guilt by a jury or 5059  
court of, or a conviction of any of the following: 5060

(a) A felony other than a felony listed in division (C) of 5061  
this section; 5062

(b) An offense of violence other than an offense of 5063  
violence listed in division (C) of this section; 5064

(c) A theft offense, as defined in section 2913.01 of the 5065  
Revised Code, other than a theft offense listed in division (C) 5066  
of this section; 5067

(d) A drug abuse offense, as defined in section 2925.01 of 5068  
the Revised Code, that is not a minor misdemeanor, other than a 5069

drug abuse offense listed in division (C) of this section; 5070

(e) A violation of an ordinance of a municipal corporation 5071  
that is substantively comparable to an offense listed in 5072  
divisions (B) (2) (a) to (d) of this section. 5073

(3) A judicial finding of eligibility for intervention in 5074  
lieu of conviction under section 2951.041 of the Revised Code, 5075  
or agreeing to participate in a pre-trial diversion program 5076  
under section 2935.36 of the Revised Code, or a similar 5077  
diversion program under rules of a court, for any offense listed 5078  
in division (B) (2) or (C) of this section; 5079

(4) Failure to comply with section 3313.536, 3314.40, 5080  
3319.313, 3326.24, 3328.19, or 5126.253 of the Revised Code. 5081

(C) Upon learning of a plea of guilty to, a finding of 5082  
guilt by a jury or court of, or a conviction of any of the 5083  
offenses listed in this division by a person who holds a current 5084  
or expired license or is an applicant for ~~a license or renewal~~ 5085  
of a license, the state board or the superintendent of public 5086  
instruction, if the state board has delegated the duty pursuant 5087  
to division (D) of this section, shall by a written order revoke 5088  
the person's license or deny ~~issuance or renewal~~ of the license 5089  
to the person. The state board or the superintendent shall 5090  
revoke a license that has been issued to a person to whom this 5091  
division applies and has expired in the same manner as a license 5092  
that has not expired. 5093

Revocation of a license or denial of ~~issuance or renewal~~ 5094  
of a license under this division is effective immediately at the 5095  
time and date that the board or superintendent issues the 5096  
written order and is not subject to appeal in accordance with 5097  
Chapter 119. of the Revised Code. Revocation of a license or 5098

denial of ~~issuance or~~ renewal of license under this division 5099  
remains in force during the pendency of an appeal by the person 5100  
of the plea of guilty, finding of guilt, or conviction that is 5101  
the basis of the action taken under this division. 5102

The state board or superintendent shall take the action 5103  
required by this division for a violation of division (B) (1), 5104  
(2), (3), or (4) of section 2919.22 of the Revised Code; a 5105  
violation of section 2903.01, 2903.02, 2903.03, 2903.04, 5106  
2903.041, 2903.11, 2903.12, 2903.15, 2905.01, 2905.02, 2905.05, 5107  
2905.11, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 5108  
2907.21, 2907.22, 2907.23, 2907.24, 2907.241, 2907.25, 2907.31, 5109  
2907.311, 2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 5110  
2907.34, 2909.02, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 5111  
2911.11, 2911.12, 2913.44, 2917.01, 2917.02, 2917.03, 2917.31, 5112  
2917.33, 2919.12, 2919.121, 2919.13, 2921.02, 2921.03, 2921.04, 5113  
2921.05, 2921.11, 2921.34, 2921.41, 2923.122, 2923.123, 5114  
2923.161, 2923.17, 2923.21, 2925.02, 2925.03, 2925.04, 2925.041, 5115  
2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 2925.24, 2925.32, 5116  
2925.36, 2925.37, 2927.24, or 3716.11 of the Revised Code; a 5117  
violation of section 2905.04 of the Revised Code as it existed 5118  
prior to July 1, 1996; a violation of section 2919.23 of the 5119  
Revised Code that would have been a violation of section 2905.04 5120  
of the Revised Code as it existed prior to July 1, 1996, had the 5121  
violation been committed prior to that date; felonious sexual 5122  
penetration in violation of former section 2907.12 of the 5123  
Revised Code; or a violation of an ordinance of a municipal 5124  
corporation that is substantively comparable to an offense 5125  
listed in this paragraph. 5126

(D) The state board may delegate to the superintendent of 5127  
public instruction the authority to revoke a person's license or 5128  
to deny ~~issuance or~~ renewal of a license to a person under 5129

division (C) or (F) of this section. 5130

(E)(1) If the plea of guilty, finding of guilt, or 5131  
conviction that is the basis of the action taken under division 5132  
(B)(2) or (C) of this section, or under the version of division 5133  
(F) of section 3319.311 of the Revised Code in effect prior to 5134  
September 12, 2008, is overturned on appeal, upon exhaustion of 5135  
the criminal appeal, the clerk of the court that overturned the 5136  
plea, finding, or conviction or, if applicable, the clerk of the 5137  
court that accepted an appeal from the court that overturned the 5138  
plea, finding, or conviction, shall notify the state board that 5139  
the plea, finding, or conviction has been overturned. Within 5140  
thirty days after receiving the notification, the state board 5141  
shall initiate proceedings to reconsider the revocation or 5142  
denial of the person's license in accordance with division (E) 5143  
(2) of this section. In addition, the person whose license was 5144  
revoked or denied may file with the state board a petition for 5145  
reconsideration of the revocation or denial along with 5146  
appropriate court documents. 5147

(2) Upon receipt of a court notification or a petition and 5148  
supporting court documents under division (E)(1) of this 5149  
section, the state board, after offering the person an 5150  
opportunity for an adjudication hearing under Chapter 119. of 5151  
the Revised Code, shall determine whether the person committed 5152  
the act in question in the prior criminal action against the 5153  
person that is the basis of the revocation or denial and may 5154  
continue the revocation or denial, may reinstate the person's 5155  
license, with or without limits, or may grant the person a new 5156  
license, with or without limits. The decision of the board shall 5157  
be based on grounds for revoking, denying, suspending, or 5158  
limiting a license adopted by rule under division (G) of this 5159  
section and in accordance with the evidentiary standards the 5160



board employs for all other licensure hearings. The decision of 5161  
the board under this division is subject to appeal under Chapter 5162  
119. of the Revised Code. 5163

(3) A person whose license is revoked or denied under 5164  
division (C) of this section shall not apply for any license if 5165  
the plea of guilty, finding of guilt, or conviction that is the 5166  
basis of the revocation or denial, upon completion of the 5167  
criminal appeal, either is upheld or is overturned but the state 5168  
board continues the revocation or denial under division (E) (2) 5169  
of this section and that continuation is upheld on final appeal. 5170

(F) The state board may take action under division (B) of 5171  
this section, and the state board or the superintendent shall 5172  
take the action required under division (C) of this section, on 5173  
the basis of substantially comparable conduct occurring in a 5174  
jurisdiction outside this state or occurring before a person 5175  
applies for or receives any license. 5176

(G) The state board may adopt rules in accordance with 5177  
Chapter 119. of the Revised Code to carry out this section and 5178  
section 3319.311 of the Revised Code. 5179

(H) The state board shall not refuse to issue a license to 5180  
an applicant because of a conviction of, a plea of guilty to, or 5181  
a finding of guilt by a jury or court of an offense unless the 5182  
refusal is in accordance with section 9.79 of the Revised Code. 5183

**Sec. 3319.39.** (A) (1) Except as provided in division (F) (2) 5184  
(b) of section 109.57 of the Revised Code, the appointing or 5185  
hiring officer of the board of education of a school district, 5186  
the governing board of an educational service center, or of a 5187  
chartered nonpublic school shall request the superintendent of 5188  
the bureau of criminal identification and investigation to 5189

conduct a criminal records check with respect to any applicant 5190  
who has applied to the school district, educational service 5191  
center, or school for employment in any position. The appointing 5192  
or hiring officer shall request that the superintendent include 5193  
information from the federal bureau of investigation in the 5194  
criminal records check, unless all of the following apply to the 5195  
applicant: 5196

(a) The applicant is applying to be an instructor of adult 5197  
education. 5198

(b) The duties of the position for which the applicant is 5199  
applying do not involve routine interaction with a child or 5200  
regular responsibility for the care, custody, or control of a 5201  
child or, if the duties do involve such interaction or 5202  
responsibility, during any period of time in which the 5203  
applicant, if hired, has such interaction or responsibility, 5204  
another employee of the school district, educational service 5205  
center, or chartered nonpublic school will be present in the 5206  
same room with the child or, if outdoors, will be within a 5207  
thirty-yard radius of the child or have visual contact with the 5208  
child. 5209

(c) The applicant presents proof that the applicant has 5210  
been a resident of this state for the five-year period 5211  
immediately prior to the date upon which the criminal records 5212  
check is requested or provides evidence that within that five- 5213  
year period the superintendent has requested information about 5214  
the applicant from the federal bureau of investigation in a 5215  
criminal records check. 5216

(2) A person required by division (A) (1) of this section 5217  
to request a criminal records check shall provide to each 5218  
applicant a copy of the form prescribed pursuant to division (C) 5219

(1) of section 109.572 of the Revised Code, provide to each 5220  
applicant a standard impression sheet to obtain fingerprint 5221  
impressions prescribed pursuant to division (C) (2) of section 5222  
109.572 of the Revised Code, obtain the completed form and 5223  
impression sheet from each applicant, and forward the completed 5224  
form and impression sheet to the superintendent of the bureau of 5225  
criminal identification and investigation at the time the person 5226  
requests a criminal records check pursuant to division (A) (1) of 5227  
this section. 5228

(3) An applicant who receives pursuant to division (A) (2) 5229  
of this section a copy of the form prescribed pursuant to 5230  
division (C) (1) of section 109.572 of the Revised Code and a 5231  
copy of an impression sheet prescribed pursuant to division (C) 5232  
(2) of that section and who is requested to complete the form 5233  
and provide a set of fingerprint impressions shall complete the 5234  
form or provide all the information necessary to complete the 5235  
form and shall provide the impression sheet with the impressions 5236  
of the applicant's fingerprints. If an applicant, upon request, 5237  
fails to provide the information necessary to complete the form 5238  
or fails to provide impressions of the applicant's fingerprints, 5239  
the board of education of a school district, governing board of 5240  
an educational service center, or governing authority of a 5241  
chartered nonpublic school shall not employ that applicant for 5242  
any position. 5243

(4) Notwithstanding any provision of this section to the 5244  
contrary, an applicant who meets the conditions prescribed in 5245  
divisions (A) (1) (a) and (b) of this section and who, within the 5246  
two-year period prior to the date of application, was the 5247  
subject of a criminal records check under this section prior to 5248  
being hired for short-term employment with the school district, 5249  
educational service center, or chartered nonpublic school to 5250

which application is being made shall not be required to undergo 5251  
a criminal records check prior to the applicant's rehiring by 5252  
that district, service center, or school. 5253

(B) (1) Except as provided in rules adopted by the 5254  
department of education in accordance with division (E) of this 5255  
section and as provided in division (B) (3) of this section, no 5256  
board of education of a school district, no governing board of 5257  
an educational service center, and no governing authority of a 5258  
chartered nonpublic school shall employ a person if the person 5259  
previously has been convicted of or pleaded guilty to any of the 5260  
following: 5261

(a) A violation of section 2903.01, 2903.02, 2903.03, 5262  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 5263  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 5264  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 5265  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 5266  
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 5267  
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 5268  
2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of 5269  
section 2905.04 of the Revised Code as it existed prior to July 5270  
1, 1996, a violation of section 2919.23 of the Revised Code that 5271  
would have been a violation of section 2905.04 of the Revised 5272  
Code as it existed prior to July 1, 1996, had the violation been 5273  
committed prior to that date, a violation of section 2925.11 of 5274  
the Revised Code that is not a minor drug possession offense, or 5275  
felonious sexual penetration in violation of former section 5276  
2907.12 of the Revised Code; 5277

(b) A violation of an existing or former law of this 5278  
state, another state, or the United States that is substantially 5279  
equivalent to any of the offenses or violations described in 5280

division (B) (1) (a) of this section. 5281

(2) A board, governing board of an educational service 5282  
center, or a governing authority of a chartered nonpublic school 5283  
may employ an applicant conditionally until the criminal records 5284  
check required by this section is completed and the board or 5285  
governing authority receives the results of the criminal records 5286  
check. If the results of the criminal records check indicate 5287  
that, pursuant to division (B) (1) of this section, the applicant 5288  
does not qualify for employment, the board or governing 5289  
authority shall release the applicant from employment. 5290

(3) No board and no governing authority of a chartered 5291  
nonpublic school shall employ a teacher who previously has been 5292  
convicted of or pleaded guilty to any of the offenses listed in 5293  
section 3319.31 of the Revised Code. 5294

(C) (1) Each board and each governing authority of a 5295  
chartered nonpublic school shall pay to the bureau of criminal 5296  
identification and investigation the fee prescribed pursuant to 5297  
division (C) (3) of section 109.572 of the Revised Code for each 5298  
criminal records check conducted in accordance with that section 5299  
upon the request pursuant to division (A) (1) of this section of 5300  
the appointing or hiring officer of the board or governing 5301  
authority. 5302

(2) A board and the governing authority of a chartered 5303  
nonpublic school may charge an applicant a fee for the costs it 5304  
incurs in obtaining a criminal records check under this section. 5305  
A fee charged under this division shall not exceed the amount of 5306  
fees the board or governing authority pays under division (C) (1) 5307  
of this section. If a fee is charged under this division, the 5308  
board or governing authority shall notify the applicant at the 5309  
time of the applicant's initial application for employment of 5310

the amount of the fee and that, unless the fee is paid, the 5311  
board or governing authority will not consider the applicant for 5312  
employment. 5313

(D) The report of any criminal records check conducted by 5314  
the bureau of criminal identification and investigation in 5315  
accordance with section 109.572 of the Revised Code and pursuant 5316  
to a request under division (A)(1) of this section is not a 5317  
public record for the purposes of section 149.43 of the Revised 5318  
Code and shall not be made available to any person other than 5319  
the applicant who is the subject of the criminal records check 5320  
or the applicant's representative, the board or governing 5321  
authority requesting the criminal records check or its 5322  
representative, and any court, hearing officer, or other 5323  
necessary individual involved in a case dealing with the denial 5324  
of employment to the applicant. 5325

(E) The department of education shall adopt rules pursuant 5326  
to Chapter 119. of the Revised Code to implement this section, 5327  
including rules specifying circumstances under which the board 5328  
or governing authority may hire a person who has been convicted 5329  
of an offense listed in division (B)(1) or (3) of this section 5330  
but who meets standards in regard to rehabilitation set by the 5331  
department. Any rules adopted by the department under this 5332  
division regarding the employment of a person holding a 5333  
certificate, license, or permit described in this chapter or in 5334  
division (B) of section 3301.071 or in section 3301.074 of the 5335  
Revised Code shall comply with section 9.79 of the Revised Code. 5336

The department shall amend rule 3301-83-23 of the Ohio 5337  
Administrative Code that took effect August 27, 2009, and that 5338  
specifies the offenses that disqualify a person for employment 5339  
as a school bus or school van driver and establishes 5340

rehabilitation standards for school bus and school van drivers. 5341

(F) Any person required by division (A)(1) of this section 5342  
to request a criminal records check shall inform each person, at 5343  
the time of the person's initial application for employment, of 5344  
the requirement to provide a set of fingerprint impressions and 5345  
that a criminal records check is required to be conducted and 5346  
satisfactorily completed in accordance with section 109.572 of 5347  
the Revised Code if the person comes under final consideration 5348  
for appointment or employment as a precondition to employment 5349  
for the school district, educational service center, or school 5350  
for that position. 5351

(G) As used in this section: 5352

(1) "Applicant" means a person who is under final 5353  
consideration for appointment or employment in a position with a 5354  
board of education, governing board of an educational service 5355  
center, or a chartered nonpublic school, except that "applicant" 5356  
does not include a person already employed by a board or 5357  
chartered nonpublic school who is under consideration for a 5358  
different position with such board or school. 5359

(2) "Teacher" means a person holding an educator license 5360  
or permit issued under section 3319.22 or 3319.301 of the 5361  
Revised Code and teachers in a chartered nonpublic school. 5362

(3) "Criminal records check" has the same meaning as in 5363  
section 109.572 of the Revised Code. 5364

(4) "Minor drug possession offense" has the same meaning 5365  
as in section 2925.01 of the Revised Code. 5366

(H) If the board of education of a local school district 5367  
adopts a resolution requesting the assistance of the educational 5368  
service center in which the local district has territory in 5369

conducting criminal records checks of substitute teachers and 5370  
substitutes for other district employees under this section, the 5371  
appointing or hiring officer of such educational service center 5372  
shall serve for purposes of this section as the appointing or 5373  
hiring officer of the local board in the case of hiring 5374  
substitute teachers and other substitute employees for the local 5375  
district. 5376

**Sec. 3327.10.** (A) No person shall be employed as driver of 5377  
a school bus or motor van, owned and operated by any school 5378  
district or educational service center or privately owned and 5379  
operated under contract with any school district or service 5380  
center in this state, who has not received a certificate from 5381  
either the educational service center governing board that has 5382  
entered into an agreement with the school district under section 5383  
3313.843 or 3313.845 of the Revised Code or the superintendent 5384  
of the school district, certifying that such person is at least 5385  
eighteen years of age ~~and is of good moral character~~ and is 5386  
qualified physically and otherwise for such position. The 5387  
service center governing board or the superintendent, as the 5388  
case may be, shall provide for an annual physical examination 5389  
that conforms with rules adopted by the state board of education 5390  
of each driver to ascertain the driver's physical fitness for 5391  
such employment. Any certificate may be revoked by the authority 5392  
granting the same on proof that the holder has been guilty of 5393  
failing to comply with division (D)(1) of this section, or upon 5394  
a conviction or a guilty plea for a violation, or any other 5395  
action, that results in a loss or suspension of driving rights. 5396  
Failure to comply with such division may be cause for 5397  
disciplinary action or termination of employment under division 5398  
(C) of section 3319.081, or section 124.34 of the Revised Code. 5399

(B) No person shall be employed as driver of a school bus 5400



or motor van not subject to the rules of the department of 5401  
education pursuant to division (A) of this section who has not 5402  
received a certificate from the school administrator or 5403  
contractor certifying that such person is at least eighteen 5404  
years of age, ~~is of good moral character,~~ and is qualified 5405  
physically and otherwise for such position. Each driver shall 5406  
have an annual physical examination which conforms to the state 5407  
highway patrol rules, ascertaining the driver's physical fitness 5408  
for such employment. The examination shall be performed by one 5409  
of the following: 5410

(1) A person licensed under Chapter 4731. or 4734. of the 5411  
Revised Code or by another state to practice medicine and 5412  
surgery, osteopathic medicine and surgery, or chiropractic; 5413

(2) A physician assistant; 5414

(3) A certified nurse practitioner; 5415

(4) A clinical nurse specialist; 5416

(5) A certified nurse-midwife; 5417

(6) A medical examiner who is listed on the national 5418  
registry of certified medical examiners established by the 5419  
federal motor carrier safety administration in accordance with 5420  
49 C.F.R. part 390. 5421

Any written documentation of the physical examination 5422  
shall be completed by the individual who performed the 5423  
examination. 5424

Any certificate may be revoked by the authority granting 5425  
the same on proof that the holder has been guilty of failing to 5426  
comply with division (D) (2) of this section. 5427

(C) Any person who drives a school bus or motor van must 5428

give satisfactory and sufficient bond except a driver who is an 5429  
employee of a school district and who drives a bus or motor van 5430  
owned by the school district. 5431

(D) No person employed as driver of a school bus or motor 5432  
van under this section who is convicted of a traffic violation 5433  
or who has had the person's commercial driver's license 5434  
suspended shall drive a school bus or motor van until the person 5435  
has filed a written notice of the conviction or suspension, as 5436  
follows: 5437

(1) If the person is employed under division (A) of this 5438  
section, the person shall file the notice with the 5439  
superintendent, or a person designated by the superintendent, of 5440  
the school district for which the person drives a school bus or 5441  
motor van as an employee or drives a privately owned and 5442  
operated school bus or motor van under contract. 5443

(2) If employed under division (B) of this section, the 5444  
person shall file the notice with the employing school 5445  
administrator or contractor, or a person designated by the 5446  
administrator or contractor. 5447

(E) In addition to resulting in possible revocation of a 5448  
certificate as authorized by divisions (A) and (B) of this 5449  
section, violation of division (D) of this section is a minor 5450  
misdemeanor. 5451

(F) (1) Not later than thirty days after June 30, 2007, 5452  
each owner of a school bus or motor van shall obtain the 5453  
complete driving record for each person who is currently 5454  
employed or otherwise authorized to drive the school bus or 5455  
motor van. An owner of a school bus or motor van shall not 5456  
permit a person to operate the school bus or motor van for the 5457

first time before the owner has obtained the person's complete 5458  
driving record. Thereafter, the owner of a school bus or motor 5459  
van shall obtain the person's driving record not less frequently 5460  
than semiannually if the person remains employed or otherwise 5461  
authorized to drive the school bus or motor van. An owner of a 5462  
school bus or motor van shall not permit a person to resume 5463  
operating a school bus or motor van, after an interruption of 5464  
one year or longer, before the owner has obtained the person's 5465  
complete driving record. 5466

(2) The owner of a school bus or motor van shall not 5467  
permit a person to operate the school bus or motor van for ten 5468  
years after the date on which the person pleads guilty to or is 5469  
convicted of a violation of section 4511.19 of the Revised Code 5470  
or a substantially equivalent municipal ordinance. 5471

(3) An owner of a school bus or motor van shall not permit 5472  
any person to operate such a vehicle unless the person meets all 5473  
other requirements contained in rules adopted by the state board 5474  
of education prescribing qualifications of drivers of school 5475  
buses and other student transportation. 5476

(G) No superintendent of a school district, educational 5477  
service center, community school, or public or private employer 5478  
shall permit the operation of a vehicle used for pupil 5479  
transportation within this state by an individual unless both of 5480  
the following apply: 5481

(1) Information pertaining to that driver has been 5482  
submitted to the department of education, pursuant to procedures 5483  
adopted by that department. Information to be reported shall 5484  
include the name of the employer or school district, name of the 5485  
driver, driver license number, date of birth, date of hire, 5486  
status of physical evaluation, and status of training. 5487

(2) The most recent criminal records check required by 5488  
division (J) of this section has been completed and received by 5489  
the superintendent or public or private employer. 5490

(H) A person, school district, educational service center, 5491  
community school, nonpublic school, or other public or nonpublic 5492  
entity that owns a school bus or motor van, or that contracts 5493  
with another entity to operate a school bus or motor van, may 5494  
impose more stringent restrictions on drivers than those 5495  
prescribed in this section, in any other section of the Revised 5496  
Code, and in rules adopted by the state board. 5497

(I) For qualified drivers who, on July 1, 2007, are 5498  
employed by the owner of a school bus or motor van to drive the 5499  
school bus or motor van, any instance in which the driver was 5500  
convicted of or pleaded guilty to a violation of section 4511.19 5501  
of the Revised Code or a substantially equivalent municipal 5502  
ordinance prior to two years prior to July 1, 2007, shall not be 5503  
considered a disqualifying event with respect to division (F) of 5504  
this section. 5505

(J) (1) This division applies to persons hired by a school 5506  
district, educational service center, community school, 5507  
chartered nonpublic school, or science, technology, engineering, 5508  
and mathematics school established under Chapter 3326. of the 5509  
Revised Code to operate a vehicle used for pupil transportation. 5510

For each person to whom this division applies who is hired 5511  
on or after November 14, 2007, the employer shall request a 5512  
criminal records check in accordance with section 3319.39 of the 5513  
Revised Code and every six years thereafter. For each person to 5514  
whom this division applies who is hired prior to that date, the 5515  
employer shall request a criminal records check by a date 5516  
prescribed by the department of education and every six years 5517

thereafter. 5518

(2) This division applies to persons hired by a public or 5519  
private employer not described in division (J) (1) of this 5520  
section to operate a vehicle used for pupil transportation. 5521

For each person to whom this division applies who is hired 5522  
on or after November 14, 2007, the employer shall request a 5523  
criminal records check prior to the person's hiring and every 5524  
six years thereafter. For each person to whom this division 5525  
applies who is hired prior to that date, the employer shall 5526  
request a criminal records check by a date prescribed by the 5527  
department and every six years thereafter. 5528

(3) Each request for a criminal records check under 5529  
division (J) of this section shall be made to the superintendent 5530  
of the bureau of criminal identification and investigation in 5531  
the manner prescribed in section 3319.39 of the Revised Code, 5532  
except that if both of the following conditions apply to the 5533  
person subject to the records check, the employer shall request 5534  
the superintendent only to obtain any criminal records that the 5535  
federal bureau of investigation has on the person: 5536

(a) The employer previously requested the superintendent 5537  
to determine whether the bureau of criminal identification and 5538  
investigation has any information, gathered pursuant to division 5539  
(A) of section 109.57 of the Revised Code, on the person in 5540  
conjunction with a criminal records check requested under 5541  
section 3319.39 of the Revised Code or under division (J) of 5542  
this section. 5543

(b) The person presents proof that the person has been a 5544  
resident of this state for the five-year period immediately 5545  
prior to the date upon which the person becomes subject to a 5546

criminal records check under this section. 5547

Upon receipt of a request, the superintendent shall 5548  
conduct the criminal records check in accordance with section 5549  
109.572 of the Revised Code as if the request had been made 5550  
under section 3319.39 of the Revised Code. However, as specified 5551  
in division (B) (2) of section 109.572 of the Revised Code, if 5552  
the employer requests the superintendent only to obtain any 5553  
criminal records that the federal bureau of investigation has on 5554  
the person for whom the request is made, the superintendent 5555  
shall not conduct the review prescribed by division (B) (1) of 5556  
that section. 5557

(K) (1) Until the effective date of the amendments to rule 5558  
3301-83-23 of the Ohio Administrative Code required by the 5559  
second paragraph of division (E) of section 3319.39 of the 5560  
Revised Code, any person who is the subject of a criminal 5561  
records check under division (J) of this section and has been 5562  
convicted of or pleaded guilty to any offense described in 5563  
division (B) (1) of section 3319.39 of the Revised Code shall not 5564  
be hired or shall be released from employment, as applicable, 5565  
unless the person meets the rehabilitation standards prescribed 5566  
for nonlicensed school personnel by rule 3301-20-03 of the Ohio 5567  
Administrative Code. 5568

(2) Beginning on the effective date of the amendments to 5569  
rule 3301-83-23 of the Ohio Administrative Code required by the 5570  
second paragraph of division (E) of section 3319.39 of the 5571  
Revised Code, any person who is the subject of a criminal 5572  
records check under division (J) of this section and has been 5573  
convicted of or pleaded guilty to any offense that, under the 5574  
rule, disqualifies a person for employment to operate a vehicle 5575  
used for pupil transportation shall not be hired or shall be 5576

released from employment, as applicable, unless the person meets 5577  
the rehabilitation standards prescribed by the rule. 5578

**Sec. 3332.05.** (A) The state board of career colleges and 5579  
schools shall issue a certificate of registration to an 5580  
applicant ~~of good reputation~~ seeking to offer one or more 5581  
programs upon receipt of the fee established in accordance with 5582  
section 3332.07 of the Revised Code and upon determining the 5583  
applicant has the facilities, resources, and faculty to provide 5584  
students with the kind of instruction that it proposes to offer 5585  
and meets the minimum standards of the board. A certificate of 5586  
registration shall be granted or denied within one hundred 5587  
twenty days of the receipt of the application therefor by the 5588  
board. A person shall obtain a separate certificate for each 5589  
location at which the person offers programs. The first 5590  
certificate of registration issued on or after June 29, 1999, 5591  
for each new location is valid for one year, unless earlier 5592  
revoked for cause by the board under section 3332.09 of the 5593  
Revised Code. Any other certificate of registration is valid for 5594  
two years, unless earlier revoked for cause by the board under 5595  
that section. 5596

(B) The board shall issue program authorization for an 5597  
associate degree, certificate, or diploma program to an 5598  
applicant holding a certificate of registration issued pursuant 5599  
to division (A) of this section upon receipt of the fee 5600  
established in accordance with section 3332.07 of the Revised 5601  
Code and upon determining the applicant has the facilities, 5602  
resources, and faculty to provide students the kind of program 5603  
it proposes to offer and meets the minimum standards of the 5604  
state board. 5605

Any program authorization issued by the board under this 5606

division is valid only for the specified program at the location 5607  
for which it is issued and does not cover any other program 5608  
offered at the school or at other schools operated by the owner. 5609  
Program authorization is valid for the period of time specified 5610  
by the board, unless earlier suspended or revoked for cause by 5611  
the board under section 3332.09 of the Revised Code. 5612

(C) (1) The state board shall accept and review 5613  
applications for program authorization for baccalaureate, 5614  
master's, and doctoral degree programs only from the following: 5615

(a) Any school holding a certificate of registration 5616  
issued by the board that has held such certificate for the ten 5617  
previous consecutive years; 5618

(b) Any school holding a certificate of registration 5619  
issued by the board that also holds an equivalent certificate 5620  
issued by another state and has held the equivalent certificate 5621  
for the ten previous consecutive years. 5622

(2) After review the board shall refer any application it 5623  
finds valid to the Ohio board of regents for approval. The board 5624  
of regents shall review, and approve or disapprove, such degree 5625  
programs and if so approved, issue certificates of authorization 5626  
to such schools to offer such degree programs pursuant to 5627  
Chapter 1713. of the Revised Code. The board of regents shall 5628  
notify the state board of career colleges and schools of each 5629  
school registered with the state board that receives a 5630  
certificate of authorization and the approval to offer any 5631  
degree program. Upon receipt of such notification and the fee 5632  
established in accordance with section 3332.07 of the Revised 5633  
Code, the state board shall review, and may issue program 5634  
authorization to offer, such a degree program. Any program 5635  
authorization issued by the board under this division is valid 5636



only for the specified program at the location for which it is 5637  
issued and does not cover any other program offered at the 5638  
school or at other schools operated by the owner. Program 5639  
authorization is valid for the period of time specified by the 5640  
board, unless earlier suspended or revoked for cause by the 5641  
board under section 3332.09 of the Revised Code. The state board 5642  
shall not issue such program authorization unless the degree 5643  
program has been approved by the board of regents. 5644

(D) The board may cause an investigation to be made into 5645  
the correctness of the information submitted in any application 5646  
received under this section. If the board believes that false, 5647  
misleading, or incomplete information has been submitted to it 5648  
in connection with any application, the board shall conduct a 5649  
hearing on the matter pursuant to Chapter 119. of the Revised 5650  
Code, and may withhold a certificate of registration or program 5651  
authorization upon finding that the applicant has failed to meet 5652  
the standards for such certificate or program authorization or 5653  
has submitted false, misleading, or incomplete information to 5654  
the board. Application for a certificate of registration or 5655  
program authorization shall be made in writing to the board on 5656  
forms furnished by the board. A certificate of registration or 5657  
program authorization is not transferable and shall be 5658  
prominently displayed on the premises of an institution. 5659

The board shall assign registration numbers to all schools 5660  
registered with it. Schools shall display their registration 5661  
numbers on all school publications and on all advertisements 5662  
bearing the name of the school. 5663

Notwithstanding the requirements of this section for 5664  
issuance of certificates of registration and program 5665  
authorization, the board may, in accordance with rules adopted 5666

by it, grant certificates of registration and program 5667  
authorization to schools, colleges, institutes, or universities 5668  
that have been approved by the state department of education 5669  
pursuant to the "Act of March 3, 1966," 80 Stat. 20, 38 U.S.C.A. 5670  
1771. 5671

**Sec. 3332.09.** (A) The state board of career colleges and 5672  
schools may, except as provided in division (B) of this section, 5673  
limit, suspend, revoke, or refuse to issue or renew a 5674  
certificate of registration or program authorization or may 5675  
impose a penalty pursuant to section 3332.091 of the Revised 5676  
Code for any one or combination of the following causes: 5677

~~(A)~~ (1) Violation of any provision of sections 3332.01 to 5678  
3332.09 of the Revised Code, the board's minimum standards, or 5679  
any rule made by the board; 5680

~~(B)~~ (2) Furnishing of false, misleading, deceptive, 5681  
altered, or incomplete information or documents to the board; 5682

~~(C)~~ (3) The ~~signing of an application or the~~ holding of a 5683  
certificate of registration by a person who has pleaded guilty 5684  
or has been found guilty of a felony or has pleaded guilty or 5685  
been found guilty of a crime involving moral turpitude; 5686

~~(D)~~ (4) The signing of an application or the holding of a 5687  
certificate of registration by a person who is addicted to the 5688  
use of any controlled substance, or who is found to be mentally 5689  
incompetent; 5690

~~(E)~~ (5) Violation of any commitment made in an application 5691  
for a certificate of registration or program authorization; 5692

~~(F)~~ (6) Presenting to prospective students, either at the 5693  
time of solicitation or enrollment, or through advertising, mail 5694  
circulars, or phone solicitation, misleading, deceptive, false, 5695

or fraudulent information relating to any program, employment 5696  
opportunity, or opportunities for enrollment in accredited 5697  
institutions of higher education after entering or completing 5698  
programs offered by the holder of a certificate of registration; 5699

~~(G)~~ (7) Failure to provide or maintain premises or 5700  
equipment for offering programs in a safe and sanitary 5701  
condition; 5702

~~(H)~~ (8) Refusal by an agent to display the agent's permit 5703  
upon demand of a prospective student or other interested person; 5704

~~(I)~~ (9) Failure to maintain financial resources adequate 5705  
for the satisfactory conduct of programs as presented in the 5706  
plan of operation or to retain a sufficient number and qualified 5707  
staff of instruction, except that nothing in this chapter 5708  
requires an instructor to be licensed by the state board of 5709  
education or to hold any type of post-high school degree; 5710

~~(J)~~ (10) Offering training or programs other than those 5711  
presented in the application, except that schools may offer 5712  
special courses adapted to the needs of individual students when 5713  
the special courses are in the subject field specified in the 5714  
application; 5715

~~(K)~~ (12) Discrimination in the acceptance of students upon 5716  
the basis of race, color, religion, sex, or national origin; 5717

~~(L)~~ (13) Accepting the services of an agent not holding a 5718  
valid permit issued under section 3332.10 or 3332.11 of the 5719  
Revised Code; 5720

~~(M)~~ (14) The use of monetary or other valuable 5721  
consideration by the school's agents or representatives to 5722  
induce prospective students to enroll in the school, or the 5723  
practice of awarding monetary or other valuable considerations 5724

without board approval to students in exchange for procuring the 5725  
enrollment of others; 5726

~~(N)~~ (15) Failure to provide at the request of the board, 5727  
any information, records, or files pertaining to the operation 5728  
of the school or recruitment and enrollment of students. 5729

(B) The board shall not refuse to issue a certificate of 5730  
registration to an applicant because the applicant was found 5731  
guilty of or pleaded guilty to an offense unless the refusal is 5732  
in accordance with section 9.79 of the Revised Code. 5733

(C) If the board modifies or adopts additional minimum 5734  
standards or rules pursuant to section 3332.031 of the Revised 5735  
Code, all schools and agents shall have sixty days from the 5736  
effective date of the modifications or additional standards or 5737  
rules to comply with such modifications or additions. 5738

**Sec. 3332.11.** Any agent's permit applied for pursuant to 5739  
section 3332.10 of the Revised Code shall be granted or denied 5740  
within thirty days of the receipt of the application by the 5741  
state board of career colleges and schools. If the board has not 5742  
completed its determination with respect to the issuance of a 5743  
permit within such thirty-day period, it shall issue a temporary 5744  
permit to the applicant, which permit is sufficient to meet the 5745  
requirements of section 3332.10 of the Revised Code until such 5746  
time as such determination is made. 5747

~~No permit shall be issued to any person found by the board 5748  
not to be of good moral character. 5749~~

**Sec. 3332.12.** Any agent's permit issued may be suspended 5750  
or revoked by the state board of career colleges and schools if 5751  
the holder of the permit solicits or enrolls students through 5752  
fraud, deception, or misrepresentation, upon a finding that the 5753

permit holder has violated any provision enumerated in division 5754  
(A) (1), ~~(B)~~ (2), ~~(F)~~ (6), ~~(H)~~ (8), ~~(J)~~ (10), ~~(K)~~ (11), or ~~(M)~~ (13) of 5755  
section 3332.09 of the Revised Code, or upon finding that the 5756  
permit holder is not of good moral character. 5757

Upon receipt of any written complaint from any person, the 5758  
board shall conduct a preliminary investigation. If after such 5759  
investigation or if as a result of any investigation conducted 5760  
under division (A) or (D) of section 3332.091 of the Revised 5761  
Code, the board determines it is probable violations were 5762  
committed, the board shall hold informal conferences in the same 5763  
manner as provided in section 3332.091 of the Revised Code with 5764  
an agent believed to be in violation of one or more of the above 5765  
conditions. If after sixty days these conferences fail to 5766  
eliminate the agent's objectionable practices or procedures, the 5767  
board shall issue a formal complaint to the agent and the school 5768  
that employs the agent. The formal complaint shall state the 5769  
charges against the agent and the holder of the certificate of 5770  
registration of the school and shall require them to appear 5771  
before the board at a public hearing pursuant to Chapter 119. of 5772  
the Revised Code. If, after the public hearing, the board 5773  
determines that an agent has violated one or more of the 5774  
provisions described above, the board shall suspend or revoke 5775  
the agent's permit. 5776

If after such hearing the board also determines that the 5777  
school at which the agent was employed was negligent in its 5778  
supervision of the agent or encouraged or caused the commission 5779  
of the violations, the board shall levy penalties against such 5780  
school in accordance with division (A) of section 3332.091 of 5781  
the Revised Code. Nothing said or done in the informal 5782  
conferences shall be disclosed by the board or any member of its 5783  
staff nor be used as evidence in any subsequent proceedings. 5784

**Sec. 3710.06.** (A) Within fifteen business days after 5785  
receiving an application, the director of environmental 5786  
protection shall acknowledge receipt of the application and 5787  
notify the applicant of any deficiency in the application. 5788  
Within sixty calendar days after receiving a completed 5789  
application, including all additional information requested by 5790  
the director, the director shall issue a license or certificate 5791  
or deny the application. The director shall issue only one 5792  
license or certificate that is in effect at one time to a 5793  
business entity and its principal officers and a public entity 5794  
and its principal officers. 5795

(B) (1) The director shall deny an application if it 5796  
determines that the applicant has not demonstrated the ability 5797  
to comply fully with all applicable federal and state 5798  
requirements and all requirements, procedures, and standards 5799  
established by the director in this chapter, Chapter 3704. of 5800  
the Revised Code, or rules adopted under those chapters, as 5801  
those chapters and rules pertain to asbestos. 5802

(2) The director shall deny any application for an 5803  
asbestos hazard abatement contractor's license if the applicant 5804  
or an officer or employee of the applicant has been convicted of 5805  
~~a felony under any state or federal law designed to protect the~~ 5806  
~~environment~~ disqualifying offense as determined under section 5807  
9.79 of the Revised Code. 5808

(3) The director shall send all denials of an application 5809  
by certified mail to the applicant. If the director receives a 5810  
timely request for a hearing from the applicant on the proposed 5811  
denial of an application, the director shall hold a hearing in 5812  
accordance with Chapter 119. of the Revised Code, as provided in 5813  
division (A) of section 3710.13 of the Revised Code. 5814

(C) In an emergency that results from a sudden, unexpected 5815  
event that is not a planned asbestos hazard abatement project, 5816  
the director may waive the requirements for a license or 5817  
certificate. For the purposes of this division, "emergency" 5818  
includes operations necessitated by nonroutine failures of 5819  
equipment or by actions of fire and emergency medical personnel 5820  
pursuant to duties within their official capacities. Any person 5821  
who performs an asbestos hazard abatement activity under 5822  
emergency conditions shall notify the director within three days 5823  
after performance thereof. 5824

(D) Each license or certificate issued under this chapter 5825  
expires one year after the date of issue, but each licensee or 5826  
certificate holder may apply to the environmental protection 5827  
agency for the extension of the holder's license or certificate 5828  
under the standard renewal procedures of Chapter 4745. of the 5829  
Revised Code. 5830

To qualify for renewal of a license or certificate issued 5831  
under this chapter, each licensee or certificate holder shall 5832  
send the appropriate renewal fee set forth in division (D) of 5833  
section 3710.05 of the Revised Code or as adopted by rule by the 5834  
director pursuant to division (A) (4) of section 3710.02 of the 5835  
Revised Code. 5836

Certificate holders also shall successfully complete an 5837  
annual renewal course approved by the agency pursuant to section 5838  
3710.10 of the Revised Code. 5839

(E) The director may charge a fee in addition to those 5840  
specified in division (D) of section 3710.05 of the Revised Code 5841  
or in rules adopted by the director pursuant to division (A) (4) 5842  
of section 3710.02 of the Revised Code if the licensee or 5843  
certificate holder applies for renewal after the expiration 5844

thereof or requests a reissuance of any license or certificate, 5845  
provided that no such fee shall exceed the original fees by more 5846  
than fifty per cent. 5847

**Sec. 3721.07.** Every person desiring to operate a home and 5848  
the superintendent or administrator of each county home or 5849  
district home for which a license as a residential care facility 5850  
is sought shall apply for a license to the director of health. 5851  
The director shall issue a license for the home, if after 5852  
investigation of the applicant and, if required by section 5853  
3721.02 of the Revised Code, inspection of the home, the 5854  
following requirements or conditions are satisfied or complied 5855  
with: 5856

(A) The applicant has not been convicted of a ~~felony or a~~ 5857  
~~crime involving moral turpitude~~ disqualifying offense as 5858  
determined under section 9.79 of the Revised Code; 5859

(B) The applicant is not violating any of the rules 5860  
adopted by the director of health or any order issued by the 5861  
director; 5862

(C) The applicant has not had a license to operate the 5863  
home revoked pursuant to section 3721.03 of the Revised Code 5864  
because of any act or omission that jeopardized a resident's 5865  
health, welfare, or safety nor has the applicant had a long- 5866  
standing pattern of violations of this chapter or rules adopted 5867  
under it that caused physical, emotional, mental, or 5868  
psychosocial harm to one or more residents. 5869

(D) The buildings in which the home is housed have been 5870  
approved by the state fire marshal or a township, municipal, or 5871  
other legally constituted fire department approved by the 5872  
marshal. In the approval of a home such agencies shall apply 5873



standards prescribed by the board of building standards, and by 5874  
the state fire marshal, and by section 3721.071 of the Revised 5875  
Code. 5876

(E) The applicant, if it is an individual, or the 5877  
principal participants, if it is an association or a 5878  
corporation, is or are suitable financially ~~and morally~~ to 5879  
operate a home; 5880

(F) The applicant is equipped to furnish humane, kind, and 5881  
adequate treatment and care; 5882

(G) The home does not maintain or contain: 5883

(1) Facilities for the performance of major surgical 5884  
procedures; 5885

(2) Facilities for providing therapeutic radiation; 5886

(3) An emergency ward; 5887

(4) A clinical laboratory unless it is under the 5888  
supervision of a clinical pathologist who is a licensed 5889  
physician in this state; 5890

(5) Facilities for radiological examinations unless such 5891  
examinations are performed only by a person licensed to practice 5892  
medicine, surgery, or dentistry in this state. 5893

(H) The home does not accept or treat outpatients, except 5894  
upon the written orders of a physician licensed in this state, 5895  
maternity cases, boarding children, and does not house transient 5896  
guests, other than participants in an adult day-care program, 5897  
for twenty-four hours or less; 5898

(I) The home is in compliance with sections 3721.28 and 5899  
3721.29 of the Revised Code. 5900

When the director issues a license, the license shall 5901  
remain in effect until revoked by the director or voided at the 5902  
request of the applicant; provided, there shall be an annual 5903  
renewal fee payable during the month of January of each calendar 5904  
year. Any licensed home that does not pay its renewal fee in 5905  
January shall pay, beginning the first day of February, a late 5906  
fee of one hundred dollars for each week or part thereof that 5907  
the renewal fee is not paid. If either the renewal fee or the 5908  
late fee is not paid by the fifteenth day of February, the 5909  
director may, in accordance with Chapter 119. of the Revised 5910  
Code, revoke the home's license. 5911

If, under division (B) (5) of section 3721.03 of the 5912  
Revised Code, the license of a person has been revoked or the 5913  
license of a county home or district home to operate as a 5914  
residential care facility has been revoked, the director of 5915  
health shall not issue a license to the person or home at any 5916  
time. A person whose license is revoked, and a county home or 5917  
district home that has its license as a residential care 5918  
facility revoked other than under division (B) (5) of section 5919  
3721.03 of the Revised Code, for any reason other than 5920  
nonpayment of the license renewal fee or late fees shall not be 5921  
issued a new license under this chapter until a period of one 5922  
year following the date of revocation has elapsed. 5923

Any applicant who is denied a license may appeal in 5924  
accordance with Chapter 119. of the Revised Code. 5925

**Sec. 3734.42.** (A) (1) Every applicant for a permit shall 5926  
file a disclosure statement, on a form developed by the attorney 5927  
general, with the director of environmental protection and the 5928  
attorney general at the same time the applicant files an 5929  
application for the permit with the director. 5930

(2) Any individual required to be listed in the disclosure statement shall be fingerprinted for identification and investigation purposes in accordance with procedures established by the attorney general. An individual required to be fingerprinted under this section shall not be required to be fingerprinted more than once under this section.

(3) The attorney general, within one hundred eighty days after receipt of the disclosure statement from an applicant for a permit, shall prepare and transmit to the director an investigative report on the applicant, based in part upon the disclosure statement, except that this deadline may be extended for a reasonable period of time, for good cause, by the director or the attorney general. In preparing this report, the attorney general may request and receive criminal history information from the federal bureau of investigation and any other law enforcement agency or organization. The attorney general may provide such confidentiality regarding the information received from a law enforcement agency as may be imposed by that agency as a condition for providing that information to the attorney general.

(4) The review of the application by the director shall include a review of the disclosure statement and investigative report.

(B) All applicants and permittees shall provide any assistance or information requested by the director or the attorney general and shall cooperate in any inquiry or investigation conducted by the attorney general and any inquiry, investigation, or hearing conducted by the director. If, upon issuance of a formal request to answer any inquiry or produce information, evidence, or testimony, any applicant or permittee,

any officer, director, or partner of any business concern, or 5961  
any key employee of the applicant or permittee refuses to 5962  
comply, the permit of the applicant or permittee may be denied 5963  
or revoked by the director. 5964

(C) The attorney general may charge and collect such fees 5965  
from applicants and permittees as are necessary to cover the 5966  
costs of administering and enforcing the investigative 5967  
procedures authorized in sections 3734.41 to 3734.47 of the 5968  
Revised Code. The attorney general shall transmit moneys 5969  
collected under this division to the treasurer of state to be 5970  
credited to the solid and hazardous waste background 5971  
investigations fund, which is hereby created in the state 5972  
treasury. Moneys in the fund shall be used solely for paying the 5973  
attorney general's costs of administering and enforcing the 5974  
investigative procedures authorized in sections 3734.41 to 5975  
3734.47 of the Revised Code. 5976

(D) An appropriate applicant, a permittee, or a 5977  
prospective owner shall submit to the attorney general, on a 5978  
form provided by the attorney general, the following information 5979  
within the periods specified: 5980

(1) Information required to be included in the disclosure 5981  
statement for any new officer, director, partner, or key 5982  
employee, to be submitted within ninety days from the addition 5983  
of the officer, director, partner, or key employee; 5984

(2) Information required to be included in a disclosure 5985  
statement regarding the addition of any new business concern to 5986  
be submitted within ninety days from the addition of the new 5987  
business concern. 5988

(E) (1) The attorney general shall enter in the database 5989

established under section 109.5721 of the Revised Code the name, 5990  
the fingerprints, and other relevant information concerning each 5991  
officer, director, partner, or key employee of an applicant, 5992  
permittee, or prospective owner. 5993

(2) For purposes of section 109.5721 of the Revised Code, 5994  
annually on a date assigned by the attorney general, an 5995  
applicant, permittee, or prospective owner shall provide the 5996  
attorney general with a list of both of the following: 5997

(a) Each officer, director, partner, or key employee of 5998  
the applicant, permittee, or prospective owner and the person's 5999  
address and social security number; 6000

(b) Any officer, director, partner, or key employee of the 6001  
applicant, permittee, or prospective owner who has left a 6002  
position previously held with the applicant, permittee, or 6003  
prospective owner during the previous one-year period and the 6004  
person's social security number. 6005

(3) Annually, the attorney general shall update the 6006  
database established under section 109.5721 of the Revised Code 6007  
to reflect the information provided by an applicant, permittee, 6008  
or prospective owner under divisions (E) (2) (a) and (b) of this 6009  
section. 6010

(4) Notwithstanding division (C) of this section, the 6011  
attorney general shall charge and collect fees from an 6012  
applicant, permittee, or prospective owner that is required to 6013  
submit information under this division in accordance with rules 6014  
adopted under section 109.5721 of the Revised Code. The fees 6015  
shall not exceed fees that are charged to any other person who 6016  
is charged fees for purposes of the database established under 6017  
that section and who is not an officer, director, partner, or 6018

key employee of an applicant, permittee, or prospective owner 6019  
under this section. 6020

(F) (1) Every five years, the attorney general shall 6021  
request from the federal bureau of investigation any information 6022  
regarding a criminal conviction with respect to each officer, 6023  
director, partner, or key employee of an applicant, permittee, 6024  
or prospective owner. The attorney general may take any actions 6025  
necessary for purposes of this division, including, as 6026  
necessary, requesting the submission of any necessary documents 6027  
authorizing the release of information. 6028

(2) Every five years, an applicant, permittee, or 6029  
prospective owner shall submit an affidavit listing all of the 6030  
following regarding a business concern required to be listed in 6031  
the applicant's, permittee's, or prospective owner's disclosure 6032  
statement: 6033

(a) Any administrative enforcement order issued to the 6034  
business concern in connection with any violation of any federal 6035  
or state environmental protection laws, rules, or regulations 6036  
during the previous five-year period; 6037

(b) Any civil action in which the business concern was 6038  
determined to be liable or was the subject of injunctive relief 6039  
or another type of civil relief in connection with any violation 6040  
of any federal or state environmental protection laws, rules, or 6041  
regulations during the previous five-year period; 6042

(c) Any criminal conviction for a violation of any federal 6043  
or state environmental protection laws, rules, or regulations 6044  
that has been committed knowingly or recklessly by the business 6045  
concern during the previous five-year period. 6046

(G) With respect to an applicant, permittee, or 6047

prospective owner, the attorney general shall notify the 6048  
director of environmental protection of any crime ascertained 6049  
under division (E) or (F) of this section that is a 6050  
disqualifying ~~crime offense~~ under section 9.79 3734.44 of the 6051  
Revised Code. The attorney general shall provide the 6052  
notification not later than thirty days after the crime was 6053  
ascertained. 6054

(H) The failure to provide information under this section 6055  
may constitute the basis for the revocation of a permit or 6056  
license, the denial of a permit or license application, the 6057  
denial of a renewal of a permit or license, or the disapproval 6058  
of a change in ownership as described in division (I) of this 6059  
section. Prior to a denial, revocation, or disapproval, the 6060  
director shall notify the applicant, permittee, or prospective 6061  
owner of the director's intention to do so. The director shall 6062  
give the applicant, permittee, or prospective owner fourteen 6063  
days from the date of the notice to explain why the information 6064  
was not provided. The director shall consider the explanation 6065  
when determining whether to revoke the permit or license, deny 6066  
the permit or license application or renewal, or disapprove the 6067  
change in ownership. 6068

Nothing in this section affects the rights of the director 6069  
or the attorney general granted under sections 3734.40 to 6070  
3734.47 of the Revised Code to request information from a person 6071  
at any other time. 6072

(I) (1) Whenever there is a change in ownership of any 6073  
operating off-site solid waste facility, any operating off-site 6074  
infectious waste facility, or any operating off-site hazardous 6075  
waste facility, the prospective owner shall file a disclosure 6076  
statement with the attorney general and the director at least 6077

one hundred eighty days prior to the proposed change in 6078  
ownership. In addition, whenever there is a change in ownership 6079  
of any operating on-site solid waste facility, any operating on- 6080  
site infectious waste facility, or any operating on-site 6081  
hazardous waste facility and the prospective owner intends to 6082  
operate the facility as an off-site facility by accepting wastes 6083  
other than wastes generated by the facility owner, the 6084  
prospective owner shall file a disclosure statement with the 6085  
attorney general and the director. The prospective owner shall 6086  
file the disclosure statement at least one hundred eighty days 6087  
prior to the proposed change in ownership. 6088

Upon receipt of the disclosure statement, the attorney 6089  
general shall prepare an investigative report and transmit it to 6090  
the director. The director shall review the disclosure statement 6091  
and investigative report to determine whether the statement or 6092  
report contains information that if submitted with a permit 6093  
application would require a denial of the permit pursuant to 6094  
section 3734.44 of the Revised Code. If the director determines 6095  
that the statement or report contains such information, the 6096  
director shall disapprove the change in ownership. 6097

(2) If the parties to a change in ownership decide to 6098  
proceed with the change prior to the action of the director on 6099  
the disclosure statement and investigative report, the parties 6100  
shall include in all contracts or other documents reflecting the 6101  
change in ownership language expressly making the change in 6102  
ownership subject to the approval of the director and expressly 6103  
negating the change if it is disapproved by the director 6104  
pursuant to division (I)(1) of this section. 6105

(3) As used in this section, "change in ownership" 6106  
includes a change of the individuals or entities who own a solid 6107



waste facility, infectious waste facility, or hazardous waste 6108  
facility. "Change in ownership" does not include a legal change 6109  
in a business concern's name when its ownership otherwise 6110  
remains the same. "Change in ownership" also does not include a 6111  
personal name change of officers, directors, partners, or key 6112  
employees contained in a disclosure statement. 6113

**Sec. 3734.44.** Notwithstanding the provisions of any law to 6114  
the contrary and except as provided in division (F) of this 6115  
section, no permit or license shall be issued or renewed by the 6116  
director of environmental protection or a board of health: 6117

(A) Unless the director or the board of health finds that 6118  
the applicant, in any prior performance record in the 6119  
transportation, transfer, treatment, storage, or disposal of 6120  
solid wastes, infectious wastes, or hazardous waste, has 6121  
exhibited sufficient reliability, expertise, and competency to 6122  
operate the solid waste, infectious waste, or hazardous waste 6123  
facility, given the potential for harm to human health and the 6124  
environment that could result from the irresponsible operation 6125  
of the facility, or, if no prior record exists, that the 6126  
applicant is likely to exhibit that reliability, expertise, and 6127  
competence; 6128

(B) If any individual or business concern required to be 6129  
listed in the disclosure statement or shown to have a beneficial 6130  
interest in the business of the applicant or the permittee, 6131  
other than an equity interest or debt liability, by the 6132  
investigation thereof, has been convicted of any of the 6133  
following crimes under the laws of this state or equivalent laws 6134  
of any other jurisdiction: 6135

(1) Murder; 6136

(2) Kidnapping;	6137
(3) Gambling;	6138
(4) Robbery;	6139
(5) Bribery;	6140
(6) Extortion;	6141
(7) Criminal usury;	6142
(8) Arson;	6143
(9) Burglary;	6144
(10) Theft and related crimes;	6145
(11) Forgery and fraudulent practices;	6146
(12) Fraud in the offering, sale, or purchase of securities;	6147 6148
(13) Alteration of motor vehicle identification numbers;	6149
(14) Unlawful manufacture, purchase, use, or transfer of firearms;	6150 6151
(15) Unlawful possession or use of destructive devices or explosives;	6152 6153
(16) A violation of section 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.32, or 2925.37 or Chapter 3719. of the Revised Code, unless the violation is for possession of less than one hundred grams of marihuana, less than five grams of marihuana resin or extraction or preparation of marihuana resin, or less than one gram of marihuana resin in a liquid concentrate, liquid extract, or liquid distillate form;	6154 6155 6156 6157 6158 6159 6160
(17) Engaging in a pattern of corrupt activity under	6161

section 2923.32 of the Revised Code;	6162
(18) A violation of the criminal provisions of Chapter 1331. of the Revised Code;	6163 6164
(19) Any violation of the criminal provisions of any federal or state environmental protection laws, rules, or regulations that is committed knowingly or recklessly, as defined in section 2901.22 of the Revised Code;	6165 6166 6167 6168
(20) A violation of any provision of Chapter 2909. of the Revised Code;	6169 6170
(21) Any offense specified in Chapter 2921. of the Revised Code.	6171 6172
(C) Notwithstanding division (B) of this section, no applicant shall be denied the issuance or renewal of a permit or license on the basis of a conviction of any individual or business concern required to be listed in the disclosure statement or shown to have a beneficial interest in the business of the applicant or the permittee, other than an equity interest or debt liability, by the investigation thereof for any of the offenses enumerated in that division as disqualification criteria if that applicant has affirmatively demonstrated rehabilitation of the individual or business concern by a preponderance of the evidence. If any such individual was convicted of any of the offenses so enumerated that are felonies, a permit shall be denied unless five years have elapsed since the individual was fully discharged from imprisonment and parole for the offense, from a community control sanction imposed under section 2929.15 of the Revised Code, from a post-release control sanction imposed under section 2967.28 of the Revised Code for the offense, or imprisonment,	6173 6174 6175 6176 6177 6178 6179 6180 6181 6182 6183 6184 6185 6186 6187 6188 6189 6190

probation, and parole for an offense that was committed prior to 6191  
July 1, 1996. In determining whether an applicant has 6192  
affirmatively demonstrated rehabilitation, the director or the 6193  
board of health shall request a recommendation on the matter 6194  
from the attorney general and shall consider and base the 6195  
determination on the following factors: 6196

(1) The nature and responsibilities of the position a 6197  
convicted individual would hold; 6198

(2) The nature and seriousness of the offense; 6199

(3) The circumstances under which the offense occurred; 6200

(4) The date of the offense; 6201

(5) The age of the individual when the offense was 6202  
committed; 6203

(6) Whether the offense was an isolated or repeated 6204  
incident; 6205

(7) Any social conditions that may have contributed to the 6206  
offense; 6207

(8) Any evidence of rehabilitation, including good conduct 6208  
in prison or in the community, counseling or psychiatric 6209  
treatment received, acquisition of additional academic or 6210  
vocational schooling, successful participation in correctional 6211  
work release programs, or the recommendation of persons who have 6212  
or have had the applicant under their supervision; 6213

(9) In the instance of an applicant that is a business 6214  
concern, rehabilitation shall be established if the applicant 6215  
has implemented formal management controls to minimize and 6216  
prevent the occurrence of violations and activities that will or 6217  
may result in permit or license denial or revocation or if the 6218

applicant has formalized those controls as a result of a 6219  
revocation or denial of a permit or license. Those controls may 6220  
include, but are not limited to, instituting environmental 6221  
auditing programs to help ensure the adequacy of internal 6222  
systems to achieve, maintain, and monitor compliance with 6223  
applicable environmental laws and standards or instituting an 6224  
antitrust compliance auditing program to help ensure full 6225  
compliance with applicable antitrust laws. The business concern 6226  
shall prove by a preponderance of the evidence that the 6227  
management controls are effective in preventing the violations 6228  
that are the subject of concern. 6229

(D) Unless the director or the board of health finds that 6230  
the applicant has a history of compliance with environmental 6231  
laws in this state and other jurisdictions and is presently in 6232  
substantial compliance with, or on a legally enforceable 6233  
schedule that will result in compliance with, environmental laws 6234  
in this state and other jurisdictions; 6235

(E) With respect to the approval of a permit, if the 6236  
director determines that current prosecutions or pending charges 6237  
in any jurisdiction for any of the offenses enumerated in 6238  
division (B) of this section against any individual or business 6239  
concern required to be listed in the disclosure statement or 6240  
shown by the investigation to have a beneficial interest in the 6241  
business of the applicant other than an equity interest or debt 6242  
liability are of such magnitude that they prevent making the 6243  
finding required under division (A) of this section, provided 6244  
that at the request of the applicant or the individual or 6245  
business concern charged, the director shall defer decision upon 6246  
the application during the pendency of the charge. 6247

(F) The director or the board of health shall not refuse 6248

to issue a permit or license to an applicant because of a 6249  
conviction of an offense unless the refusal is in accordance 6250  
with section 9.79 of the Revised Code. 6251

**Sec. 3743.03.** (A) If a person submits an application for 6252  
licensure as a manufacturer of fireworks, together with the 6253  
license fee, fingerprints, and proof of the insurance coverage, 6254  
as required by section 3743.02 of the Revised Code, the state 6255  
fire marshal shall review the application and accompanying 6256  
matter, request the criminal records check described in division 6257  
(E) of this section, inspect the premises of the fireworks plant 6258  
described in the application, and determine whether the 6259  
applicant will be issued the license. In determining whether to 6260  
issue the license, the state fire marshal shall consider the 6261  
results of the criminal records check and the inspection, and 6262  
the information set forth in the application, and shall decide 6263  
whether the applicant and the fireworks plant described in the 6264  
application conform to sections 3743.02 to 3743.08 of the 6265  
Revised Code and the rules adopted by the state fire marshal 6266  
pursuant to section 3743.05 of the Revised Code, and are in full 6267  
compliance with Chapters 3781. and 3791. of the Revised Code, 6268  
and any applicable building or zoning regulations. 6269

(B) Subject to section 3743.70 of the Revised Code, the 6270  
state fire marshal shall issue a license in accordance with 6271  
Chapter 119. of the Revised Code to an applicant for licensure 6272  
as a manufacturer of fireworks only if the applicant and the 6273  
fireworks plant described in the application conform to sections 6274  
3743.02 to 3743.08 of the Revised Code and the rules adopted by 6275  
the state fire marshal pursuant to section 3743.05 of the 6276  
Revised Code, only if the fireworks plant described in the 6277  
application complies with the Ohio building code adopted under 6278  
Chapter 3781. of the Revised Code, if that fireworks plant was 6279

constructed after May 30, 1986, and only if the state fire 6280  
marshal is satisfied that the application and accompanying 6281  
matter are complete and in conformity with section 3743.02 of 6282  
the Revised Code. The requirements of this chapter and of the 6283  
rules adopted under this chapter as applicable to the structure 6284  
of a building do not apply to a building in a fireworks plant if 6285  
the building was inspected and approved by the department of 6286  
industrial relations or by any building department certified 6287  
pursuant to division (E) of section 3781.10 of the Revised Code 6288  
prior to May 30, 1986. 6289

(C) Each license issued pursuant to this section shall 6290  
contain a distinct number assigned to the licensed manufacturer 6291  
and, if the licensed manufacturer will engage in the processing 6292  
of fireworks as any part of its manufacturing of fireworks at 6293  
the fireworks plants, a notation indicating that fact. The state 6294  
fire marshal shall maintain a list of all licensed manufacturers 6295  
of fireworks. In the list next to each manufacturer's name, the 6296  
state fire marshal shall insert the period of licensure, the 6297  
license number of the manufacturer, and, if applicable, a 6298  
notation that the manufacturer will engage in the processing of 6299  
fireworks as part of its manufacturing of fireworks. 6300

(D) The holder of a license issued pursuant to this 6301  
section may request the state fire marshal to cancel that 6302  
license and issue in its place a license to sell fireworks at 6303  
wholesale under section 3743.16 of the Revised Code. Upon 6304  
receipt of such a request, the state fire marshal shall cancel 6305  
the license issued under this section and issue a license under 6306  
section 3743.16 of the Revised Code if the applicant meets the 6307  
requirements of that section. 6308

(E) Upon receipt of an application and the required 6309

accompanying matter under section 3743.02 of the Revised Code, 6310  
the state fire marshal shall forward to the superintendent of 6311  
the bureau of criminal identification and investigation a 6312  
request that the bureau conduct an investigation of the 6313  
applicant and, if applicable, additional individuals who hold, 6314  
own, or control a five per cent or greater beneficial or equity 6315  
interest in the applicant, to determine whether the applicant or 6316  
the additional associated individuals have been convicted of or 6317  
pled guilty to a ~~felony-disqualifying offense as determined~~ 6318  
under section 9.79 of the Revised Code, under the laws of this 6319  
state, another state, or the United States. 6320

If the applicant for initial licensure has resided in this 6321  
state for less than five continuous years immediately prior to 6322  
the date the applicant submits an initial application, the 6323  
superintendent also shall request that the federal bureau of 6324  
investigation conduct an investigation of the applicant and, if 6325  
applicable, additional individuals who hold, own, or control a 6326  
five per cent or greater beneficial or equity interest in the 6327  
applicant, to determine whether the applicant or the additional 6328  
associated individuals have been convicted of or pled guilty to 6329  
a ~~felony-disqualifying offense as determined under section 9.79~~ 6330  
of the Revised Code, under the laws of this state, another 6331  
state, or the United States. 6332

The superintendent shall forward the results of an 6333  
investigation conducted pursuant to this division to the state 6334  
fire marshal and may charge a reasonable fee for providing the 6335  
results. The state fire marshal shall assess any fee charged by 6336  
the superintendent for the results to the applicant. 6337

**Sec. 3743.16.** (A) If a person submits an application for 6338  
licensure as a wholesaler of fireworks, together with the 6339



license fee, fingerprints, and proof of the insurance coverage, 6340  
as required by section 3743.15 of the Revised Code, the state 6341  
fire marshal shall review the application and accompanying 6342  
matter, request the criminal records check described in division 6343  
(D) of this section, inspect the premises on which the fireworks 6344  
would be sold, and determine whether the applicant will be 6345  
issued the license. In determining whether to issue the license, 6346  
the state fire marshal shall consider the results of the 6347  
criminal records check and the inspection, and the information 6348  
set forth in the application, and shall decide whether the 6349  
applicant and the premises on which the fireworks will be sold 6350  
conform to sections 3743.15 to 3743.21 of the Revised Code and 6351  
the rules adopted by the state fire marshal pursuant to section 6352  
3743.18 of the Revised Code, and are in full compliance with 6353  
Chapters 3781. and 3791. of the Revised Code, and any applicable 6354  
building or zoning regulations. 6355

(B) Subject to section 3743.70 of the Revised Code, the 6356  
state fire marshal shall issue a license in accordance with 6357  
Chapter 119. of the Revised Code to the applicant for licensure 6358  
as a wholesaler of fireworks only if the applicant and the 6359  
premises on which the fireworks will be sold conform to sections 6360  
3743.15 to 3743.21 of the Revised Code and the rules adopted by 6361  
the state fire marshal pursuant to section 3743.18 of the 6362  
Revised Code, only if the premises on which the fireworks will 6363  
be sold complies with the Ohio building code adopted under 6364  
Chapter 3781. of the Revised Code, if that premises was 6365  
constructed after May 30, 1986, and only if the state fire 6366  
marshal is satisfied that the application and accompanying 6367  
matter are complete and in conformity with section 3743.15 of 6368  
the Revised Code. The requirements of this chapter and of the 6369  
rules adopted under this chapter as applicable to the structure 6370

of a building do not apply to a building used by a wholesaler if 6371  
the building was inspected and approved by the department of 6372  
industrial relations or by any building department certified 6373  
pursuant to division (E) of section 3781.10 of the Revised Code 6374  
prior to May 30, 1986. 6375

(C) Each license issued pursuant to this section shall 6376  
contain a distinct number assigned to the particular wholesaler. 6377  
The state fire marshal shall maintain a list of all licensed 6378  
wholesalers of fireworks. In this list next to each wholesaler's 6379  
name, the state fire marshal shall insert the period of 6380  
licensure and the license number of the particular wholesaler. 6381

(D) Upon receipt of an application and the required 6382  
accompanying matter under section 3743.15 of the Revised Code, 6383  
the state fire marshal shall forward to the superintendent of 6384  
the bureau of criminal identification and investigation a 6385  
request that the bureau conduct an investigation of the 6386  
applicant and, if applicable, additional individuals who hold, 6387  
own, or control a five per cent or greater beneficial or equity 6388  
interest in the applicant, to determine whether the applicant or 6389  
the additional associated individuals have been convicted of or 6390  
pled guilty to a ~~felony~~ disqualifying offense in accordance with 6391  
section 9.79 of the Revised Code, under the laws of this state, 6392  
another state, or the United States. 6393

If the applicant for initial licensure has resided in this 6394  
state for less than five continuous years immediately prior to 6395  
the date the applicant submits an initial application, the 6396  
superintendent also shall request that the federal bureau of 6397  
investigation conduct an investigation of the applicant and, if 6398  
applicable, additional individuals who hold, own, or control a 6399  
five per cent or greater beneficial or equity interest in the 6400

applicant, to determine whether the applicant or the additional 6401  
associated individuals have been convicted of or pled guilty to 6402  
a ~~felony~~ disqualifying offense in accordance with section 9.79 6403  
of the Revised Code, under the laws of this state, another 6404  
state, or the United States. 6405

The superintendent shall forward the results of an 6406  
investigation conducted pursuant to this division to the state 6407  
fire marshal and may charge a reasonable fee for providing the 6408  
results. The state fire marshal shall assess any fee charged by 6409  
the superintendent for the results to the applicant. 6410

**Sec. 3743.70.** (A) The state fire marshal shall not refuse 6411  
to issue a license, permit, or registration under this chapter 6412  
if the applicant or any individual holding, owning, or 6413  
controlling a five per cent or greater beneficial or equity 6414  
interest in the applicant for the license, permit, or 6415  
registration has been convicted of or pleaded guilty to a 6416  
disqualifying offense under section 9.79 of the Revised Code 6417  
unless the refusal is in accordance with that section. 6418

(B) The state fire marshal shall not issue ~~an initial or a~~ 6419  
renewal of a license, permit, or registration under this chapter 6420  
on or after June 30, 1997, if the applicant for the license or 6421  
permit, or any individual holding, owning, or controlling a five 6422  
per cent or greater beneficial or equity interest in the 6423  
applicant for the license or permit, has been convicted of or 6424  
pleaded guilty to a felony under the laws of this state, another 6425  
state, or the United States. 6426

(C) The state fire marshal shall revoke or deny renewal of 6427  
a license or permit first issued under this chapter on or after 6428  
June 30, 1997, if the holder of the license or permit, or any 6429  
individual holding, owning, or controlling a five per cent or 6430

greater beneficial or equity interest in the holder of the 6431  
license or permit, is convicted of or pleads guilty to a felony 6432  
under the laws of this state, another state, or the United 6433  
States. 6434

(D) The state fire marshal may adopt rules under Chapter 6435  
119. of the Revised Code specifying the method to be used by the 6436  
applicants subject to this section to provide the fingerprint or 6437  
similar identifying information, fees to be assessed by the 6438  
state fire marshal to conduct such background checks, and the 6439  
procedures to be used by the state fire marshal to verify 6440  
compliance with this section. Such rules may include provisions 6441  
establishing rules for conducting background checks ~~and~~ 6442  
~~prohibiting licensure, permitting or registration under this~~ 6443  
~~chapter for persons convicted of a felony or similar offense in~~ 6444  
~~another country~~, the frequency that license renewal applicants 6445  
must update background check information filed by the applicant 6446  
with previous license applications, provisions describing 6447  
alternative forms of background check information that may be 6448  
accepted by the state fire marshal to verify compliance with 6449  
this section, and provisions that permit the state fire marshal 6450  
to waive the applicability of this section if the applicant 6451  
produces verified documentation that demonstrates that this 6452  
state, another state, the United States, or another country has 6453  
determined that applicant is appropriate for licensure, 6454  
permitting, or registration under this chapter. 6455

**Sec. 3743.99.** (A) Whoever violates division (A) or (B) of 6456  
section 3743.60 or division (H) of section 3743.64 of the 6457  
Revised Code is guilty of a felony of the third degree. 6458

(B) Whoever violates division (C) or (D) of section 6459  
3743.60, division (A), (B), (C), or (D) of section 3743.61, or 6460

division (A) or (B) of section 3743.64 of the Revised Code is 6461  
guilty of a felony of the fourth degree. 6462

(C) Whoever violates division (E), (F), (G), (H), (I), or 6463  
(J) of section 3743.60, division (E), (F), (G), (H), (I), or (J) 6464  
of section 3743.61, section 3743.63, division (D), (E), (F), or 6465  
(G) of section 3743.64, division (A), (B), (C), (D), or (E) of 6466  
section 3743.65, or section 3743.66 of the Revised Code is 6467  
guilty of a misdemeanor of the first degree. If the offender 6468  
previously has been convicted of or pleaded guilty to a 6469  
violation of division (I) of section 3743.60 or 3743.61 of the 6470  
Revised Code, a violation of either of these divisions is a 6471  
felony of the fifth degree. 6472

(D) Whoever violates division (C) of section 3743.64 of 6473  
the Revised Code is guilty of a misdemeanor of the first degree. 6474  
In addition to any other penalties that may be imposed on a 6475  
licensed exhibitor of fireworks under this division and unless 6476  
the third sentence of this division applies, the person's 6477  
license as an exhibitor of fireworks or as an assistant 6478  
exhibitor of fireworks shall be suspended, ~~and the person is~~ 6479  
~~ineligible to apply for either type of license, for a period of~~ 6480  
~~five years.~~ If the violation of division (C) of section 3743.64 6481  
of the Revised Code results in serious physical harm to persons 6482  
or serious physical harm to property, the person's license as an 6483  
exhibitor of fireworks or as an assistant exhibitor of fireworks 6484  
shall be revoked, ~~and that person is ineligible to apply for a~~ 6485  
~~license as or to be licensed as an exhibitor of fireworks or as~~ 6486  
~~an assistant exhibitor of fireworks in this state.~~ 6487

(E) Whoever violates division (F) of section 3743.65 of 6488  
the Revised Code is guilty of a felony of the fifth degree. 6489

**Sec. 3770.05.** (A) As used in this section, "person" means 6490

any individual, association, corporation, limited liability 6491  
company, partnership, club, trust, estate, society, receiver, 6492  
trustee, person acting in a fiduciary or representative 6493  
capacity, instrumentality of the state or any of its political 6494  
subdivisions, or any other business entity or combination of 6495  
individuals meeting the requirements set forth in this section 6496  
or established by rule or order of the state lottery commission. 6497

(B) The director of the state lottery commission may 6498  
license any person as a lottery sales agent. 6499

Before issuing any license to a lottery sales agent, the 6500  
director shall consider all of the following: 6501

(1) The financial responsibility and security of the 6502  
applicant and the applicant's business or activity; 6503

(2) The accessibility of the applicant's place of business 6504  
or activity to the public; 6505

(3) The sufficiency of existing licensed agents to serve 6506  
the public interest; 6507

(4) The volume of expected sales by the applicant; 6508

(5) Any other factors pertaining to the public interest, 6509  
convenience, or trust. 6510

(C) Except as otherwise provided in ~~division~~divisions (F) 6511  
and (G) of this section, the director of the state lottery 6512  
commission may refuse to grant, or may suspend or revoke, a 6513  
license if the applicant or licensee: 6514

(1) Has been convicted of a felony or has been convicted 6515  
of a crime involving moral turpitude; 6516

(2) Has been convicted of an offense that involves illegal 6517

gambling; 6518

(3) Has been found guilty of fraud or misrepresentation in 6519  
any connection; 6520

(4) Has been found to have violated any rule or order of 6521  
the commission; or 6522

(5) Has been convicted of illegal trafficking in 6523  
supplemental nutrition assistance program benefits. 6524

(D) Except as otherwise provided in division ~~(F)~~(G) of 6525  
this section, the director of the state lottery commission may 6526  
refuse to grant, or may suspend or revoke, a license if the 6527  
applicant or licensee is a corporation or other business entity, 6528  
and any of the following applies: 6529

(1) Any of the directors, officers, managers, or 6530  
controlling shareholders has been found guilty of any of the 6531  
activities specified in divisions (C) (1) to (5) of this section; 6532

(2) It appears to the director of the state lottery 6533  
commission that, due to the experience, ~~character,~~ or general 6534  
fitness of any director, officer, manager, or controlling 6535  
shareholder, the granting of a license as a lottery sales agent 6536  
would be inconsistent with the public interest, convenience, or 6537  
trust; 6538

(3) The corporation or other business entity is not the 6539  
owner or lessee of the business at which it would conduct a 6540  
lottery sales agency pursuant to the license applied for; 6541

(4) Any person, firm, association, or corporation other 6542  
than the applicant or licensee shares or will share in the 6543  
profits of the applicant or licensee, other than receiving 6544  
dividends or distributions as a shareholder, or participates or 6545

will participate in the management of the affairs of the 6546  
applicant or licensee. 6547

(E) (1) The director of the state lottery commission shall 6548  
~~refuse to grant a license to an applicant for a lottery sales-~~ 6549  
~~agent license and shall~~ revoke a lottery sales agent license if 6550  
the applicant or licensee is or has been convicted of a 6551  
violation of division (A) or (C) (1) of section 2913.46 of the 6552  
Revised Code. 6553

(2) The director shall ~~refuse to grant a license to an-~~ 6554  
~~applicant for a lottery sales agent license that is a-~~ 6555  
~~corporation and shall~~ revoke the lottery sales agent license of 6556  
a corporation if the corporation is or has been convicted of a 6557  
violation of division (A) or (C) (1) of section 2913.46 of the 6558  
Revised Code. 6559

(F) The director of the state lottery commission shall not 6560  
refuse to issue a license to an applicant because of a 6561  
conviction of an offense unless the refusal is in accordance 6562  
with section 9.79 of the Revised Code. 6563

(G) The director of the state lottery commission shall 6564  
request the bureau of criminal identification and investigation, 6565  
the department of public safety, or any other state, local, or 6566  
federal agency to supply the director with the criminal records 6567  
of any applicant for a lottery sales agent license, and may 6568  
periodically request the criminal records of any person to whom 6569  
a lottery sales agent license has been issued. At or prior to 6570  
the time of making such a request, the director shall require an 6571  
applicant or licensee to obtain fingerprint impressions on 6572  
fingerprint cards prescribed by the superintendent of the bureau 6573  
of criminal identification and investigation at a qualified law 6574  
enforcement agency, and the director shall cause those 6575



fingerprint cards to be forwarded to the bureau of criminal 6576  
identification and investigation, to the federal bureau of 6577  
investigation, or to both bureaus. The commission shall assume 6578  
the cost of obtaining the fingerprint cards. 6579

The director shall pay to each agency supplying criminal 6580  
records for each investigation a reasonable fee, as determined 6581  
by the agency. 6582

The commission may adopt uniform rules specifying time 6583  
periods after which the persons described in divisions (C) (1) to 6584  
(5) and (D) (1) to (4) of this section may be issued a license 6585  
and establishing requirements for those persons to seek a court 6586  
order to have records sealed in accordance with law. 6587

~~(G)~~ (H) (1) Each applicant for a lottery sales agent license 6588  
shall do both of the following: 6589

(a) Pay fees to the state lottery commission, if required 6590  
by rule adopted by the director under Chapter 119. of the 6591  
Revised Code and the controlling board approves the fees; 6592

(b) Prior to approval of the application, obtain a surety 6593  
bond in an amount the director determines by rule adopted under 6594  
Chapter 119. of the Revised Code or, alternatively, with the 6595  
director's approval, deposit the same amount into a dedicated 6596  
account for the benefit of the state lottery. The director also 6597  
may approve the obtaining of a surety bond to cover part of the 6598  
amount required, together with a dedicated account deposit to 6599  
cover the remainder of the amount required. The director also 6600  
may establish an alternative program or policy, with the 6601  
approval of the commission by rule adopted under Chapter 119. of 6602  
the Revised Code, that otherwise ensures the lottery's financial 6603  
interests are adequately protected. If such an alternative 6604

program or policy is established, an applicant or lottery sales agent, subject to the director's approval, may be permitted to participate in the program or proceed under that policy in lieu of providing a surety bond or dedicated amount.

A surety bond may be with any company that complies with the bonding and surety laws of this state and the requirements established by rules of the commission pursuant to this chapter. A dedicated account deposit shall be conducted in accordance with policies and procedures the director establishes.

A surety bond, dedicated account, other established program or policy, or any combination of these resources, as applicable, may be used to pay for the lottery sales agent's failure to make prompt and accurate payments for lottery ticket sales, for missing or stolen lottery tickets, for damage to equipment or materials issued to the lottery sales agent, or to pay for expenses the commission incurs in connection with the lottery sales agent's license.

(2) A lottery sales agent license is effective for at least one year, but not more than three years.

A licensed lottery sales agent, on or before the date established by the director, shall renew the agent's license and provide at that time evidence to the director that the surety bond, dedicated account deposit, or both, required under division ~~(G)~~(H)(1)(b) of this section has been renewed or is active, whichever applies.

Before the commission renews a lottery sales agent license, the lottery sales agent shall submit a renewal fee to the commission, if one is required by rule adopted by the director under Chapter 119. of the Revised Code and the

controlling board approves the renewal fee. The renewal fee 6634  
shall not exceed the actual cost of administering the license 6635  
renewal and processing changes reflected in the renewal 6636  
application. The renewal of the license is effective for at 6637  
least one year, but not more than three years. 6638

(3) A lottery sales agent license shall be complete, 6639  
accurate, and current at all times during the term of the 6640  
license. Any changes to an original license application or a 6641  
renewal application may subject the applicant or lottery sales 6642  
agent, as applicable, to paying an administrative fee that shall 6643  
be in an amount that the director determines by rule adopted 6644  
under Chapter 119. of the Revised Code, and that the controlling 6645  
board approves, and that shall not exceed the actual cost of 6646  
administering and processing the changes to an application. 6647

(4) The relationship between the commission and a lottery 6648  
sales agent is one of trust. A lottery sales agent collects 6649  
funds on behalf of the commission through the sale of lottery 6650  
tickets for which the agent receives a compensation. 6651

~~(H)~~ (I) Pending a final resolution of any question arising 6652  
under this section, the director of the state lottery commission 6653  
may issue a temporary lottery sales agent license, subject to 6654  
the terms and conditions the director considers appropriate. 6655

~~(I)~~ (J) If a lottery sales agent's rental payments for the 6656  
lottery sales agent's premises are determined, in whole or in 6657  
part, by the amount of retail sales the lottery sales agent 6658  
makes, and if the rental agreement does not expressly provide 6659  
that the amount of those retail sales includes the amounts the 6660  
lottery sales agent receives from lottery ticket sales, only the 6661  
amounts the lottery sales agent receives as compensation from 6662  
the state lottery commission for selling lottery tickets shall 6663

be considered to be amounts the lottery sales agent receives 6664  
from the retail sales the lottery sales agent makes, for the 6665  
purpose of computing the lottery sales agent's rental payments. 6666

**Sec. 3770.073.** (A) If a person is entitled to a lottery 6667  
prize award and is indebted to the state for the payment of any 6668  
tax, workers' compensation premium, unemployment contribution, 6669  
payment in lieu of unemployment contribution, certified claim 6670  
under section 131.02 or 131.021 of the Revised Code, or is 6671  
indebted to a political subdivision that has a certified claim 6672  
under section 131.02 of the Revised Code, lottery sales receipts 6673  
held in trust on behalf of the state lottery commission as 6674  
described in division ~~(G)~~(H) (4) of section 3770.05 of the 6675  
Revised Code, or charge, penalty, or interest arising from these 6676  
debts and if the amount of the prize money or the cost of goods 6677  
or services awarded as a lottery prize award is five thousand 6678  
dollars or more, the director of the state lottery commission, 6679  
or the director's designee, shall do either of the following: 6680

(1) If the prize award will be paid in a lump sum, deduct 6681  
from the prize award and pay to the attorney general an amount 6682  
in satisfaction of the debt and pay any remainder to that 6683  
person. If the amount of the prize award is less than the amount 6684  
of the debt, the entire amount of the prize award shall be 6685  
deducted and paid in partial satisfaction of the debt. 6686

(2) If the prize award will be paid in annual 6687  
installments, on the date the initial installment payment is 6688  
due, deduct from that installment and pay to the attorney 6689  
general an amount in satisfaction of the debt and, if necessary 6690  
to collect the full amount of the debt, do the same for any 6691  
subsequent annual installments, at the time the installments 6692  
become due and owing to the person, until the debt is fully 6693

satisfied. 6694

(B) If a person entitled to a lottery prize award owes 6695  
more than one debt, any debt owed to the state shall be 6696  
satisfied first, subject to both section 5739.33 and division 6697  
(G) of section 5747.07 of the Revised Code having first 6698  
priority, and subject to division (C) of this section. 6699

(C) Any debt owed under section 3770.071 of the Revised 6700  
Code shall be satisfied with first priority over debts owed 6701  
under this section. 6702

(D) Except as provided in section 131.021 of the Revised 6703  
Code, this section applies only to debts that have become final. 6704

**Sec. 3772.01.** As used in this chapter: 6705

(A) "Applicant" means any person who applies to the 6706  
commission for a license under this chapter. 6707

(B) "Casino control commission fund" means the casino 6708  
control commission fund described in Section 6(C)(3)(d) of 6709  
Article XV, Ohio Constitution, the money in which shall be used 6710  
to fund the commission and its related affairs. 6711

(C) "Casino facility" means a casino facility as defined 6712  
in Section 6(C)(9) of Article XV, Ohio Constitution. 6713

(D) "Casino game" means any slot machine or table game as 6714  
defined in this chapter. 6715

(E) "Casino gaming" means any type of slot machine or 6716  
table game wagering, using money, casino credit, or any 6717  
representative of value, authorized in any of the states of 6718  
Indiana, Michigan, Pennsylvania, and West Virginia as of January 6719  
1, 2009, and includes slot machine and table game wagering 6720  
subsequently authorized by, but shall not be limited by, 6721

subsequent restrictions placed on such wagering in such states. 6722  
"Casino gaming" does not include bingo, as authorized in Section 6723  
6 of Article XV, Ohio Constitution and conducted as of January 6724  
1, 2009, or horse racing where the pari-mutuel system of 6725  
wagering is conducted, as authorized under the laws of this 6726  
state as of January 1, 2009. 6727

(F) "Casino gaming employee" means any employee of a 6728  
casino operator or management company, but not a key employee, 6729  
and as further defined in section 3772.131 of the Revised Code. 6730

(G) "Casino operator" means any person, trust, 6731  
corporation, partnership, limited partnership, association, 6732  
limited liability company, or other business enterprise that 6733  
directly or indirectly holds an ownership or leasehold interest 6734  
in a casino facility. "Casino operator" does not include an 6735  
agency of the state, any political subdivision of the state, any 6736  
person, trust, corporation, partnership, limited partnership, 6737  
association, limited liability company, or other business 6738  
enterprise that may have an interest in a casino facility, but 6739  
who is legally or contractually restricted from conducting 6740  
casino gaming. 6741

(H) "Central system" means a computer system that provides 6742  
the following functions related to casino gaming equipment used 6743  
in connection with casino gaming authorized under this chapter: 6744  
security, auditing, data and information retrieval, and other 6745  
purposes deemed necessary and authorized by the commission. 6746

(I) "Cheat" means to alter the result of a casino game, 6747  
the element of chance, the operation of a machine used in a 6748  
casino game, or the method of selection of criteria that 6749  
determines (a) the result of the casino game, (b) the amount or 6750  
frequency of payment in a casino game, (c) the value of a 6751

wagering instrument, or (d) the value of a wagering credit. 6752  
"Cheat" does not include an individual who, without the 6753  
assistance of another individual or without the use of a 6754  
physical aid or device of any kind, uses the individual's own 6755  
ability to keep track of the value of cards played and uses 6756  
predictions formed as a result of the tracking information in 6757  
the individual's playing and betting strategy. 6758

(J) "Commission" means the Ohio casino control commission. 6759

(K) "Gaming agent" means a peace officer employed by the 6760  
commission that is vested with duties to enforce this chapter 6761  
and conduct other investigations into the conduct of the casino 6762  
gaming and the maintenance of the equipment that the commission 6763  
considers necessary and proper and is in compliance with section 6764  
109.77 of the Revised Code. 6765

(L) "Gaming-related vendor" means any individual, 6766  
partnership, corporation, association, trust, or any other group 6767  
of individuals, however organized, who supplies gaming-related 6768  
equipment, goods, or services to a casino operator or management 6769  
company, that are directly related to or affect casino gaming 6770  
authorized under this chapter, including, but not limited to, 6771  
the manufacture, sale, distribution, or repair of slot machines 6772  
and table game equipment. 6773

(M) "Holding company" means any corporation, firm, 6774  
partnership, limited partnership, limited liability company, 6775  
trust, or other form of business organization not a natural 6776  
person which directly or indirectly does any of the following: 6777

(1) Has the power or right to control a casino operator, 6778  
management company, or gaming-related vendor license applicant 6779  
or licensee; 6780

(2) Holds an ownership interest of five per cent or more, 6781  
as determined by the commission, in a casino operator, 6782  
management company, or gaming-related vendor license applicant 6783  
or licensee; 6784

(3) Holds voting rights with the power to vote five per 6785  
cent or more of the outstanding voting rights of a casino 6786  
operator, management company, or gaming-related vendor applicant 6787  
or licensee. 6788

(N) "Initial investment" includes costs related to 6789  
demolition, engineering, architecture, design, site preparation, 6790  
construction, infrastructure improvements, land acquisition, 6791  
fixtures and equipment, insurance related to construction, and 6792  
leasehold improvements. 6793

(O) "Institutional investor" means any of the following 6794  
entities owning five per cent or more, but less than fifteen per 6795  
cent, of an ownership interest in a casino facility, casino 6796  
operator, management company, or holding company: a corporation, 6797  
bank, insurance company, pension fund or pension fund trust, 6798  
retirement fund, including funds administered by a public 6799  
agency, employees' profit-sharing fund or employees' profit- 6800  
sharing trust, any association engaged, as a substantial part of 6801  
its business or operations, in purchasing or holding securities, 6802  
including a hedge fund, mutual fund, or private equity fund, or 6803  
any trust in respect of which a bank is trustee or cotrustee, 6804  
investment company registered under the "Investment Company Act 6805  
of 1940," 15 U.S.C. 80a-1 et seq., collective investment trust 6806  
organized by banks under Part Nine of the Rules of the 6807  
Comptroller of the Currency, closed-end investment trust, 6808  
chartered or licensed life insurance company or property and 6809  
casualty insurance company, investment advisor registered under 6810



the "Investment Advisors Act of 1940," 15 U.S.C. 80 b-1 et seq., 6811  
and such other persons as the commission may reasonably 6812  
determine to qualify as an institutional investor for reasons 6813  
consistent with this chapter, and that does not exercise control 6814  
over the affairs of a licensee and its ownership interest in a 6815  
licensee is for investment purposes only, as set forth in 6816  
division ~~(E)~~(F) of section 3772.10 of the Revised Code. 6817

(P) "Key employee" means any executive, employee, agent, 6818  
or other individual who has the power to exercise significant 6819  
influence over decisions concerning any part of the operation of 6820  
a person that has applied for or holds a casino operator, 6821  
management company, or gaming-related vendor license or the 6822  
operation of a holding company of a person that has applied for 6823  
or holds a casino operator, management company, or gaming- 6824  
related vendor license, including: 6825

(1) An officer, director, trustee, partner, or an 6826  
equivalent fiduciary; 6827

(2) An individual who holds a direct or indirect ownership 6828  
interest of five per cent or more; 6829

(3) An individual who performs the function of a principal 6830  
executive officer, principal operating officer, principal 6831  
accounting officer, or an equivalent officer; 6832

(4) Any other individual the commission determines to have 6833  
the power to exercise significant influence over decisions 6834  
concerning any part of the operation. 6835

(Q) "Licensed casino operator" means a casino operator 6836  
that has been issued a license by the commission and that has 6837  
been certified annually by the commission to have paid all 6838  
applicable fees, taxes, and debts to the state. 6839

(R) "Majority ownership interest" in a license or in a casino facility, as the case may be, means ownership of more than fifty per cent of such license or casino facility, as the case may be. For purposes of the foregoing, whether a majority ownership interest is held in a license or in a casino facility, as the case may be, shall be determined under the rules for constructive ownership of stock provided in Treas. Reg. 1.409A-3(i)(5)(iii) as in effect on January 1, 2009.

(S) "Management company" means an organization retained by a casino operator to manage a casino facility and provide services such as accounting, general administration, maintenance, recruitment, and other operational services.

(T) "Ohio law enforcement training fund" means the state law enforcement training fund described in Section 6(C)(3)(f) of Article XV, Ohio Constitution, the money in which shall be used to enhance public safety by providing additional training opportunities to the law enforcement community.

(U) "Person" includes, but is not limited to, an individual or a combination of individuals; a sole proprietorship, a firm, a company, a joint venture, a partnership of any type, a joint-stock company, a corporation of any type, a corporate subsidiary of any type, a limited liability company, a business trust, or any other business entity or organization; an assignee; a receiver; a trustee in bankruptcy; an unincorporated association, club, society, or other unincorporated entity or organization; entities that are disregarded for federal income tax purposes; and any other nongovernmental, artificial, legal entity that is capable of engaging in business.

(V) "Problem casino gambling and addictions fund" means

the state problem gambling and addictions fund described in 6870  
Section 6(C)(3)(g) of Article XV, Ohio Constitution, the money 6871  
in which shall be used for treatment of problem gambling and 6872  
substance abuse, and for related research. 6873

(W) "Promotional gaming credit" means a slot machine or 6874  
table game credit, discount, or other similar item issued to a 6875  
patron to enable the placement of, or increase in, a wager at a 6876  
slot machine or table game. 6877

(X) "Slot machine" means any mechanical, electrical, or 6878  
other device or machine which, upon insertion of a coin, token, 6879  
ticket, or similar object, or upon payment of any consideration, 6880  
is available to play or operate, the play or operation of which, 6881  
whether by reason of the skill of the operator or application of 6882  
the element of chance, or both, makes individual prize 6883  
determinations for individual participants in cash, premiums, 6884  
merchandise, tokens, or any thing of value, whether the payoff 6885  
is made automatically from the machine or in any other manner, 6886  
but does not include any device that is a skill-based amusement 6887  
machine, as defined in section 2915.01 of the Revised Code. 6888

(Y) "Table game" means any game played with cards, dice, 6889  
or any mechanical, electromechanical, or electronic device or 6890  
machine for money, casino credit, or any representative of 6891  
value. "Table game" does not include slot machines. 6892

(Z) "Upfront license" means the first plenary license 6893  
issued to a casino operator. 6894

(AA) "Voluntary exclusion program" means a program 6895  
provided by the commission that allows persons to voluntarily 6896  
exclude themselves from the gaming areas of facilities under the 6897  
jurisdiction of the commission by placing their name on a 6898

voluntary exclusion list and following the procedures set forth 6899  
by the commission. 6900

**Sec. 3772.07.** The following appointing or licensing 6901  
authorities shall obtain a criminal records check of the person 6902  
who is to be appointed or licensed: 6903

(A) The governor, before appointing an individual as a 6904  
member of the commission; 6905

(B) The commission, before appointing an individual as 6906  
executive director or a gaming agent; 6907

(C) The commission, before issuing a license for a key 6908  
employee or casino gaming employee, and before issuing a license 6909  
for each investor, except an institutional investor, for a 6910  
casino operator, management company, holding company, or gaming- 6911  
related vendor; 6912

(D) The executive director, before appointing an 6913  
individual as a professional, technical, or clerical employee of 6914  
the commission. 6915

Thereafter, such an appointing or licensing authority 6916  
shall obtain a criminal records check of the same individual at 6917  
three-year intervals. 6918

The appointing or licensing authority shall make available 6919  
to each person of whom a criminal records check is required a 6920  
copy of the form and the standard fingerprint impression sheet 6921  
prescribed under divisions (C) (1) and (2) of section 109.572 of 6922  
the Revised Code. The person shall complete the form and 6923  
impression sheet and return them as directed by the appointing 6924  
or licensing authority. If a person fails to complete and return 6925  
the form and impression sheet within a reasonable time, the 6926  
person is ineligible to be appointed or licensed or to continue 6927

in the appointment or licensure. 6928

The appointing or licensing authority shall cause the 6929  
completed form and impression sheet to be forwarded to the 6930  
superintendent of the bureau of criminal identification and 6931  
investigation. The appointing or licensing authority shall 6932  
request the superintendent also to obtain information from the 6933  
federal bureau of investigation, including fingerprint-based 6934  
checks of the national crime information databases, and from 6935  
other states and the federal government under the national crime 6936  
prevention and privacy compact as part of the criminal records 6937  
check. 6938

For all criminal records checks conducted under this 6939  
section, the applicant for a casino operator, management 6940  
company, holding company, gaming-related vendor, key employee, 6941  
or casino gaming employee license shall pay the fee charged by 6942  
the bureau of criminal identification and investigation or by a 6943  
vendor approved by the bureau to conduct a criminal records 6944  
check based on the applicant's fingerprints in accordance with 6945  
division (A)(15) of section 109.572 of the Revised Code. If the 6946  
applicant for a key employee or casino gaming employee license 6947  
is applying at the request of a casino operator, management 6948  
company, holding company, or gaming-related vendor, the casino 6949  
operator, management company, holding company, or gaming-related 6950  
vendor shall pay the fee charged for all criminal records checks 6951  
conducted under this section. 6952

The appointing or licensing authority shall review the 6953  
results of a criminal records check. An appointee for a 6954  
commission member shall forward the results of the criminal 6955  
records check to the president of the senate before the senate 6956  
advises and consents to the appointment of the commission 6957

member. The appointing ~~or licensing~~ authority shall not appoint 6958  
~~or license~~ or retain the appointment ~~or licensure~~ of a person a 6959  
criminal records check discloses has been convicted of or has 6960  
pleaded guilty or no contest to a ~~disqualifying offense~~. A 6961  
~~"disqualifying offense"~~ means any gambling offense, any theft 6962  
offense, any offense having an element of fraud or 6963  
misrepresentation, any offense having an element of moral 6964  
turpitude, and any felony not otherwise included in the 6965  
foregoing list, except as otherwise provided in section 3772.10 6966  
of the Revised Code. The licensing authority shall not license a 6967  
person if a criminal records check discloses that the person has 6968  
been convicted of a disqualifying offense, as determined under 6969  
section 9.79 of the Revised Code. 6970

The report of a criminal records check is not a public 6971  
record that is open to public inspection and copying. The 6972  
commission shall not make the report available to any person 6973  
other than the person who was the subject of the criminal 6974  
records check; an appointing or licensing authority; a member, 6975  
the executive director, or an employee of the commission; or any 6976  
court or agency, including a hearing examiner, in a judicial or 6977  
administrative proceeding relating to the person's employment or 6978  
application for a license under this chapter. 6979

**Sec. 3772.10.** (A) In determining whether to grant or 6980  
maintain the privilege of a casino operator, management company, 6981  
holding company, key employee, casino gaming employee, or 6982  
gaming-related vendor license, the Ohio casino control 6983  
commission shall, except as provided in division (D) of this 6984  
section, consider all of the following, as applicable: 6985

(1) The reputation, experience, and financial integrity of 6986  
the applicant, its holding company, if applicable, and any other 6987

person that directly or indirectly controls the applicant; 6988

(2) The financial ability of the applicant to purchase and 6989  
maintain adequate liability and casualty insurance and to 6990  
provide an adequate surety bond; 6991

(3) The past and present compliance of the applicant and 6992  
its affiliates or affiliated companies with casino-related 6993  
licensing requirements in this state or any other jurisdiction, 6994  
including whether the applicant has a history of noncompliance 6995  
with the casino licensing requirements of any jurisdiction; 6996

(4) If the applicant has been indicted, convicted, pleaded 6997  
guilty or no contest, or forfeited bail concerning any criminal 6998  
offense under the laws of any jurisdiction, either felony or 6999  
misdemeanor, not including traffic violations; 7000

(5) If the applicant has filed, or had filed against it a 7001  
proceeding for bankruptcy or has ever been involved in any 7002  
formal process to adjust, defer, suspend, or otherwise work out 7003  
the payment of any debt; 7004

(6) If the applicant has been served with a complaint or 7005  
other notice filed with any public body regarding a payment of 7006  
any tax required under federal, state, or local law that has 7007  
been delinquent for one or more years; 7008

(7) If the applicant is or has been a defendant in 7009  
litigation involving its business practices; 7010

(8) If awarding a license would undermine the public's 7011  
confidence in the casino gaming industry in this state; 7012

(9) If the applicant meets other standards for the 7013  
issuance of a license that the commission adopts by rule, which 7014  
shall not be arbitrary, capricious, or contradictory to the 7015

expressed provisions of this chapter. 7016

(B) All applicants for a license under this chapter shall 7017  
establish their suitability for a license by clear and 7018  
convincing evidence. If the commission determines that a person 7019  
is eligible under this chapter to be issued a license as a 7020  
casino operator, management company, holding company, key 7021  
employee, casino gaming employee, or gaming-related vendor, the 7022  
commission shall issue such license for not more than three 7023  
years, as determined by commission rule, if all other 7024  
requirements of this chapter have been satisfied. 7025

(C) The commission shall not, except as provided in 7026  
division (D) of this section, issue a casino operator, 7027  
management company, holding company, key employee, casino gaming 7028  
employee, or gaming-related vendor license under this chapter to 7029  
an applicant if: 7030

(1) The applicant has been convicted of a disqualifying 7031  
offense, as defined in section 3772.07 of the Revised Code. 7032

(2) The applicant has submitted an application for license 7033  
under this chapter that contains false information. 7034

(3) The applicant is a commission member. 7035

(4) The applicant owns an ownership interest that is 7036  
unlawful under this chapter, unless waived by the commission. 7037

(5) The applicant violates specific rules adopted by the 7038  
commission related to denial of licensure. 7039

(6) The applicant is a member of or employed by a gaming 7040  
regulatory body of a governmental unit in this state, another 7041  
state, or the federal government, or is an employee of a 7042  
governmental unit of this state and in that capacity has 7043



significant influence or control, as determined by the 7044  
commission, over the ability of a casino operator, management 7045  
company, holding company, institutional investor, or gaming- 7046  
related vendor to conduct business in this state. This division 7047  
does not prohibit a casino operator or management company from 7048  
hiring special duty law enforcement officers if the officers are 7049  
not specifically involved in gaming-related regulatory 7050  
functions. 7051

(7) The commission otherwise determines the applicant is 7052  
ineligible for the license. 7053

(D) The commission shall not refuse to issue a license to 7054  
an applicant because the applicant was convicted of or pleaded 7055  
guilty to an offense unless the refusal is in accordance with 7056  
section 9.79 of the Revised Code. 7057

(E)(1) The commission shall investigate the qualifications 7058  
of each applicant under this chapter before any license is 7059  
issued and before any finding with regard to acts or 7060  
transactions for which commission approval is required is made. 7061  
The commission shall continue to observe the conduct of all 7062  
licensees and all other persons having a material involvement 7063  
directly or indirectly with a casino operator, management 7064  
company, or holding company to ensure that licenses are not 7065  
issued to or held by, or that there is not any material 7066  
involvement with a casino operator, management company, or 7067  
holding company by, an unqualified, disqualified, or unsuitable 7068  
person or a person whose operations are conducted in an 7069  
unsuitable manner or in unsuitable or prohibited places or 7070  
locations. 7071

(2) The executive director may recommend to the commission 7072  
that it deny any application, or limit, condition, or restrict, 7073

or suspend or revoke, any license or finding, or impose any fine 7074  
upon any licensee or other person according to this chapter and 7075  
the rules adopted thereunder. 7076

(3) A license issued under this chapter is a revocable 7077  
privilege. No licensee has a vested right in or under any 7078  
license issued under this chapter. The initial determination of 7079  
the commission to deny, or to limit, condition, or restrict, a 7080  
license may be appealed under section 2505.03 of the Revised 7081  
Code. 7082

~~(E)~~ (F) (1) An institutional investor may be found to be 7083  
suitable or qualified by the commission under this chapter and 7084  
the rules adopted under this chapter. An institutional investor 7085  
shall be presumed suitable or qualified upon submitting 7086  
documentation sufficient to establish qualifications as an 7087  
institutional investor and upon certifying all of the following: 7088

(a) The institutional investor owns, holds, or controls 7089  
securities issued by a licensee or holding, intermediate, or 7090  
parent company of a licensee or in the ordinary course of 7091  
business for investment purposes only. 7092

(b) The institutional investor does not exercise influence 7093  
over the affairs of the issuer of such securities nor over any 7094  
licensed subsidiary of the issuer of such securities. 7095

(c) The institutional investor does not intend to exercise 7096  
influence over the affairs of the issuer of such securities, nor 7097  
over any licensed subsidiary of the issuer of such securities, 7098  
in the future, and that it agrees to notify the commission in 7099  
writing within thirty days if such intent changes. 7100

(2) The exercise of voting privileges with regard to 7101  
securities shall not be deemed to constitute the exercise of 7102

influence over the affairs of a licensee. 7103

(3) The commission shall rescind the presumption of 7104  
suitability for an institutional investor at any time if the 7105  
institutional investor exercises or intends to exercise 7106  
influence or control over the affairs of the licensee. 7107

(4) This division shall not be construed to preclude the 7108  
commission from requesting information from or investigating the 7109  
suitability or qualifications of an institutional investor if: 7110

(a) The commission becomes aware of facts or information 7111  
that may result in the institutional investor being found 7112  
unsuitable or disqualified; or 7113

(b) The commission has any other reason to seek 7114  
information from the investor to determine whether it qualifies 7115  
as an institutional investor. 7116

(5) If the commission finds an institutional investor to 7117  
be unsuitable or unqualified, the commission shall so notify the 7118  
investor and the casino operator, holding company, management 7119  
company, or gaming-related vendor licensee in which the investor 7120  
invested. The commission shall allow the investor and the 7121  
licensee a reasonable amount of time, as specified by the 7122  
commission on a case-by-case basis, to cure the conditions that 7123  
caused the commission to find the investor unsuitable or 7124  
unqualified. If during the specified period of time the investor 7125  
or the licensee does not or cannot cure the conditions that 7126  
caused the commission to find the investor unsuitable or 7127  
unqualified, the commission may allow the investor or licensee 7128  
more time to cure the conditions or the commission may begin 7129  
proceedings to deny, suspend, or revoke the license of the 7130  
casino operator, holding company, management company, or gaming- 7131

related vendor in which the investor invested or to deny any of 7132  
the same the renewal of any such license. 7133

(6) A private licensee or holding company shall provide 7134  
the same information to the commission as a public company would 7135  
provide in a form 13d or form 13g filing to the securities and 7136  
exchange commission. 7137

~~(F)~~(G) Information provided on the application shall be 7138  
used as a basis for a thorough background investigation of each 7139  
applicant. A false or incomplete application is cause for denial 7140  
of a license by the commission. All applicants and licensees 7141  
shall consent to inspections, searches, and seizures and to the 7142  
disclosure to the commission and its agents of confidential 7143  
records, including tax records, held by any federal, state, or 7144  
local agency, credit bureau, or financial institution and to 7145  
provide handwriting exemplars, photographs, fingerprints, and 7146  
information as authorized in this chapter and in rules adopted 7147  
by the commission. 7148

~~(G)~~(H) The commission shall provide a written statement 7149  
to each applicant for a license under this chapter who is denied 7150  
the license that describes the reason or reasons for which the 7151  
applicant was denied the license. 7152

~~(H)~~(I) Not later than January 31 in each calendar year, 7153  
the commission shall provide to the general assembly and the 7154  
governor a report that, for each type of license issued under 7155  
this chapter, specifies the number of applications made in the 7156  
preceding calendar year for each type of such license, the 7157  
number of applications denied in the preceding calendar year for 7158  
each type of such license, and the reasons for those denials. 7159  
The information regarding the reasons for the denials shall 7160  
specify each reason that resulted in, or that was a factor 7161

resulting in, denial for each type of license issued under this 7162  
chapter and, for each of those reasons, the total number of 7163  
denials for each such type that involved that reason. 7164

**Sec. 3773.42.** Upon the proper filing of an application for 7165  
a referee's, judge's, matchmaker's, timekeeper's, manager's, 7166  
trainer's, contestant's, or second's license and payment of the 7167  
applicable application fee, the Ohio athletic commission shall 7168  
issue the license to the applicant if it determines that the 7169  
applicant ~~is of good moral character,~~ is not likely to engage in 7170  
acts detrimental to the fair and honest conduct of public boxing 7171  
matches, mixed martial arts events, or any other unarmed combat 7172  
sports regulated by the commission, and is qualified to hold 7173  
such a license by reason of the applicant's knowledge and 7174  
experience. 7175

A person shall not be determined to possess the knowledge 7176  
and experience necessary to qualify that person to hold a 7177  
referee's license unless all of the following conditions are 7178  
met: 7179

(A) The person has completed such referee training 7180  
requirements as the commission prescribes by rule. 7181

(B) The person possesses such experience requirements as 7182  
the commission prescribes by rule. 7183

The commission shall issue a referee's license to each 7184  
person who meets the requirements of divisions (A) and (B) of 7185  
this section. 7186

If upon the proper filing of an application for a 7187  
contestant's license the commission determines that the 7188  
applicant ~~is of good moral character,~~ is not likely to engage in 7189  
acts detrimental to the conduct of public boxing matches, mixed 7190

martial arts events, or any other unarmed combat sports 7191  
regulated by the commission, and possesses sufficient knowledge 7192  
and experience, the commission shall issue the license to the 7193  
applicant. 7194

Each license issued pursuant to this section shall bear 7195  
the correct name, or assumed name, if any, of the licensee, the 7196  
address of the licensee, the date of issue, and a number 7197  
designated by the commission. 7198

A license issued pursuant to this section shall expire 7199  
twelve months after its date of issue unless renewed. Upon 7200  
application for renewal and payment of the renewal fee 7201  
prescribed in section 3773.43 of the Revised Code, the 7202  
commission shall renew the license unless it denies the 7203  
application for one or more reasons stated in section 3123.47 or 7204  
3773.53 of the Revised Code. 7205

**Sec. 3783.03.** (A) The board of building standards shall 7206  
issue a certificate of competency as an electrical safety 7207  
inspector to any person ~~whom it determines to be of good moral~~ 7208  
~~character and~~ who successfully passes an examination pursuant to 7209  
division (B) of this section, or who qualifies for renewal 7210  
pursuant to section 3783.04 of the Revised Code. Each 7211  
certificate of competency issued by the board shall be signed by 7212  
the ~~chairman~~ chairperson and the secretary of the board, and 7213  
shall show on its face the dates of issuance and expiration. 7214

(B) The board shall administer an examination to an 7215  
applicant for a certificate of competency as an electrical 7216  
safety inspector if such applicant has paid an application fee, 7217  
as prescribed by the board, and meets any of the following 7218  
qualifications: 7219

(1) Has been a ~~journeyman~~ journeyperson electrician or 7220  
equivalent for four years, two years of which were as an 7221  
electrician foreman, and has had two years experience as a 7222  
building inspector trainee of electrical systems; 7223

(2) Has been a ~~journeyman~~ journeyperson electrician or 7224  
equivalent for four years and has had three years experience as 7225  
a building inspector trainee of electrical systems; 7226

(3) Has had four years experience as a building inspector 7227  
trainee of electrical systems; 7228

(4) Had been a ~~journeyman~~ journeyperson electrician or 7229  
equivalent for six years; 7230

(5) Is a graduate electrical engineer and registered by 7231  
the state of Ohio. 7232

An applicant who fails two examinations shall not be 7233  
eligible to take another examination until ~~he~~ the applicant has 7234  
successfully completed a training program approved by the board 7235  
pursuant to division (C) of this section. A new application fee 7236  
shall be required for each examination given an applicant. 7237

(C) No training program for electrical safety inspectors 7238  
shall be offered in this state unless approved by the board of 7239  
building standards. The board may issue an electrical safety 7240  
inspector trainee certificate to any person enrolled in an 7241  
approved training program. A person possessing a trainee 7242  
certificate may work under the supervision of an electrical 7243  
safety inspector and such experience shall be considered 7244  
equivalent to that of a building inspector trainee of electrical 7245  
systems in satisfying the requirement under division (B) of this 7246  
section. 7247

(D) The board may deny a certificate to an applicant who 7248

commits an act that would constitute grounds for disciplinary 7249  
action under Chapter 3783. of the Revised Code if committed by 7250  
an electrical safety inspector. 7251

(E) The board shall keep a record of the names, addresses, 7252  
and such other information as it requires, of each electrical 7253  
safety inspector and each electrical safety inspector trainee 7254  
and a record of its proceedings under Chapter 3783. of the 7255  
Revised Code. 7256

**Sec. 3796.03.** (A) (1) Except as provided in division (A) (2) 7257  
of this section, not later than one year after ~~the effective~~ 7258  
~~date of this section~~ September 8, 2016, the department of 7259  
commerce shall adopt rules establishing standards and procedures 7260  
for the medical marijuana control program. 7261

(2) The department shall adopt rules establishing 7262  
standards and procedures for the licensure of cultivators not 7263  
later than two hundred forty days after ~~the effective date of~~ 7264  
~~this section~~ September 8, 2016. 7265

(3) All rules adopted under this section shall be adopted 7266  
in accordance with Chapter 119. of the Revised Code. 7267

(B) The rules shall do all of the following: 7268

(1) Establish application procedures and fees for licenses 7269  
it issues under this chapter; 7270

(2) Specify ~~all~~ both of the following: 7271

(a) The conditions that must be met to be eligible for 7272  
licensure; 7273

(b) ~~Subject to division (B) (2) (c) of this section, the~~ In 7274  
accordance with section 9.79 of the Revised Code, the criminal 7275  
offenses for which an applicant will be disqualified from 7276



licensure;	7277
<del>(c) Which of the criminal offenses specified pursuant to</del>	7278
<del>division (B) (2) (b) of this section will not disqualify an</del>	7279
<del>applicant from licensure if the applicant was convicted of or</del>	7280
<del>pleaded guilty to the offense more than five years before the</del>	7281
<del>date the application for licensure is filed pursuant to that</del>	7282
<del>section.</del>	7283
(3) Establish, in accordance with section 3796.05 of the	7284
Revised Code, the number of cultivator licenses that will be	7285
permitted at any one time;	7286
(4) Establish a license renewal schedule, renewal	7287
procedures, and renewal fees;	7288
(5) Specify reasons for which a license may be suspended,	7289
including without prior hearing, revoked, or not be renewed or	7290
issued and the reasons for which a civil penalty may be imposed	7291
on a license holder;	7292
(6) Establish standards under which a license suspension	7293
may be lifted;	7294
(7) Specify if a cultivator, processor, or laboratory that	7295
is licensed under this chapter and that existed at a location	7296
before a school, church, public library, public playground, or	7297
public park became established within five hundred feet of the	7298
cultivator, processor, or laboratory, may remain in operation or	7299
shall relocate or have its license revoked by the board;	7300
(8) Specify both of the following:	7301
(a) Subject to division (B) (8) (b) of this section, the	7302
criminal offenses for which a person will be disqualified from	7303
employment with a license holder;	7304

(b) Which of the criminal offenses specified pursuant to 7305  
division (B) (8) (a) of this section will not disqualify a person 7306  
from employment with a license holder if the person was 7307  
convicted of or pleaded guilty to the offense more than five 7308  
years before the date the employment begins. 7309

(9) Establish, in accordance with section 3796.05 of the 7310  
Revised Code, standards and procedures for the testing of 7311  
medical marijuana by a laboratory licensed under this chapter. 7312

(C) In addition to the rules described in division (B) of 7313  
this section, the department may adopt any other rules it 7314  
considers necessary for the program's administration and the 7315  
implementation and enforcement of this chapter. 7316

(D) When adopting rules under this section, the department 7317  
shall consider standards and procedures that have been found to 7318  
be best practices relative to the use and regulation of medical 7319  
marijuana. 7320

**Sec. 3796.04.** (A) (1) Not later than one year after ~~the~~ 7321  
~~effective date of this section~~ September 8, 2016, the board of 7322  
pharmacy shall adopt rules establishing standards and procedures 7323  
for the medical marijuana control program. 7324

(2) All rules adopted under this section shall be adopted 7325  
in accordance with Chapter 119. of the Revised Code. 7326

(B) The rules shall do all of the following: 7327

(1) Establish application procedures and fees for licenses 7328  
and registrations it issues under this chapter; 7329

(2) Specify ~~all~~ both of the following: 7330

(a) The conditions that must be met to be eligible for 7331  
licensure; 7332

~~(b) Subject to division (B) (2) (c) of this section, the In accordance with section 9.79 of the Revised Code, the criminal offenses for which an applicant will be disqualified from licensure;~~ 7333  
7334  
7335  
7336

~~(c) Which of the criminal offenses specified pursuant to division (B) (2) (b) of this section will not disqualify an applicant from licensure if the applicant was convicted of or pleaded guilty to the offense more than five years before the date the application for licensure is filed pursuant to that section.~~ 7337  
7338  
7339  
7340  
7341  
7342

(3) Establish, in accordance with section 3796.05 of the Revised Code, the number of retail dispensary licenses that will be permitted at any one time; 7343  
7344  
7345

(4) Establish a license or registration renewal schedule, renewal procedures, and renewal fees; 7346  
7347

(5) Specify reasons for which a license or registration may be suspended, including without prior hearing, revoked, or not be renewed or issued and the reasons for which a civil penalty may be imposed on a license holder; 7348  
7349  
7350  
7351

(6) Establish standards under which a license or registration suspension may be lifted; 7352  
7353

(7) Establish procedures for registration of patients and caregivers and requirements that must be met to be eligible for registration; 7354  
7355  
7356

(8) Establish training requirements for employees of retail dispensaries; 7357  
7358

(9) Specify if a retail dispensary that is licensed under this chapter and that existed at a location before a school, 7359  
7360

church, public library, public playground, or public park became 7361  
established within five hundred feet of the retail dispensary 7362  
may remain in operation or shall relocate or have its license 7363  
revoked by the board; 7364

(10) Specify, by form and tetrahydrocannabinol content, a 7365  
maximum ninety-day supply of medical marijuana that may be 7366  
possessed; 7367

(11) Specify the paraphernalia or other accessories that 7368  
may be used in the administration to a registered patient of 7369  
medical marijuana; 7370

(12) Establish procedures for the issuance of patient or 7371  
caregiver identification cards; 7372

(13) Specify the forms of or methods of using medical 7373  
marijuana that are attractive to children; 7374

(14) Specify both of the following: 7375

(a) Subject to division (B) (14) (b) of this section, the 7376  
criminal offenses for which a person will be disqualified from 7377  
employment with a license holder; 7378

(b) Which of the criminal offenses specified pursuant to 7379  
division (B) (14) (a) of this section will not disqualify a person 7380  
from employment with a license holder if the person was 7381  
convicted of or pleaded guilty to the offense more than five 7382  
years before the date the employment begins. 7383

(15) Establish a program to assist patients who are 7384  
veterans or indigent in obtaining medical marijuana in 7385  
accordance with this chapter. 7386

(C) In addition to the rules described in division (B) of 7387  
this section, the board may adopt any other rules it considers 7388

necessary for the program's administration and the 7389  
implementation and enforcement of this chapter. 7390

(D) When adopting rules under this section, the board 7391  
shall consider standards and procedures that have been found to 7392  
be best practices relative to the use and regulation of medical 7393  
marijuana. 7394

**Sec. 3796.09.** (A) An entity that seeks to cultivate or 7395  
process medical marijuana or to conduct laboratory testing of 7396  
medical marijuana shall file an application for licensure with 7397  
the department of commerce. The entity shall file an application 7398  
for each location from which it seeks to operate. Each 7399  
application shall be submitted in accordance with rules adopted 7400  
under section 3796.03 of the Revised Code. 7401

(B) The department shall issue a license to an applicant 7402  
if all of the following conditions are met: 7403

(1) The report of the criminal records check conducted 7404  
pursuant to section 3796.12 of the Revised Code with respect to 7405  
the application demonstrates ~~the following:~~ 7406

~~(a) Subject to division (B) (1) (b) of this section that the 7407  
person subject to the criminal records check requirement has not 7408  
been convicted of or pleaded guilty to any of the disqualifying 7409  
offenses specified in rules adopted under section 9.79 and 7410  
division (B) (2) (b) of section 3796.03 of the Revised Code,~~ 7411

~~(b) That the disqualifying offense the person was 7412  
convicted of or pleaded guilty to is one of the offenses 7413  
specified in rules adopted under division (B) (2) (c) of section 7414  
3796.03 of the Revised Code and the person was convicted of or 7415  
pleaded guilty to the offense more than five years before the 7416  
date the application for licensure is filed. 7417~~

(2) The applicant demonstrates that it does not have an ownership or investment interest in or compensation arrangement with any of the following:

(a) A laboratory licensed under this chapter;

(b) An applicant for a license to conduct laboratory testing.

(3) The applicant demonstrates that it does not share any corporate officers or employees with any of the following:

(a) A laboratory licensed under this chapter;

(b) An applicant for a license to conduct laboratory testing.

(4) The applicant demonstrates that it will not be located within five hundred feet of a school, church, public library, public playground, or public park.

(5) The information provided to the department pursuant to section 3796.11 of the Revised Code demonstrates that the applicant is in compliance with the applicable tax laws of this state.

(6) The applicant meets all other licensure eligibility conditions established in rules adopted under section 3796.03 of the Revised Code.

(C) The department shall issue not less than fifteen per cent of cultivator, processor, or laboratory licenses to entities that are owned and controlled by United States citizens who are residents of this state and are members of one of the following economically disadvantaged groups: Blacks or African Americans, American Indians, Hispanics or Latinos, and Asians. If no applications or an insufficient number of applications are

submitted by such entities that meet the conditions set forth in 7446  
division (B) of this section, the licenses shall be issued 7447  
according to usual procedures. 7448

As used in this division, "owned and controlled" means 7449  
that at least fifty-one per cent of the business, including 7450  
corporate stock if a corporation, is owned by persons who belong 7451  
to one or more of the groups set forth in this division, and 7452  
that those owners have control over the management and day-to- 7453  
day operations of the business and an interest in the capital, 7454  
assets, and profits and losses of the business proportionate to 7455  
their percentage of ownership. 7456

(D) A license expires according to the renewal schedule 7457  
established in rules adopted under section 3796.03 of the 7458  
Revised Code and may be renewed in accordance with the 7459  
procedures established in those rules. 7460

**Sec. 3796.10.** (A) An entity that seeks to dispense at 7461  
retail medical marijuana shall file an application for licensure 7462  
with the state board of pharmacy. The entity shall file an 7463  
application for each location from which it seeks to operate. 7464  
Each application shall be submitted in accordance with rules 7465  
adopted under section 3796.04 of the Revised Code. 7466

(B) The board shall issue a license to an applicant if all 7467  
of the following conditions are met: 7468

(1) The report of the criminal records check conducted 7469  
pursuant to section 3796.12 of the Revised Code with respect to 7470  
the application demonstrates ~~the following:~~ 7471

~~(a) Subject to division (B) (1) (b) of this section,~~ that 7472  
the person subject to the criminal records check requirement has 7473  
not been convicted of or pleaded guilty to any of the 7474

disqualifying offenses specified in rules adopted under section 7475  
9.79 and division (B) (2) (b) of section 3796.04 of the Revised 7476  
Code;— 7477

~~(b) That the disqualifying offense the person was~~ 7478  
~~convicted of or pleaded guilty to is one of the offenses~~ 7479  
~~specified in rules adopted under division (B) (2) (c) of section~~ 7480  
~~3796.04 of the Revised Code and the person was convicted of or~~ 7481  
~~pleaded guilty to the offense more than five years before the~~ 7482  
~~date the application for licensure is filed.~~ 7483

(2) The applicant demonstrates that it does not have an 7484  
ownership or investment interest in or compensation arrangement 7485  
with any of the following: 7486

(a) A laboratory licensed under this chapter; 7487

(b) An applicant for a license to conduct laboratory 7488  
testing. 7489

(3) The applicant demonstrates that it does not share any 7490  
corporate officers or employees with any of the following: 7491

(a) A laboratory licensed under this chapter; 7492

(b) An applicant for a license to conduct laboratory 7493  
testing. 7494

(4) The applicant demonstrates that it will not be located 7495  
within five hundred feet of a school, church, public library, 7496  
public playground, or public park. 7497

(5) The information provided to the board pursuant to 7498  
section 3796.11 of the Revised Code demonstrates that the 7499  
applicant is in compliance with the applicable tax laws of this 7500  
state. 7501



(6) The applicant meets all other licensure eligibility 7502  
conditions established in rules adopted under section 3796.04 of 7503  
the Revised Code. 7504

(C) The board shall issue not less than fifteen per cent 7505  
of retail dispensary licenses to entities that are owned and 7506  
controlled by United States citizens who are residents of this 7507  
state and are members of one of the following economically 7508  
disadvantaged groups: Blacks or African Americans, American 7509  
Indians, Hispanics or Latinos, and Asians. If no applications or 7510  
an insufficient number of applications are submitted by such 7511  
entities that meet the conditions set forth in division (B) of 7512  
this section, the licenses shall be issued according to usual 7513  
procedures. 7514

As used in this division, "owned and controlled" means 7515  
that at least fifty-one per cent of the business, including 7516  
corporate stock if a corporation, is owned by persons who belong 7517  
to one or more of the groups set forth in this division, and 7518  
that those owners have control over the management and day-to- 7519  
day operations of the business and an interest in the capital, 7520  
assets, and profits and losses of the business proportionate to 7521  
their percentage of ownership. 7522

(D) A license expires according to the renewal schedule 7523  
established in rules adopted under section 3796.04 of the 7524  
Revised Code and may be renewed in accordance with the 7525  
procedures established in those rules. 7526

**Sec. 3905.06.** (A) (1) The superintendent of insurance shall 7527  
issue a resident insurance agent license to an individual 7528  
applicant whose home state is Ohio upon submission of a 7529  
completed application and payment of any applicable fee required 7530  
under this chapter, if the superintendent finds all of the 7531

- following: 7532
- (a) The applicant is at least eighteen years of age. 7533
- (b) The applicant has not committed any act that is a 7534  
ground for the denial, suspension, or revocation of a license 7535  
under section 3905.14 of the Revised Code. 7536
- (c) If required under section 3905.04 of the Revised Code, 7537  
the applicant has completed a program of insurance education for 7538  
each line of authority for which the applicant has applied. 7539
- (d) If required under section 3905.04 of the Revised Code, 7540  
the applicant has passed an examination for each line of 7541  
authority for which the applicant has applied. 7542
- (e) Any applicant applying for variable life-variable 7543  
annuity line of authority is registered with the financial 7544  
industry regulatory authority (FINRA) as a registered 7545  
representative after having passed at least one of the following 7546  
examinations administered by the FINRA: the series 6 7547  
examination, the series 7 examination, the series 63 7548  
examination, the series 66 examination, or any other FINRA 7549  
examination approved by the superintendent. 7550
- (f) If required under section 3905.051 of the Revised 7551  
Code, the applicant has consented to a criminal records check 7552  
and the results of the applicant's criminal records check are 7553  
determined to be satisfactory by the superintendent in 7554  
accordance with section 9.79 of the Revised Code. 7555
- (g) The applicant is a United States citizen or has 7556  
provided proof of having legal authorization to work in the 7557  
United States. 7558
- (h) The applicant ~~is of good reputation and character, is~~ 7559

honest and trustworthy, and is otherwise suitable to be licensed. 7560  
7561

(2) The superintendent shall issue a resident insurance agent license to a business entity applicant upon submission of a completed application and payment of any applicable fees required under this chapter if the superintendent finds all of the following: 7562  
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(a) Except as provided under division (C) (2) of section 3905.062 or division (C) (2) of section 3905.063 of the Revised Code, the applicant either is domiciled in Ohio or maintains its principal place of business in Ohio. 7567  
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(b) The applicant has designated a licensed insurance agent who will be responsible for the applicant's compliance with the insurance laws of this state. 7571  
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(c) The applicant has not committed any act that is a ground for the denial, suspension, or revocation of a license under section 3905.14 of the Revised Code. 7574  
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(d) Any applicant applying for a portable electronics insurance license line of authority satisfies the requirements of division (C) (1) of section 3905.062 of the Revised Code or any applicant applying for a self-service storage insurance license line of authority satisfies the requirements of division (C) (1) of section 3905.063 of the Revised Code. 7577  
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(e) The applicant has submitted any other documents requested by the superintendent. 7583  
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(B) An insurance agent license issued pursuant to division (A) of this section shall state the licensee's name, the license number, the date of issuance, the date the license expires, the line or lines of authority for which the licensee is qualified, 7585  
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and any other information the superintendent deems necessary.	7589
A licensee may be qualified for any of the following lines of authority:	7590
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(1) Life, which is insurance coverage on human lives, including benefits of endowment and annuities, and may include benefits in the event of death or dismemberment by accident and benefits for disability income;	7592
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(2) Accident and health, which is insurance coverage for sickness, bodily injury, or accidental death, and may include benefits for disability income;	7596
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	7598
(3) Property, which is insurance coverage for the direct or consequential loss or damage to property of any kind;	7599
	7600
(4) Casualty, which is insurance coverage against legal liability, including coverage for death, injury, or disability or damage to real or personal property;	7601
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	7603
(5) Personal lines, which is property and casualty insurance coverage sold to individuals and families for noncommercial purposes;	7604
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(6) Variable life and variable annuity products, which is insurance coverage provided under variable life insurance contracts and variable annuities;	7607
	7608
	7609
(7) Credit, which is limited line credit insurance;	7610
(8) Title, which is insurance coverage against loss or damage suffered by reason of liens against, encumbrances upon, defects in, or the unmarketability of, real property;	7611
	7612
	7613
(9) Surety bail bond, which is the authority set forth in sections 3905.83 to 3905.95 of the Revised Code;	7614
	7615

(10) Portable electronics insurance, which is a limited line described in section 3905.062 of the Revised Code; 7616  
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(11) Self-service storage insurance, which is a limited line described in section 3905.063 of the Revised Code; 7618  
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(12) Travel insurance, which is a limited line described in section 3905.064 of the Revised Code; 7620  
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(13) Any other line of authority designated by the superintendent. 7622  
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(C) (1) An individual seeking to renew a resident insurance agent license shall apply biennially for a renewal of the license on or before the last day of the licensee's birth month. A business entity seeking to renew a resident insurance agent license shall apply biennially for a renewal of the license on or before the date determined by the superintendent. The superintendent shall send a renewal notice to all licensees at least one month prior to the renewal date. 7624  
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Applications shall be submitted to the superintendent on forms prescribed by the superintendent. Each application shall be accompanied by a biennial renewal fee. The superintendent also may require an applicant to submit any document reasonably necessary to verify the information contained in the renewal application. 7632  
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(2) To be eligible for renewal, an individual applicant shall complete the continuing education requirements pursuant to section 3905.481 of the Revised Code prior to the renewal date. 7638  
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(3) If an applicant submits a completed renewal application, qualifies for renewal pursuant to divisions (C) (1) and (2) of this section, and has not committed any act that is a ground for the refusal to issue, suspension of, or revocation of 7641  
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a license under section 3905.14 of the Revised Code, the 7645  
superintendent shall renew the applicant's resident insurance 7646  
agent license. 7647

(D) If an individual or business entity does not apply for 7648  
the renewal of the individual or business entity's license on or 7649  
before the license renewal date specified in division (C)(1) of 7650  
this section, the individual or business entity may submit a 7651  
late renewal application along with all applicable fees required 7652  
under this chapter prior to the first day of the second month 7653  
following the license renewal date. 7654

(E) A license issued under this section that is not 7655  
renewed on or before its renewal date pursuant to division (C) 7656  
of this section or its late renewal date pursuant to division 7657  
(D) of this section automatically is suspended for nonrenewal on 7658  
the first day of the second month following the renewal date. If 7659  
a license is suspended for nonrenewal pursuant to this division, 7660  
the individual or business entity is eligible to apply for 7661  
reinstatement of the license within the twelve-month period 7662  
following the date by which the license should have been renewed 7663  
by complying with the reinstatement procedure established by the 7664  
superintendent and paying all applicable fees required under 7665  
this chapter. 7666

(F) A license that is suspended for nonrenewal that is not 7667  
reinstated pursuant to division (E) of this section 7668  
automatically is canceled unless the superintendent is 7669  
investigating any allegations of wrongdoing by the agent or has 7670  
initiated proceedings under Chapter 119. of the Revised Code. In 7671  
that case, the license automatically is canceled after the 7672  
completion of the investigation or proceedings unless the 7673  
superintendent revokes the license. 7674

(G) An individual licensed as a resident insurance agent 7675  
who is unable to comply with the license renewal procedures 7676  
established under this section and who is unable to engage in 7677  
the business of insurance due to military service, a long-term 7678  
medical disability, or some other extenuating circumstance may 7679  
request an extension of the renewal date of the individual's 7680  
license. To be eligible for such an extension, the individual 7681  
shall submit a written request with supporting documentation to 7682  
the superintendent. At the superintendent's discretion, the 7683  
superintendent may not consider a written request made after the 7684  
renewal date of the license. 7685

**Sec. 3905.062.** (A) As used in this section: 7686

(1) "Customer" means a person who purchases portable 7687  
electronics or services. 7688

(2) "Enrolled customer" means a customer who elects 7689  
coverage under a portable electronics insurance policy issued to 7690  
a vendor of portable electronics by an insurer. 7691

(3) "Endorsee" means an employee or authorized 7692  
representative of a vendor authorized to sell or offer portable 7693  
electronics insurance. 7694

(4) "Location" means any physical location in this state 7695  
or any web site, call center site, or similar location directed 7696  
to residents of this state. 7697

(5) "Portable electronics" means a personal, self- 7698  
contained, battery-operated electronic communication, viewing, 7699  
listening, recording, gaming, computing, or global positioning 7700  
device that is easily carried by an individual, including a 7701  
cellular or satellite telephone; pager; personal global 7702  
positioning satellite unit; portable computer; portable audio 7703

listening, video viewing or recording device; digital camera; 7704  
video camcorder; portable gaming system; docking station; 7705  
automatic answering device; and any other similar device, and 7706  
any accessory related to the use of the device. 7707

(6) "Portable electronics insurance" means insurance 7708  
providing coverage for the repair or replacement of portable 7709  
electronics, which may be offered on a month-to-month or other 7710  
periodic basis as a group or master commercial inland marine 7711  
policy issued to a vendor by an insurer, and may cover portable 7712  
electronics against loss, theft, inoperability due to mechanical 7713  
failure, malfunction, damage, or other applicable perils. 7714  
"Portable electronics insurance" does not mean any of the 7715  
following: 7716

(a) A consumer goods service contract governed by section 7717  
3905.423 of the Revised Code; 7718

(b) A policy of insurance covering a seller's or a 7719  
manufacturer's obligations under a warranty; 7720

(c) A homeowner's, renter's, private passenger automobile, 7721  
commercial multi-peril, or similar insurance policy. 7722

(7) "Portable electronics transaction" means the sale or 7723  
lease of portable electronics by a vendor to a customer or the 7724  
sale of a service related to the use of portable electronics by 7725  
a vendor to a customer. 7726

(8) "Supervising entity" means an insurer or a business 7727  
entity licensed as an insurance agent under section 3905.06 of 7728  
the Revised Code that is appointed by an insurer to supervise 7729  
the administration of a portable electronics insurance program. 7730

(9) "Vendor" means a person in the business of engaging in 7731  
portable electronics transactions directly or indirectly. 7732



(B) (1) Except as provided in division (B) (2) of this section, no vendor or vendor's employee shall offer, sell, solicit, or place portable electronics insurance unless the vendor is licensed under section 3905.06 or 3905.07 of the Revised Code with a portable electronics insurance line of authority.

(2) Any vendor offering or selling portable electronics insurance on or before ~~the effective date of this section~~ March 22, 2012, that wishes to continue offering or selling that insurance shall apply for a license within ninety days after the superintendent of insurance makes the application available.

(C) (1) The superintendent shall issue a resident business entity license to a vendor under section 3905.06 of the Revised Code if the vendor satisfies the requirements of sections 3905.05 and 3905.06 of the Revised Code, except that the application for a portable electronics insurance license shall satisfy the following additional requirements:

(a) The application shall include the location of the vendor's home office.

(b) If the application requires the vendor to designate an individual or entity as a responsible insurance agent, that agent shall not be required to be an employee of the applicant and may be the supervising entity or an individual agent who is an employee of the supervising entity.

(c) If the vendor derives less than fifty per cent of the vendor's revenue from the sale of portable electronics insurance, the application for a portable electronics insurance license may require the vendor to provide the name, residence address, and other information required by the superintendent

for one employee or officer of the vendor who is designated by 7762  
the vendor as the person responsible for the vendor's compliance 7763  
with the requirements of this chapter. 7764

(d) If the vendor derives fifty per cent or more of the 7765  
vendor's revenue from the sale of portable electronics 7766  
insurance, the application may require the information listed 7767  
under division (C) (1) (c) of this section for all owners with at 7768  
least ten per cent interest or voting interest, partners, 7769  
officers, and directors of the vendor, or members or managers of 7770  
a vendor that is a limited liability company. 7771

(2) The superintendent shall issue a nonresident business 7772  
entity license to a vendor if the vendor satisfies the 7773  
requirements of section 3905.07 of the Revised Code. However, if 7774  
the nonresident vendor's home state does not issue a limited 7775  
lines license for portable electronics insurance, the 7776  
nonresident vendor may apply for a resident license under 7777  
section 3905.06 of the Revised Code in the same manner and with 7778  
the same rights and privileges as if the vendor were a resident 7779  
of this state. 7780

(D) The holder of a limited lines license may not sell, 7781  
solicit, or negotiate insurance on behalf of any insurer unless 7782  
appointed to represent that insurer under section 3905.20 of the 7783  
Revised Code. 7784

(E) Division (B) (34) of section 3905.14 of the Revised 7785  
Code shall not apply to portable electronics vendors or the 7786  
vendors' endorsees. 7787

(F) (1) A vendor may authorize any endorsee of the vendor 7788  
to sell or offer portable electronics insurance to a customer at 7789  
any location at which the vendor engages in portable electronics 7790

transactions. 7791

(2) An endorsee is not required to be licensed as an 7792  
insurance agent under this chapter if the vendor is licensed 7793  
under this section and the insurer issuing the portable 7794  
electronics insurance either directly supervises or appoints a 7795  
supervising entity to supervise the administration of the 7796  
portable electronics insurance program including development of 7797  
a training program for endorsees in accordance with division (G) 7798  
of this section. 7799

(3) No endorsee shall do any of the following: 7800

(a) Advertise, represent, or otherwise represent the 7801  
endorsee's self as an insurance agent licensed under section 7802  
3905.06 of the Revised Code; 7803

(b) Offer, sell, or solicit the purchase of portable 7804  
electronics insurance except in conjunction with and incidental 7805  
to the sale or lease of portable electronics; 7806

(c) Make any statement or engage in any conduct, express 7807  
or implied, that would lead a customer to believe any of the 7808  
following: 7809

(i) That the insurance policies offered by the endorsee 7810  
provide coverage not already provided by a customer's 7811  
homeowner's insurance policy, renter's insurance policy, or by 7812  
another source of coverage; 7813

(ii) That the purchase by the customer of portable 7814  
electronics insurance is required in order to purchase or lease 7815  
portable electronics or services from the portable electronics 7816  
vendor; 7817

(iii) That the portable electronics vendor or its 7818

endorsees are qualified to evaluate the adequacy of the 7819  
customer's existing insurance coverage. 7820

(G) Each vendor, or the supervising entity to that vendor, 7821  
shall provide a training and education program for all endorsees 7822  
who sell or offer portable electronics insurance. The program 7823  
may be provided as a web-based training module or in any other 7824  
electronic or recorded video form. The training and education 7825  
program shall meet all of the following minimum standards: 7826

(1) The training shall be delivered to each endorsee of 7827  
each vendor who sells or offers portable electronics insurance 7828  
and the endorsee shall complete the training; 7829

(2) If the training is conducted in an electronic form, 7830  
the supervising entity shall implement a supplemental education 7831  
program regarding portable electronics insurance that is 7832  
conducted and overseen by employees of the supervising entity 7833  
who are licensed as insurance agents under section 3905.06 of 7834  
the Revised Code; 7835

(3) The training and education program shall include basic 7836  
information about portable electronics insurance and information 7837  
concerning all of the following prohibited actions of endorsees: 7838

(a) No endorsee shall advertise, represent, or otherwise 7839  
represent the endorsee's self as a licensed insurance agent. 7840

(b) No endorsee shall offer, sell, or solicit the purchase 7841  
of portable electronics insurance except in conjunction with and 7842  
incidental to the sale or lease of portable electronics. 7843

(c) No endorsee shall make any statement or engage in any 7844  
conduct, express or implied, that would lead a customer to 7845  
believe any of the following: 7846

- (i) That the insurance policies offered by the endorsee provide coverage not already provided by a customer's homeowner's insurance policy, renter's insurance policy, or by another source of coverage; 7847  
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- (ii) That the purchase by the customer of portable electronics insurance is required in order to purchase or lease portable electronics or services from the portable electronics vendor; 7851  
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- (iii) That the portable electronics vendor or its endorseees are qualified to evaluate the adequacy of the customer's existing insurance coverage. 7855  
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- (H) A supervising entity appointed to supervise the administration of a portable electronics insurance program under division (F)(2) of this section shall maintain a registry of locations supervised by that entity that are authorized to sell or solicit portable electronics insurance in this state. The supervising entity shall make the registry available to the superintendent upon request by the superintendent if the superintendent provides ten days' notice to the vendor or supervising entity. 7858  
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- (I) At every location where a vendor offers portable electronics insurance to customers, the vendor shall provide brochures or other written materials to prospective customers that include all of the following: 7867  
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- (1) A summary of the material terms of the insurance coverage, including all of the following: 7871  
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- (a) The identity of the insurer; 7873
- (b) The identity of the supervising entity; 7874

(c) The amount of any applicable deductible and how it is to be paid;	7875 7876
(d) Benefits of the coverage;	7877
(e) Key terms and conditions of coverage such as whether portable electronics may be replaced with a similar make and model, replaced with a reconditioned device, or repaired with nonoriginal manufacturer parts or equipment.	7878 7879 7880 7881
(2) A summary of the process for filing a claim, including a description of how to return portable electronics equipment and the maximum fee applicable if a customer fails to comply with any equipment return requirements;	7882 7883 7884 7885
(3) A disclosure that portable electronics insurance may provide a duplication of coverage already provided by a customer's homeowner's insurance policy, renter's insurance policy, or other source of coverage;	7886 7887 7888 7889
(4) A disclosure that the enrollment by the customer in a portable electronics insurance program is not required to purchase or lease portable electronics or services;	7890 7891 7892
(5) A disclosure that neither the endorsee nor the vendor is qualified to evaluate the adequacy of the customer's existing insurance coverage;	7893 7894 7895
(6) A disclosure that the customer may cancel enrollment for coverage under a portable electronics insurance policy at any time and receive a refund of any applicable premium.	7896 7897 7898
(J) (1) The charges for portable electronics insurance may be billed and collected by the vendor of portable electronics, and the vendor may receive compensation for performing billing and collection services, if either of the following conditions	7899 7900 7901 7902

are met: 7903

(a) If the charge to the customer for coverage is not 7904  
included in the cost associated with the purchase or lease of 7905  
portable electronics or related services, the charge for 7906  
coverage is separately itemized on the customer's bill. 7907

(b) If the charge to the customer for coverage is included 7908  
in the cost associated with the purchase or lease of portable 7909  
electronics or related services, the vendor clearly and 7910  
conspicuously discloses to the customer that the charge for 7911  
portable electronics insurance coverage is included with the 7912  
charge for portable electronics or related services. 7913

(2) All funds received by a vendor from a customer for the 7914  
sale of portable electronics insurance shall be considered funds 7915  
held in trust by the vendor in a fiduciary capacity for the 7916  
benefit of the insurer. Vendors that bill and collect such 7917  
charges are not required to maintain those funds in a segregated 7918  
account if the vendor is authorized by the insurer to hold those 7919  
funds in an alternate manner and the vendor remits the amount of 7920  
the charges to the supervising entity within sixty days after 7921  
receiving the charges. 7922

(K) (1) Except as otherwise provided in divisions (K) (2) 7923  
and (3) of this section, an insurer may terminate or otherwise 7924  
change the terms and conditions of a policy of portable 7925  
electronics insurance only upon providing the vendor 7926  
policyholder and enrolled customers with at least sixty days' 7927  
prior notice. If the insurer changes the terms and conditions, 7928  
the insurer shall promptly provide the vendor policyholder with 7929  
a revised policy or endorsement and each enrolled customer with 7930  
a revised certificate, endorsement, updated brochure, or other 7931  
evidence indicating that a change in the terms and conditions 7932

has occurred and a summary of material changes. 7933

(2) An insurer may terminate an enrolled customer's 7934  
enrollment under a portable electronics insurance policy upon 7935  
fifteen days' prior notice for discovery of fraud or material 7936  
misrepresentation in obtaining coverage or in the presentation 7937  
of a claim under the policy. 7938

(3) An insurer may immediately terminate an enrolled 7939  
customer's enrollment under a portable electronics insurance 7940  
policy for any of the following reasons: 7941

(a) The enrolled customer fails to pay the required 7942  
premium; 7943

(b) The enrolled customer ceases to have an active service 7944  
plan, if applicable, with the vendor of portable electronics; 7945

(c) The enrolled customer exhausts the aggregate limit of 7946  
liability, if any, under the terms of the portable electronics 7947  
insurance policy and the insurer sends notice of termination to 7948  
the customer within thirty calendar days after exhaustion of the 7949  
limit. However, if the insurer does not send the notice within 7950  
the thirty-day time frame, enrollment shall continue 7951  
notwithstanding the aggregate limit of liability until the 7952  
insurer sends notice of termination to the enrolled customer. 7953

(4) If a portable electronics insurance policy is 7954  
terminated by a vendor policyholder, the vendor policyholder 7955  
shall provide notice to each enrolled customer advising the 7956  
customer of the termination of the policy and the effective date 7957  
of the termination. The written notice shall be mailed or 7958  
delivered to the customer at least thirty days prior to the 7959  
termination. 7960

(5) Notice required pursuant to this section shall be 7961



provided in writing, either via mail or by electronic means. 7962

(a) If notice is provided via mail, it shall be mailed or 7963  
delivered to the vendor at the vendor's mailing address and to 7964  
all affected enrolled customers at the last known mailing 7965  
addresses of those customers on file with the insurer. The 7966  
insurer or vendor of portable electronics shall maintain proof 7967  
of mailing in a form authorized or accepted by the United States 7968  
postal service or other commercial mail delivery service. 7969

(b) If notice is provided electronically, it shall be 7970  
transmitted via facsimile or electronic mail to the vendor at 7971  
the vendor's facsimile number or electronic mail address and to 7972  
all affected enrolled customers at the last known facsimile 7973  
numbers or electronic mail addresses of those customers on file 7974  
with the insurer. The insurer or vendor shall maintain proof 7975  
that the notice was sent. 7976

(L) An enrolled customer may cancel the enrolled 7977  
customer's coverage under a portable electronics insurance 7978  
policy at any time. Upon cancellation, the insurer shall refund 7979  
any applicable unearned premium. 7980

(M) A license issued pursuant to this section shall 7981  
authorize the vendor and its endorsees to engage only in those 7982  
activities that are expressly permitted by this section. 7983

(N) (1) If a vendor or a vendor's endorsee violates any 7984  
provision of this section, the superintendent may revoke or 7985  
suspend the license issued or impose any other sanctions 7986  
provided under section 3905.14 of the Revised Code. 7987

(2) If any provision of this section is violated by a 7988  
vendor or a vendor's endorsee at a particular location, the 7989  
superintendent may issue a cease and desist order to a 7990

particular location, or take any other administrative action 7991  
authorized in section 3901.22 and division ~~(D)~~ (E) of section 7992  
3905.14 of the Revised Code. 7993

(3) If any person violates division (B) or (F) (3) of this 7994  
section, the superintendent may issue a cease and desist order 7995  
in addition to taking any other administrative action provided 7996  
for in sections 3901.22 and division ~~(D)~~ (E) of section 3905.14 7997  
of the Revised Code. 7998

(4) If the superintendent determines that a violation of 7999  
this section or section 3905.14 of the Revised Code has 8000  
occurred, the superintendent may assess a civil penalty in 8001  
amount not exceeding twenty-five thousand dollars per violation 8002  
and an administrative fee to cover the expenses incurred by the 8003  
department in the administrative action, including costs 8004  
incurred in the investigation and hearing process. 8005

(O) The superintendent may adopt rules implementing this 8006  
section. 8007

**Sec. 3905.07.** (A) The superintendent of insurance shall 8008  
issue a nonresident insurance agent license to an applicant that 8009  
is a nonresident person upon payment of all applicable fees 8010  
required under this chapter if the superintendent finds all of 8011  
the following: 8012

(1) The applicant is currently licensed as a resident and 8013  
is in good standing in the applicant's home state. 8014

(2) The applicant is licensed in the applicant's home 8015  
state for the lines of authority requested in this state. 8016

(3) The applicant has submitted or has had transmitted to 8017  
the superintendent the application for licensure that the 8018  
applicant submitted to the applicant's home state or a completed 8019

applicable uniform application. 8020

(4) The applicant has not committed any act that is a 8021  
ground for the denial, suspension, or revocation of a license 8022  
under section 3905.14 of the Revised Code. 8023

(5) The applicant ~~is of good reputation and character,~~ is 8024  
honest and trustworthy, and is otherwise suitable to be 8025  
licensed. 8026

(6) The applicant's home state issues nonresident 8027  
insurance agent licenses to residents of this state on the same 8028  
basis as set forth in division (A) of this section. 8029

(7) If the applicant is a business entity, the applicant 8030  
has designated an insurance agent licensed as an agent in this 8031  
state to be responsible for the applicant's compliance with the 8032  
insurance laws of this state. 8033

(8) The applicant has submitted any other documents 8034  
requested by the superintendent. 8035

(B) To determine an applicant's licensure and standing 8036  
status in another state, the superintendent may utilize the 8037  
producer database maintained by the NAIC or its affiliates or 8038  
subsidiaries. If that information is not available on the 8039  
producer database, the superintendent may require a 8040  
certification letter from the applicant's home state. 8041

(C) (1) An individual seeking to renew a nonresident 8042  
insurance agent license shall apply biennially for a renewal of 8043  
the license on or before the last day of the licensee's birth 8044  
month. A business entity seeking to renew a nonresident 8045  
insurance agent license shall apply biennially for a renewal of 8046  
the license on or before the date determined by the 8047  
superintendent. 8048

Applications shall be submitted to the superintendent on 8049  
forms prescribed by the superintendent. Each application shall 8050  
be accompanied by a biennial renewal fee. The superintendent 8051  
also may require an applicant to submit any document reasonably 8052  
necessary to verify the information contained in the renewal 8053  
application. 8054

(2) To be eligible for renewal, an applicant shall 8055  
maintain a resident license in the applicant's home state for 8056  
the lines of authority held in this state. 8057

(3) If an applicant submits a completed renewal 8058  
application, qualifies for renewal pursuant to divisions (C)(1) 8059  
and (2) of this section, and has not committed any act that is a 8060  
ground for the refusal to issue, suspension of, or revocation of 8061  
a license under section 3905.14 of the Revised Code, the 8062  
superintendent shall renew the applicant's nonresident insurance 8063  
agent license. 8064

(D) If an individual or business entity does not apply for 8065  
the renewal of the individual or business entity's license on or 8066  
before the license renewal date specified in division (C)(1) of 8067  
this section, the individual or business entity may submit a 8068  
late renewal application along with all applicable fees required 8069  
under this chapter prior to the first day of the second month 8070  
following the license renewal date. 8071

(E) A license issued under this section that is not 8072  
renewed on or before its renewal date pursuant to division (C) 8073  
of this section or its late renewal date pursuant to division 8074  
(D) of this section automatically is suspended for nonrenewal on 8075  
the first day of the second month following the renewal date. If 8076  
a license is suspended for nonrenewal pursuant to this division, 8077  
the individual or business entity is eligible to apply for a 8078

reinstatement of the license within the twelve-month period 8079  
following the date by which the license should have been renewed 8080  
by complying with the reinstatement procedure established by the 8081  
superintendent and paying all applicable fees required under 8082  
this chapter. 8083

(F) A license that is suspended for nonrenewal that is not 8084  
reinstated pursuant to division (E) of this section 8085  
automatically is canceled unless the superintendent is 8086  
investigating any allegations of wrongdoing by the agent or has 8087  
initiated proceedings under Chapter 119. of the Revised Code. In 8088  
that case, the license automatically is canceled after the 8089  
completion of the investigation or proceedings unless the 8090  
superintendent revokes the license. 8091

(G) An individual licensed as a nonresident insurance 8092  
agent who is unable to comply with the license renewal 8093  
procedures established under this section and who is unable to 8094  
engage in the business of insurance due to military service, a 8095  
long-term medical disability, or some other extenuating 8096  
circumstance may request an extension of the renewal date of the 8097  
individual's license. To be eligible for such an extension, the 8098  
individual shall submit a written request with supporting 8099  
documentation to the superintendent. At the superintendent's 8100  
discretion, the superintendent may not consider a written 8101  
request made after the renewal date of the license. 8102

(H) Notwithstanding any other provision of this chapter, a 8103  
nonresident person licensed as a surplus lines producer in the 8104  
applicant's home state shall receive a nonresident surplus lines 8105  
broker license pursuant to division (A) of this section. Nothing 8106  
in this section otherwise affects or supersedes any provision of 8107  
sections 3905.30 to 3905.37 of the Revised Code. 8108

<b>Sec. 3905.14.</b> (A) As used in sections 3905.14 to 3905.16	8109
of the Revised Code:	8110
(1) "Insurance agent" includes a limited lines insurance	8111
agent, surety bail bond agent, and surplus line broker.	8112
(2) "Refusal to issue or renew" means the decision of the	8113
superintendent of insurance not to process either the initial	8114
application for a license as an agent or the renewal of such a	8115
license.	8116
(3) "Revocation" means the permanent termination of all	8117
authority to hold any license as an agent in this state.	8118
(4) "Surrender for cause" means the voluntary termination	8119
of all authority to hold any license as an agent in this state,	8120
in lieu of a revocation or suspension order.	8121
(5) "Suspension" means the termination of all authority to	8122
hold any license as an agent in this state, for either a	8123
specified period of time or an indefinite period of time and	8124
under any terms or conditions determined by the superintendent.	8125
(B) The superintendent may, <u>except as provided in division</u>	8126
<u>(C) of this section,</u> suspend, revoke, or refuse to issue or	8127
renew any license of an insurance agent, assess a civil penalty,	8128
or impose any other sanction or sanctions authorized under this	8129
chapter, for one or more of the following reasons:	8130
(1) Providing incorrect, misleading, incomplete, or	8131
materially untrue information in a license or appointment	8132
application;	8133
(2) Violating or failing to comply with any insurance law,	8134
rule, subpoena, consent agreement, or order of the	8135
superintendent or of the insurance authority of another state;	8136

- (3) Obtaining, maintaining, or attempting to obtain or  
maintain a license through misrepresentation or fraud; 8137  
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- (4) Improperly withholding, misappropriating, or 8139  
converting any money or property received in the course of doing 8140  
insurance business; 8141
- (5) Intentionally misrepresenting the terms, benefits, 8142  
value, cost, or effective dates of any actual or proposed 8143  
insurance contract or application for insurance; 8144
- (6) Having been convicted of or pleaded guilty or no 8145  
contest to a felony regardless of whether a judgment of 8146  
conviction has been entered by the court; 8147
- (7) Having been convicted of or pleaded guilty or no 8148  
contest to a misdemeanor that involves the misuse or theft of 8149  
money or property belonging to another, fraud, forgery, 8150  
dishonest acts, or breach of a fiduciary duty, that is based on 8151  
any act or omission relating to the business of insurance, 8152  
securities, or financial services, or that involves moral 8153  
turpitude regardless of whether a judgment has been entered by 8154  
the court; 8155
- (8) Having admitted to committing, or having been found to 8156  
have committed, any insurance unfair trade act or practice or 8157  
insurance fraud; 8158
- (9) Using fraudulent, coercive, or dishonest practices, or 8159  
demonstrating incompetence, untrustworthiness, or financial 8160  
irresponsibility, in the conduct of business in this state or 8161  
elsewhere; 8162
- (10) Having an insurance agent license, or its equivalent, 8163  
denied, suspended, or revoked in any other state, province, 8164  
district, or territory; 8165

- (11) Forging or causing the forgery of an application for insurance or any document related to or used in an insurance transaction; 8166  
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- (12) Improperly using notes, any other reference material, equipment, or devices of any kind to complete an examination for an insurance agent license; 8169  
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- (13) Knowingly accepting insurance business from an individual who is not licensed; 8172  
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- (14) Failing to comply with any official invoice, notice, assessment, or order directing payment of federal, state, or local income tax, state or local sales tax, or workers' compensation premiums; 8174  
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- (15) Failing to timely submit an application for insurance. For purposes of division (B)(15) of this section, a submission is considered timely if it occurs within the time period expressly provided for by the insurer, or within seven days after the insurance agent accepts a premium or an order to bind coverage from a policyholder or applicant for insurance, whichever is later. 8178  
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- (16) Failing to disclose to an applicant for insurance or policyholder upon accepting a premium or an order to bind coverage from the applicant or policyholder, that the person has not been appointed by the insurer; 8185  
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- (17) Having any professional license or financial industry regulatory authority registration suspended or revoked or having been barred from participation in any industry; 8189  
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- (18) Having been subject to a cease and desist order or permanent injunction related to mishandling of funds or breach of fiduciary responsibilities or for unlicensed or unregistered 8192  
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activities;	8195
(19) Causing or permitting a policyholder or applicant for insurance to designate the insurance agent or the insurance agent's spouse, parent, child, or sibling as the beneficiary of a policy or annuity sold by the insurance agent or of a policy or annuity for which the agent, at any time, was designated as the agent of record, unless the insurance agent or a relative of the insurance agent is the insured or applicant;	8196 8197 8198 8199 8200 8201 8202
(20) Causing or permitting a policyholder or applicant for insurance to designate the insurance agent or the insurance agent's spouse, parent, child, or sibling as the owner or beneficiary of a trust funded, in whole or in part, by a policy or annuity sold by the insurance agent or by a policy or annuity for which the agent, at any time, was designated as the agent of record, unless the insurance agent or a relative of the insurance agent is the insured or applicant;	8203 8204 8205 8206 8207 8208 8209 8210
(21) Failing to provide a written response to the department of insurance within twenty-one calendar days after receipt of any written inquiry from the department, unless a reasonable extension of time has been requested of, and granted by, the superintendent or the superintendent's designee;	8211 8212 8213 8214 8215
(22) Failing to appear to answer questions before the superintendent after being notified in writing by the superintendent of a scheduled interview, unless a reasonable extension of time has been requested of, and granted by, the superintendent or the superintendent's designee;	8216 8217 8218 8219 8220
(23) Transferring or placing insurance with an insurer other than the insurer expressly chosen by the applicant for insurance or policyholder without the consent of the applicant	8221 8222 8223

or policyholder or absent extenuating circumstances; 8224

(24) Failing to inform a policyholder or applicant for 8225  
insurance of the identity of the insurer or insurers, or the 8226  
identity of any other insurance agent or licensee known to be 8227  
involved in procuring, placing, or continuing the insurance for 8228  
the policyholder or applicant, upon the binding of the coverage; 8229

(25) In the case of an agent that is a business entity, 8230  
failing to report an individual licensee's violation to the 8231  
department when the violation was known or should have been 8232  
known by one or more of the partners, officers, managers, or 8233  
members of the business entity; 8234

(26) Submitting or using a document in the conduct of the 8235  
business of insurance when the person knew or should have known 8236  
that the document contained a writing that was forged as defined 8237  
in section 2913.01 of the Revised Code; 8238

(27) Misrepresenting the person's qualifications, status 8239  
or relationship to another person, agency, or entity, or using 8240  
in any way a professional designation that has not been 8241  
conferred upon the person by the appropriate accrediting 8242  
organization; 8243

(28) Obtaining a premium loan or policy surrender or 8244  
causing a premium loan or policy surrender to be made to or in 8245  
the name of an insured or policyholder without that person's 8246  
knowledge and written authorization; 8247

(29) Using paper, software, or any other materials of or 8248  
provided by an insurer after the insurer has terminated the 8249  
authority of the licensee, if the use of such materials would 8250  
cause a reasonable person to believe that the licensee was 8251  
acting on behalf of or otherwise representing the insurer; 8252

(30) Soliciting, procuring an application for, or placing, 8253  
either directly or indirectly, any insurance policy when the 8254  
person is not authorized under this chapter to engage in such 8255  
activity; 8256

(31) Soliciting, selling, or negotiating any product or 8257  
service that offers benefits similar to insurance but is not 8258  
regulated by the superintendent, without fully disclosing, 8259  
orally and in writing, to the prospective purchaser that the 8260  
product or service is not insurance and is not regulated by the 8261  
superintendent; 8262

(32) Failing to fulfill a refund obligation to a 8263  
policyholder or applicant in a timely manner. For purposes of 8264  
division (B)(32) of this section, a rebuttable presumption 8265  
exists that a refund obligation is not fulfilled in a timely 8266  
manner unless it is fulfilled within one of the following time 8267  
periods: 8268

(a) Thirty days after the date the policyholder, 8269  
applicant, or insurer takes or requests action resulting in a 8270  
refund; 8271

(b) Thirty days after the date of the insurer's refund 8272  
check, if the agent is expected to issue a portion of the total 8273  
refund; 8274

(c) Forty-five days after the date of the agent's 8275  
statement of account on which the refund first appears. 8276

The presumption may be rebutted by proof that the 8277  
policyholder or applicant consented to the delay or agreed to 8278  
permit the agent to apply the refund to amounts due for other 8279  
coverages. 8280

(33) With respect to a surety bail bond agent license, 8281

rebating or offering to rebate, or unlawfully dividing or 8282  
offering to divide, any commission, premium, or fee; 8283

(34) Using a license for the principal purpose of 8284  
procuring, receiving, or forwarding applications for insurance 8285  
of any kind, other than life, or soliciting, placing, or 8286  
effecting such insurance directly or indirectly upon or in 8287  
connection with the property of the licensee or that of 8288  
relatives, employers, employees, or that for which they or the 8289  
licensee is an agent, custodian, vendor, bailee, trustee, or 8290  
payee; 8291

(35) In the case of an insurance agent that is a business 8292  
entity, using a life license for the principal purpose of 8293  
soliciting or placing insurance on the lives of the business 8294  
entity's officers, employees, or shareholders, or on the lives 8295  
of relatives of such officers, employees, or shareholders, or on 8296  
the lives of persons for whom they, their relatives, or the 8297  
business entity is agent, custodian, vendor, bailee, trustee, or 8298  
payee; 8299

(36) Offering, selling, soliciting, or negotiating 8300  
policies, contracts, agreements, or applications for insurance, 8301  
or annuities providing fixed, variable, or fixed and variable 8302  
benefits, or contractual payments, for or on behalf of any 8303  
insurer or multiple employer welfare arrangement not authorized 8304  
to transact business in this state, or for or on behalf of any 8305  
spurious, fictitious, nonexistent, dissolved, inactive, 8306  
liquidated or liquidating, or bankrupt insurer or multiple 8307  
employer welfare arrangement; 8308

(37) In the case of a resident business entity, failing to 8309  
be qualified to do business in this state under Title XVII of 8310  
the Revised Code, failing to be in good standing with the 8311

secretary of state, or failing to maintain a valid appointment 8312  
of statutory agent with the secretary of state; 8313

(38) In the case of a nonresident agent, failing to 8314  
maintain licensure as an insurance agent in the agent's home 8315  
state for the lines of authority held in this state; 8316

(39) Knowingly aiding and abetting another person or 8317  
entity in the violation of any insurance law of this state or 8318  
the rules adopted under it. 8319

(C) The superintendent shall not refuse to issue a license 8320  
to an applicant because of a conviction of or plea of guilty or 8321  
no contest to an offense unless the refusal is in accordance 8322  
with section 9.79 of the Revised Code. 8323

(D) Before denying, revoking, suspending, or refusing to 8324  
issue any license or imposing any penalty under this section, 8325  
the superintendent shall provide the licensee or applicant with 8326  
notice and an opportunity for hearing as provided in Chapter 8327  
119. of the Revised Code, except as follows: 8328

(1) (a) Any notice of opportunity for hearing, the hearing 8329  
officer's findings and recommendations, or the superintendent's 8330  
order shall be served by certified mail at the last known 8331  
address of the licensee or applicant. Service shall be evidenced 8332  
by return receipt signed by any person. 8333

For purposes of this section, the "last known address" is 8334  
the residential address of a licensee or applicant, or the 8335  
principal-place-of-business address of a business entity, that 8336  
is contained in the licensing records of the department. 8337

(b) If the certified mail envelope is returned with an 8338  
endorsement showing that service was refused, or that the 8339  
envelope was unclaimed, the notice and all subsequent notices 8340

required by Chapter 119. of the Revised Code may be served by 8341  
ordinary mail to the last known address of the licensee or 8342  
applicant. The mailing shall be evidenced by a certificate of 8343  
mailing. Service is deemed complete as of the date of such 8344  
certificate provided that the ordinary mail envelope is not 8345  
returned by the postal authorities with an endorsement showing 8346  
failure of delivery. The time period in which to request a 8347  
hearing, as provided in Chapter 119. of the Revised Code, begins 8348  
to run on the date of mailing. 8349

(c) If service by ordinary mail fails, the superintendent 8350  
may cause a summary of the substantive provisions of the notice 8351  
to be published once a week for three consecutive weeks in a 8352  
newspaper of general circulation in the county where the last 8353  
known place of residence or business of the party is located. 8354  
The notice is considered served on the date of the third 8355  
publication. 8356

(d) Any notice required to be served under Chapter 119. of 8357  
the Revised Code shall also be served upon the party's attorney 8358  
by ordinary mail if the attorney has entered an appearance in 8359  
the matter. 8360

(e) The superintendent may, at any time, perfect service 8361  
on a party by personal delivery of the notice by an employee of 8362  
the department. 8363

(f) Notices regarding the scheduling of hearings and all 8364  
other matters not described in division ~~(C)~~(D)(1) (a) of this 8365  
section shall be sent by ordinary mail to the party and to the 8366  
party's attorney. 8367

(2) Any subpoena for the appearance of a witness or the 8368  
production of documents or other evidence at a hearing, or for 8369

the purpose of taking testimony for use at a hearing, shall be 8370  
served by certified mail, return receipt requested, by an 8371  
attorney or by an employee of the department designated by the 8372  
superintendent. Such subpoenas shall be enforced in the manner 8373  
provided in section 119.09 of the Revised Code. Nothing in this 8374  
section shall be construed as limiting the superintendent's 8375  
other statutory powers to issue subpoenas. 8376

~~(D)~~ (E) If the superintendent determines that a violation 8377  
described in this section has occurred, the superintendent may 8378  
take one or more of the following actions: 8379

(1) Assess a civil penalty in an amount not exceeding 8380  
twenty-five thousand dollars per violation; 8381

(2) Assess administrative costs to cover the expenses 8382  
incurred by the department in the administrative action, 8383  
including costs incurred in the investigation and hearing 8384  
processes. Any costs collected shall be paid into the state 8385  
treasury to the credit of the department of insurance operating 8386  
fund created in section 3901.021 of the Revised Code. 8387

(3) Suspend all of the person's licenses for all lines of 8388  
insurance for either a specified period of time or an indefinite 8389  
period of time and under such terms and conditions as the 8390  
superintendent may determine; 8391

(4) Permanently revoke all of the person's licenses for 8392  
all lines of insurance; 8393

(5) Refuse to issue a license; 8394

(6) Refuse to renew a license; 8395

(7) Prohibit the person from being employed in any 8396  
capacity in the business of insurance and from having any 8397

financial interest in any insurance agency, company, surety bail 8398  
bond business, or third-party administrator in this state. The 8399  
superintendent may, in the superintendent's discretion, 8400  
determine the nature, conditions, and duration of such 8401  
restrictions. 8402

(8) Order corrective actions in lieu of or in addition to 8403  
the other penalties listed in division ~~(D)~~(E) of this section. 8404  
Such an order may provide for the suspension of civil penalties, 8405  
license revocation, license suspension, or refusal to issue or 8406  
renew a license if the licensee complies with the terms and 8407  
conditions of the corrective action order. 8408

(9) Accept a surrender for cause offered by the licensee, 8409  
which shall be for at least five years and shall prohibit the 8410  
licensee from seeking any license authorized under this chapter 8411  
during that time period. A surrender for cause shall be in lieu 8412  
of revocation or suspension and may include a corrective action 8413  
order as provided in division ~~(D)~~(E)(8) of this section. 8414

~~(E)~~(F) The superintendent may consider the following 8415  
factors in denying a license, imposing suspensions, revocations, 8416  
fines, or other penalties, and issuing orders under this 8417  
section: 8418

(1) Whether the person acted in good faith; 8419

(2) Whether the person made restitution for any pecuniary 8420  
losses suffered by other persons as a result of the person's 8421  
actions; 8422

(3) The actual harm or potential for harm to others; 8423

(4) The degree of trust placed in the person by, and the 8424  
vulnerability of, persons who were or could have been adversely 8425  
affected by the person's actions; 8426



(5) Whether the person was the subject of any previous administrative actions by the superintendent;	8427 8428
(6) The number of individuals adversely affected by the person's acts or omissions;	8429 8430
(7) Whether the person voluntarily reported the violation, and the extent of the person's cooperation and acceptance of responsibility;	8431 8432 8433
(8) Whether the person obstructed or impeded, or attempted to obstruct or impede, the superintendent's investigation;	8434 8435
(9) The person's efforts to conceal the misconduct;	8436
(10) Remedial efforts to prevent future violations;	8437
(11) If the person was convicted of a criminal offense, the nature of the offense, whether the conviction was based on acts or omissions taken under any professional license, whether the offense involved the breach of a fiduciary duty, the amount of time that has passed, and the person's activities subsequent to the conviction;	8438 8439 8440 8441 8442 8443
(12) Such other factors as the superintendent determines to be appropriate under the circumstances.	8444 8445
<del>(F)</del> <u>(G)</u> (1) A violation described in division (B) (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (16), (17), (18), (19), (20), (22), (23), (24), (25), (26), (27), (28), (29), (30), (31), (32), (33), (34), (35), and (36) of this section is a class A offense for which the superintendent may impose any penalty set forth in division <del>(D)</del> <u>(E)</u> of this section.	8446 8447 8448 8449 8450 8451 8452
(2) A violation described in division (B) (15) or (21) of this section, or a failure to comply with section 3905.061,	8453 8454

3905.071, or 3905.22 of the Revised Code, is a class B offense 8455  
for which the superintendent may impose any penalty set forth in 8456  
division ~~(D)~~(E)(1), (2), (8), or (9) of this section. 8457

(3) If the superintendent determines that a violation 8458  
described in division (B)(36) of this section has occurred, the 8459  
superintendent shall impose a minimum of a two-year suspension 8460  
on all of the person's licenses for all lines of insurance. 8461

~~(G)~~(H) If a violation described in this section has 8462  
caused, is causing, or is about to cause substantial and 8463  
material harm, the superintendent may issue an order requiring 8464  
that person to cease and desist from engaging in the violation. 8465  
Notice of the order shall be mailed by certified mail, return 8466  
receipt requested, or served in any other manner provided for in 8467  
this section, immediately after its issuance to the person 8468  
subject to the order and to all persons known to be involved in 8469  
the violation. The superintendent may thereafter publicize or 8470  
otherwise make known to all interested parties that the order 8471  
has been issued. 8472

The notice shall specify the particular act, omission, 8473  
practice, or transaction that is subject to the cease-and-desist 8474  
order and shall set a date, not more than fifteen days after the 8475  
date of the order, for a hearing on the continuation or 8476  
revocation of the order. The person shall comply with the order 8477  
immediately upon receipt of notice of the order. 8478

The superintendent may, upon the application of a party 8479  
and for good cause shown, continue the hearing. Chapter 119. of 8480  
the Revised Code applies to such hearings to the extent that 8481  
that chapter does not conflict with the procedures set forth in 8482  
this section. The superintendent shall, within fifteen days 8483  
after objections are submitted to the hearing officer's report 8484

and recommendation, issue a final order either confirming or 8485  
revoking the cease-and-desist order. The final order may be 8486  
appealed as provided under section 119.12 of the Revised Code. 8487

The remedy under this division is cumulative and 8488  
concurrent with the other remedies available under this section. 8489

~~(H)~~ (I) If the superintendent has reasonable cause to 8490  
believe that an order issued under this section has been 8491  
violated in whole or in part, the superintendent may request the 8492  
attorney general to commence and prosecute any appropriate 8493  
action or proceeding in the name of the state against such 8494  
person. 8495

The court may, in an action brought pursuant to this 8496  
division, impose any of the following: 8497

(1) For each violation, a civil penalty of not more than 8498  
twenty-five thousand dollars; 8499

(2) Injunctive relief; 8500

(3) Restitution; 8501

(4) Any other appropriate relief. 8502

~~(I)~~ (J) With respect to a surety bail bond agent license: 8503

(1) Upon the suspension or revocation of a license, or the 8504  
eligibility of a surety bail bond agent to hold a license, the 8505  
superintendent likewise may suspend or revoke the license or 8506  
eligibility of any surety bail bond agent who is employed by or 8507  
associated with that agent and who knowingly was a party to the 8508  
act that resulted in the suspension or revocation. 8509

(2) The superintendent may revoke a license as a surety 8510  
bail bond agent if the licensee is adjudged bankrupt. 8511

~~(J)~~-(K) Nothing in this section shall be construed to 8512  
create or imply a private cause of action against an agent or 8513  
insurer. 8514

**Sec. 3905.15.** (A) Upon written application of a person 8515  
whose license was denied, suspended, revoked, or surrendered for 8516  
cause under section 3905.14 of the Revised Code, except for a 8517  
person whose license was denied for a disqualifying offense 8518  
pursuant to section 9.79 of the Revised Code, the superintendent 8519  
of insurance shall hold a hearing to determine whether the 8520  
administrative action imposing the denial, suspension, 8521  
revocation, or surrender should be modified, provided that all 8522  
of the following conditions are met: 8523

(1) At least five years have elapsed since the date of the 8524  
administrative action sought to be modified; 8525

(2) At least two years have elapsed since any previous 8526  
request for a modification was made under this section; 8527

(3) The burden of proof is on the person requesting the 8528  
modification. 8529

(B) The modification of an order issued or consent 8530  
agreement entered into under section 3905.14 of the Revised Code 8531  
is at the discretion of the superintendent. The superintendent 8532  
may modify such an order or agreement if the superintendent 8533  
finds all of the following: 8534

(1) At least five years have elapsed since the date of the 8535  
administrative action; 8536

(2) The person is of good business repute and is suitable 8537  
to be an insurance agent; 8538

(3) The person has made restitution for all pecuniary 8539

losses suffered by any person as a result of the conduct that 8540  
gave rise to the administrative action; 8541

(4) The person has not been convicted of any felony or of 8542  
any misdemeanor described in division (B)(7) of section 3905.14 8543  
of the Revised Code unless the conviction was the subject of a 8544  
previous administrative action by the superintendent; 8545

(5) The circumstances surrounding the previous violation 8546  
are such that it is unlikely the person would commit such 8547  
offenses in the future; 8548

(6) The person's character has been rehabilitated. 8549

(C) The issuance of any license pursuant to a modification 8550  
under this section shall be conditioned upon the successful 8551  
completion of all prelicensing education and examination 8552  
requirements. 8553

**Sec. 3905.72.** (A) (1) No person shall act as a managing 8554  
general agent representing an insurer licensed in this state 8555  
with respect to risks located in this state unless the person is 8556  
licensed as a managing general agent pursuant to division (C) or 8557  
(D) of this section. 8558

(2) No person shall act as a managing general agent 8559  
representing an insurer organized under the laws of this state 8560  
with respect to risks located outside this state unless the 8561  
person is licensed as a managing general agent pursuant to 8562  
division (C) of this section. 8563

(B) Every person that seeks to act as a managing general 8564  
agent as described in division (A) of this section shall apply 8565  
to the superintendent of insurance for a license. Except as 8566  
otherwise provided in division (D) of this section, the 8567  
application shall be in writing on a form provided by the 8568

superintendent and shall be sworn or affirmed before a notary 8569  
public or other person empowered to administer oaths. The 8570  
application shall be kept on file by the superintendent and 8571  
shall include all of the following: 8572

(1) The name and principal business address of the 8573  
applicant; 8574

(2) If the applicant is an individual, the applicant's 8575  
current occupation; 8576

(3) If the applicant is an individual, the applicant's 8577  
occupation or occupations during the five-year period prior to 8578  
applying for the license to act as a managing general agent; 8579

(4) A copy of the contract between the applicant and the 8580  
insurer as required by, and in compliance with, section 3905.73 8581  
of the Revised Code; 8582

(5) A copy of a certified resolution of the board of 8583  
directors of the insurer on whose behalf the applicant will act, 8584  
appointing the applicant as a managing general agent and agent 8585  
of the insurer, specifying the duties the applicant is expected 8586  
to perform on behalf of the insurer and the lines of insurance 8587  
the applicant will manage, and authorizing the insurer to enter 8588  
into a contract with the applicant as required by section 8589  
3905.73 of the Revised Code; 8590

(6) A statement that the applicant submits to the 8591  
jurisdiction of the superintendent and the courts of this state; 8592

(7) Any other information required by the superintendent. 8593

(C) The superintendent shall issue to a resident of this 8594  
state or a business entity organized under the laws of this 8595  
state a license to act as a managing general agent representing 8596

an insurer licensed to do business in this state with respect to 8597  
risks located in this state or a license to act as a managing 8598  
general agent representing an insurer organized under the laws 8599  
of this state with respect to risks located outside this state, 8600  
and shall renew such a license, if the superintendent is 8601  
satisfied that all of the following conditions are met: 8602

(1) The applicant is a suitable person and intends to hold 8603  
self out in good faith as a managing general agent. 8604

(2) The applicant ~~is honest, trustworthy, and~~ understands 8605  
the duties and obligations of a managing general agent. 8606

(3) The applicant has filed a completed application that 8607  
complies with division (B) of this section. 8608

(4) The applicant has paid a fee in the amount of twenty 8609  
dollars. 8610

(5) The applicant maintains a bond in the amount of not 8611  
less than fifty thousand dollars for the protection of the 8612  
insurer. 8613

(6) The applicant maintains an errors and omissions policy 8614  
of insurance. 8615

(7) The applicant is not, and has never been, under an 8616  
order of suspension or revocation under section 3905.77 of the 8617  
Revised Code or under any other law of this state, or any other 8618  
state, relating to insurance, and is otherwise in compliance 8619  
with sections 3905.71 to 3905.79 of the Revised Code and all 8620  
other laws of this state relating to insurance. 8621

(D) If the applicant is a resident of another state or a 8622  
business entity organized under the laws of another state, the 8623  
applicant shall submit a request for licensure, along with a fee 8624

of twenty dollars, to the superintendent. The superintendent 8625  
shall issue a license to act as a managing general agent if the 8626  
request for licensure includes proof that the applicant is 8627  
licensed and in good standing as a managing general agent in the 8628  
applicant's home state and either a copy of the application for 8629  
licensure the applicant submitted to the applicant's home state 8630  
or the application described in division (B) of this section. 8631

If the applicant's home state does not license managing 8632  
general agents under provisions similar to those in sections 8633  
3905.71 to 3905.79 of the Revised Code, or if the applicant's 8634  
home state does not grant licenses to residents of this state on 8635  
the same reciprocal basis, the applicant shall comply with 8636  
divisions (B) and (C) of this section. 8637

(E) Unless suspended or revoked by an order of the 8638  
superintendent pursuant to section 3905.77 of the Revised Code 8639  
and except as provided in division (F) of this section, any 8640  
license issued or renewed pursuant to division (C) or (D) of 8641  
this section shall expire on the last day of February next after 8642  
its issuance or renewal. 8643

(F) If the appointment of a managing general agent is 8644  
terminated by the insurer, the license of the managing general 8645  
agent shall expire on the date of the termination. 8646

(G) A license shall be renewed in accordance with the 8647  
standard renewal procedure specified in Chapter 4745. of the 8648  
Revised Code. 8649

(H) All license fees collected pursuant to this section 8650  
shall be paid into the state treasury to the credit of the 8651  
department of insurance operating fund. 8652

**Sec. 3905.85.** (A) (1) An individual who applies for a 8653



license as a surety bail bond agent shall submit an application 8654  
for the license in a manner prescribed by the superintendent of 8655  
insurance. The application shall be accompanied by a one\_ 8656  
hundred\_fifty\_dollar fee and a statement that gives the 8657  
applicant's name, age, residence, present occupation, occupation 8658  
for the five years next preceding the date of the application, 8659  
and such other information as the superintendent may require. 8660

(2) An applicant for an individual resident license shall 8661  
also submit to a criminal records check pursuant to section 8662  
3905.051 of the Revised Code. 8663

(B)(1) The superintendent shall issue to an applicant an 8664  
individual resident license that states in substance that the 8665  
person is authorized to do the business of a surety bail bond 8666  
agent, if the superintendent is satisfied that all of the 8667  
following apply: 8668

(a) The applicant is eighteen years of age or older. 8669

(b) The applicant's home state is Ohio. 8670

~~(c) The applicant is a person of high character and 8671  
integrity. 8672~~

~~(d) The applicant has not committed any act that is 8673  
grounds for the refusal to issue, suspension of, or revocation 8674  
of a license under section 3905.14 of the Revised Code. 8675~~

~~(e)~~ (d) The applicant is a United States citizen or has 8676  
provided proof of having legal authorization to work in the 8677  
United States. 8678

~~(f)~~ (e) The applicant has successfully completed the 8679  
educational requirements set forth in section 3905.04 of the 8680  
Revised Code and passed the examination required by that 8681

section. 8682

(2) The superintendent shall issue to an applicant an 8683  
individual nonresident license that states in substance that the 8684  
person is authorized to do the business of a surety bail bond 8685  
agent, if the superintendent is satisfied that all of the 8686  
following apply: 8687

(a) The applicant is eighteen years of age or older. 8688

(b) The applicant is currently licensed as a resident in 8689  
another state and is in good standing in the applicant's home 8690  
state for surety bail bond or is qualified for the same 8691  
authority. 8692

~~(c) The applicant is a person of high character and 8693  
integrity. 8694~~

~~(d) The applicant has not committed any act that is 8695  
grounds for the refusal to issue, suspension of, or revocation 8696  
of a license under section 3905.14 of the Revised Code. 8697~~

(3) The superintendent shall issue an applicant a resident 8698  
business entity license that states in substance that the person 8699  
is authorized to do the business of a surety bail bond agent if 8700  
the superintendent is satisfied that all of the following apply: 8701

(a) The applicant has submitted an application for the 8702  
license in a manner prescribed by the superintendent and the 8703  
one-hundred-fifty-dollar application fee. 8704

(b) The applicant either is domiciled in this state or 8705  
maintains its principal place of business in this state. 8706

(c) The applicant has designated an individual licensed 8707  
surety bail bond agent who will be responsible for the 8708  
applicant's compliance with the insurance laws of this state. 8709

(d) The applicant has not committed any act that is 8710  
grounds for the refusal to issue, suspension of, or revocation 8711  
of a license under section 3905.14 of the Revised Code. 8712

(e) The applicant is authorized to do business in this 8713  
state by the secretary of state if so required under the 8714  
applicable provisions of Title XVII of the Revised Code. 8715

(f) The applicant has submitted any other documents 8716  
requested by the superintendent. 8717

(4) The superintendent shall issue an applicant a 8718  
nonresident business entity license that states in substance 8719  
that the person is authorized to do the business of a surety 8720  
bail bond agent if the superintendent is satisfied that all of 8721  
the following apply: 8722

(a) The applicant has submitted an application for the 8723  
license in a manner prescribed by the superintendent and the 8724  
one-hundred-fifty-dollar application fee. 8725

(b) The applicant is currently licensed and is in good 8726  
standing in the applicant's home state with surety bail bond 8727  
authority. 8728

(c) The applicant has designated an individual licensed 8729  
surety bail bond agent who will be responsible for the 8730  
applicant's compliance with the insurance laws of this state. 8731

(d) The applicant has not committed any act that is 8732  
grounds for the refusal to issue, suspension of, or revocation 8733  
of a license under section 3905.14 of the Revised Code. 8734

(e) The applicant has submitted any other documents 8735  
requested by the superintendent. 8736

(C) A resident and nonresident surety bail bond agent 8737

license issued pursuant to this section authorizes the holder, 8738  
when appointed by an insurer, to execute or countersign bail 8739  
bonds in connection with judicial proceedings and to receive 8740  
money or other things of value for those services. However, the 8741  
holder shall not execute or deliver a bond during the first one 8742  
hundred eighty days after the license is initially issued. This 8743  
restriction does not apply with respect to license renewals or 8744  
any license issued under divisions (B) (3) and (4) of this 8745  
section. 8746

(D) The superintendent may refuse to renew a surety bail 8747  
bond agent's license as provided in division (B) of section 8748  
3905.88 of the Revised Code, and may suspend, revoke, or refuse 8749  
to issue or renew such a license as provided in section 3905.14 8750  
of the Revised Code. 8751

If the superintendent refuses to issue such a license 8752  
based in whole or in part upon the written response to a 8753  
criminal records check completed pursuant to division (A) of 8754  
this section, the superintendent shall send a copy of the 8755  
response that was transmitted to the superintendent to the 8756  
applicant at the applicant's home address upon the applicant's 8757  
submission of a written request to the superintendent. 8758

(E) Any person licensed as a surety bail bond agent may 8759  
surrender the person's license in accordance with section 8760  
3905.16 of the Revised Code. 8761

(F) (1) A person seeking to renew a surety bail bond agent 8762  
license shall apply annually for a renewal of the license on or 8763  
before the last day of February. Applications shall be submitted 8764  
to the superintendent on forms prescribed by the superintendent. 8765  
Each application shall be accompanied by a one-hundred-fifty- 8766  
dollar renewal fee. 8767

(2) To be eligible for renewal, an individual applicant shall complete the continuing education requirements pursuant to section 3905.88 of the Revised Code prior to the renewal date.

(3) If an applicant submits a completed renewal application, qualifies for renewal pursuant to divisions (F)(1) and (2) of this section, and has not committed any act that is a ground for the refusal to issue, suspension of, or revocation of a license under section 3905.14 or sections 3905.83 to 3905.99 of the Revised Code, the superintendent shall renew the applicant's surety bail bond insurance agent license.

(4) If an individual or business entity does not apply for the renewal of the individual or business entity's license on or before the license renewal date specified in division (F)(1) of this section, the individual or business entity may submit a late renewal application along with all applicable fees required under this chapter prior to the last day of March following the renewal date. The superintendent shall renew the license of an applicant that submits a late renewal application if the applicant satisfies all of the following conditions:

(a) The applicant submits a completed renewal application.

(b) The applicant pays the one-hundred-fifty-dollar renewal fee.

(c) The applicant pays the late renewal fee established by the superintendent.

(d) The applicant provides proof of compliance with the continuing education requirements pursuant to section 3905.88 of the Revised Code.

(e) The applicant has not committed any act that is grounds for the refusal to issue, suspension of, or revocation

of a license under section 3905.14 or sections 3905.83 to 8797  
3905.99 of the Revised Code. 8798

(5) A license issued under this section that is not 8799  
renewed on or before its late renewal date specified in division 8800  
(F) (4) of this section is automatically suspended for nonrenewal 8801  
effective the first day of April. 8802

(6) If a license is suspended for nonrenewal pursuant to 8803  
division (F) (5) of this section, the individual or business 8804  
entity is eligible to apply for reinstatement of the license 8805  
within the twelve-month period following the date by which the 8806  
license should have been renewed by complying with the 8807  
reinstatement procedure established by the superintendent and 8808  
paying all applicable fees required under this chapter. 8809

(7) A license that is suspended for nonrenewal that is not 8810  
reinstated pursuant to division (F) (6) of this section 8811  
automatically is canceled unless the superintendent is 8812  
investigating any allegations of wrongdoing by the agent or has 8813  
initiated proceedings under Chapter 119. of the Revised Code. In 8814  
that case, the license automatically is canceled after the 8815  
completion of the investigation or proceedings unless the 8816  
superintendent revokes the license. 8817

(G) The superintendent may prescribe the forms to be used 8818  
as evidence of the issuance of a license under this section. The 8819  
superintendent shall require each licensee to acquire, from a 8820  
source designated by the superintendent, a wallet identification 8821  
card that includes the licensee's photograph and any other 8822  
information required by the superintendent. The licensee shall 8823  
keep the wallet identification card on the licensee's person 8824  
while engaging in the bail bond business. 8825

(H) (1) The superintendent of insurance shall not issue or 8826  
renew the license of a business entity organized under the laws 8827  
of this or any other state unless the business entity is 8828  
qualified to do business in this state under the applicable 8829  
provisions of Title XVII of the Revised Code. 8830

(2) The failure of a business entity to be in good 8831  
standing with the secretary of state or to maintain a valid 8832  
appointment of statutory agent is grounds for suspending, 8833  
revoking, or refusing to renew its license. 8834

(3) By applying for a surety bail bond agent license under 8835  
this section, an individual or business entity consents to the 8836  
jurisdiction of the courts of this state. 8837

(I) A surety bail bond agent licensed pursuant to this 8838  
section is an officer of the court. 8839

(J) Any fee collected under this section shall be paid 8840  
into the state treasury to the credit of the department of 8841  
insurance operating fund created by section 3901.021 of the 8842  
Revised Code. 8843

**Sec. 3916.15.** (A) The superintendent of insurance may, 8844  
except as provided in division (B) of this section, refuse to 8845  
issue or may suspend, revoke, or refuse to renew the license of 8846  
a viatical settlement provider or viatical settlement broker, if 8847  
the superintendent finds that any of the following apply: 8848

(1) There was a material misrepresentation in the 8849  
application for the license. 8850

(2) The applicant or licensee or any officer, partner, 8851  
member, key management personnel, or designee of the applicant 8852  
or licensee has been convicted of fraudulent or dishonest 8853  
practices, is subject to a final administrative action in 8854

another state, has been the subject of an administrative or 8855  
civil action brought by the department of commerce, division of 8856  
securities, or is otherwise shown to be untrustworthy or 8857  
incompetent. 8858

(3) The licensee is a viatical settlement provider that 8859  
demonstrates a pattern of unreasonable payments to viators. 8860

(4) The licensee or any officer, partner, member, key 8861  
management personnel, or designee of the licensee has been 8862  
convicted of or has pleaded guilty or no contest to a felony or 8863  
to a misdemeanor involving fraud, moral turpitude, dishonesty, 8864  
or breach of trust, regardless of whether a judgment of 8865  
conviction has been entered by the court. 8866

(5) The licensee is a viatical settlement provider that 8867  
has used a viatical settlement contract form that has not been 8868  
approved under this chapter. 8869

(6) The licensee is a viatical settlement provider that 8870  
has failed to honor contractual obligations set out in a 8871  
viatical settlement contract. 8872

(7) The licensee no longer meets the requirements for 8873  
initial licensure. 8874

(8) The licensee is a viatical settlement provider that 8875  
has assigned, transferred, or pledged a viaticated policy to a 8876  
person that the licensee knew or should have known was not one 8877  
of the following: 8878

(a) A viatical settlement provider licensed in this state; 8879

(b) A viatical settlement purchaser; 8880

(c) A qualified institutional buyer; 8881



(d) A financing entity;	8882
(e) A special purpose entity;	8883
(f) A related provider trust.	8884
(9) The licensee or any officer, partner, member, key management personnel, or designee of the licensee has violated any provision of this chapter or any rule adopted under this chapter.	8885 8886 8887 8888
(10) The licensee or any officer, partner, member, key management personnel, or designee of the licensee has committed any coercive, fraudulent, or dishonest act, or made any untrue, deceptive, or misleading statement, in connection with a viatical settlement transaction or a proposed viatical settlement transaction.	8889 8890 8891 8892 8893 8894
<u>(B) The superintendent shall not refuse to issue a license to an applicant because of a conviction of or plea of guilty or no contest to an offense unless the refusal is in accordance with section 9.79 of the Revised Code.</u>	8895 8896 8897 8898
<u>(C) Before the superintendent refuses to issue a license under this chapter, or suspends, revokes, or refuses to renew the license of a viatical settlement provider or viatical settlement broker, the superintendent shall provide the licensee or applicant with notice and an opportunity for hearing as provided in Chapter 119. of the Revised Code, except as follows:</u>	8899 8900 8901 8902 8903 8904
(1) (a) Any notice of opportunity for hearing, the hearing officer's findings and recommendations, or the superintendent's order shall be served by certified mail at the last known address of the licensee or applicant. Service shall be evidenced by return receipt signed by any person.	8905 8906 8907 8908 8909

For purposes of this section, the "last known address" is 8910  
the address that appears in the licensing records of the 8911  
department of insurance. 8912

(b) If the certified mail envelope is returned with an 8913  
endorsement showing that service was refused, or that the 8914  
envelope was unclaimed, the notice and all subsequent notices 8915  
required by Chapter 119. of the Revised Code may be served by 8916  
ordinary mail to the last known address of the licensee or 8917  
applicant. The mailing shall be evidenced by a certificate of 8918  
mailing. Service is deemed complete as of the date of such 8919  
certificate provided that the ordinary mail envelope is not 8920  
returned by the postal authorities with an endorsement showing 8921  
failure of delivery. The time period in which to request a 8922  
hearing, as provided in Chapter 119. of the Revised Code, begins 8923  
to run on the date of mailing. 8924

(c) If service by ordinary mail fails, the superintendent 8925  
shall cause a summary of the substantive provisions of the 8926  
notice to be published once a week for three consecutive weeks 8927  
in a newspaper of general circulation in the county where the 8928  
last known place of residence or business of the licensee or 8929  
applicant is located. The notice is considered served on the 8930  
date of the third publication. 8931

(d) Any notice required to be served under Chapter 119. of 8932  
the Revised Code shall also be served upon the attorney of the 8933  
licensee or applicant by ordinary mail if the attorney has 8934  
entered an appearance in the matter. 8935

(e) The superintendent may, at any time, perfect service 8936  
on a licensee or applicant by personal delivery of the notice by 8937  
an employee of the department. 8938

(f) Notices regarding the scheduling of hearings and all 8939  
other matters not described in division ~~(B)~~(C)(1)(a) of this 8940  
section shall be sent by ordinary mail to the licensee or 8941  
applicant and to the attorney of the licensee or applicant. 8942

(2) Any subpoena for the appearance of a witness or the 8943  
production of documents or other evidence at a hearing, or for 8944  
the purpose of taking testimony for use at a hearing, shall be 8945  
served by certified mail, return receipt requested, by an 8946  
attorney or by an employee of the department designated by the 8947  
superintendent. Such subpoenas shall be enforced in the manner 8948  
provided in section 119.09 of the Revised Code. Nothing in this 8949  
section shall be construed as limiting the superintendent's 8950  
other statutory powers to issue subpoenas. 8951

**Sec. 3931.11.** (A) Every attorney shall certify to the 8952  
superintendent of insurance the names and addresses of the 8953  
attorney's traveling full time salaried non-commission 8954  
employees, primarily engaged in performing underwriting, loss 8955  
prevention engineering and claim services, authorized by the 8956  
attorney to solicit powers of attorney or applications for 8957  
contracts of indemnity specified in section 3931.01 of the 8958  
Revised Code. The authority of such persons shall continue until 8959  
the first day of the next April, unless it is cancelled by the 8960  
attorney and the certificate of such cancellation is filed with 8961  
the superintendent, or unless the license of the attorney or 8962  
authority of such person is revoked or suspended by the 8963  
superintendent. Expiring certificates of authority of such 8964  
persons may be renewed in like manner to continue until the 8965  
first day of the next April. The superintendent shall record the 8966  
names and addresses of such persons so that their names may 8967  
conveniently be inspected and shall thereupon certify and 8968  
deliver to the attorney a list of the names of all persons so 8969

recorded. 8970

~~If~~ (B) Except as provided in division (C) of this section, 8971  
if the superintendent finds that any such person has willfully 8972  
violated, or failed to comply with, sections 3931.01 to 3931.12 8973  
of the Revised Code, or has been convicted of a felony in the 8974  
United States, or in this or any state, or has been guilty of 8975  
any act or acts that if performed by an agent licensed under 8976  
Chapter 3905. of the Revised Code would constitute statutory 8977  
grounds for the revocation of the agent's license, the 8978  
superintendent may refuse or revoke the authority of the person 8979  
and cancel the person's name on the superintendent's records, 8980  
and the superintendent shall thereupon notify the person and the 8981  
attorney of the revocation. Thereafter the person shall not act 8982  
as representative of any attorney until a new certificate of 8983  
authority by the attorney thereafter appointing the person is 8984  
filed with and approved by the superintendent. 8985

(C) The superintendent shall not refuse to issue a 8986  
certificate of authority to an applicant because of a criminal 8987  
conviction unless the refusal is in accordance with section 9.79 8988  
of the Revised Code. 8989

(D) No such person shall act for any attorney in placing 8990  
insurance or making such contracts of indemnity, unless the 8991  
attorney has the license required by section 3931.10 of the 8992  
Revised Code, nor unless the unexpired, unrevoked, and 8993  
unsuspended certificate of the person's authority is filed with 8994  
the superintendent. Any such person shall be individually liable 8995  
on any contract of indemnity made, issued, or accepted through 8996  
that person as representing any attorney who is not licensed by 8997  
the superintendent to make such contracts of indemnity. 8998

**Sec. 3951.04.** The superintendent of insurance shall issue 8999

certificates of authority to any person, firm, association, 9000  
partnership, or corporation making application therefor who is 9001  
trustworthy and competent to act as a public insurance adjuster 9002  
in such manner as to safeguard the interest of the public and 9003  
who ~~have~~ has complied with the prerequisites herein described. A 9004  
certificate of authority issued to a firm, association, 9005  
partnership, or corporation shall authorize only the members of 9006  
the firm, association, or partnership or the officers and 9007  
directors of the corporation, specified in the certificate of 9008  
authority to act as a public insurance adjuster. 9009

The superintendent shall not issue any certificate of 9010  
authority to any applicant who is convicted of a ~~felony, or any~~ 9011  
~~crime or offense involving fraudulent or dishonest practice~~ 9012  
disqualifying offense as determined under section 9.79 of the 9013  
Revised Code, or who, within three years preceding the date of 9014  
filing such application, has been guilty of any practice which 9015  
would be grounds for suspension or revocation of a certificate 9016  
of authority as a public insurance adjuster. 9017

**Sec. 4104.09.** The certificate of competency issued under 9018  
section 4104.07 of the Revised Code or the commission provided 9019  
for in section 4104.08 of the Revised Code may be revoked by the 9020  
superintendent of industrial compliance for the incompetence ~~or~~ 9021  
~~untrustworthiness~~ of the holder thereof, or for willful 9022  
falsification of any matter or statement contained in the 9023  
holder's application or in a report of any inspection in 9024  
accordance with Chapter 119. of the Revised Code. If a 9025  
certificate or commission is lost or destroyed, a new 9026  
certificate or commission shall be issued in its place without 9027  
another examination. 9028

**Sec. 4104.19.** (A) Any person seeking a license to operate 9029

as a steam engineer, high pressure boiler operator, or low 9030  
pressure boiler operator shall file a written application with 9031  
the superintendent of industrial compliance on a form prescribed 9032  
by the superintendent with the appropriate application fee as 9033  
set forth in section 4104.18 of the Revised Code. The 9034  
application shall contain information satisfactory to the 9035  
superintendent to demonstrate that the applicant meets the 9036  
requirements of division (B) of this section. The application 9037  
shall be filed with the superintendent not more than sixty days 9038  
and not less than thirty days before the license examination is 9039  
offered. 9040

(B) To qualify to take the examination required to obtain 9041  
a steam engineer, high pressure boiler operator, or low pressure 9042  
boiler operator license, a person shall meet both of the 9043  
following requirements: 9044

(1) Be at least eighteen years of age; 9045

(2) Have one year of experience in the operation of steam 9046  
engines, high pressure boilers, or low pressure boilers as 9047  
applicable to the type of license being sought, or a combination 9048  
of experience and education for the type of license sought as 9049  
determined to be acceptable by the superintendent. 9050

(C) No applicant shall qualify to take an examination or 9051  
to renew a license if the applicant has violated this chapter or 9052  
if the applicant has obtained or renewed a license issued under 9053  
this chapter by fraud, misrepresentation, or deception. 9054

(D) The superintendent shall issue a license to each 9055  
applicant who receives a passing score on the examination, as 9056  
determined by the superintendent, for the license for which the 9057  
applicant applied. 9058

(E) The superintendent may select and contract with one or more persons to do all of the following relative to the examinations for a license to operate as a steam engineer, high pressure boiler operator, or low pressure boiler operator:

(1) Prepare, administer, score, and maintain the confidentiality of the examination;

(2) Maintain responsibility for all expenses required to fulfill division (E)(1) of this section;

(3) Charge each applicant a fee for administering the examination, in an amount authorized by the superintendent;

(4) Design the examination for each type of license to determine an applicant's competence to operate the equipment for which the applicant is seeking licensure.

(F) Each license issued under this chapter expires one year after the date of issue. Each person holding a valid, unexpired license may renew the license, without reexamination, by applying to the superintendent not more than ninety days before the expiration of the license, and submitting with the application the renewal fee established in section 4104.18 of the Revised Code. Upon receipt of the renewal information and fee, the superintendent shall issue the licensee a certificate of renewal.

(G) The superintendent, in accordance with Chapter 119. of the Revised Code, may suspend or revoke any license, or may refuse to issue a license under this chapter upon finding that a licensee or an applicant for a license has violated or is violating the requirements of this chapter. The superintendent shall not refuse to issue a license to an applicant because of a disqualifying offense unless the refusal is in accordance with

section 9.79 of the Revised Code. 9088

**Sec. 4508.03.** (A) No person shall establish a driver 9089  
training school or continue the operation of an existing school 9090  
unless the person applies for and obtains from the director of 9091  
public safety a license in the manner and form prescribed by the 9092  
director. 9093

The director shall adopt rules that establish the 9094  
requirements for a school license, including requirements 9095  
concerning location, equipment, courses of instruction, 9096  
instructors, previous records of the school and instructors, 9097  
financial statements, schedule of fees and charges, ~~character~~ 9098  
~~and reputation of the operators,~~ insurance in the sum and with 9099  
those provisions as the director considers necessary to protect 9100  
adequately the interests of the public, and any other matters as 9101  
the director may prescribe for the protection of the public. The 9102  
rules also shall require financial responsibility information as 9103  
part of the driver education curriculum. 9104

(B) Any school that offers a driver training program for 9105  
disabled persons shall provide specially trained instructors for 9106  
the driver training of such persons. No school shall operate a 9107  
driver training program for disabled persons after June 30, 9108  
1978, unless it has been licensed for such operation by the 9109  
director. No person shall act as a specially trained instructor 9110  
in a driver training program for disabled persons operated by a 9111  
school after June 30, 1978, unless that person has been licensed 9112  
by the director. 9113

(C) The director shall certify instructors to teach driver 9114  
training to disabled persons in accordance with training program 9115  
requirements established by the department of public safety. 9116



(D) No person shall operate a driver training school 9117  
unless the person has a valid license issued by the director 9118  
under this section. 9119

(E) Whoever violates division (D) of this section is 9120  
guilty of operating a driver training school without a valid 9121  
license, a misdemeanor of the second degree. On a second or 9122  
subsequent offense within two years after the first offense, the 9123  
person is guilty of a misdemeanor of the first degree. 9124

**Sec. 4508.04.** (A) No person shall act as a driver training 9125  
instructor, and no person shall act as a driver training 9126  
instructor for disabled persons, unless such person applies for 9127  
and obtains from the director of public safety a license in the 9128  
manner and form prescribed by the director. The director shall 9129  
provide by rule for instructors' license requirements including 9130  
~~moral character,~~ physical condition, knowledge of the courses of 9131  
instruction, motor vehicle laws and safety principles, previous 9132  
personal and employment records, and such other matters as the 9133  
director may prescribe for the protection of the public. Driver 9134  
training instructors for disabled persons shall meet such 9135  
additional requirements and receive such additional classroom 9136  
and practical instruction as the director shall prescribe by 9137  
rule. 9138

(B) ~~(1) The director shall not may issue a license under 9139  
this section to a person if, within ten years of the date of 9140  
application for the license, the person has pleaded guilty to or 9141  
been convicted of a felony under the laws of this state or the 9142  
comparable laws of another jurisdiction. 9143~~

~~(2) The director shall not issue a license under this 9144  
section to a person if, within five years of the date of 9145  
application for the license, the person has pleaded guilty to or 9146~~

~~been convicted of a misdemeanor of the first or second degree—~~ 9147  
~~that is reasonably related to the person's fitness to be issued—~~ 9148  
~~such a license disqualifying offense as determined in accordance~~ 9149  
~~with section 9.79 of the Revised Code.~~ 9150

(C) No person shall knowingly make a false statement on a 9151  
license application submitted under this section. 9152

(D) Upon successful completion of all requirements for an 9153  
initial instructor license, the director shall issue an 9154  
applicant a probationary license, which expires one hundred 9155  
eighty days from the date of issuance. In order to receive a 9156  
driver training instructor license, a person issued a 9157  
probationary license shall pass an assessment prescribed in 9158  
rules adopted by the director pursuant to section 4508.02 of the 9159  
Revised Code. The person shall pass the assessment prior to 9160  
expiration of the probationary license. If the person fails to 9161  
pass the assessment, or fails to meet any standards required for 9162  
a driver training instructor license, the director may extend 9163  
the expiration date of the person's probationary license. Upon 9164  
successful completion of the assessment and approval of the 9165  
director, the director shall issue to the person a driver 9166  
training instructor license. 9167

(E) (1) Whoever violates division (A) of this section is 9168  
guilty of acting as a driver training instructor without a valid 9169  
license, a misdemeanor of the first degree. 9170

(2) Whoever violates division (C) of this section may be 9171  
charged with falsification under section 2921.13 of the Revised 9172  
Code. 9173

**Sec. 4511.76.** (A) The department of public safety, by and 9174  
with the advice of the superintendent of public instruction, 9175

shall adopt and enforce rules relating to the construction, 9176  
design, and equipment, including lighting equipment required by 9177  
section 4511.771 of the Revised Code, of all school buses both 9178  
publicly and privately owned and operated in this state. 9179

(B) The department of education, by and with the advice of 9180  
the director of public safety, shall adopt and enforce rules 9181  
relating to the operation of all vehicles used for pupil 9182  
transportation. 9183

(C) No person shall operate a vehicle used for pupil 9184  
transportation within this state in violation of the rules of 9185  
the department of education or the department of public safety. 9186  
No person, being the owner thereof or having the supervisory 9187  
responsibility therefor, shall permit the operation of a vehicle 9188  
used for pupil transportation within this state in violation of 9189  
the rules of the department of education or the department of 9190  
public safety. 9191

(D) The department of public safety shall adopt and 9192  
enforce rules relating to the issuance of a license under 9193  
section 4511.763 of the Revised Code. The rules may relate to 9194  
~~the moral character of the applicant;~~ the condition of the 9195  
equipment to be operated; the liability and property damage 9196  
insurance carried by the applicant; the posting of satisfactory 9197  
and sufficient bond; and such other rules as the director of 9198  
public safety determines reasonably necessary for the safety of 9199  
the pupils to be transported. 9200

(E) As used in this section, "vehicle used for pupil 9201  
transportation" means any vehicle that is identified as such by 9202  
the department of education by rule and that is subject to 9203  
Chapter 3301-83 of the Administrative Code. 9204

(F) Except as otherwise provided in this division, whoever  
violates this section is guilty of a minor misdemeanor. If the  
offender previously has been convicted of or pleaded guilty to  
one or more violations of this section or section 4511.63,  
4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 of the Revised  
Code or a municipal ordinance that is substantially similar to  
any of those sections, whoever violates this section is guilty  
of a misdemeanor of the fourth degree.

**Sec. 4513.34.** (A) (1) The director of transportation with  
respect to all highways that are a part of the state highway  
system and local authorities with respect to highways under  
their jurisdiction, upon application in writing, shall issue a  
special regional heavy hauling permit authorizing the applicant  
to operate or move a vehicle or combination of vehicles as  
follows:

(a) At a size or weight of vehicle or load exceeding the  
maximum specified in sections 5577.01 to 5577.09 of the Revised  
Code, or otherwise not in conformity with sections 4513.01 to  
4513.37 of the Revised Code;

(b) Upon any highway under the jurisdiction of the  
authority granting the permit except those highways with a  
condition insufficient to bear the weight of the vehicle or  
combination of vehicles as stated in the application;

(c) For regional trips at distances of one hundred fifty  
miles or less from a facility stated on the application as the  
applicant's point of origin.

Issuance of a special regional heavy hauling permit is  
subject to the payment of a fee established by the director or  
local authority in accordance with this section.

(2) In circumstances where a person is not eligible to receive a permit under division (A) (1) of this section, the director of transportation with respect to all highways that are a part of the state highway system and local authorities with respect to highways under their jurisdiction, upon application in writing and for good cause shown, may issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in sections 5577.01 to 5577.09 of the Revised Code, or otherwise not in conformity with sections 4513.01 to 4513.37 of the Revised Code, upon any highway under the jurisdiction of the authority granting the permit.

(3) For purposes of this section, the director may designate certain state highways or portions of state highways as special economic development highways. If an application submitted to the director under this section involves travel of a nonconforming vehicle or combination of vehicles upon a special economic development highway, the director, in determining whether good cause has been shown that issuance of a permit is justified, shall consider the effect the travel of the vehicle or combination of vehicles will have on the economic development in the area in which the designated highway or portion of highway is located.

(B) Notwithstanding sections 715.22 and 723.01 of the Revised Code, the holder of a permit issued by the director under this section may move the vehicle or combination of vehicles described in the permit on any highway that is a part of the state highway system when the movement is partly within and partly without the corporate limits of a municipal corporation. No local authority shall require any other permit

or license or charge any license fee or other charge against the 9265  
holder of a permit for the movement of a vehicle or combination 9266  
of vehicles on any highway that is a part of the state highway 9267  
system. The director shall not require the holder of a permit 9268  
issued by a local authority to obtain a special permit for the 9269  
movement of vehicles or combination of vehicles on highways 9270  
within the jurisdiction of the local authority. Permits may be 9271  
issued for any period of time not to exceed one year, as the 9272  
director in the director's discretion or a local authority in 9273  
its discretion determines advisable, or for the duration of any 9274  
public construction project. 9275

(C) (1) The application for a permit issued under this 9276  
section shall be in the form that the director or local 9277  
authority prescribes. The director or local authority may 9278  
prescribe a permit fee to be imposed and collected when any 9279  
permit described in this section is issued. The permit fee may 9280  
be in an amount sufficient to reimburse the director or local 9281  
authority for the administrative costs incurred in issuing the 9282  
permit, and also to cover the cost of the normal and expected 9283  
damage caused to the roadway or a street or highway structure as 9284  
the result of the operation of the nonconforming vehicle or 9285  
combination of vehicles. The director, in accordance with 9286  
Chapter 119. of the Revised Code, shall establish a schedule of 9287  
fees for permits issued by the director under this section; 9288  
however, the fee to operate a triple trailer unit, at locations 9289  
authorized under federal law, shall be one hundred dollars. 9290

(2) For the purposes of this section and of rules adopted 9291  
by the director under this section, milk transported in bulk by 9292  
vehicle is deemed a nondivisible load. 9293

(3) For purposes of this section and of rules adopted by 9294

the director under this section, three or fewer aluminum coils, 9295  
transported by a vehicle, are deemed a nondivisible load. The 9296  
director shall adopt rules establishing requirements for an 9297  
aluminum coil permit that are substantially similar to the 9298  
requirements for a steel coil permit under Chapter 5501:2-1 of 9299  
the Administrative Code. 9300

(D) The director or a local authority shall issue a 9301  
special regional heavy hauling permit under division (A) (1) of 9302  
this section upon application and payment of the applicable fee. 9303  
However, the director or local authority may issue or withhold a 9304  
special permit specified in division (A) (2) of this section. If 9305  
a permit is to be issued, the director or local authority may 9306  
limit or prescribe conditions of operation for the vehicle and 9307  
may require the posting of a bond or other security conditioned 9308  
upon the sufficiency of the permit fee to compensate for damage 9309  
caused to the roadway or a street or highway structure. In 9310  
addition, a local authority, as a condition of issuance of an 9311  
overweight permit, may require the applicant to develop and 9312  
enter into a mutual agreement with the local authority to 9313  
compensate for or to repair excess damage caused to the roadway 9314  
by travel under the permit. 9315

For a permit that will allow travel of a nonconforming 9316  
vehicle or combination of vehicles on a special economic 9317  
development highway, the director, as a condition of issuance, 9318  
may require the applicant to agree to make periodic payments to 9319  
the department to compensate for damage caused to the roadway by 9320  
travel under the permit. 9321

(E) Every permit issued under this section shall be 9322  
carried in the vehicle or combination of vehicles to which it 9323  
refers and shall be open to inspection by any police officer or 9324

authorized agent of any authority granting the permit. No person 9325  
shall violate any of the terms of a permit. 9326

(F) The director may debar an applicant from applying for 9327  
a permit under this section upon a finding based on a reasonable 9328  
belief that the applicant has done any of the following: 9329

(1) Abused the process by repeatedly submitting false 9330  
information or false travel plans or by using another company or 9331  
individual's name, insurance, or escrow account without proper 9332  
authorization; 9333

(2) Failed to comply with or substantially perform under a 9334  
previously issued permit according to its terms, conditions, and 9335  
specifications within specified time limits; 9336

(3) Failed to cooperate in the application process for the 9337  
permit or in any other procedures that are related to the 9338  
issuance of the permit by refusing to provide information or 9339  
documents required in a permit or by failing to respond to and 9340  
correct matters related to the permit; 9341

(4) Accumulated repeated justified complaints regarding 9342  
performance under a permit that was previously issued to the 9343  
applicant or previously failed to obtain a permit when such a 9344  
permit was required; 9345

(5) Attempted to influence a public employee to breach 9346  
ethical conduct standards; 9347

(6) Been convicted of a ~~criminal offense related to the~~ 9348  
~~application for, or performance under, a permit, including, but~~ 9349  
~~not limited to, bribery, falsification, fraud or destruction of~~ 9350  
~~records, receiving stolen property, and any other offense that~~ 9351  
~~directly reflects on the applicant's integrity or commercial~~ 9352  
~~driver's license~~ disqualifying offense as determined under 9353



section 9.79 of the Revised Code; 9354

(7) Accumulated repeated convictions under a state or 9355  
federal safety law governing commercial motor vehicles or a rule 9356  
or regulation adopted under such a law; 9357

(8) Accumulated repeated convictions under a law, rule, or 9358  
regulation governing the movement of traffic over the public 9359  
streets and highways; 9360

(9) Failed to pay any fees associated with any permitted 9361  
operation or move; 9362

(10) Deliberately or willfully submitted false or 9363  
misleading information in connection with the application for, 9364  
or performance under, a permit issued under this section. 9365

If the applicant is a partnership, association, or 9366  
corporation, the director also may debar from consideration for 9367  
permits any partner of the partnership, or the officers, 9368  
directors, or employees of the association or corporation being 9369  
debarred. 9370

The director may adopt rules in accordance with Chapter 9371  
119. of the Revised Code governing the debarment of an 9372  
applicant. 9373

(G) When the director reasonably believes that grounds for 9374  
debarment exist, the director shall send the person that is 9375  
subject to debarment a notice of the proposed debarment. A 9376  
notice of proposed debarment shall indicate the grounds for the 9377  
debarment of the person and the procedure for requesting a 9378  
hearing. The notice and hearing shall be in accordance with 9379  
Chapter 119. of the Revised Code. If the person does not respond 9380  
with a request for a hearing in the manner specified in that 9381  
chapter, the director shall issue the debarment decision without 9382

a hearing and shall notify the person of the decision by 9383  
certified mail, return receipt requested. The debarment period 9384  
may be of any length determined by the director, and the 9385  
director may modify or rescind the debarment at any time. During 9386  
the period of debarment, the director shall not issue, or 9387  
consider issuing, a permit under this section to any 9388  
partnership, association, or corporation that is affiliated with 9389  
a debarred person. After the debarment period expires, the 9390  
person, and any partnership, association, or corporation 9391  
affiliated with the person, may reapply for a permit. 9392

(H) (1) No person shall violate the terms of a permit 9393  
issued under this section that relate to gross load limits. 9394

(2) No person shall violate the terms of a permit issued 9395  
under this section that relate to axle load by more than two 9396  
thousand pounds per axle or group of axles. 9397

(3) No person shall violate the terms of a permit issued 9398  
under this section that relate to an approved route except upon 9399  
order of a law enforcement officer or authorized agent of the 9400  
issuing authority. 9401

(I) Whoever violates division (H) of this section shall be 9402  
punished as provided in section 4513.99 of the Revised Code. 9403

(J) A permit issued by the department of transportation or 9404  
a local authority under this section for the operation of a 9405  
vehicle or combination of vehicles is valid for the purposes of 9406  
the vehicle operation in accordance with the conditions and 9407  
limitations specified on the permit. Such a permit is voidable 9408  
by law enforcement only for operation of a vehicle or 9409  
combination of vehicles in violation of the weight, dimension, 9410  
or route provisions of the permit. However, a permit is not 9411

voidable for operation in violation of a route provision of a 9412  
permit if the operation is upon the order of a law enforcement 9413  
officer. 9414

**Sec. 4517.04.** Each person applying for a new motor vehicle 9415  
dealer's license shall biennially make out and deliver to the 9416  
registrar of motor vehicles, before the first day of April, and 9417  
upon a blank to be furnished by the registrar for that purpose, 9418  
a separate application for license for each county in which the 9419  
business of selling new motor vehicles is to be conducted. The 9420  
application shall be in the form prescribed by the registrar, 9421  
shall be signed and sworn to by the applicant, and, in addition 9422  
to any other information required by the registrar, shall 9423  
include the following: 9424

(A) Name of applicant and location of principal place of 9425  
business; 9426

(B) Name or style under which business is to be conducted 9427  
and, if a corporation, the state of incorporation; 9428

(C) Name and address of each owner or partner and, if a 9429  
corporation, the names of the officers and directors; 9430

(D) The county in which the business is to be conducted 9431  
and the address of each place of business therein; 9432

(E) A statement of the previous history, record, and 9433  
association of the applicant and of each owner, partner, 9434  
officer, and director, that shall be sufficient to establish to 9435  
the satisfaction of the registrar the reputation in business of 9436  
the applicant; 9437

(F) A statement showing whether the applicant has 9438  
previously applied for a motor vehicle dealer's license, motor 9439  
vehicle leasing dealer's license, distributor's license, motor 9440

vehicle auction owner's license, or motor vehicle salesperson's 9441  
license, and the result of the application, and whether the 9442  
applicant has ever been the holder of any such license that was 9443  
revoked or suspended; 9444

(G) If the applicant is a corporation or partnership, a 9445  
statement showing whether any partner, employee, officer, or 9446  
director has been refused a motor vehicle dealer's license, 9447  
motor vehicle leasing dealer's license, distributor's license, 9448  
motor vehicle auction owner's license, or motor vehicle 9449  
salesperson's license, or has been the holder of any such 9450  
license that was revoked or suspended; 9451

(H) A statement of the makes of new motor vehicles to be 9452  
handled. 9453

The statement required by division (E) of this section 9454  
shall indicate whether the applicant or, if applicable, any of 9455  
the applicant's owners, partners, officers, or directors, 9456  
individually, or as owner, partner, officer, or director of a 9457  
business entity, has been convicted of, pleaded guilty, or 9458  
pleaded no contest, in a criminal action, a disqualifying 9459  
offense as determined under section 9.79 of the Revised Code, or 9460  
had a judgment rendered against the person in a civil action 9461  
for a violation of sections 4549.41 to 4549.46 of the Revised 9462  
Code, of any substantively comparable provisions of the law of 9463  
any other state, or of subchapter IV of the "Motor Vehicle 9464  
Information and Cost Savings Act," 86 Stat. 961 (1972), 15 9465  
U.S.C. 1981. 9466

A true copy of the contract, agreement, or understanding 9467  
the applicant has entered into or is about to enter into with 9468  
the manufacturer or distributor of the new motor vehicles the 9469  
applicant will handle shall be filed with the application. If 9470

the contract, agreement, or understanding is not in writing, a 9471  
written statement of all the terms thereof shall be filed. Each 9472  
such copy or statement shall bear a certificate signed by each 9473  
party to the contract, agreement, or understanding, to the 9474  
effect that the copy or statement is true and complete and 9475  
contains all of the agreements made or about to be made between 9476  
the parties. 9477

The application also shall be accompanied by a photograph, 9478  
as prescribed by the registrar, of each place of business 9479  
operated, or to be operated, by the applicant. 9480

**Sec. 4517.09.** Each person applying for a salesperson's 9481  
license shall biennially make out and deliver to the registrar 9482  
of motor vehicles, before the first day of July and upon a blank 9483  
to be furnished by the registrar for that purpose, an 9484  
application for license. The application shall be in the form 9485  
prescribed by the registrar, shall be signed and sworn to by the 9486  
applicant, and, in addition to any other information required by 9487  
the registrar, shall include the following: 9488

(A) Name and post-office address of the applicant; 9489

(B) Name and post-office address of the motor vehicle 9490  
dealer for whom the applicant intends to act as salesperson; 9491

(C) A statement of the applicant's previous history, 9492  
record, and association, that shall be sufficient to establish 9493  
to the satisfaction of the registrar the applicant's reputation 9494  
in business; 9495

(D) A statement as to whether the applicant intends to 9496  
engage in any occupation or business other than that of a motor 9497  
vehicle salesperson; 9498

(E) A statement as to whether the applicant has ever had 9499

any previous application refused, and whether the applicant has 9500  
previously had a license revoked or suspended; 9501

(F) A statement as to whether the applicant was an 9502  
employee of or salesperson for a dealer whose license was 9503  
suspended or revoked; 9504

(G) A statement of the motor vehicle dealer named therein, 9505  
designating the applicant as the dealer's salesperson. 9506

The statement required by division (C) of this section 9507  
shall indicate whether the applicant individually, or as an 9508  
owner, partner, officer, or director of a business entity, has 9509  
been convicted of, or pleaded guilty to, in a criminal action, a 9510  
disqualifying offense as determined under section 9.79 of the 9511  
Revised Code, or had a judgment rendered against the applicant 9512  
in a civil action for, a violation of sections 4549.41 to 9513  
4549.46 of the Revised Code, of any substantively comparable 9514  
provisions of the law of any other state, or of subchapter IV of 9515  
the "Motor Vehicle Information and Cost Savings Act," 86 Stat. 9516  
961 (1972), 15 U.S.C. 1981. 9517

**Sec. 4517.12.** (A) The registrar of motor vehicles shall 9518  
deny the application of any person for a license as a motor 9519  
vehicle dealer, motor vehicle leasing dealer, or motor vehicle 9520  
auction owner and refuse to issue the license if the registrar 9521  
finds that the applicant: 9522

(1) Has made any false statement of a material fact in the 9523  
application; 9524

(2) Has not complied with sections 4517.01 to 4517.45 of 9525  
the Revised Code; 9526

(3) Is of bad business repute or has habitually defaulted 9527  
on financial obligations; 9528

(4) Is engaged or will engage in the business of selling 9529  
at retail any new motor vehicles without having written 9530  
authority from the manufacturer or distributor thereof to sell 9531  
new motor vehicles and to perform repairs under the terms of the 9532  
manufacturer's or distributor's new motor vehicle warranty, 9533  
except as provided in division (C) of this section and except 9534  
that a person who assembles or installs special equipment or 9535  
accessories for handicapped persons, as defined in section 9536  
4503.44 of the Revised Code, upon a motor vehicle chassis 9537  
supplied by a manufacturer or distributor shall not be denied a 9538  
license pursuant to division (A)(4) of this section; 9539

(5) Has been ~~guilty convicted of a fraudulent act~~ 9540  
disqualifying offense as determined in connection accordance 9541  
~~with selling or otherwise dealing in, or leasing, motor~~ 9542  
~~vehicles, or in connection with brokering manufactured homes~~ 9543  
section 9.79 of the Revised Code; 9544

(6) Has entered into or is about to enter into a contract 9545  
or agreement with a manufacturer or distributor of motor 9546  
vehicles that is contrary to sections 4517.01 to 4517.45 of the 9547  
Revised Code; 9548

(7) Is insolvent; 9549

(8) Is of insufficient responsibility to ensure the prompt 9550  
payment of any final judgments that might reasonably be entered 9551  
against the applicant because of the transaction of business as 9552  
a motor vehicle dealer, motor vehicle leasing dealer, or motor 9553  
vehicle auction owner during the period of the license applied 9554  
for, or has failed to satisfy any such judgment; 9555

(9) Has no established place of business that, where 9556  
applicable, is used or will be used for the purpose of selling, 9557

displaying, offering for sale, dealing in, or leasing motor 9558  
vehicles at the location for which application is made; 9559

(10) Has, less than twelve months prior to making 9560  
application, been denied a motor vehicle dealer's, motor vehicle 9561  
leasing dealer's, or motor vehicle auction owner's license, or 9562  
has any such license revoked; 9563

(11) Is a manufacturer, or a parent company, subsidiary, 9564  
or affiliated entity of a manufacturer, applying for a license 9565  
to sell or lease new or used motor vehicles at retail. Division 9566  
(A) (11) of this section shall not serve as a basis for the 9567  
termination, revocation, or nonrenewal of a license granted 9568  
prior to ~~the effective date of this amendment~~ September 4, 2014. 9569  
Nothing in division (A) (11) of this section shall prohibit a 9570  
manufacturer from doing either of the following: 9571

(a) Owning, operating, or controlling not more than three 9572  
licensed motor vehicle dealerships if, as of January 1, 2014, 9573  
the manufacturer was selling or otherwise distributing its motor 9574  
vehicles at an established place of business in this state. Such 9575  
ownership, operation, or control may continue unless the 9576  
manufacturer's motor vehicle operations are sold or acquired or 9577  
the manufacturer produces any motor vehicles other than all- 9578  
electric motor vehicles. 9579

(b) Disposing of motor vehicles at wholesale at the 9580  
termination of a consumer lease through a motor vehicle auction. 9581

(B) If the applicant is a corporation or partnership, the 9582  
registrar may refuse to issue a license if any officer, 9583  
director, or partner of the applicant has been guilty of any act 9584  
or omission that would be cause for refusing or revoking a 9585  
license issued to such officer, director, or partner as an 9586



individual. The registrar's finding may be based upon facts 9587  
contained in the application or upon any other information the 9588  
registrar may have. Immediately upon denying an application for 9589  
any of the reasons in this section, the registrar shall enter a 9590  
final order together with the registrar's findings and certify 9591  
the same to the motor vehicle dealers' and salespersons' 9592  
licensing board. 9593

(C) Notwithstanding division (A) (4) of this section, the 9594  
registrar shall not deny the application of any person and 9595  
refuse to issue a license if the registrar finds that the 9596  
applicant is engaged or will engage in the business of selling 9597  
at retail any new motor vehicles and demonstrates all of the 9598  
following in the form prescribed by the registrar: 9599

(1) That the applicant has posted a bond, surety, or 9600  
certificate of deposit with the registrar in an amount not less 9601  
than one hundred thousand dollars for the protection and benefit 9602  
of the applicant's customers except that a new motor vehicle 9603  
dealer who is not exclusively engaged in the business of selling 9604  
remanufactured vehicles shall not be required to post the bond, 9605  
surety, or certificate of deposit otherwise required by division 9606  
(C) (1) of this section; 9607

(2) That, at the time of the sale of the vehicle, each 9608  
customer of the applicant will be furnished with a warranty 9609  
issued by the remanufacturer for a term of at least one year; 9610

(3) That the applicant provides and maintains at the 9611  
applicant's location and place of business a permanent facility 9612  
with all of the following: 9613

(a) A showroom with space, under roof, for the display of 9614  
at least one new motor vehicle; 9615

- (b) A service and parts facility for remanufactured vehicles; 9616  
9617
- (c) Full-time service and parts personnel with the proper training and technical expertise to service the remanufactured vehicles sold by the applicant. 9618  
9619  
9620
- Sec. 4517.13.** The registrar of motor vehicles shall deny the application of any person for a license as a distributor and refuse to issue the license if the registrar finds that the applicant: 9621  
9622  
9623  
9624
- (A) Has made any false statement of a material fact in the application; 9625  
9626
- (B) Has not complied with sections 4517.01 to 4517.45 of the Revised Code; 9627  
9628
- (C) Is of bad business repute or has habitually defaulted on financial obligations; 9629  
9630
- (D) Is engaged or will engage in the business of distributing any new motor vehicle without having the authority of a contract with the manufacturer of the vehicle; 9631  
9632  
9633
- (E) Has been ~~guilty convicted of a fraudulent act~~ disqualifying offense as determined in connection accordance with ~~selling or otherwise dealing in motor vehicles~~ section 9.79 of the Revised Code; 9634  
9635  
9636  
9637
- (F) Has entered into or is about to enter into a contract or agreement with a manufacturer of motor vehicles that is contrary to sections 4517.01 to 4517.45 of the Revised Code; 9638  
9639  
9640
- (G) Is insolvent; 9641
- (H) Is of insufficient responsibility to ensure the prompt 9642

payment of any financial judgment that might reasonably be 9643  
entered against the applicant because of the transaction of 9644  
business as a distributor during the period of the license 9645  
applied for, or has failed to satisfy any such judgment; 9646

(I) Has no established place of business that, where 9647  
applicable, is used or will be used exclusively for the purpose 9648  
of distributing new motor vehicles at the location for which 9649  
application is made; 9650

(J) Has, less than twelve months prior to making 9651  
application, been denied a distributor's, motor vehicle 9652  
dealer's, motor vehicle leasing dealer's, or motor vehicle 9653  
auction owner's license, or had any such license revoked. 9654

If the applicant is a corporation or partnership, the 9655  
registrar may refuse to issue a license if any officer, 9656  
director, employee, or partner of the applicant has been guilty 9657  
of any act or omission that would be cause for refusing or 9658  
revoking a license issued to such officer, director, employee, 9659  
or partner as an individual. The registrar's finding may be 9660  
based upon facts contained in the application or upon any other 9661  
information the registrar may have. Immediately upon denying an 9662  
application for any of the reasons in this section, the 9663  
registrar shall enter a final order together with the 9664  
registrar's findings and certify the same to the motor vehicle 9665  
dealers board. 9666

**Sec. 4517.14.** The registrar of motor vehicles shall deny 9667  
the application of any person for a license as a salesperson and 9668  
refuse to issue the license if the registrar finds that the 9669  
applicant: 9670

(A) Has made any false statement of a material fact in the 9671

application; 9672

(B) Has not complied with sections 4517.01 to 4517.45 of 9673  
the Revised Code; 9674

(C) Is of bad business repute or has habitually defaulted 9675  
on financial obligations; 9676

(D) Has been ~~guilty convicted~~ of a ~~fraudulent act~~ 9677  
disqualifying offense as determined in connection accordance 9678  
with selling or otherwise dealing in motor vehicles section 9.79 9679  
of the Revised Code; 9680

(E) Has not been designated to act as salesperson for a 9681  
motor vehicle dealer licensed to do business in this state under 9682  
section 4517.10 of the Revised Code, or intends to act as 9683  
salesperson for more than one licensed motor vehicle dealer at 9684  
the same time, except that a licensed salesperson may act as a 9685  
salesperson at any licensed dealership owned or operated by the 9686  
same company, regardless of the county in which the dealership's 9687  
facility is located; 9688

(F) Holds a current motor vehicle dealer's license issued 9689  
under section 4517.10 of the Revised Code, and intends to act as 9690  
salesperson for another licensed motor vehicle dealer; 9691

(G) Has, less than twelve months prior to making 9692  
application, been denied a salesperson's license or had a 9693  
salesperson's license revoked. 9694

The registrar may refuse to issue a salesperson's license 9695  
to an applicant who was salesperson for, or in the employ of, a 9696  
motor vehicle dealer at the time the dealer's license was 9697  
revoked. The registrar's finding may be based upon any statement 9698  
contained in the application or upon any facts within the 9699  
registrar's knowledge, and, immediately upon refusing to issue a 9700

salesperson's license, the registrar shall enter a final order 9701  
and shall certify the final order together with his findings to 9702  
the motor vehicle dealers board. 9703

**Sec. 4517.171.** (A) The registrar of motor vehicles shall, 9704  
except as provided in division (B) of this section, deny the 9705  
application of any person for a construction equipment auction 9706  
license or may revoke a license previously issued if the 9707  
registrar finds that the person: 9708

(1) Is not eligible for the license pursuant to section 9709  
4517.16 of the Revised Code; 9710

(2) Has made any false statement of a material fact in the 9711  
application; 9712

(3) Is of bad business repute or has habitually defaulted 9713  
on financial obligations; 9714

(4) Has been guilty of a fraudulent act in connection with 9715  
selling or otherwise dealing in auctions, vehicles, or 9716  
equipment; 9717

(5) Is insolvent; 9718

(6) Is of insufficient responsibility to ensure the prompt 9719  
payment of any final judgments that might reasonably be entered 9720  
against the applicant because of the transaction of the 9721  
construction equipment auction business during the period of the 9722  
license applied for, or has failed to satisfy any such judgment. 9723

(B) The registrar shall not refuse to issue a license to 9724  
an applicant because of a conviction of or plea of guilty to an 9725  
offense unless the refusal is in accordance with section 9.79 of 9726  
the Revised Code. 9727

(C) Any person who has been denied a license or has had a 9728

license revoked under this section may appeal from the action of 9729  
the registrar to the motor vehicle dealers board in the manner 9730  
provided in section 4517.33 of the Revised Code. 9731

**Sec. 4701.01.** As used in this chapter: 9732

(A) "Practice of public accounting" means performing or 9733  
offering to perform any engagement that will result in the 9734  
issuance of an attest report and, with respect to a person who 9735  
holds a CPA certificate, PA registration, foreign certificate, 9736  
or firm registration, any other services involving the use of 9737  
accounting or auditing skills as established by rules adopted by 9738  
the accountancy board. 9739

(B) "Public accounting firm" means a sole proprietorship, 9740  
a partnership, a limited liability company, a professional 9741  
association, a corporation-for-profit, or any other business 9742  
organization that is engaged in the practice of public 9743  
accounting in this state. 9744

(C) "Opinion report" means any opinion on a financial 9745  
statement that is expressed in accordance with generally 9746  
accepted auditing standards as to the fairness of presentation 9747  
of information and that is used for guidance in financial 9748  
transactions, for accounting, or for assessing the status or 9749  
performance of commercial and noncommercial enterprises, whether 9750  
public, private, or governmental. 9751

(D) "Peer review" means a study, appraisal, or review of 9752  
one or more aspects of the professional work of a public 9753  
accounting firm that meets the standards and requirements set 9754  
forth by the accountancy board. 9755

(E) "Review report" means either of the following: 9756

(1) Any review report on a financial statement that is 9757

issued with respect to any of the following: 9758

(a) Interim financial information in accordance with 9759  
generally accepted auditing standards; 9760

(b) The financial information of a nonpublic entity in 9761  
accordance with statements on standards for accounting and 9762  
review services; 9763

(c) The reliability of another party's written assertion 9764  
in accordance with statements on standards for attestation 9765  
engagements. 9766

(2) Any other review report on a financial statement that 9767  
is not described in division (E) (1) of this section and that is 9768  
issued in accordance with standards promulgated by the American 9769  
institute of certified public accountants. 9770

(F) "Compilation report" means any compilation report on a 9771  
financial statement that is issued with respect to financial 9772  
information of a nonpublic entity in accordance with statements 9773  
on standards for accounting and review services as promulgated 9774  
by the American institute of certified public accountants. 9775

(G) "Examination report" means any examination report on a 9776  
financial statement that is issued with respect to another 9777  
party's written assertion in accordance with statements on 9778  
standards for attestation engagements as promulgated by the 9779  
American institute of certified public accountants. 9780

(H) "Agreed-upon procedures report" means any report that 9781  
is on a financial statement and that is based on agreed-upon 9782  
procedures issued with respect to another party's written 9783  
assertion in accordance with statements on standards for 9784  
attestation engagements as promulgated by the American institute 9785  
of certified public accountants. 9786

(I) "Qualified firm" means a sole proprietorship, 9787  
partnership, professional association, corporation-for-profit, 9788  
limited liability company, or other business organization in 9789  
which the individuals who own a majority of the business 9790  
organization interests in the business organization and control 9791  
the business organization hold an Ohio permit or a foreign 9792  
certificate. 9793

(J) "Own" means any direct or indirect ownership of an 9794  
equity interest in a public accounting firm or qualified firm. 9795

(K) "Control" or "controlled" means the right to exercise 9796  
the majority of the voting equity interests in a public 9797  
accounting firm or qualified firm with respect to any matter. 9798

(L) "Equity interest" means any capital interest or profit 9799  
interest in a sole proprietorship, partnership, professional 9800  
association, corporation-for-profit, limited liability company, 9801  
or other business organization. 9802

(M) "Ohio permit" means a permit to practice public 9803  
accounting issued under division (A) of section 4701.10 of the 9804  
Revised Code that is not revoked or suspended. 9805

(N) "Ohio registration" means the registration under 9806  
division (B) of section 4701.10 of the Revised Code of a holder 9807  
of a CPA certificate or PA registration who is not in the 9808  
practice of public accounting in this state. 9809

(O) "Firm registration" or "registered firm" means 9810  
registration as a public accounting firm under section 4701.04 9811  
of the Revised Code. 9812

(P) "PA registration" means registration as a public 9813  
accountant under section 4701.07 of the Revised Code that is not 9814  
revoked or suspended. 9815



(Q) "CPA certificate" means a certificate issued under 9816  
section 4701.06 or 4701.061 of the Revised Code that is not 9817  
revoked or suspended. 9818

(R) "Foreign certificate" means a license, permit, 9819  
certificate, or registration issued to a certified public 9820  
accountant under the laws of another state that authorizes the 9821  
holder to practice public accounting in that state, is valid, is 9822  
in good standing, and has not expired. 9823

(S) "Attest report" means an opinion report, review 9824  
report, compilation report, examination report, agreed-upon 9825  
procedures report, or any similar report prepared in accordance 9826  
with standards established by the American institute of 9827  
certified public accountants with respect to a financial 9828  
statement or other financial information. 9829

(T) "Person" means any individual, corporation-for-profit, 9830  
business trust, estate, partnership, limited liability company, 9831  
professional association, or other business organization. 9832

(U) Technical terms that define specific public accounting 9833  
engagements have the same meanings as in the professional 9834  
standards promulgated by the American institute of certified 9835  
public accountants. 9836

~~(V) (1) "Good moral character" means the combination of 9837  
personal traits of honesty, integrity, attention to duty, 9838  
forthrightness, and self-restraint that enables a person to 9839  
discharge the duties of the accounting profession fully and 9840  
faithfully. 9841~~

~~(2) A history of dishonest acts or felonious acts or 9842  
convictions is sufficient to prove lack of good moral character 9843  
if that history demonstrates by a preponderance of the evidence 9844~~

~~that the person lacks one or more of the personal traits— 9845  
referred to in division (V) (1) of this section. A person who has— 9846  
a felony conviction related to one or more of those personal— 9847  
traits bears the burden of establishing the person's present— 9848  
good moral character, including the person's full and complete— 9849  
rehabilitation subsequent to the conviction. If less than one— 9850  
year has passed since the completion of the person's sentence on— 9851  
a felony conviction, including any period under a community— 9852  
control sanction or post-release control, the board may delay— 9853  
any determination of the person's good moral character until one— 9854  
year has passed from the time of the completion of that— 9855  
sentence. 9856~~

~~(3) In determining whether a person who has a felony— 9857  
conviction has met the person's burden of proof described in— 9858  
division (V) (2) of this section, the accountancy board may— 9859  
consider the following factors: 9860~~

~~(a) The person's path toward professional licensing— 9861  
following completion of the person's sentence; 9862~~

~~(b) The nature and degree of the person's academic— 9863  
achievements; 9864~~

~~(c) The nature and degree of the person's employment— 9865  
following completion of the person's sentence; 9866~~

~~(d) The person's degree of self-sufficiency following— 9867  
completion of the person's sentence; 9868~~

~~(e) The nature and degree of the person's other— 9869  
responsibilities following completion of the person's sentence; 9870~~

~~(f) The person's conviction for any other criminal offense— 9871  
since completion of the person's sentence for the person's first— 9872  
felony conviction; 9873~~

~~(g) Whether the person's application or presentation contains any inconsistencies or misleading explanations that convince the board that either the person or the person's attorney is trying to keep the board from acquiring a true, though damaging, representation of the person's character;~~ 9874  
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~~(h) The nature and circumstances of the dishonest acts or felonious acts or convictions of the person;~~ 9879  
9880

~~(i) Any other specifically identifiable information that the board determines to be relevant to the person's ability to discharge the duties of the accounting profession fully and faithfully.~~ 9881  
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**Sec. 4701.06.** The accountancy board shall grant the certificate of "certified public accountant" to any person who satisfies the following requirements: 9885  
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(A) The person is a resident of this state or has a place of business in this state or, as an employee, is regularly employed in this state. The board may determine by rule circumstances under which the residency requirement may be waived. 9888  
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(B) The person has attained the age of eighteen years. 9893

~~(C) The person is of good moral character.~~ 9894

~~(D) The person meets the following requirements of education and experience:~~ 9895  
9896

(1) (a) Prior to January 1, 2000, graduation with a baccalaureate degree conferred by a college or university recognized by the board, with a concentration in accounting that includes related courses in other areas of business administration, or what the board determines to be substantially 9897  
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the equivalent of the foregoing; 9902

(b) On and after January 1, 2000, graduation with a 9903  
baccalaureate or higher degree that includes successful 9904  
completion of one hundred fifty semester hours of undergraduate 9905  
or graduate education. The board by rule shall specify graduate 9906  
degrees that satisfy this requirement and also by rule shall 9907  
require any subjects that it considers appropriate. The total 9908  
educational program shall include an accounting concentration 9909  
with related courses in other areas of business administration, 9910  
as defined by board rule. 9911

(2) (a) The experience requirement for candidates meeting 9912  
the educational requirements set forth in division ~~(D)~~(C) (1) (a) 9913  
or (b) of this section is one year of experience satisfactory to 9914  
the board in any of the following: 9915

(i) A public accounting firm; 9916

(ii) Government; 9917

(iii) Business; 9918

(iv) Academia. 9919

(b) Except as provided in division ~~(D)~~(C) (2) (c) of this 9920  
section, the experience requirement for any candidate who, on 9921  
and after January 1, 2000, does not meet the educational 9922  
requirement set forth in division ~~(D)~~(C) (1) (b) of this section 9923  
is four years of experience described in division ~~(D)~~(C) (2) (a) 9924  
of this section. The experience requirement for any candidate 9925  
who, prior to January 1, 2000, does not meet the educational 9926  
requirement set forth in division ~~(D)~~(C) (1) (a) of this section 9927  
is two years of experience described in division ~~(D)~~(C) (2) (a) of 9928  
this section. 9929

(c) On and after January 1, 2000, the experience 9930  
requirement for any candidate who, subsequent to obtaining a 9931  
baccalaureate or higher degree, other than a baccalaureate or 9932  
higher degree described in division ~~(D)~~(C) (1) (b) of this 9933  
section, successfully completes coursework that meets the 9934  
educational requirement set forth in division ~~(D)~~(C) (1) (b) of 9935  
this section is two years of experience described in division 9936  
~~(D)~~(C) (2) (a) of this section. 9937

~~(E)~~(D) The person has passed an examination that is 9938  
administered in the manner and that covers the subjects that the 9939  
board prescribes by rule. In adopting the relevant rules, the 9940  
board shall ensure to the extent possible that the examination, 9941  
the examination process, and the examination's passing standard 9942  
are uniform with the examinations, examination processes, and 9943  
examination passing standards of all other states and may 9944  
provide for the use of all or parts of the uniform certified 9945  
public accountant examination and advisory grading service of 9946  
the American institute of certified public accountants. The 9947  
board may contract with third parties to perform administrative 9948  
services that relate to the examination and that the board 9949  
determines are appropriate in order to assist the board in 9950  
performing its duties in relation to the examination. 9951

None of the educational requirements specified in division 9952  
~~(D)~~(C) of this section apply to a candidate who has a PA 9953  
registration, but the experience requirement for the candidate 9954  
who does not meet those educational requirements is four years 9955  
of the experience described in division ~~(D)~~(C) (2) (a) of this 9956  
section. 9957

~~Prior to January 1, 2000, the board shall waive the 9958  
educational requirement set forth in division (D) (1) (a) of this 9959~~

~~section for any candidate if it finds that the candidate has~~ 9960  
~~attained the equivalent education by attendance at a business~~ 9961  
~~school, by self study, or otherwise, and if it is satisfied from~~ 9962  
~~the results of special examinations that the board gives the~~ 9963  
~~candidate to test the candidate's educational qualifications~~ 9964  
~~that the candidate is as well equipped, educationally, as if the~~ 9965  
~~candidate met the applicable educational requirement specified~~ 9966  
~~in division (D) (1) (a) of this section.~~ 9967

~~On and after January 1, 2000, the~~The board shall waive the 9968  
educational requirement set forth in division ~~(D)~~(C) (1) (b) of 9969  
this section for any candidate if the board finds that the 9970  
candidate has obtained from an accredited college or university 9971  
approved by the board, either an associate degree or a 9972  
baccalaureate degree, other than a baccalaureate degree 9973  
described in division ~~(D)~~(C) (1) (b) of this section, with a 9974  
concentration in accounting that includes related courses in 9975  
other areas of business administration, and if the board is 9976  
satisfied from the results of special examinations that the 9977  
board gives the candidate to test the candidate's educational 9978  
qualification that the candidate is as well equipped, 9979  
educationally, as if the candidate met the applicable 9980  
educational requirement specified in division ~~(D)~~(C) (1) (b) of 9981  
this section. 9982

The board shall provide by rule for the general scope of 9983  
any special examinations for a waiver of the educational 9984  
requirements under division ~~(D)~~(C) (1) (a) or (b) of this section 9985  
and may obtain any advice and assistance that it considers 9986  
appropriate to assist it in preparing and grading those special 9987  
examinations. The board may use any existing examinations or may 9988  
prepare any number of new examinations to assist in determining 9989  
the equivalent training of a candidate. The board by rule shall 9990

prescribe any special examinations for a waiver of the 9991  
educational requirements under division ~~(D)~~(C) (1) (a) or (b) of 9992  
this section and the passing score required for each 9993  
examination. 9994

The board shall hold the examination referred to in 9995  
division ~~(E)~~(D) of this section and the special examinations 9996  
for a waiver of the educational requirements under division ~~(D)~~ 9997  
(C) (1) (a) or (b) of this section as often as the board 9998  
determines to be desirable, but the examination referred to in 9999  
division ~~(E)~~(D) of this section shall be held not less 10000  
frequently than once each year. The board by rule may provide 10001  
for granting credit to a candidate for satisfactory completion 10002  
of an examination that a licensing authority of another state 10003  
gave in one or more of the subjects referred to in division ~~(E)~~ 10004  
(D) of this section. 10005

A candidate who has met the educational requirements, or 10006  
with respect to whom they either do not apply or have been 10007  
waived, is eligible to take the examination referred to in 10008  
division ~~(E)~~(D) of this section without waiting until the 10009  
candidate meets the experience requirements, provided the 10010  
candidate also meets the ~~requirements~~requirement of divisions 10011  
division (A) ~~and (C)~~ of this section. 10012

A candidate for the certificate of certified public 10013  
accountant who has successfully completed the examination under 10014  
division ~~(E)~~(D) of this section has no status as a certified 10015  
public accountant, unless and until the candidate has the 10016  
requisite experience and has received a certificate as a 10017  
certified public accountant. The board shall determine and 10018  
charge a fee for issuing the certificate that is adequate to 10019  
cover the expense. 10020

The board by rule may prescribe the terms and conditions 10021  
under which a candidate who passes part but not all of the 10022  
examination may retake the examination. It also may provide by 10023  
rule for a reasonable waiting period for a candidate's 10024  
reexamination. 10025

The applicable educational and experience requirements 10026  
under division ~~(D)~~(C) of this section shall be those in effect 10027  
on the date on which the candidate first sits for the 10028  
examination. 10029

The board shall charge a candidate a reasonable fee, to be 10030  
determined by the board, that is adequate to cover all rentals, 10031  
compensation for proctors, and other administrative expenses of 10032  
the board related to examination or reexamination, including the 10033  
expenses of procuring and grading the examination provided for 10034  
in division ~~(E)~~(D) of this section and for any special 10035  
examinations for a waiver of the educational requirements under 10036  
division ~~(D)~~(C) (1) (a) or (b) of this section. Fees for 10037  
reexamination under division ~~(E)~~(D) of this section shall be 10038  
charged by the board in amounts determined by it. The applicable 10039  
fees shall be paid by the candidate at the time the candidate 10040  
applies for examination or reexamination. 10041

Any person who has received from the board a certificate 10042  
as a certified public accountant and who holds an Ohio permit 10043  
shall be styled and known as a "certified public accountant" and 10044  
also may use the abbreviation "CPA." The board shall maintain a 10045  
list of certified public accountants. Any certified public 10046  
accountant also may be known as a "public accountant." 10047

Persons who, on the effective date of an amendment of this 10048  
section, held certified public accountant certificates 10049  
previously issued under the laws of this state shall not be 10050



required to obtain additional certificates under this section 10051  
but shall otherwise be subject to all provisions of this 10052  
section, and those previously issued certificates, for all 10053  
purposes, shall be considered certificates issued under this 10054  
section and subject to its provisions. 10055

The board may waive the examination under division ~~(E)~~(D) 10056  
of this section and, upon payment of a fee determined by it, may 10057  
issue a certificate as a "certified public accountant" to any 10058  
person who possesses the qualifications specified in divisions 10059  
(A) 7 and (B) 7 ~~and (C)~~ of this section and what the board 10060  
determines to be substantially the equivalent of the applicable 10061  
qualifications under division ~~(D)~~(C) of this section and who is 10062  
the holder of a certificate as a certified public accountant, 10063  
then in full force and effect, issued under the laws of any 10064  
state, or is the holder of a certificate, license, or degree in 10065  
a foreign country that constitutes a recognized qualification 10066  
for the practice of public accounting in that country, that is 10067  
comparable to that of a certified public accountant of this 10068  
state, and that is then in full force and effect. 10069

**Sec. 4701.07.** The accountancy board shall register as a 10070  
public accountant any person who meets all the following 10071  
requirements: 10072

(A) The person is a resident of this state or has a place 10073  
of business in this state. 10074

(B) The person has attained the age of eighteen years. 10075

(C) ~~The person is of good moral character.~~ 10076

~~(D)~~The person holds a baccalaureate or higher degree 10077  
conferred by a college or university recognized by the board, 10078  
with a concentration in accounting, or with what the board 10079

determines to be substantially the equivalent of the foregoing; 10080  
or with a nonaccounting concentration supplemented by what the 10081  
board determines to be substantially the equivalent of an 10082  
accounting concentration, including related courses in other 10083  
areas of business administration. 10084

The board may waive the educational requirement for any 10085  
candidate if it finds that the candidate has attained the 10086  
equivalent education by attendance at a business school or two- 10087  
year college, by self-study, or otherwise, and if it is 10088  
satisfied from the result of a special written examination that 10089  
the board gives the candidate to test the candidate's 10090  
educational qualifications that the candidate is as well 10091  
equipped, educationally, as if the candidate met the applicable 10092  
educational requirement specified in this division. The board 10093  
may provide by rule for the general scope of these examinations 10094  
and may obtain any advice and assistance that it considers 10095  
appropriate to assist it in preparing and grading the special 10096  
examinations. The board may use any existing examinations or may 10097  
prepare any number of new examinations to assist it in 10098  
determining the equivalent training of a candidate. The board by 10099  
rule may prescribe the special examinations and the passing 10100  
score required for each examination. 10101

~~(E)~~ (D) The person has completed two years of public 10102  
accounting experience, satisfactory to the board, in any state 10103  
in practice as a public accountant or in any state in employment 10104  
as a staff accountant by anyone practicing public accounting, or 10105  
other experience in private or governmental accounting that, in 10106  
the opinion of the board, will be the equivalent of that public 10107  
accounting practice, or any combination of those types of 10108  
experience, except that the experience requirement is only one 10109  
year of the experience described in this division for any 10110

candidate holding a master's degree in accounting or business 10111  
administration from a college or university recognized by the 10112  
board, if the candidate has satisfactorily completed the number 10113  
of credit hours in accounting, business administration, 10114  
economics, and any related subjects that the board determines to 10115  
be appropriate and if either of the following applies: 10116

(1) The person has passed the uniform national society of 10117  
public accountants examination or a comparable examination 10118  
approved by the public accountant members of the accountancy 10119  
board. 10120

(2) The person has passed the accounting practice and 10121  
auditing sections of the uniform CPA examination. 10122

The examination described in division ~~(E)~~(D) (1) of this 10123  
section shall be held by the board and shall take place as often 10124  
as the board determines but shall not be held less frequently 10125  
than once each year. The board shall charge a candidate an 10126  
application fee, to be determined by the board, that is adequate 10127  
to cover all rentals, compensation for proctors, and other 10128  
expenses of the board related to examination or reexamination 10129  
except the expenses of procuring and grading the examination. In 10130  
addition, the board shall charge the candidate an examination 10131  
fee to be determined by the board, that is adequate to cover the 10132  
expense of procuring and grading the examination. Fees for 10133  
reexamination under division ~~(E)~~(D) of this section also shall 10134  
be charged by the board in amounts determined by it to be 10135  
adequate to cover the expenses of procuring and grading the 10136  
examinations. The applicable fees shall be paid by the candidate 10137  
at the time the candidate applies for examination or 10138  
reexamination. 10139

~~(F)~~(E) The person applied, on or before April 16, 1993, 10140

for registration as a public accountant. 10141

The board shall determine and charge a fee for 10142  
registration under this section that is adequate to cover the 10143  
expense. 10144

The board in each case shall determine whether the 10145  
applicant is eligible for registration. Any individual who is so 10146  
registered and who holds an Ohio permit shall be styled and 10147  
known as a "public accountant" and may use the abbreviation 10148  
"PA." 10149

A person who, on the effective date of an amendment of 10150  
this section, holds a valid registration as a public accountant 10151  
issued under the laws of this state shall not be required to 10152  
obtain additional registration under this section but shall 10153  
otherwise be subject to all provisions of this section. That 10154  
registration, for all purposes, shall be considered a 10155  
registration issued under this section and subject to its 10156  
provisions. 10157

**Sec. 4701.08.** (A) As used in this section, "license" and 10158  
"applicant for an initial license" have the same meanings as in 10159  
section 4776.01 of the Revised Code, except that "license" as 10160  
used in both of those terms refers to the types of 10161  
authorizations otherwise issued or conferred under this chapter. 10162

(B) In addition to any other eligibility requirement set 10163  
forth in this chapter, each applicant for an initial license 10164  
shall comply with sections 4776.01 to 4776.04 of the Revised 10165  
Code. The accountancy board shall not grant a license to an 10166  
applicant for an initial license unless the applicant complies 10167  
with sections 4776.01 to 4776.04 of the Revised Code ~~and the~~ 10168  
~~board, in its discretion, decides that the results of the~~ 10169

~~criminal records check do not make the applicant ineligible for a license issued pursuant to section 4701.06, 4701.061, 4701.07, 4701.09, or 4701.10 of the Revised Code.~~ 10170  
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10172

**Sec. 4701.09.** The accountancy board may, in its 10173  
discretion, upon the payment of a fee not to exceed seventy-five 10174  
dollars, permit the registration of any person ~~of good moral~~ 10175  
~~character~~ who is the holder of a certificate, license, or degree 10176  
in a foreign country constituting a recognized qualification for 10177  
the practice of public accounting in such country. A person so 10178  
registered shall use only the title under which ~~he~~ the person is 10179  
generally known in ~~his~~ the person's own country, followed by the 10180  
name of the country from which ~~he~~ the person received ~~his~~ the 10181  
person's certificate, license, or degree. 10182

**Sec. 4701.17.** Upon application in writing and after 10183  
hearing pursuant to notice, the accountancy board may reissue or 10184  
reinstate a certificate to a certified public accountant whose 10185  
certificate has been revoked or suspended or reregister anyone 10186  
whose registration has been revoked or suspended. 10187

The board may require a reasonable waiting period, 10188  
commensurate with the offense, before a certificate holder or 10189  
registrant whose certificate or registration has been revoked or 10190  
suspended may apply to have the certificate or registration 10191  
reissued or reinstated. The board may require compliance with 10192  
any or all requirements of section 4701.06 of the Revised Code, 10193  
including the taking of any examination described in division 10194  
~~(E)~~ (D) of that section as a prerequisite for recertification. 10195  
The board may require compliance with any or all of the 10196  
requirements of section 4701.07 of the Revised Code, including 10197  
the taking of any examination described in division ~~(E)~~ (D) of 10198  
that section as a prerequisite for reregistration. 10199

**Sec. 4703.07.** Unless certified and registered pursuant to 10200  
rules adopted under section 4703.08 of the Revised Code, an 10201  
applicant for a certificate of qualification to practice 10202  
architecture shall: 10203

(A) Be at least eighteen years of age; 10204

~~(B) Be of good moral character;~~ 10205

~~(C)~~ Submit satisfactory evidence of having obtained a 10206  
professional degree in architecture from a school having a 10207  
program accredited by the national accrediting board recognized 10208  
by the architects board or other equivalent architectural 10209  
education as is recognized by the architects board; 10210

~~(D)~~ (C) Complete the requirements for training under an 10211  
internship program established or adopted by the architects 10212  
board, including, but not limited to, design and construction 10213  
documents, construction administration and office management, or 10214  
equivalent experience acceptable to the board; 10215

~~(E)~~ (D) Pass an examination as prescribed by the board. 10216

**Sec. 4703.10.** If the applicant passes the examination 10217  
under section 4703.09 of the Revised Code or in lieu of the 10218  
examination is, in the opinion of the architects board, eligible 10219  
to register as an architect pursuant to rules adopted under 10220  
section 4703.08 of the Revised Code, ~~and in addition has proven~~ 10221  
~~self to be of good moral character,~~ the applicant is eligible to 10222  
receive from the board a certificate of qualification to 10223  
practice architecture. The certificate shall be signed by the 10224  
president and secretary of the board and shall bear the name of 10225  
the successful applicant, the serial number of the certificate, 10226  
the seal of the board, and the words, "admitted to practice 10227  
architecture in the state of Ohio, the ..... day 10228

of .....," ...." 10229

If the applicant fails the examination under section 10230  
4703.09 of the Revised Code, the board may refuse to issue a 10231  
certificate of qualification to practice architecture. 10232

**Sec. 4703.34.** (A) Any individual desiring to be registered 10233  
as a landscape architect may apply in writing to the Ohio 10234  
landscape architects board in the manner prescribed by the 10235  
board. 10236

(B) Except as provided in section 4703.35 of the Revised 10237  
Code, each application shall include, or be accompanied by, 10238  
evidence given under oath or affirmation and satisfactory to the 10239  
board that the applicant possesses the qualifications prescribed 10240  
by division (C) of this section and also possesses, or is in the 10241  
process of obtaining, one of the qualifications required by 10242  
division (D) of this section. Each applicant shall include in 10243  
the application a request for examination. The board shall 10244  
permit an applicant who is in the process of completing the 10245  
requirement specified in division (D) of this section to take an 10246  
examination, but the board shall not register such an applicant 10247  
until the applicant completes the requirement. 10248

(C) Except as provided in section 4703.35 of the Revised 10249  
Code, each applicant for registration as a landscape architect 10250  
shall pass, to the satisfaction of the board, an examination 10251  
conducted under the authority of the board to determine the 10252  
fitness of the applicant for registration. The applicant shall 10253  
be at least eighteen years of age ~~and of good moral character~~ 10254  
and shall have obtained a professional degree in landscape 10255  
architecture from a program accredited by the national landscape 10256  
architect accrediting board. 10257

(D) In addition to the qualifications required by division 10258  
(C) of this section, the applicant shall meet either of the 10259  
following requirements: 10260

(1) Has completed three years of practical experience in 10261  
the office of and under the direct supervision of a registered 10262  
landscape architect who is actively involved in the practice of 10263  
landscape architecture, or equivalent experience, as determined 10264  
by the board, provided that at least one year of the practical 10265  
experience or its equivalent as required by division (D)(1) of 10266  
this section shall have been completed by the applicant 10267  
subsequent to the completion of the educational requirements 10268  
established by division (C) of this section; 10269

(2) Has completed the requirements for training under an 10270  
internship program established pursuant to rules adopted by the 10271  
board that includes, but is not limited to, training in design 10272  
and construction documents and construction administration and 10273  
office management, or has equivalent experience that is 10274  
acceptable to the board. 10275

**Sec. 4707.02.** (A) No person shall act as an auction firm, 10276  
auctioneer, apprentice auctioneer, or special auctioneer within 10277  
this state without a license issued by the department of 10278  
agriculture. No auction shall be conducted in this state except 10279  
by an auctioneer licensed by the department. 10280

~~The~~ Except as provided in division (D) of this section, 10281  
the department shall not issue or renew a license if the 10282  
applicant or licensee has been convicted of a felony or crime 10283  
involving fraud or theft in this or another state at any time 10284  
during the ten years immediately preceding application or 10285  
renewal. 10286



(B) Division (A) of this section does not apply to any of the following: 10287  
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(1) Sales at auction that either are required by law to be at auction, other than sales pursuant to a judicial order or decree, or are conducted by or under the direction of a public authority; 10289  
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(2) The owner of any real or personal property desiring to sell the property at auction, provided that the property was not acquired for the purpose of resale; 10293  
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(3) An auction mediation company; 10296

(4) An auction that is conducted in a course of study for auctioneers that is approved by the state auctioneers commission created under section 4707.03 of the Revised Code for purposes of student training and is supervised by a licensed auctioneer; 10297  
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(5) (a) An auction that is sponsored by a nonprofit or charitable organization that is registered in this state under Chapter 1702. or Chapter 1716. of the Revised Code, respectively, if the auction only involves the property of the members of the organization and the auction is part of a fair that is organized by an agricultural society under Chapter 1711. of the Revised Code or by the Ohio expositions commission under Chapter 991. of the Revised Code at which an auctioneer who is licensed under this chapter physically conducts the auction; 10301  
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(b) Sales at an auction sponsored by a charitable, religious, or civic organization that is tax exempt under subsection 501(c)(3) of the Internal Revenue Code, or by a public school, chartered nonpublic school, or community school, if no person in the business of organizing, arranging, or conducting an auction for compensation and no consignor of 10310  
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consigned items sold at the auction, except such organization or school, receives compensation from the proceeds of the auction. As used in division (B) (5) (b) of this section, "compensation" means money, a thing of value other than participation in a charitable event, or a financial benefit.

(c) Sales at an auction sponsored by an organization that is tax exempt under subsection 501(c) (6) of the Internal Revenue Code and that is a part of a national, regional, or state convention or conference that advances or promotes the auction profession in this state when the property to be sold is donated to or is the property of the organization and the proceeds remain within the organization or are donated to a charitable organization that is tax exempt under subsection 501(c) (3) of the Internal Revenue Code.

(6) A person licensed as a livestock dealer under Chapter 943. of the Revised Code who exclusively sells livestock and uses an auctioneer who is licensed under this chapter to conduct the auction;

(7) A person licensed as a motor vehicle auction owner under Chapter 4517. of the Revised Code who exclusively sells motor vehicles to a person licensed under Chapter 4517. of the Revised Code and who uses an auctioneer who is licensed under this chapter to conduct the auction;

(8) Sales of real or personal property conducted by means of the internet, provided that they are not conducted in conjunction with a live auction;

(9) A bid calling contest that is approved by the commission and that is conducted for the purposes of the advancement or promotion of the auction profession in this

state; 10345

(10) An auction at which the champion of a national or 10346  
international bid calling contest appears, provided that both of 10347  
the following apply: 10348

(a) The champion is not paid a commission. 10349

(b) The auction is conducted under the direct supervision 10350  
of an auctioneer licensed under this chapter in order to ensure 10351  
that the champion complies with this chapter and rules adopted 10352  
under it. 10353

(C) (1) No person shall advertise or hold oneself out as an 10354  
auction firm, auctioneer, apprentice auctioneer, or special 10355  
auctioneer without a license issued by the department of 10356  
agriculture. 10357

(2) Division (C) (1) of this section does not apply to an 10358  
individual who is the subject of an advertisement regarding an 10359  
auction conducted under division (B) (5) (b) of this section. 10360

(D) The department shall not refuse to issue a license to 10361  
an applicant because of a criminal conviction unless the refusal 10362  
is in accordance with section 9.79 of the Revised Code. 10363

**Sec. 4707.07.** (A) The department of agriculture may grant 10364  
~~auctioneers'~~ auctioneer's licenses to those individuals who are 10365  
determined to be qualified by the department. Each individual 10366  
who applies for an auctioneer's license shall furnish to the 10367  
department, on forms provided by the department, satisfactory 10368  
proof that the applicant: 10369

(1) ~~Has a good reputation;~~ 10370

~~(2) Is of trustworthy character;~~ 10371

<del>(3)</del> —Has attained the age of at least eighteen years;	10372
<del>(4)</del> — <u>(2)</u> Has done one of the following:	10373
(a) Met the apprenticeship requirements set forth in section 4707.09 of the Revised Code;	10374 10375
(b) Met the requirements of section 4707.12 of the Revised Code.	10376 10377
<del>(5)</del> — <u>(3)</u> Has a general knowledge of the following:	10378
(a) The requirements of the Revised Code relative to auctioneers;	10379 10380
(b) The auction profession;	10381
(c) The principles involved in conducting an auction;	10382
(d) Any local and federal laws regarding the profession of auctioneering.	10383 10384
<del>(6)</del> — <u>(4)</u> Has satisfied the financial responsibility requirements established under section 4707.11 of the Revised Code if applicable.	10385 10386 10387
(B) Auctioneers who served apprenticeships and who hold licenses issued before May 1, 1991, and who seek renewal of their licenses, are not subject to the additional apprenticeship requirements imposed by section 4707.09 of the Revised Code.	10388 10389 10390 10391
(C) A licensee may do business under more than one registered name, but not to exceed three registered names, provided that the names have been approved by the department. The department may reject the application of any person seeking licensure under this chapter if the name or names to be used by the applicant are likely to mislead the public, or if the name or names do not distinguish the applicant from the name or names	10392 10393 10394 10395 10396 10397 10398

of any existing person licensed under this chapter. If an 10399  
applicant applies to the department to do business under three 10400  
names, the department may charge a fee of ten dollars for the 10401  
third name. 10402

(D) The department, in its discretion, may waive the 10403  
schooling and apprenticeship requirements for a resident of this 10404  
state, provided that the resident holds a valid ~~auctioneer~~ 10405  
auctioneer's license that was issued by a state with which the 10406  
department has entered into a reciprocal licensing agreement and 10407  
the resident is in good standing with that state. The applicant 10408  
shall provide proof that is satisfactory to the department that 10409  
the applicant has had two years of experience as an auctioneer 10410  
immediately preceding the date of application that includes at a 10411  
minimum twelve auctions in which the applicant was a bid caller 10412  
in the reciprocal state. 10413

**Sec. 4707.09.** The department of agriculture may grant 10414  
apprentice auctioneers' licenses to those persons that are 10415  
determined to be qualified by the department. Every applicant 10416  
for an apprentice auctioneer's license shall pass an examination 10417  
relating to the skills, knowledge, and statutes and rules 10418  
governing auctioneers. Every applicant for an apprentice 10419  
auctioneer's license shall furnish to the department, on forms 10420  
provided by the department, satisfactory proof that the 10421  
applicant: 10422

(A) ~~Has a good reputation;~~ 10423

~~(B) Is of trustworthy character;~~ 10424

~~(C) Has attained the age of at least eighteen years;~~ 10425

~~(D)~~ (B) Has obtained a written promise of a licensed 10426  
auctioneer to sponsor the applicant during the applicant's 10427

apprenticeship; 10428

~~(E)~~ (C) Has satisfied the financial responsibility 10429  
requirements established under section 4707.11 of the Revised 10430  
Code if applicable; 10431

~~(F)~~ (D) Has successfully completed a course of study in 10432  
auctioneering at an institution that is approved by the state 10433  
auctioneers commission. 10434

Before an apprentice may take the auctioneer's license 10435  
examination, the apprentice shall serve an apprenticeship of at 10436  
least twelve months and participate as a bid caller in at least 10437  
twelve auction sales under the direct supervision of the 10438  
sponsoring licensed auctioneer, which auctions shall be 10439  
certified by the licensed auctioneer on the apprentice's 10440  
application for an auctioneer's license. No apprentice 10441  
auctioneer shall be under the sponsorship of more than one 10442  
licensed auctioneer at one time. 10443

If an auctioneer intends to terminate sponsorship of an 10444  
apprentice auctioneer, the sponsoring auctioneer shall notify 10445  
the apprentice auctioneer of the sponsoring auctioneer's 10446  
intention by certified mail, return receipt requested, at least 10447  
ten days prior to the effective date of termination and, at the 10448  
same time, shall deliver or mail by certified mail to the 10449  
department a copy of the termination notice and the license of 10450  
the apprentice auctioneer. No apprentice auctioneer shall 10451  
perform any acts under authority of the apprentice's license 10452  
after the effective date of the termination until the apprentice 10453  
receives a new license. No more than one license shall be issued 10454  
to any apprentice auctioneer for the same period of time. 10455

No licensed auctioneer shall have under the licensed 10456

auctioneer's sponsorship more than two apprentice auctioneers at 10457  
one time. No auctioneer shall sponsor an apprentice auctioneer 10458  
if the auctioneer has not been licensed and in good standing for 10459  
a period of at least two years immediately before sponsoring the 10460  
apprentice auctioneer. A sponsoring auctioneer whose license is 10461  
suspended or revoked shall send to the department the apprentice 10462  
auctioneer's license not later than fourteen days after the 10463  
suspension or revocation. If a sponsoring auctioneer's license 10464  
is suspended or revoked, the apprentice auctioneer shall obtain 10465  
a written promise of sponsorship from another licensed 10466  
auctioneer before performing any acts under the authority of an 10467  
apprentice auctioneer's license. The apprentice auctioneer shall 10468  
send a copy of the written promise of sponsorship of another 10469  
auctioneer to the department. If the department receives a copy 10470  
of such a written promise of sponsorship and the apprentice pays 10471  
the fee established by the department, the department shall 10472  
issue a new license to the apprentice. 10473

An apprentice auctioneer may terminate the apprentice's 10474  
sponsorship with an auctioneer by notifying the auctioneer of 10475  
the apprentice's intention by certified mail, return receipt 10476  
requested, at least ten days prior to the effective date of 10477  
termination. At the same time, the apprentice shall deliver or 10478  
mail by certified mail to the department a copy of the 10479  
termination notice. Upon receiving the termination notice, the 10480  
sponsoring auctioneer shall promptly deliver or mail by 10481  
certified mail to the department the license of the apprentice 10482  
auctioneer. 10483

The termination of a sponsorship, regardless of who 10484  
initiates the termination, shall not be cause for an apprentice 10485  
auctioneer to lose credit for any certified auctions in which 10486  
the apprentice participated as a bid caller or apprenticeship 10487

time the apprentice served under the direct supervision of the 10488  
former sponsor. 10489

**Sec. 4707.15.** (A) The department of agriculture may deny, 10490  
refuse to renew, suspend, or revoke the license of any auction 10491  
firm, auctioneer, apprentice auctioneer, or special auctioneer 10492  
for any of the following causes: 10493

~~(A)~~ (1) Obtaining a license through false or fraudulent 10494  
representation; 10495

~~(B)~~ (2) Making any substantial misrepresentation in an 10496  
application for a license; 10497

~~(C)~~ (3) A continued course of misrepresentation or for 10498  
making false promises through agents, advertising, or otherwise; 10499

~~(D)~~ (4) Specifying that an auction is a reserve auction, 10500  
absolute auction, multi-parcel auction, or estate auction, but 10501  
not conducting the auction as specified; 10502

~~(E)~~ (5) Failing to account for or remit, within a 10503  
reasonable time, any money or property belonging to others that 10504  
comes into the licensee's possession, and for commingling funds 10505  
of others with the licensee's own, or failing to keep funds of 10506  
others in an escrow or trust account, except that in the case of 10507  
a transaction involving real estate, such funds shall be 10508  
maintained in accordance with division (A) (26) of section 10509  
4735.18 of the Revised Code; 10510

~~(F)~~ (6) Paying valuable consideration to any person who 10511  
has violated this chapter; 10512

~~(G) Conviction~~ (7) Except as provided in division (B) of 10513  
this section, conviction in a court of competent jurisdiction of 10514  
this state or any other state of a criminal offense involving 10515



fraud, forgery, embezzlement, false pretenses, extortion,	10516
conspiracy to defraud, or another similar offense or a felony;	10517
<del>(H)</del> <u>(8)</u> Violation of this chapter or rules adopted under	10518
it;	10519
<del>(I)</del> <u>(9)</u> Failure to furnish voluntarily at the time of	10520
execution, copies of all written instruments prepared by the	10521
auctioneer or auction firm;	10522
<del>(J)</del> <u>(10)</u> Any conduct of a person that is licensed under	10523
this chapter that demonstrates bad faith, dishonesty,	10524
incompetency, or untruthfulness;	10525
<del>(K)</del> <u>(11)</u> Any other conduct <u>of a person that is licensed</u>	10526
<u>under this chapter</u> that constitutes improper, fraudulent, or	10527
dishonest dealings;	10528
<del>(L)</del> <u>(12)</u> Failing prior to the sale at public auction to	10529
enter into a written contract with the owner or consignee of any	10530
property to be sold, containing the terms and conditions upon	10531
which the licensee received the property for auction;	10532
<del>(M)</del> <u>(13)</u> The use of any power of attorney to circumvent	10533
this chapter;	10534
<del>(N)</del> <u>(14)</u> Failure to display either of the following:	10535
<del>(1)</del> <u>(a)</u> The sign required under section 4707.22 of the	10536
Revised Code; or	10537
<del>(2)</del> <u>(b)</u> A notice conspicuously at the clerk's desk or on a	10538
bid card that clearly states the terms and conditions of the	10539
auction and, if applicable, an explanation of the multi-parcel	10540
auction process <del>†</del> .	10541
<del>(O)</del> <u>(15)</u> Failure to notify the department of any	10542

conviction of a felony or crime involving fraud within fifteen days of conviction; 10543  
10544

~~(P)~~ (16) Aiding an unlicensed person in the performance of services or acts that require a license under this chapter; 10545  
10546

~~(Q)~~ (17) The suspension or revocation of a license to engage in auctioneering or other disciplinary action by the licensing authority of another state; 10547  
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~~(R)~~ (18) The refusal or disapproval by the licensing authority of another state of an application for a license to engage in auctioneering; 10550  
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10552

~~(S)~~ (19) Failure of a licensee to notify the department of agriculture within fifteen days of a disciplinary action against the licensee by another state's applicable governing authority; 10553  
10554  
10555

~~(T)~~ (20) Engaging in auctioneering or providing auction services without a license or during the suspension of a license; 10556  
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~~(U)~~ (21) Attempting to cheat or cheating on an auctioneer examination or aiding another to cheat on an examination. 10559  
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(B) The department shall not refuse to issue a license to an applicant because of a criminal conviction unless the refusal is in accordance with section 9.79 of the Revised Code. 10561  
10562  
10563

**Sec. 4707.19.** (A) The director of agriculture may adopt reasonable rules necessary for the implementation of this chapter in accordance with Chapter 119. of the Revised Code. In addition, the director shall adopt rules in accordance with Chapter 119. of the Revised Code that establish the portion of license fees collected under this chapter that are to be deposited into the auction recovery fund under section 4707.25 10564  
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of the Revised Code. 10571

No person shall fail to comply with a rule adopted under 10572  
this chapter. 10573

(B) The director shall adopt rules that establish a 10574  
schedule of civil penalties for violations of this chapter, 10575  
rules adopted under it, or orders issued under it. The rules 10576  
shall provide that the civil penalty for the first violation of 10577  
this chapter, rule, or order shall not exceed five thousand 10578  
dollars and the civil penalty for each subsequent offense shall 10579  
not exceed ten thousand dollars. In addition, the director, in 10580  
establishing the schedule of civil penalties in the rules, shall 10581  
consider past violations of this chapter and rules adopted under 10582  
it, the severity of a violation, and the amount of actual or 10583  
potential damage to the public or the auction profession. 10584

(C) The department of agriculture may hear testimony in 10585  
matters relating to the duties imposed on it, and any person 10586  
authorized by the director may administer oaths. The department 10587  
may require other proof of the honesty, and truthfulness, ~~and~~ 10588  
~~good reputation~~ of any person named in the application for an 10589  
auction firm's, auctioneer's, apprentice auctioneer's, or 10590  
special auctioneer's license before admitting the applicant to 10591  
an examination or issuing a license. 10592

**Sec. 4707.22.** (A) Any person licensed under this chapter 10593  
who advertises, by linear advertisements or otherwise, to hold 10594  
or conduct an auction shall indicate in the advertisement the 10595  
licensee's name or the name registered with the department of 10596  
agriculture and that the licensee is an auctioneer or apprentice 10597  
auctioneer. Any apprentice auctioneer who advertises, as 10598  
provided in this section, also shall indicate in the 10599  
apprentice's advertisement the name of the auctioneer under whom 10600

the apprentice is licensed. The name of the auctioneer shall be 10601  
displayed in equal prominence with the name of the apprentice 10602  
auctioneer in the advertisement. Any such licensee who 10603  
advertises in a manner other than as provided in this section is 10604  
guilty of violating division ~~(C)~~ (A) (3) of section 4707.15 of 10605  
the Revised Code. 10606

(B) An auction firm licensed under this chapter that 10607  
advertises, by linear advertisements or otherwise, to solicit or 10608  
receive consignments or to provide auction services shall 10609  
indicate in the advertisement the name of the auction firm. In 10610  
addition, an advertisement of an auction of consignments or an 10611  
advertisement by an auction firm of an auction for which the 10612  
auction firm will provide auction services shall comply with 10613  
divisions (A) and (D) of this section. 10614

(C) If an auction to be advertised is an absolute auction, 10615  
all advertisements for the auction shall unequivocally state 10616  
that the auction is an absolute auction. 10617

(D) If an advertisement for an auction contains the words 10618  
"estate auction," or words to that effect, the person licensed 10619  
under this chapter who advertises shall do both of the 10620  
following: 10621

(1) Enter into an agreement directly with the executor, 10622  
administrator, or court appointed designee of the estate 10623  
property; 10624

(2) List prominently in the advertisement the county in 10625  
which the estate is located and the probate court case number of 10626  
the estate. 10627

(E) All persons licensed under this chapter that conduct 10628  
or are involved in an auction jointly are responsible for the 10629

posting of a sign at the auction. The sign shall contain all of 10630  
the following: 10631

(1) The name of all licensed persons involved in the 10632  
auction; 10633

(2) A statement that the persons are licensed by the 10634  
department of agriculture; 10635

(3) The address of the department of agriculture. 10636

The sign shall be posted at the main entrance of the 10637  
auction, at the place of registration for the auction, or by the 10638  
cashier for the auction. The sign shall be of a size not smaller 10639  
than eight and one-half inches by eleven inches. The letters and 10640  
numbers on the sign shall be of adequate size to be readily seen 10641  
by an individual with normal vision when viewing it. 10642

(F) An advertisement for the sale of real property at 10643  
auction shall contain the name of the licensed auctioneer who is 10644  
entering into the auction contract and the name of the real 10645  
estate broker licensed under Chapter 4735. of the Revised Code 10646  
who is involved in the sale. Compliance with this section shall 10647  
not require a real estate broker licensed under Chapter 4735. of 10648  
the Revised Code to obtain a license under section 4707.073 of 10649  
the Revised Code. 10650

(G) If an auction to be advertised is a multi-parcel 10651  
auction, all advertisements for the auction, excluding road 10652  
signs, shall state that the auction will be offered in various 10653  
amalgamations, including as individual parcels or lots, 10654  
combinations of parcels or lots, and all parcels or lots as a 10655  
whole. 10656

**Sec. 4709.07.** (A) Each person who desires to obtain an 10657  
initial license to practice barbering shall apply to the state 10658

cosmetology and barber board, on forms provided by the board. 10659  
The application form shall include the name of the person 10660  
applying for the license and evidence that the applicant meets 10661  
all of the requirements of division (B) of this section. The 10662  
application shall be accompanied by two signed current 10663  
photographs of the applicant, in the size determined by the 10664  
board, that show only the head and shoulders of the applicant, 10665  
and the examination application fee. 10666

(B) In order to take the required barber examination and 10667  
to qualify for licensure as a barber, an applicant must 10668  
demonstrate that the applicant meets all of the following: 10669

~~(1) Is of good moral character;~~ 10670

~~(2)~~ Is at least eighteen years of age; 10671

~~(3)~~ (2) Has an eighth grade education or an equivalent 10672  
education as determined by the state board of education in the 10673  
state where the applicant resides; 10674

~~(4)~~ (3) Has graduated with at least one thousand eight 10675  
hundred hours of training from a board-approved barber school or 10676  
has graduated with at least one thousand hours of training from 10677  
a board-approved barber school in this state and has a current 10678  
cosmetology or hair designer license issued pursuant to Chapter 10679  
4713. of the Revised Code. No hours of instruction earned by an 10680  
applicant five or more years prior to the examination apply to 10681  
the hours of study required by this division. 10682

(C) Any applicant who meets all of the requirements of 10683  
divisions (A) and (B) of this section may take the barber 10684  
examination at the time and place specified by the board. If the 10685  
applicant fails to attain at least a seventy-five per cent pass 10686  
rate on each part of the examination, the applicant is 10687

ineligible for licensure; however, the applicant may reapply for 10688  
examination within ninety days after the date of the release of 10689  
the examination scores by paying the required reexamination fee. 10690  
An applicant is only required to take that part or parts of the 10691  
examination on which the applicant did not receive a score of 10692  
seventy-five per cent or higher. If the applicant fails to 10693  
reapply for examination within ninety days or fails the second 10694  
examination, in order to reapply for examination for licensure 10695  
the applicant shall complete an additional course of study of 10696  
not less than two hundred hours, in a board-approved barber 10697  
school. The board shall provide to an applicant, upon request, a 10698  
report which explains the reasons for the applicant's failure to 10699  
pass the examination. 10700

(D) The board shall issue a license to practice barbering 10701  
to any applicant who, to the satisfaction of the board, meets 10702  
the requirements of divisions (A) and (B) of this section, who 10703  
passes the required examination, and pays the initial licensure 10704  
fee. Every licensed barber shall display the certificate of 10705  
licensure in a conspicuous place adjacent to or near the 10706  
licensed barber's work chair, along with a signed current 10707  
photograph, in the size determined by the board, showing head 10708  
and shoulders only. 10709

**Sec. 4709.08.** Any person who holds a current license or 10710  
registration to practice as a barber in any other state or 10711  
district of the United States or country whose requirements for 10712  
licensure or registration of barbers are substantially 10713  
equivalent to the requirements of this chapter and rules adopted 10714  
under it and that extends similar reciprocity to persons 10715  
licensed as barbers in this state may apply to the state 10716  
cosmetology and barber board for a barber license. The board 10717  
shall, without examination, unless the board determines to 10718

require an examination, issue a license to practice as a 10719  
licensed barber in this state if the person meets the 10720  
requirements of this section, is at least eighteen years of age 10721  
~~and of good moral character~~, and pays the required fees. The 10722  
board may waive any of the requirements of this section. 10723

**Sec. 4709.10.** (A) Each person who desires to obtain a 10724  
license to operate a barber school shall apply to the state 10725  
cosmetology and barber board, on forms provided by the board. 10726  
The board shall issue a barber school license to a person if the 10727  
board determines that the person meets and will comply with all 10728  
of the requirements of division (B) of this section and pays the 10729  
required licensure and inspection fees. 10730

(B) In order for a person to qualify for a license to 10731  
operate a barber school, the barber school to be operated by the 10732  
person must meet all of the following requirements: 10733

(1) Have a training facility sufficient to meet the 10734  
required educational curriculum established by the board, 10735  
including enough space to accommodate all the facilities and 10736  
equipment required by rule by the board; 10737

(2) Provide sufficient licensed teaching personnel to meet 10738  
the minimum pupil-teacher ratio established by rule of the 10739  
board; 10740

(3) Have established and provide to the board proof that 10741  
it has met all of the board requirements to operate a barber 10742  
school, as adopted by rule of the board; 10743

(4) File with the board a program of its curriculum, 10744  
accounting for not less than one thousand eight hundred hours of 10745  
instruction in the courses of theory and practical demonstration 10746  
required by rule of the board; 10747



(5) File with the board a surety bond in the amount of ten thousand dollars issued by a bonding company licensed to do business in this state. The bond shall be in the form prescribed by the board and conditioned upon the barber school's continued instruction in the theory and practice of barbering. The bond shall continue in effect until notice of its termination is provided to the board. In no event, however, shall the bond be terminated while the barber school is in operation. Any student who is injured or damaged by reason of a barber school's failure to continue instruction in the theory and practice of barbering may maintain an action on the bond against the barber school or the surety, or both, for the recovery of any money or tuition paid in advance for instruction in the theory and practice of barbering which was not received. The aggregate liability of the surety to all students shall not exceed the sum of the bond.

(6) Maintain adequate record keeping to ensure that it has met the requirements for records of student progress as required by board rule;

(7) Establish minimum standards for acceptance of student applicants for admission to the barber school. The barber school may establish entrance requirements which are more stringent than those prescribed by the board, but the requirements must at a minimum require the applicant to meet all of the following:

(a) Be at least seventeen years of age;

(b) ~~Be of good moral character;~~

~~(c)~~ Have an eighth grade education, or an equivalent education as determined by the state board of education;

~~(d)~~ (c) Submit two signed current photographs of the applicant, in the size determined by the board.

- (8) Have a procedure to submit every student applicant's admission application to the board for the board's review and approval prior to the applicant's admission to the barber school; 10777  
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- (9) Operate in a manner which reflects credit upon the barbering profession; 10781  
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- (10) Offer a curriculum of study which covers all aspects of the scientific fundamentals of barbering as specified by rule of the board; 10783  
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10785
- (11) Employ no more than two licensed assistant barber teachers for each licensed barber teacher employed or fewer than two licensed teachers or one licensed teacher and one licensed assistant teacher at each facility. 10786  
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- (C) Each person who desires to obtain a barber teacher or assistant barber teacher license shall apply to the board, on forms provided by the board. The board shall only issue a barber teacher license to a person who meets all of the following requirements: 10790  
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- (1) Holds a current barber license issued pursuant to this chapter and has at least eighteen months of work experience in a licensed barber shop or has been employed as an assistant barber teacher under the supervision of a licensed barber teacher for at least one year, unless, for good cause, the board waives this requirement; 10795  
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- (2) Meets such other requirements as adopted by rule by the board; 10801  
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- (3) Passes the required examination; and 10803
- (4) Pays the required fees. If an applicant fails to pass 10804

the examination, the applicant may reapply for the examination 10805  
and licensure no earlier than one year after the failure to pass 10806  
and provided that during that period, the applicant remains 10807  
employed as an assistant barber teacher. 10808

The board shall only issue an assistant barber teacher 10809  
license to a person who holds a current barber license issued 10810  
pursuant to this chapter and pays the required fees. 10811

(D) Any person who meets the qualifications of an 10812  
assistant teacher pursuant to division (C) of this section, may 10813  
be employed as an assistant teacher, provided that within five 10814  
days after the commencement of the employment the barber school 10815  
submits to the board, on forms provided by the board, the 10816  
applicant's qualifications. 10817

**Sec. 4709.13.** (A) The state cosmetology and barber board 10818  
may refuse to issue or renew or may suspend or revoke or impose 10819  
conditions upon any license issued pursuant to this chapter for 10820  
any one or more of the following causes: 10821

(1) Advertising by means of knowingly false or deceptive 10822  
statements; 10823

(2) Habitual drunkenness or possession of or addiction to 10824  
the use of any controlled drug prohibited by state or federal 10825  
law; 10826

(3) ~~Immoral or unprofessional~~ Unprofessional conduct; 10827

(4) Continuing to be employed in a barber shop wherein 10828  
rules of the board or department of health are violated; 10829

(5) Employing any person who does not have a current Ohio 10830  
license to perform the practice of barbering; 10831

(6) Owning, managing, operating, or controlling any barber 10832

school or portion thereof, wherein the practice of barbering is 10833  
carried on, whether in the same building or not, without 10834  
displaying a sign at all entrances to the places where the 10835  
barbering is carried on, indicating that the work therein is 10836  
done by students exclusively; 10837

(7) Owning, managing, operating, or controlling any barber 10838  
shop, unless it displays a recognizable sign or barber pole 10839  
indicating that it is a barber shop, and the sign or pole is 10840  
clearly visible at the main entrance to the shop; 10841

(8) Violating any sanitary rules approved by the 10842  
department of health or the board; 10843

(9) Employing another person to perform or personally 10844  
perform the practice of barbering in a licensed barber shop 10845  
unless that person is licensed as a barber under this chapter; 10846

(10) Gross incompetence. 10847

(B) (1) The board may refuse to renew or may suspend or 10848  
revoke or impose conditions upon any license issued pursuant to 10849  
this chapter for conviction of or plea of guilty to a felony 10850  
committed after the person has been issued a license under this 10851  
chapter, shown by a certified copy of the record of the court in 10852  
which the person was convicted or pleaded guilty. 10853

(2) A conviction or plea of guilty to a felony committed 10854  
prior to being issued a license under this chapter shall not 10855  
disqualify a person from being issued an initial license under 10856  
this chapter. 10857

(C) Prior to taking any action under division (A) or (B) 10858  
of this section, the board shall provide the person with a 10859  
statement of the charges against the person and notice of the 10860  
time and place of a hearing on the charges. The board shall 10861

conduct the hearing according to Chapter 119. of the Revised Code. Any person dissatisfied with a decision of the board may appeal the board's decision to the court of common pleas in Franklin county.

(D) The board may adopt rules in accordance with Chapter 119. of the Revised Code, specifying additional grounds upon which the board may take action under division (A) of this section.

**Sec. 4713.28.** (A) The state cosmetology and barber board shall issue a practicing license to an applicant who satisfies all of the following applicable conditions:

(1) Is at least sixteen years of age;

~~(2) Is of good moral character;~~

~~(3)~~ Has the equivalent of an Ohio public school tenth grade education;

~~(4)~~ (3) Has submitted a written application on a form furnished by the board that contains all of the following:

(a) The name of the individual and any other identifying information required by the board;

(b) A recent photograph of the individual that meets the specifications established by the board;

(c) A photocopy of the individual's current driver's license or other proof of legal residence;

(d) Proof that the individual is qualified to take the applicable examination as required by section 4713.20 of the Revised Code;

(e) An oath verifying that the information in the

application is true; 10889

(f) The applicable application fee. 10890

~~(5)~~(4) Passes an examination conducted under division (A) 10891  
of section 4713.24 of the Revised Code for the branch of 10892  
cosmetology the applicant seeks to practice; 10893

~~(6)~~(5) Pays to the board the applicable license fee; 10894

~~(7)~~(6) In the case of an applicant for an initial 10895  
cosmetologist license, has successfully completed at least one 10896  
thousand five hundred hours of board-approved cosmetology 10897  
training in a school of cosmetology licensed in this state, 10898  
except that only one thousand hours of board-approved 10899  
cosmetology training in a school of cosmetology licensed in this 10900  
state is required of an individual licensed as a barber under 10901  
Chapter 4709. of the Revised Code; 10902

~~(8)~~(7) In the case of an applicant for an initial 10903  
esthetician license, has successfully completed at least six 10904  
hundred hours of board-approved esthetics training in a school 10905  
of cosmetology licensed in this state; 10906

~~(9)~~(8) In the case of an applicant for an initial hair 10907  
designer license, has successfully completed at least one 10908  
thousand two hundred hours of board-approved hair designer 10909  
training in a school of cosmetology licensed in this state, 10910  
except that only one thousand hours of board-approved hair 10911  
designer training in a school of cosmetology licensed in this 10912  
state is required of an individual licensed as a barber under 10913  
Chapter 4709. of the Revised Code; 10914

~~(10)~~(9) In the case of an applicant for an initial 10915  
manicurist license, has successfully completed at least two 10916  
hundred hours of board-approved manicurist training in a school 10917

of cosmetology licensed in this state; 10918

~~(11)~~ (10) In the case of an applicant for an initial 10919  
natural hair stylist license, has successfully completed at 10920  
least four hundred fifty hours of instruction in subjects 10921  
relating to sanitation, scalp care, anatomy, hair styling, 10922  
communication skills, and laws and rules governing the practice 10923  
of cosmetology. 10924

(B) The board shall not deny a license to any applicant 10925  
based on prior incarceration or conviction for any crime. If the 10926  
board denies an individual a license or license renewal, the 10927  
reasons for such denial shall be put in writing. 10928

**Sec. 4713.30.** The state cosmetology and barber board shall 10929  
issue an advanced license to an applicant who satisfies all of 10930  
the following applicable conditions: 10931

(A) Is at least sixteen years of age; 10932

~~(B) Is of good moral character;~~ 10933

~~(C)~~ Has the equivalent of an Ohio public school tenth 10934  
grade education; 10935

~~(D)~~ (C) Pays to the board the applicable fee; 10936

~~(E)~~ (D) Passes the appropriate advanced license 10937  
examination; 10938

~~(F)~~ (E) In the case of an applicant for an initial 10939  
advanced cosmetologist license, does either of the following: 10940

(1) Has a licensed advanced cosmetologist or owner of a 10941  
licensed beauty salon located in this or another state certify 10942  
to the board that the applicant has practiced as a cosmetologist 10943  
for at least one thousand eight hundred hours in a licensed 10944

beauty salon; 10945

(2) Has a school of cosmetology licensed in this state 10946  
certify to the board that the applicant has successfully 10947  
completed, in addition to the hours required for licensure as a 10948  
cosmetologist, at least three hundred hours of board-approved 10949  
advanced cosmetologist training. 10950

~~(G)~~ (F) In the case of an applicant for an initial 10951  
advanced esthetician license, does either of the following: 10952

(1) Has the licensed advanced esthetician, licensed 10953  
advanced cosmetologist, or owner of a licensed esthetics salon 10954  
or licensed beauty salon located in this or another state 10955  
certify to the board that the applicant has practiced esthetics 10956  
for at least one thousand eight hundred hours as an esthetician 10957  
in a licensed esthetics salon or as a cosmetologist in a 10958  
licensed beauty salon; 10959

(2) Has a school of cosmetology licensed in this state 10960  
certify to the board that the applicant has successfully 10961  
completed, in addition to the hours required for licensure as an 10962  
esthetician or cosmetologist, at least one hundred fifty hours 10963  
of board-approved advanced esthetician training. 10964

~~(H)~~ (G) In the case of an applicant for an initial 10965  
advanced hair designer license, does either of the following: 10966

(1) Has the licensed advanced hair designer, licensed 10967  
advanced cosmetologist, or owner of a licensed hair design salon 10968  
or licensed beauty salon located in this or another state 10969  
certify to the board that the applicant has practiced hair 10970  
design for at least one thousand eight hundred hours as a hair 10971  
designer in a licensed hair design salon or as a cosmetologist 10972  
in a licensed beauty salon; 10973



(2) Has a school of cosmetology licensed in this state 10974  
certify to the board that the applicant has successfully 10975  
completed, in addition to the hours required for licensure as a 10976  
hair designer or cosmetologist, at least two hundred forty hours 10977  
of board-approved advanced hair designer training. 10978

~~(I)~~ (H) In the case of an applicant for an initial 10979  
advanced manicurist license, does either of the following: 10980

(1) Has the licensed advanced manicurist, licensed 10981  
advanced cosmetologist, or owner of a licensed nail salon, 10982  
licensed beauty salon, or licensed barber shop located in this 10983  
or another state certify to the board that the applicant has 10984  
practiced manicuring for at least one thousand eight hundred 10985  
hours as a manicurist in a licensed nail salon or licensed 10986  
barber shop or as a cosmetologist in a licensed beauty salon or 10987  
licensed barber shop; 10988

(2) Has a school of cosmetology licensed in this state 10989  
certify to the board that the applicant has successfully 10990  
completed, in addition to the hours required for licensure as a 10991  
manicurist or cosmetologist, at least one hundred hours of 10992  
board-approved advanced manicurist training. 10993

~~(J)~~ (I) In the case of an applicant for an initial 10994  
advanced natural hair stylist license, does either of the 10995  
following: 10996

(1) Has the licensed advanced natural hair stylist, 10997  
licensed advanced cosmetologist, or owner of a licensed natural 10998  
hair style salon or licensed beauty salon located in this or 10999  
another state certify to the board that the applicant has 11000  
practiced natural hair styling for at least one thousand eight 11001  
hundred hours as a natural hair stylist in a licensed natural 11002

hair style salon or as a cosmetologist in a licensed beauty salon; 11003  
11004

(2) Has a school of cosmetology licensed in this state 11005  
certify to the board that the applicant has successfully 11006  
completed, in addition to the hours required for licensure as 11007  
natural hair stylist or cosmetologist, at least one hundred 11008  
fifty hours of board-approved advanced natural hair stylist 11009  
training. 11010

**Sec. 4713.31.** The state cosmetology and barber board shall 11011  
issue an instructor license to an applicant who satisfies all of 11012  
the following applicable conditions: 11013

(A) Is at least eighteen years of age; 11014

~~(B) Is of good moral character;~~ 11015

~~(C)~~ Has the equivalent of an Ohio public school twelfth 11016  
grade education; 11017

~~(D)~~ (C) Pays to the board the applicable fee; 11018

~~(E)~~ (D) In the case of an applicant for an initial 11019  
cosmetology instructor license, holds a current, valid advanced 11020  
cosmetologist license issued in this state and does either of 11021  
the following: 11022

(1) Has the licensed advanced cosmetologist or owner of 11023  
the licensed beauty salon in which the applicant has been 11024  
employed certify to the board that the applicant has engaged in 11025  
the practice of cosmetology in a licensed beauty salon for at 11026  
least one thousand eight hundred hours; 11027

(2) Has a school of cosmetology licensed in this state 11028  
certify to the board that the applicant has successfully 11029  
completed one thousand hours of board-approved cosmetology 11030

instructor training as an apprentice instructor. 11031

~~(F)~~ (E) In the case of an applicant for an initial 11032  
esthetics instructor license, holds a current, valid advanced 11033  
esthetician or advanced cosmetologist license issued in this 11034  
state and does either of the following: 11035

(1) Has the licensed advanced esthetician, licensed 11036  
advanced cosmetologist, or owner of the licensed esthetics salon 11037  
or licensed beauty salon in which the applicant has been 11038  
employed certify to the board that the applicant has engaged in 11039  
the practice of esthetics in a licensed esthetics salon or 11040  
practice of cosmetology in a licensed beauty salon for at least 11041  
one thousand eight hundred hours; 11042

(2) Has a school of cosmetology licensed in this state 11043  
certify to the board that the applicant has successfully 11044  
completed at least five hundred hours of board-approved 11045  
esthetics instructor training as an apprentice instructor. 11046

~~(G)~~ (F) In the case of an applicant for an initial hair 11047  
design instructor license, holds a current, valid advanced hair 11048  
designer or advanced cosmetologist license and does either of 11049  
the following: 11050

(1) Has the licensed advanced hair designer, licensed 11051  
advanced cosmetologist, or owner of the licensed hair design 11052  
salon or licensed beauty salon in which the applicant has been 11053  
employed certify to the board that the applicant has engaged in 11054  
the practice of hair design in a licensed hair design salon or 11055  
practice of cosmetology in a licensed beauty salon for at least 11056  
one thousand eight hundred hours; 11057

(2) Has a school of cosmetology licensed in this state 11058  
certify to the board that the applicant has successfully 11059

completed at least eight hundred hours of board-approved hair 11060  
design instructor's training as an apprentice instructor. 11061

~~(H)~~ (G) In the case of an applicant for an initial 11062  
manicurist instructor license, holds a current, valid advanced 11063  
manicurist or advanced cosmetologist license and does either of 11064  
the following: 11065

(1) Has the licensed advanced manicurist, licensed 11066  
advanced cosmetologist, or owner of the licensed nail salon or 11067  
licensed beauty salon in which the applicant has been employed 11068  
certify to the board that the applicant has engaged in the 11069  
practice of manicuring in a licensed nail salon or practice of 11070  
cosmetology in a licensed beauty salon for at least one thousand 11071  
eight hundred hours; 11072

(2) Has a school of cosmetology licensed in this state 11073  
certify to the board that the applicant has successfully 11074  
completed at least three hundred hours of board-approved 11075  
manicurist instructor training as an apprentice instructor. 11076

~~(I)~~ (H) In the case of an applicant for an initial natural 11077  
hair style instructor license, holds a current, valid advanced 11078  
natural hair stylist or advanced cosmetologist license and does 11079  
either of the following: 11080

(1) Has the licensed advanced natural hair stylist, 11081  
licensed advanced cosmetologist, or owner of the licensed 11082  
natural hair style salon or licensed beauty salon in which the 11083  
applicant has been employed certify to the board that the 11084  
applicant has engaged in the practice of natural hair styling in 11085  
a licensed natural hair style salon or practice of cosmetology 11086  
in a licensed beauty salon for at least one thousand eight 11087  
hundred hours; 11088

(2) Has a school of cosmetology licensed in this state 11089  
certify to the board that the applicant has successfully 11090  
completed at least four hundred hours of board-approved natural 11091  
hair style instructor training as an apprentice instructor. 11092

~~(J)~~ (I) In the case of all applicants, passes an 11093  
examination conducted under division (B) of section 4713.24 of 11094  
the Revised Code for the branch of cosmetology the applicant 11095  
seeks to instruct. 11096

**Sec. 4713.34.** The state cosmetology and barber board shall 11097  
issue a license to practice a branch of cosmetology or 11098  
instructor license to an applicant who is licensed or registered 11099  
in another state or country to practice that branch of 11100  
cosmetology or teach the theory and practice of that branch of 11101  
cosmetology, as appropriate, if all of the following conditions 11102  
are satisfied: 11103

(A) The applicant satisfies all of the following 11104  
conditions: 11105

(1) Is not less than eighteen years of age; 11106

(2) ~~Is of good moral character;~~ 11107

~~(3)~~ In the case of an applicant for a practicing license, 11108  
passes an examination conducted under section 4713.24 of the 11109  
Revised Code for the license the applicant seeks, unless the 11110  
applicant satisfies conditions specified in rules adopted under 11111  
section 4713.08 of the Revised Code for the board to issue the 11112  
applicant a license without taking the examination; 11113

~~(4)~~ (3) Pays the applicable fee. 11114

(B) At the time the applicant obtained the license or 11115  
registration in the other state or country, the requirements in 11116

this state for obtaining the license the applicant seeks were 11117  
substantially equal to the other state or country's 11118  
requirements. 11119

(C) The jurisdiction that issued the applicant's license 11120  
or registration extends similar reciprocity to individuals 11121  
holding a license issued by the board. 11122

**Sec. 4713.69.** (A) The state cosmetology and barber board 11123  
shall issue a boutique services registration to an applicant who 11124  
satisfies all of the following applicable conditions: 11125

(1) Is at least sixteen years of age;— 11126

~~(2) Is of good moral character;~~ 11127

~~(3)~~ (2) Has the equivalent of an Ohio public school tenth 11128  
grade education; 11129

~~(4)~~ (3) Has submitted a written application on a form 11130  
prescribed by the board containing all of the following: 11131

(a) The applicant's name and home address; 11132

(b) The applicant's home telephone number and cellular 11133  
telephone number, if any; 11134

(c) The applicant's electronic mail address, if any; 11135

(d) The applicant's date of birth; 11136

(e) The address and telephone number where boutique 11137  
services will be performed. The address shall not contain a post 11138  
office box number. 11139

(f) Whether the applicant has an occupational license, 11140  
certification, or registration to provide beauty services in 11141  
another state, and if so, what type of license and in what 11142  
state; 11143

(g) Whether the applicant has ever had an occupational license, certification, or registration suspended, revoked, or denied in any state;

(h) An affidavit or certificate providing proof of formal training or apprenticeship under an individual providing such services.

(B) The place of business where boutique services are performed must comply with the safety and sanitation requirements for licensed salon facilities as described in section 4713.41 of the Revised Code.

(C) The board shall specify the manner by which boutique services registrants shall fulfill the continuing education requirements set forth in section 4713.09 of the Revised Code.

**Sec. 4715.10.** (A) As used in this section, "accredited dental college" means a dental college accredited by the commission on dental accreditation or a dental college that has educational standards recognized by the commission on dental accreditation and is approved by the state dental board.

(B) Each person who desires to practice dentistry in this state shall file a written application for a license with the secretary of the state dental board. The application shall be on a form prescribed by the board and verified by oath. Each applicant shall furnish satisfactory proof to the board that the applicant has met the requirements of divisions (C) and (D) of this section, and if the applicant is a graduate of an unaccredited dental college located outside the United States, division (E) of this section.

(C) To be granted a license to practice dentistry, an applicant must meet all of the following requirements:

(1) Be at least eighteen years of age;	11173
(2) <del>Be of good moral character;</del>	11174
<del>(3)</del> Be a graduate of an accredited dental college or of a dental college located outside the United States who meets the standards adopted under section 4715.11 of the Revised Code;	11175 11176 11177
<del>(4)</del> (3) Have passed parts I and II of the examination given by the national board of dental examiners;	11178 11179
<del>(5)</del> (4) Have passed a written jurisprudence examination administered by the state dental board under division (E) (2) of section 4715.03 of the Revised Code;	11180 11181 11182
<del>(6)</del> (5) Pay the fee required by division (A) (1) of section 4715.13 of the Revised Code.	11183 11184
(D) To be granted a license to practice dentistry, an applicant must meet any one of the following requirements:	11185 11186
(1) Have taken an examination administered by any of the following regional testing agencies and received a passing score on the examination as determined by the administering agency:	11187 11188 11189
the central regional dental testing service, inc., northeast regional board of dental examiners, inc., the commission on dental competency assessments, the southern regional dental testing agency, inc., the council of interstate testing agencies, inc., or the western regional examining board;	11190 11191 11192 11193 11194
(2) Have taken an examination administered by the state dental board and received a passing score as established by the board;	11195 11196 11197
(3) Possess a license in good standing from another state and have actively engaged in the legal and reputable practice of dentistry in another state or in the armed forces of the United	11198 11199 11200



States, the United States public health service, or the United 11201  
States department of veterans' affairs for five years 11202  
immediately preceding application; 11203

(4) Have completed a dental residency program accredited 11204  
or approved by the commission on dental accreditation and 11205  
administered by an accredited dental college or hospital. 11206

(E) To be granted a license to practice dentistry, a 11207  
graduate of an unaccredited dental college located outside the 11208  
United States must meet both of the following requirements: 11209

(1) Have taken a basic science and laboratory examination 11210  
consistent with rules adopted under section 4715.11 of the 11211  
Revised Code and received a passing score as established by the 11212  
board; 11213

(2) Have had sufficient clinical training in an accredited 11214  
institution to reasonably assure a level of competency equal to 11215  
that of graduates of accredited dental colleges, as determined 11216  
by the board. 11217

**Sec. 4715.101.** (A) As used in this section, "license" and 11218  
"applicant for an initial license" have the same meanings as in 11219  
section 4776.01 of the Revised Code. 11220

(B) In addition to any other eligibility requirement set 11221  
forth in this chapter, each applicant for an initial license 11222  
issued pursuant to section 4715.12, 4715.16, 4715.21, or 4715.27 11223  
of the Revised Code shall comply with sections 4776.01 to 11224  
4776.04 of the Revised Code. The state dental board shall not 11225  
grant a license to an applicant for an initial license issued 11226  
pursuant to section 4715.12, 4715.16, 4715.21, or 4715.27 of the 11227  
Revised Code unless the applicant complies with sections 4776.01 11228  
to 4776.04 of the Revised Code ~~and the board, in its discretion,~~ 11229

~~decides that the results of the criminal records check do not~~ 11230  
~~make the applicant ineligible for a license issued pursuant to~~ 11231  
~~section 4715.12, 4715.16, 4715.21, or 4715.27 of the Revised~~ 11232  
~~Code.~~ 11233

**Sec. 4715.21.** Each person who desires to practice as a 11234  
dental hygienist shall file with the secretary of the state 11235  
dental board a written application for a license, under oath, 11236  
upon the form prescribed. Such applicant shall furnish 11237  
satisfactory proof of being at least eighteen years of age ~~and~~ 11238  
~~of good moral character.~~ An applicant shall present a diploma or 11239  
certificate of graduation from an accredited dental hygiene 11240  
school and shall pay the examination fee of one hundred twenty 11241  
dollars if the license is issued in an odd-numbered year or one 11242  
hundred eighty-four dollars if issued in an even-numbered year. 11243  
Those passing such examination as the board prescribes relating 11244  
to dental hygiene shall receive a certificate of registration 11245  
entitling them to practice. If an applicant fails to pass the 11246  
first examination the applicant may apply for a re-examination 11247  
at the next regular or special examination meeting of the board. 11248

No applicant shall be admitted to more than two 11249  
examinations without first presenting satisfactory proof that 11250  
the applicant has successfully completed such refresher courses 11251  
in an accredited dental hygiene school as the state dental board 11252  
may prescribe. 11253

An accredited dental hygiene school shall be one 11254  
accredited by the American dental association commission on 11255  
dental accreditation or whose educational standards are 11256  
recognized by the American dental association commission on 11257  
dental accreditation and approved by the state dental board. 11258

**Sec. 4715.27.** The state dental board may issue a license 11259

to an applicant who furnishes satisfactory proof of being at 11260  
least eighteen years of age, ~~of good moral character~~ and who 11261  
demonstrates, to the satisfaction of the board, knowledge of the 11262  
laws, regulations, and rules governing the practice of a dental 11263  
hygienist; who proves, to the satisfaction of the board, intent 11264  
to practice as a dental hygienist in this state; who is a 11265  
graduate from an accredited school of dental hygiene and who 11266  
holds a license by examination from a similar dental board, and 11267  
who passes an examination as prescribed by the board relating to 11268  
dental hygiene. 11269

Upon payment of seventy-three dollars and upon application 11270  
endorsed by an accredited dental hygiene school in this state, 11271  
the state dental board may without examination issue a teacher's 11272  
certificate to a dental hygienist, authorized to practice in 11273  
another state or country. A teacher's certificate shall be 11274  
subject to annual renewal in accordance with the standard 11275  
renewal procedure of sections 4745.01 to 4745.03 of the Revised 11276  
Code, and shall not be construed as authorizing anything other 11277  
than teaching or demonstrating the skills of a dental hygienist 11278  
in the educational programs of the accredited dental hygiene 11279  
school which endorsed the application. 11280

**Sec. 4715.30.** (A) ~~An~~ Except as provided in division (K) of 11281  
this section, an applicant for or holder of a certificate or 11282  
license issued under this chapter is subject to disciplinary 11283  
action by the state dental board for any of the following 11284  
reasons: 11285

(1) Employing or cooperating in fraud or material 11286  
deception in applying for or obtaining a license or certificate; 11287

(2) Obtaining or attempting to obtain money or anything of 11288  
value by intentional misrepresentation or material deception in 11289

the course of practice;	11290
(3) Advertising services in a false or misleading manner	11291
or violating the board's rules governing time, place, and manner	11292
of advertising;	11293
(4) Commission of an act that constitutes a felony in this	11294
state, regardless of the jurisdiction in which the act was	11295
committed;	11296
(5) Commission of an act in the course of practice that	11297
constitutes a misdemeanor in this state, regardless of the	11298
jurisdiction in which the act was committed;	11299
(6) Conviction of, a plea of guilty to, a judicial finding	11300
of guilt of, a judicial finding of guilt resulting from a plea	11301
of no contest to, or a judicial finding of eligibility for	11302
intervention in lieu of conviction for, any felony or of a	11303
misdemeanor committed in the course of practice;	11304
(7) Engaging in lewd or immoral conduct in connection with	11305
the provision of dental services;	11306
(8) Selling, prescribing, giving away, or administering	11307
drugs for other than legal and legitimate therapeutic purposes,	11308
or conviction of, a plea of guilty to, a judicial finding of	11309
guilt of, a judicial finding of guilt resulting from a plea of	11310
no contest to, or a judicial finding of eligibility for	11311
intervention in lieu of conviction for, a violation of any	11312
federal or state law regulating the possession, distribution, or	11313
use of any drug;	11314
(9) Providing or allowing dental hygienists, expanded	11315
function dental auxiliaries, or other practitioners of auxiliary	11316
dental occupations working under the certificate or license	11317
holder's supervision, or a dentist holding a temporary limited	11318

continuing education license under division (C) of section 11319  
4715.16 of the Revised Code working under the certificate or 11320  
license holder's direct supervision, to provide dental care that 11321  
departs from or fails to conform to accepted standards for the 11322  
profession, whether or not injury to a patient results; 11323

(10) Inability to practice under accepted standards of the 11324  
profession because of physical or mental disability, dependence 11325  
on alcohol or other drugs, or excessive use of alcohol or other 11326  
drugs; 11327

(11) Violation of any provision of this chapter or any 11328  
rule adopted thereunder; 11329

(12) Failure to use universal blood and body fluid 11330  
precautions established by rules adopted under section 4715.03 11331  
of the Revised Code; 11332

(13) Except as provided in division (H) of this section, 11333  
either of the following: 11334

(a) Waiving the payment of all or any part of a deductible 11335  
or copayment that a patient, pursuant to a health insurance or 11336  
health care policy, contract, or plan that covers dental 11337  
services, would otherwise be required to pay if the waiver is 11338  
used as an enticement to a patient or group of patients to 11339  
receive health care services from that certificate or license 11340  
holder; 11341

(b) Advertising that the certificate or license holder 11342  
will waive the payment of all or any part of a deductible or 11343  
copayment that a patient, pursuant to a health insurance or 11344  
health care policy, contract, or plan that covers dental 11345  
services, would otherwise be required to pay. 11346

(14) Failure to comply with section 4715.302 or 4729.79 of 11347

the Revised Code, unless the state board of pharmacy no longer 11348  
maintains a drug database pursuant to section 4729.75 of the 11349  
Revised Code; 11350

(15) Any of the following actions taken by an agency 11351  
responsible for authorizing, certifying, or regulating an 11352  
individual to practice a health care occupation or provide 11353  
health care services in this state or another jurisdiction, for 11354  
any reason other than the nonpayment of fees: the limitation, 11355  
revocation, or suspension of an individual's license to 11356  
practice; acceptance of an individual's license surrender; 11357  
denial of a license; refusal to renew or reinstate a license; 11358  
imposition of probation; or issuance of an order of censure or 11359  
other reprimand; 11360

(16) Failure to cooperate in an investigation conducted by 11361  
the board under division (D) of section 4715.03 of the Revised 11362  
Code, including failure to comply with a subpoena or order 11363  
issued by the board or failure to answer truthfully a question 11364  
presented by the board at a deposition or in written 11365  
interrogatories, except that failure to cooperate with an 11366  
investigation shall not constitute grounds for discipline under 11367  
this section if a court of competent jurisdiction has issued an 11368  
order that either quashes a subpoena or permits the individual 11369  
to withhold the testimony or evidence in issue; 11370

(17) Failure to comply with the requirements in section 11371  
3719.061 of the Revised Code before issuing for a minor a 11372  
prescription for an opioid analgesic, as defined in section 11373  
3719.01 of the Revised Code. 11374

(B) A manager, proprietor, operator, or conductor of a 11375  
dental facility shall be subject to disciplinary action if any 11376  
dentist, dental hygienist, expanded function dental auxiliary, 11377

or qualified personnel providing services in the facility is 11378  
found to have committed a violation listed in division (A) of 11379  
this section and the manager, proprietor, operator, or conductor 11380  
knew of the violation and permitted it to occur on a recurring 11381  
basis. 11382

(C) Subject to Chapter 119. of the Revised Code, the board 11383  
may take one or more of the following disciplinary actions if 11384  
one or more of the grounds for discipline listed in divisions 11385  
(A) and (B) of this section exist: 11386

(1) Censure the license or certificate holder; 11387

(2) Place the license or certificate on probationary 11388  
status for such period of time the board determines necessary 11389  
and require the holder to: 11390

(a) Report regularly to the board upon the matters which 11391  
are the basis of probation; 11392

(b) Limit practice to those areas specified by the board; 11393

(c) Continue or renew professional education until a 11394  
satisfactory degree of knowledge or clinical competency has been 11395  
attained in specified areas. 11396

(3) Suspend the certificate or license; 11397

(4) Revoke the certificate or license. 11398

Where the board places a holder of a license or 11399  
certificate on probationary status pursuant to division (C) (2) 11400  
of this section, the board may subsequently suspend or revoke 11401  
the license or certificate if it determines that the holder has 11402  
not met the requirements of the probation or continues to engage 11403  
in activities that constitute grounds for discipline pursuant to 11404  
division (A) or (B) of this section. 11405

Any order suspending a license or certificate shall state 11406  
the conditions under which the license or certificate will be 11407  
restored, which may include a conditional restoration during 11408  
which time the holder is in a probationary status pursuant to 11409  
division (C)(2) of this section. The board shall restore the 11410  
license or certificate unconditionally when such conditions are 11411  
met. 11412

(D) If the physical or mental condition of an applicant or 11413  
a license or certificate holder is at issue in a disciplinary 11414  
proceeding, the board may order the license or certificate 11415  
holder to submit to reasonable examinations by an individual 11416  
designated or approved by the board and at the board's expense. 11417  
The physical examination may be conducted by any individual 11418  
authorized by the Revised Code to do so, including a physician 11419  
assistant, a clinical nurse specialist, a certified nurse 11420  
practitioner, or a certified nurse-midwife. Any written 11421  
documentation of the physical examination shall be completed by 11422  
the individual who conducted the examination. 11423

Failure to comply with an order for an examination shall 11424  
be grounds for refusal of a license or certificate or summary 11425  
suspension of a license or certificate under division (E) of 11426  
this section. 11427

(E) If a license or certificate holder has failed to 11428  
comply with an order under division (D) of this section, the 11429  
board may apply to the court of common pleas of the county in 11430  
which the holder resides for an order temporarily suspending the 11431  
holder's license or certificate, without a prior hearing being 11432  
afforded by the board, until the board conducts an adjudication 11433  
hearing pursuant to Chapter 119. of the Revised Code. If the 11434  
court temporarily suspends a holder's license or certificate, 11435



the board shall give written notice of the suspension personally 11436  
or by certified mail to the license or certificate holder. Such 11437  
notice shall inform the license or certificate holder of the 11438  
right to a hearing pursuant to Chapter 119. of the Revised Code. 11439

(F) Any holder of a certificate or license issued under 11440  
this chapter who has pleaded guilty to, has been convicted of, 11441  
or has had a judicial finding of eligibility for intervention in 11442  
lieu of conviction entered against the holder in this state for 11443  
aggravated murder, murder, voluntary manslaughter, felonious 11444  
assault, kidnapping, rape, sexual battery, gross sexual 11445  
imposition, aggravated arson, aggravated robbery, or aggravated 11446  
burglary, or who has pleaded guilty to, has been convicted of, 11447  
or has had a judicial finding of eligibility for treatment or 11448  
intervention in lieu of conviction entered against the holder in 11449  
another jurisdiction for any substantially equivalent criminal 11450  
offense, is automatically suspended from practice under this 11451  
chapter in this state and any certificate or license issued to 11452  
the holder under this chapter is automatically suspended, as of 11453  
the date of the guilty plea, conviction, or judicial finding, 11454  
whether the proceedings are brought in this state or another 11455  
jurisdiction. Continued practice by an individual after the 11456  
suspension of the individual's certificate or license under this 11457  
division shall be considered practicing without a certificate or 11458  
license. The board shall notify the suspended individual of the 11459  
suspension of the individual's certificate or license under this 11460  
division by certified mail or in person in accordance with 11461  
section 119.07 of the Revised Code. If an individual whose 11462  
certificate or license is suspended under this division fails to 11463  
make a timely request for an adjudicatory hearing, the board 11464  
shall enter a final order revoking the individual's certificate 11465  
or license. 11466

(G) If the supervisory investigative panel determines both 11467  
of the following, the panel may recommend that the board suspend 11468  
an individual's certificate or license without a prior hearing: 11469

(1) That there is clear and convincing evidence that an 11470  
individual has violated division (A) of this section; 11471

(2) That the individual's continued practice presents a 11472  
danger of immediate and serious harm to the public. 11473

Written allegations shall be prepared for consideration by 11474  
the board. The board, upon review of those allegations and by an 11475  
affirmative vote of not fewer than four dentist members of the 11476  
board and seven of its members in total, excluding any member on 11477  
the supervisory investigative panel, may suspend a certificate 11478  
or license without a prior hearing. A telephone conference call 11479  
may be utilized for reviewing the allegations and taking the 11480  
vote on the summary suspension. 11481

The board shall issue a written order of suspension by 11482  
certified mail or in person in accordance with section 119.07 of 11483  
the Revised Code. The order shall not be subject to suspension 11484  
by the court during pendency or any appeal filed under section 11485  
119.12 of the Revised Code. If the individual subject to the 11486  
summary suspension requests an adjudicatory hearing by the 11487  
board, the date set for the hearing shall be within fifteen 11488  
days, but not earlier than seven days, after the individual 11489  
requests the hearing, unless otherwise agreed to by both the 11490  
board and the individual. 11491

Any summary suspension imposed under this division shall 11492  
remain in effect, unless reversed on appeal, until a final 11493  
adjudicative order issued by the board pursuant to this section 11494  
and Chapter 119. of the Revised Code becomes effective. The 11495

board shall issue its final adjudicative order within seventy- 11496  
five days after completion of its hearing. A failure to issue 11497  
the order within seventy-five days shall result in dissolution 11498  
of the summary suspension order but shall not invalidate any 11499  
subsequent, final adjudicative order. 11500

(H) Sanctions shall not be imposed under division (A) (13) 11501  
of this section against any certificate or license holder who 11502  
waives deductibles and copayments as follows: 11503

(1) In compliance with the health benefit plan that 11504  
expressly allows such a practice. Waiver of the deductibles or 11505  
copayments shall be made only with the full knowledge and 11506  
consent of the plan purchaser, payer, and third-party 11507  
administrator. Documentation of the consent shall be made 11508  
available to the board upon request. 11509

(2) For professional services rendered to any other person 11510  
who holds a certificate or license issued pursuant to this 11511  
chapter to the extent allowed by this chapter and the rules of 11512  
the board. 11513

(I) In no event shall the board consider or raise during a 11514  
hearing required by Chapter 119. of the Revised Code the 11515  
circumstances of, or the fact that the board has received, one 11516  
or more complaints about a person unless the one or more 11517  
complaints are the subject of the hearing or resulted in the 11518  
board taking an action authorized by this section against the 11519  
person on a prior occasion. 11520

(J) The board may share any information it receives 11521  
pursuant to an investigation under division (D) of section 11522  
4715.03 of the Revised Code, including patient records and 11523  
patient record information, with law enforcement agencies, other 11524

licensing boards, and other governmental agencies that are 11525  
prosecuting, adjudicating, or investigating alleged violations 11526  
of statutes or administrative rules. An agency or board that 11527  
receives the information shall comply with the same requirements 11528  
regarding confidentiality as those with which the state dental 11529  
board must comply, notwithstanding any conflicting provision of 11530  
the Revised Code or procedure of the agency or board that 11531  
applies when it is dealing with other information in its 11532  
possession. In a judicial proceeding, the information may be 11533  
admitted into evidence only in accordance with the Rules of 11534  
Evidence, but the court shall require that appropriate measures 11535  
are taken to ensure that confidentiality is maintained with 11536  
respect to any part of the information that contains names or 11537  
other identifying information about patients or complainants 11538  
whose confidentiality was protected by the state dental board 11539  
when the information was in the board's possession. Measures to 11540  
ensure confidentiality that may be taken by the court include 11541  
sealing its records or deleting specific information from its 11542  
records. 11543

(K) The board shall not refuse to issue a license or 11544  
certificate to an applicant for either of the following reasons 11545  
unless the refusal is in accordance with section 9.79 of the 11546  
Revised Code: 11547

(1) A conviction or plea of guilty to an offense; 11548

(2) A judicial finding of eligibility for treatment or 11549  
intervention in lieu of a conviction. 11550

**Sec. 4717.05.** (A) Any person who desires to be licensed as 11551  
an embalmer shall apply to the board of embalmers and funeral 11552  
directors on a form provided by the board. The applicant shall 11553  
include with the application an initial license fee as set forth 11554

in section 4717.07 of the Revised Code and evidence, verified by  
oath and satisfactory to the board, that the applicant meets all  
of the following requirements:

(1) The applicant is at least eighteen years of age ~~and of~~  
~~good moral character.~~

(2) ~~If the applicant has pleaded guilty to, has been found~~  
~~by a judge or jury to be guilty of, or has had a judicial~~  
~~finding of eligibility for treatment in lieu of conviction~~  
~~entered against the applicant in this state for aggravated~~  
~~murder, murder, voluntary manslaughter, felonious assault,~~  
~~kidnapping, rape, sexual battery, gross sexual imposition,~~  
~~aggravated arson, aggravated robbery, or aggravated burglary, or~~  
~~has pleaded guilty to, has been found by a judge or jury to be~~  
~~guilty of, or has had a judicial finding of eligibility for~~  
~~treatment in lieu of conviction entered against the applicant in~~  
~~another jurisdiction for a substantially equivalent offense, at~~  
~~least five years has elapsed since the applicant was released~~  
~~from incarceration, a community control sanction, a post-release~~  
~~control sanction, parole, or treatment in connection with the~~  
~~offense.~~

~~(3)~~ The applicant holds at least a bachelor's degree from  
a college or university authorized to confer degrees by the  
department of higher education or the comparable legal agency of  
another state in which the college or university is located and  
submits an official transcript from that college or university  
with the application.

~~(4)~~ (3) The applicant has satisfactorily completed at  
least twelve months of instruction in a prescribed course in  
mortuary science as approved by the board and has presented to  
the board a certificate showing successful completion of the

course. The course of mortuary science college training may be 11585  
completed either before or after the completion of the 11586  
educational standard set forth in division (A) ~~(3)~~ (2) of this 11587  
section. 11588

~~(5)~~ (4) The applicant has registered with the board prior 11589  
to beginning an embalmer apprenticeship. 11590

~~(6)~~ (5) The applicant has satisfactorily completed at 11591  
least one year of apprenticeship under an embalmer licensed in 11592  
this state and has participated in embalming at least twenty- 11593  
five dead human bodies. 11594

~~(7)~~ (6) The applicant, upon meeting the educational 11595  
standards provided for in divisions (A) ~~(3)~~ (2) and ~~(4)~~ (3) of 11596  
this section and completing the apprenticeship required in 11597  
division (A) ~~(6)~~ (5) of this section, has completed the 11598  
examination for an embalmer's license required by the board. 11599

(B) Upon receiving satisfactory evidence verified by oath 11600  
that the applicant meets all the requirements of division (A) of 11601  
this section, the board shall issue the applicant an embalmer's 11602  
license. 11603

(C) Any person who desires to be licensed as a funeral 11604  
director shall apply to the board on a form prescribed by the 11605  
board. The application shall include an initial license fee as 11606  
set forth in section 4717.07 of the Revised Code and evidence, 11607  
verified by oath and satisfactory to the board, that the 11608  
applicant meets all of the following requirements: 11609

(1) Except as otherwise provided in division (D) of this 11610  
section, the applicant has satisfactorily met all the 11611  
requirements for an embalmer's license as described in divisions 11612  
(A) (1) to ~~(4)~~ (3) of this section. 11613

(2) The applicant has registered with the board prior to 11614  
beginning a funeral director apprenticeship. 11615

(3) The applicant, following mortuary science college 11616  
training described in division (A) ~~(4)~~ (3) of this section, has 11617  
satisfactorily completed a one-year apprenticeship under a 11618  
licensed funeral director in this state and has participated in 11619  
directing at least twenty-five funerals. 11620

(4) The applicant has satisfactorily completed the 11621  
examination for a funeral director's license as required by the 11622  
board. 11623

(D) In lieu of mortuary science college training required 11624  
for a funeral director's license under division (C) (1) of this 11625  
section, the applicant may substitute a satisfactorily completed 11626  
two-year apprenticeship under a licensed funeral director in 11627  
this state assisting that person in directing at least fifty 11628  
funerals. 11629

(E) Upon receiving satisfactory evidence that the 11630  
applicant meets all the requirements of division (C) of this 11631  
section, the board shall issue to the applicant a funeral 11632  
director's license. 11633

(F) A funeral director or embalmer may request the funeral 11634  
director's or embalmer's license be placed on inactive status by 11635  
submitting to the board a form prescribed by the board and such 11636  
other information as the board may request. A funeral director 11637  
or embalmer may not place the funeral director's or embalmer's 11638  
license on inactive status unless the funeral director or 11639  
embalmer is in good standing with the board and is in compliance 11640  
with applicable continuing education requirements. A funeral 11641  
director or embalmer who is granted inactive status is 11642

prohibited from participating in any activity for which a 11643  
funeral director's or embalmer's license is required in this 11644  
state. A funeral director or embalmer who has been granted 11645  
inactive status is exempt from the continuing education 11646  
requirements under section 4717.09 of the Revised Code during 11647  
the period of the inactive status. 11648

(G) A funeral director or embalmer who has been granted 11649  
inactive status may not return to active status for at least two 11650  
years following the date that the inactive status was granted. 11651  
Following a period of at least two years of inactive status, the 11652  
funeral director or embalmer may apply to return to active 11653  
status upon completion of all of the following conditions: 11654

(1) The funeral director or embalmer files with the board 11655  
a form prescribed by the board seeking active status and 11656  
provides any other information as the board may request; 11657

(2) The funeral director or embalmer takes and passes the 11658  
Ohio laws examination for each license being activated; 11659

(3) The funeral director or embalmer pays a reactivation 11660  
fee to the board in the amount of one hundred forty dollars for 11661  
each license being reactivated. 11662

~~(H) As used in this section:— 11663~~

~~(1) "Community control sanction" has the same meaning as 11664  
in section 2929.01 of the Revised Code.— 11665~~

~~(2) "Post-release control sanction" has the same meaning 11666  
as in section 2967.01 of the Revised Code.— 11667~~

**Sec. 4717.051.** (A) Any person who desires to obtain a 11668  
permit as a crematory operator shall apply to the board of 11669  
embalmers and funeral directors on a form prescribed by the 11670



board. The applicant shall include with the application the 11671  
initial permit fee set forth in section 4717.07 of the Revised 11672  
Code and evidence, verified under oath and satisfactory to the 11673  
board, that the applicant satisfies ~~all~~ both of the following 11674  
requirements: 11675

(1) The applicant is at least eighteen years of age ~~and of~~ 11676  
~~good moral character.~~ 11677

(2) ~~If the applicant has pleaded guilty to, or has been~~ 11678  
~~found by a judge or jury to be guilty of, or has had judicial~~ 11679  
~~finding of eligibility for treatment in lieu of conviction~~ 11680  
~~entered against the applicant in this state for aggravated~~ 11681  
~~murder, murder, voluntary manslaughter, felonious assault,~~ 11682  
~~kidnapping, rape, sexual battery, gross sexual imposition,~~ 11683  
~~aggravated arson, aggravated robbery, or aggravated burglary, or~~ 11684  
~~has pleaded guilty to, has been found by a judge or jury to be~~ 11685  
~~guilty of, or has had judicial finding of eligibility for~~ 11686  
~~treatment in lieu of conviction entered against the applicant in~~ 11687  
~~another jurisdiction for a substantially equivalent offense, at~~ 11688  
~~least five years has elapsed since the applicant was released~~ 11689  
~~from incarceration, a community control sanction, a post-release~~ 11690  
~~control sanction, parole, or treatment in connection with the~~ 11691  
~~offense.~~ 11692

~~(3)~~ The applicant has satisfactorily completed a crematory 11693  
operation certification program approved by the board and has 11694  
presented to the board a certificate showing completion of the 11695  
program. 11696

(B) If the board of embalmers and funeral directors, upon 11697  
receiving satisfactory evidence, determines that the applicant 11698  
satisfies all of the requirements of division (A) of this 11699  
section, the board shall issue to the applicant a permit as a 11700

crematory operator. 11701

(C) The board of embalmers and funeral directors may 11702  
revoke or suspend a crematory operator permit or subject a 11703  
crematory operator permit holder to discipline in accordance 11704  
with the laws, rules, and procedures applicable to licensees 11705  
under this chapter. 11706

~~Sec. 4717.061.~~ (A) As used in this section, "license" and 11707  
"applicant for an initial license" have the same meanings as in 11708  
section 4776.01 of the Revised Code, except that "license" as 11709  
used in both of those terms refers to the types of 11710  
authorizations otherwise issued or conferred under this chapter. 11711

(B) In addition to any other eligibility requirement set 11712  
forth in this chapter, each applicant for an initial license 11713  
shall comply with sections 4776.01 to 4776.04 of the Revised 11714  
Code. The board of embalmers and funeral directors shall not 11715  
grant a license to an applicant for an initial license unless 11716  
the applicant complies with sections 4776.01 to 4776.04 of the 11717  
Revised Code ~~and the board, in its discretion, decides that the~~ 11718  
~~results of the criminal records check do not make the applicant~~ 11719  
~~ineligible for a license issued pursuant to section 4717.05,~~ 11720  
~~4717.06, or 4717.10 of the Revised Code.~~ 11721

**Sec. 4717.14.** (A) The board of embalmers and funeral 11722  
directors may, except as provided in division (G) of this 11723  
section, refuse to grant or renew, or may suspend or revoke, any 11724  
license or permit issued under this chapter or may require the 11725  
holder of a license or permit to take corrective action courses 11726  
for any of the following reasons: 11727

(1) The holder of a license or permit obtained the license 11728  
or permit by fraud or misrepresentation either in the 11729

- application or in passing the examination. 11730
- (2) The ~~applicant, licensee,~~ or permit holder has been 11731  
convicted of or has pleaded guilty to a felony or of any crime 11732  
involving moral turpitude. 11733
- (3) The applicant, licensee, or permit holder has 11734  
recklessly violated any provision of sections 4717.01 to 4717.15 11735  
or a rule adopted under any of those sections; division (A) or 11736  
(B) of section 4717.23; division (B) (1) or (2), (C) (1) or (2), 11737  
(D), (E), or (F) (1) or (2), or divisions (H) to (K) of section 11738  
4717.26; division (D) (1) of section 4717.27; or divisions (A) to 11739  
(C) of section 4717.28 of the Revised Code; or any provisions of 11740  
sections 4717.31 to 4717.38 of the Revised Code; any rule or 11741  
order of the department of health or a board of health of a 11742  
health district governing the disposition of dead human bodies; 11743  
or any other rule or order applicable to the applicant or 11744  
licensee. 11745
- (4) The ~~applicant, licensee,~~ or permit holder has 11746  
committed immoral or unprofessional conduct. 11747
- (5) The applicant or licensee knowingly permitted an 11748  
unlicensed person, other than a person serving an 11749  
apprenticeship, to engage in the profession or business of 11750  
embalming or funeral directing under the applicant's or 11751  
licensee's supervision. 11752
- (6) The applicant, licensee, or permit holder has been 11753  
habitually intoxicated, or is addicted to the use of morphine, 11754  
cocaine, or other habit-forming or illegal drugs. 11755
- (7) The applicant, licensee, or permit holder has refused 11756  
to promptly submit the custody of a dead human body or cremated 11757  
remains upon the express order of the person legally entitled to 11758

the body or cremated remains. 11759

(8) The licensee or permit holder loaned the licensee's 11760  
own license or the permit holder's own permit, or the applicant, 11761  
licensee, or permit holder borrowed or used the license or 11762  
permit of another person, or knowingly aided or abetted the 11763  
granting of an improper license or permit. 11764

(9) The applicant, licensee, or permit holder misled the 11765  
public by using false or deceptive advertising. As used in this 11766  
division, "false and deceptive advertising" includes, but is not 11767  
limited to, any of the following: 11768

(a) Using the names of persons who are not licensed to 11769  
practice funeral directing in a way that leads the public to 11770  
believe that such persons are engaging in funeral directing; 11771

(b) Using any name for the funeral home other than the 11772  
name under which the funeral home is licensed; 11773

(c) Using in the funeral home's name the surname of an 11774  
individual who is not directly, actively, or presently 11775  
associated with the funeral home, unless such surname has been 11776  
previously and continuously used by the funeral home. 11777

(B) (1) The board of embalmers and funeral directors shall 11778  
refuse to grant or renew, or shall suspend or revoke a license 11779  
or permit only in accordance with Chapter 119. of the Revised 11780  
Code. 11781

(2) The board shall send to the crematory review board 11782  
written notice that it proposes to refuse to issue or renew, or 11783  
proposes to suspend or revoke, a license to operate a crematory 11784  
facility. If, after the conclusion of the adjudicatory hearing 11785  
on the matter conducted under division (F) of section 4717.03 of 11786  
the Revised Code, the board of embalmers and funeral directors 11787

finds that any of the circumstances described in divisions (A) 11788  
(1) to (9) of this section apply to the person named in its 11789  
proposed action, the board may issue a final order under 11790  
division (F) of section 4717.03 of the Revised Code refusing to 11791  
issue or renew, or suspending or revoking, the person's license 11792  
to operate a crematory facility. 11793

(C) If the board of embalmers and funeral directors 11794  
determines that there is clear and convincing evidence that any 11795  
of the circumstances described in divisions (A) (1) to (9) of 11796  
this section apply to the holder of a license or permit issued 11797  
under this chapter and that the licensee's or permit holder's 11798  
continued practice presents a danger of immediate and serious 11799  
harm to the public, the board may suspend the licensee's license 11800  
or permit holder's permit without a prior adjudicatory hearing. 11801  
The executive director of the board shall prepare written 11802  
allegations for consideration by the board. 11803

The board, after reviewing the written allegations, may 11804  
suspend a license or permit without a prior hearing. 11805

Notwithstanding section 121.22 of the Revised Code, the 11806  
board may suspend a license or permit under this division by 11807  
utilizing a telephone conference call to review the allegations 11808  
and to take a vote. 11809

The board shall issue a written order of suspension by a 11810  
delivery system or in person in accordance with section 119.07 11811  
of the Revised Code. Such an order is not subject to suspension 11812  
by the court during the pendency of any appeal filed under 11813  
section 119.12 of the Revised Code. If the licensee or permit 11814  
holder requests an adjudicatory hearing by the board, the date 11815  
set for the hearing shall be within fifteen days, but not 11816  
earlier than seven days, after the licensee or permit holder has 11817

requested a hearing, unless the board and the licensee or permit holder agree to a different time for holding the hearing. 11818  
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Upon issuing a written order of suspension to the holder of a license to operate a crematory facility, the board of embalmers and funeral directors shall send written notice of the issuance of the order to the crematory review board. The crematory review board shall hold an adjudicatory hearing on the order under division (F) of section 4717.03 of the Revised Code within fifteen days, but not earlier than seven days, after the issuance of the order, unless the crematory review board and the licensee agree to a different time for holding the adjudicatory hearing. 11820  
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Any summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicatory order issued by the board of embalmers and funeral directors pursuant to this division and Chapter 119. of the Revised Code, or division (F) of section 4717.03 of the Revised Code, as applicable, becomes effective. The board of embalmers and funeral directors shall issue its final adjudicatory order within sixty days after the completion of its hearing or, in the case of the summary suspension of a license to operate a crematory facility, within sixty days after completion of the adjudicatory hearing by the crematory review board. A failure to issue the order within that time results in the dissolution of the summary suspension order, but does not invalidate any subsequent final adjudicatory order. 11830  
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(D) If the board of embalmers and funeral directors suspends or revokes a funeral director's license or a license to operate a funeral home for any reason identified in division (A) of this section, the board may file a complaint with the court 11844  
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of common pleas in the county where the violation occurred 11848  
requesting appointment of a receiver and the sequestration of 11849  
the assets of the funeral home that held the suspended or 11850  
revoked license or the licensed funeral home that employs the 11851  
funeral director that held the suspended or revoked license. If 11852  
the court of common pleas is satisfied with the application for 11853  
a receivership, the court may appoint a receiver. 11854

The board or a receiver may employ and procure whatever 11855  
assistance or advice is necessary in the receivership or 11856  
liquidation and distribution of the assets of the funeral home, 11857  
and, for that purpose, may retain officers or employees of the 11858  
funeral home as needed. All expenses of the receivership or 11859  
liquidation shall be paid from the assets of the funeral home 11860  
and shall be a lien on those assets, and that lien shall be a 11861  
priority to any other lien. 11862

(E) Any holder of a license or permit issued under this 11863  
chapter who has pleaded guilty to, has been found by a judge or 11864  
jury to be guilty of, or has had a judicial finding of 11865  
eligibility for treatment in lieu of conviction entered against 11866  
the individual in this state for aggravated murder, murder, 11867  
voluntary manslaughter, felonious assault, kidnapping, rape, 11868  
sexual battery, gross sexual imposition, aggravated arson, 11869  
aggravated robbery, or aggravated burglary, or who has pleaded 11870  
guilty to, has been found by a judge or jury to be guilty of, or 11871  
has had a judicial finding of eligibility for treatment in lieu 11872  
of conviction entered against the individual in another 11873  
jurisdiction for any substantially equivalent criminal offense, 11874  
is hereby suspended from practice under this chapter by 11875  
operation of law, and any license or permit issued to the 11876  
individual under this chapter is hereby suspended by operation 11877  
of law as of the date of the guilty plea, verdict or finding of 11878

guilt, or judicial finding of eligibility for treatment in lieu 11879  
of conviction, regardless of whether the proceedings are brought 11880  
in this state or another jurisdiction. The board shall notify 11881  
the suspended individual of the suspension of the individual's 11882  
license or permit by the operation of this division by a 11883  
delivery system or in person in accordance with section 119.07 11884  
of the Revised Code. If an individual whose license or permit is 11885  
suspended under this division fails to make a timely request for 11886  
an adjudicatory hearing, the board shall enter a final order 11887  
revoking the license. 11888

(F) No person whose license or permit has been suspended 11889  
or revoked under or by the operation of this section shall 11890  
knowingly practice embalming, funeral directing, or cremation, 11891  
or operate a funeral home, embalming facility, or crematory 11892  
facility until the board has reinstated the person's license or 11893  
permit. 11894

(G) The board shall not refuse to issue a license or 11895  
permit to an applicant because of a conviction of or plea of 11896  
guilty to a criminal offense unless the refusal is in accordance 11897  
with section 9.79 of the Revised Code. 11898

**Sec. 4719.03.** (A) Except as otherwise provided in division 11899  
(B) of this section, the attorney general shall issue a 11900  
certificate of registration or registration renewal as a 11901  
telephone solicitor to any applicant or registrant that submits 11902  
a completed application for the certificate, as specified under 11903  
section 4719.02 of the Revised Code, and pays, as applicable, 11904  
the registration fee or renewal fee prescribed pursuant to rule 11905  
of the attorney general adopted under section 4719.10 of the 11906  
Revised Code. All fees collected under this division shall be 11907  
deposited into the state treasury to the credit of the 11908



telemarketing fraud enforcement fund created in section 4719.17 11909  
of the Revised Code. The certificate of registration or 11910  
registration renewal shall expire one year after the date on 11911  
which it is issued. 11912

(B) After an adjudication conducted in accordance with 11913  
Chapter 119. of the Revised Code, the attorney general may, 11914  
except as provided in division (C) of this section, deny a 11915  
certificate of registration or registration renewal or may 11916  
suspend or revoke a certificate if the attorney general finds, 11917  
by a preponderance of the evidence, that any of the following 11918  
conditions apply: 11919

(1) The applicant or registrant obtained a certificate of 11920  
registration or registration renewal through any false or 11921  
fraudulent representation or made any material misrepresentation 11922  
in any registration application. 11923

(2) The applicant or registrant made false promises 11924  
through advertising or other means or engaged in a continued 11925  
course of misrepresentations. 11926

(3) The applicant or registrant violated any provision of 11927  
Chapter 1345. or sections 4719.01 to 4719.18 of the Revised Code 11928  
or a rule adopted under that chapter or those sections. 11929

(4) In a court of competent jurisdiction of this state or 11930  
any other state or of the United States, the applicant or 11931  
registrant was convicted of, pleaded guilty to, or entered a 11932  
plea of no contest for a felony, engaging in a pattern of 11933  
corrupt activity, racketeering, a violation of federal or state 11934  
securities law, or a theft offense as defined in section 2913.01 11935  
of the Revised Code or in a similar law of any other state or of 11936  
the United States, or failed to notify the attorney general of 11937

any conviction of that type as required under division (H) of 11938  
section 4719.08 of the Revised Code. 11939

(5) The applicant or registrant engaged in conduct that 11940  
constituted improper, fraudulent, or dishonest dealings. 11941

(C) The attorney general shall not refuse to issue a 11942  
certificate to an applicant because of a conviction of or plea 11943  
of guilty to a criminal offense unless the refusal is in 11944  
accordance with section 9.79 of the Revised Code. 11945

**Sec. 4723.09.** (A) (1) An application for licensure by 11946  
examination to practice as a registered nurse or as a licensed 11947  
practical nurse shall be submitted to the board of nursing in 11948  
the form prescribed by rules of the board. The application shall 11949  
include all of the following: 11950

(a) Evidence that the applicant has met the educational 11951  
requirements described in division (C) of this section; 11952

(b) Any other information required by rules of the board; 11953

(c) The application fee required by section 4723.08 of the 11954  
Revised Code. 11955

(2) The board shall grant a license to practice nursing as 11956  
a registered nurse or as a licensed practical nurse if the 11957  
following conditions of divisions (A) (2) (a) to (d) have been are 11958  
met: 11959

(a) The applicant passes the examination accepted by the 11960  
board under section 4723.10 of the Revised Code. 11961

(b) In the case of an applicant who entered a prelicensure 11962  
nursing education program on or after June 1, 2003, the results 11963  
of a criminal records check conducted in accordance with section 11964  
4723.091 of the Revised Code demonstrate that the applicant is 11965

not ineligible for licensure ~~as specified in~~ accordance with 11966  
section 4723.092 of the Revised Code. 11967

(c) The board determines that the applicant has not 11968  
committed any act that is grounds for disciplinary action under 11969  
section 3123.47 or 4723.28 of the Revised Code or determines 11970  
that an applicant who has committed any act that is grounds for 11971  
disciplinary action under either section has made restitution or 11972  
has been rehabilitated, or both.— 11973

~~(d) The applicant is not required to register under 11974  
Chapter 2950. of the Revised Code or a substantially similar law 11975  
of another state, the United States, or another country. 11976~~

(3) The board is not required to afford an adjudication to 11977  
an individual to whom it has refused to grant a license because 11978  
of that individual's failure to pass the examination. 11979

(B) (1) An application for licensure by endorsement to 11980  
practice nursing as a registered nurse or as a licensed 11981  
practical nurse shall be submitted to the board in the form 11982  
prescribed by rules of the board. The application shall include 11983  
all of the following: 11984

(a) Evidence that the applicant holds a current, valid, 11985  
and unrestricted license or equivalent authorization from 11986  
another jurisdiction granted after passing an examination 11987  
approved by the board of that jurisdiction that is equivalent to 11988  
the examination requirements under this chapter for a license to 11989  
practice nursing as a registered nurse or licensed practical 11990  
nurse; 11991

(b) Any other information required by rules of the board; 11992

(c) The application fee required by section 4723.08 of the 11993  
Revised Code. 11994

(2) The board shall grant a license by endorsement to practice nursing as a registered nurse or as a licensed practical nurse if the following conditions ~~of divisions (B) (2) (a) to (f) have been~~ are met:

(a) The applicant provides evidence satisfactory to the board that the applicant has met the educational requirements described in division (C) of this section.

(b) The examination, at the time it is successfully completed, is equivalent to the examination requirements in effect at that time for applicants who were licensed by examination in this state.

(c) The board determines there is sufficient evidence that the applicant completed two contact hours of continuing education directly related to this chapter or the rules adopted under it.

(d) The results of a criminal records check conducted in accordance with section 4723.091 of the Revised Code demonstrate that the applicant is not ineligible for licensure ~~as specified in accordance with~~ section 4723.092 of the Revised Code.

(e) The applicant has not committed any act that is grounds for disciplinary action under section 3123.47 or 4723.28 of the Revised Code, or the board determines that an applicant who has committed any act that is grounds for disciplinary action under either of those sections has made restitution or has been rehabilitated, or both.

~~(f) The applicant is not required to register under Chapter 2950. of the Revised Code, or a substantially similar law of another state, the United States, or another country.~~

(C) (1) To be eligible for licensure by examination or

endorsement, an applicant seeking a license to practice nursing 12024  
as a registered nurse must successfully complete either of the 12025  
following: 12026

(a) A nursing education program approved by the board 12027  
under division (A) of section 4723.06 of the Revised Code; 12028

(b) A nursing education program approved by a board of 12029  
another jurisdiction that is a member of the national council of 12030  
state boards of nursing. 12031

(2) To be eligible for licensure by examination or 12032  
endorsement, an applicant seeking a license to practice nursing 12033  
as a licensed practical nurse must successfully complete one of 12034  
the following: 12035

(a) A nursing education program approved by the board 12036  
under division (A) of section 4723.06 of the Revised Code; 12037

(b) A nursing education program approved by a board of 12038  
another jurisdiction that is a member of the national council of 12039  
state boards of nursing; 12040

(c) A practical nurse course offered or approved by the 12041  
United States army; 12042

(d) A practical nurse education program approved by the 12043  
United States air force as either of the following: 12044

(i) The community college of the air force associate 12045  
degree in practical nursing technology; 12046

(ii) The allied health program, for students who graduated 12047  
that program prior to 2016. 12048

(D) The board may grant a nonrenewable temporary permit to 12049  
practice nursing as a registered nurse or as a licensed 12050

practical nurse to an applicant for license by endorsement if 12051  
the board is satisfied by the evidence that the applicant holds 12052  
a current, valid, and unrestricted license or equivalent 12053  
authorization from another jurisdiction. Subject to earlier 12054  
automatic termination as described in this paragraph, the 12055  
temporary permit shall expire at the earlier of one hundred 12056  
eighty days after issuance or upon the issuance of a license by 12057  
endorsement. The temporary permit shall terminate automatically 12058  
if the criminal records check completed by the bureau of 12059  
criminal identification and investigation as described in 12060  
section 4723.091 of the Revised Code regarding the applicant 12061  
indicates that the applicant is ineligible for licensure ~~as~~ 12062  
~~specified in accordance with~~ section 4723.092 of the Revised 12063  
Code. An applicant whose temporary permit is automatically 12064  
terminated is permanently prohibited from obtaining a license to 12065  
practice nursing in this state as a registered nurse or as a 12066  
licensed practical nurse. 12067

**Sec. 4723.092.** ~~An individual is ineligible for licensure~~ 12068  
The board of nursing shall not refuse to issue a license under 12069  
section 4723.09 of the Revised Code or ~~issuance of a certificate~~ 12070  
under section 4723.651, 4723.75, 4723.76, or 4723.85 of the 12071  
Revised Code ~~if a criminal records check conducted in accordance~~ 12072  
~~with section 4723.091 of the Revised Code indicates that the~~ 12073  
~~individual has been convicted of, pleaded because of a~~ 12074  
conviction of, plea of guilty to, or had a judicial finding of 12075  
guilt of, a judicial finding of guilt resulting from a plea of 12076  
no contest to, or a judicial finding of eligibility for a 12077  
pretrial diversion or similar program or for intervention in 12078  
lieu of a conviction for either of the following: 12079

~~(A) Violating section 2903.01, 2903.02, 2903.03, 2903.11,~~ 12080  
~~2905.01, 2907.02, 2907.03, 2907.05, 2909.02, 2911.01, or 2911.11~~ 12081

~~of the Revised Code,~~ 12082

~~(B) Violating a criminal offense unless the refusal is in 12083  
accordance with section 9.79 of the Revised Code ~~law of another~~ 12084  
~~state, the United States, or another country that is~~ 12085  
~~substantially similar to a law described in division (A) of this~~ 12086  
~~section.~~ 12087~~

**Sec. 4723.28.** (A) The board of nursing, by a vote of a 12088  
quorum, may impose one or more of the following sanctions if it 12089  
finds that a person committed fraud in passing an examination 12090  
required to obtain a license or dialysis technician certificate 12091  
issued by the board or to have committed fraud, 12092  
misrepresentation, or deception in applying for or securing any 12093  
nursing license or dialysis technician certificate issued by the 12094  
board: deny, revoke, suspend, or place restrictions on any 12095  
nursing license or dialysis technician certificate issued by the 12096  
board; reprimand or otherwise discipline a holder of a nursing 12097  
license or dialysis technician certificate; or impose a fine of 12098  
not more than five hundred dollars per violation. 12099

(B) ~~The~~ Except as provided in section 4723.092 of the 12100  
Revised Code, the board of nursing, by a vote of a quorum, may 12101  
impose one or more of the following sanctions: deny, revoke, 12102  
suspend, or place restrictions on any nursing license or 12103  
dialysis technician certificate issued by the board; reprimand 12104  
or otherwise discipline a holder of a nursing license or 12105  
dialysis technician certificate; or impose a fine of not more 12106  
than five hundred dollars per violation. The sanctions may be 12107  
imposed for any of the following: 12108

(1) Denial, revocation, suspension, or restriction of 12109  
authority to engage in a licensed profession or practice a 12110  
health care occupation, including nursing or practice as a 12111

dialysis technician, for any reason other than a failure to  
renew, in Ohio or another state or jurisdiction; 12112  
12113

(2) Engaging in the practice of nursing or engaging in 12114  
practice as a dialysis technician, having failed to renew a 12115  
nursing license or dialysis technician certificate issued under 12116  
this chapter, or while a nursing license or dialysis technician 12117  
certificate is under suspension; 12118

(3) Conviction of, a plea of guilty to, a judicial finding 12119  
of guilt of, a judicial finding of guilt resulting from a plea 12120  
of no contest to, or a judicial finding of eligibility for a 12121  
pretrial diversion or similar program or for intervention in 12122  
lieu of conviction for, a misdemeanor committed in the course of 12123  
practice; 12124

(4) Conviction of, a plea of guilty to, a judicial finding 12125  
of guilt of, a judicial finding of guilt resulting from a plea 12126  
of no contest to, or a judicial finding of eligibility for a 12127  
pretrial diversion or similar program or for intervention in 12128  
lieu of conviction for, any felony or of any crime involving 12129  
gross immorality or moral turpitude; 12130

(5) Selling, giving away, or administering drugs or 12131  
therapeutic devices for other than legal and legitimate 12132  
therapeutic purposes; or conviction of, a plea of guilty to, a 12133  
judicial finding of guilt of, a judicial finding of guilt 12134  
resulting from a plea of no contest to, or a judicial finding of 12135  
eligibility for a pretrial diversion or similar program or for 12136  
intervention in lieu of conviction for, violating any municipal, 12137  
state, county, or federal drug law; 12138

(6) Conviction of, a plea of guilty to, a judicial finding 12139  
of guilt of, a judicial finding of guilt resulting from a plea 12140



of no contest to, or a judicial finding of eligibility for a 12141  
pretrial diversion or similar program or for intervention in 12142  
lieu of conviction for, an act in another jurisdiction that 12143  
would constitute a felony or a crime of moral turpitude in Ohio; 12144

(7) Conviction of, a plea of guilty to, a judicial finding 12145  
of guilt of, a judicial finding of guilt resulting from a plea 12146  
of no contest to, or a judicial finding of eligibility for a 12147  
pretrial diversion or similar program or for intervention in 12148  
lieu of conviction for, an act in the course of practice in 12149  
another jurisdiction that would constitute a misdemeanor in 12150  
Ohio; 12151

(8) Self-administering or otherwise taking into the body 12152  
any dangerous drug, as defined in section 4729.01 of the Revised 12153  
Code, in any way that is not in accordance with a legal, valid 12154  
prescription issued for that individual, or self-administering 12155  
or otherwise taking into the body any drug that is a schedule I 12156  
controlled substance; 12157

(9) Habitual or excessive use of controlled substances, 12158  
other habit-forming drugs, or alcohol or other chemical 12159  
substances to an extent that impairs the individual's ability to 12160  
provide safe nursing care or safe dialysis care; 12161

(10) Impairment of the ability to practice according to 12162  
acceptable and prevailing standards of safe nursing care or safe 12163  
dialysis care because of the use of drugs, alcohol, or other 12164  
chemical substances; 12165

(11) Impairment of the ability to practice according to 12166  
acceptable and prevailing standards of safe nursing care or safe 12167  
dialysis care because of a physical or mental disability; 12168

(12) Assaulting or causing harm to a patient or depriving 12169

a patient of the means to summon assistance;	12170
(13) Misappropriation or attempted misappropriation of	12171
money or anything of value in the course of practice;	12172
(14) Adjudication by a probate court of being mentally ill	12173
or mentally incompetent. The board may reinstate the person's	12174
nursing license or dialysis technician certificate upon	12175
adjudication by a probate court of the person's restoration to	12176
competency or upon submission to the board of other proof of	12177
competency.	12178
(15) The suspension or termination of employment by the	12179
United States department of defense or department of veterans	12180
affairs for any act that violates or would violate this chapter;	12181
(16) Violation of this chapter or any rules adopted under	12182
it;	12183
(17) Violation of any restrictions placed by the board on	12184
a nursing license or dialysis technician certificate;	12185
(18) Failure to use universal and standard precautions	12186
established by rules adopted under section 4723.07 of the	12187
Revised Code;	12188
(19) Failure to practice in accordance with acceptable and	12189
prevailing standards of safe nursing care or safe dialysis care;	12190
(20) In the case of a registered nurse, engaging in	12191
activities that exceed the practice of nursing as a registered	12192
nurse;	12193
(21) In the case of a licensed practical nurse, engaging	12194
in activities that exceed the practice of nursing as a licensed	12195
practical nurse;	12196

(22) In the case of a dialysis technician, engaging in activities that exceed those permitted under section 4723.72 of the Revised Code;	12197 12198 12199
(23) Aiding and abetting a person in that person's practice of nursing without a license or practice as a dialysis technician without a certificate issued under this chapter;	12200 12201 12202
(24) In the case of an advanced practice registered nurse, except as provided in division (M) of this section, either of the following:	12203 12204 12205
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers such nursing services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;	12206 12207 12208 12209 12210 12211
(b) Advertising that the nurse will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers such nursing services, would otherwise be required to pay.	12212 12213 12214 12215 12216
(25) Failure to comply with the terms and conditions of participation in the substance use disorder monitoring program established under section 4723.35 of the Revised Code;	12217 12218 12219
(26) Failure to comply with the terms and conditions required under the practice intervention and improvement program established under section 4723.282 of the Revised Code;	12220 12221 12222
(27) In the case of an advanced practice registered nurse:	12223
(a) Engaging in activities that exceed those permitted for	12224

the nurse's nursing specialty under section 4723.43 of the Revised Code;	12225 12226
(b) Failure to meet the quality assurance standards established under section 4723.07 of the Revised Code.	12227 12228
(28) In the case of an advanced practice registered nurse other than a certified registered nurse anesthetist, failure to maintain a standard care arrangement in accordance with section 4723.431 of the Revised Code or to practice in accordance with the standard care arrangement;	12229 12230 12231 12232 12233
(29) In the case of an advanced practice registered nurse who is designated as a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, failure to prescribe drugs and therapeutic devices in accordance with section 4723.481 of the Revised Code;	12234 12235 12236 12237 12238
(30) Prescribing any drug or device to perform or induce an abortion, or otherwise performing or inducing an abortion;	12239 12240
(31) Failure to establish and maintain professional boundaries with a patient, as specified in rules adopted under section 4723.07 of the Revised Code;	12241 12242 12243
(32) Regardless of whether the contact or verbal behavior is consensual, engaging with a patient other than the spouse of the registered nurse, licensed practical nurse, or dialysis technician in any of the following:	12244 12245 12246 12247
(a) Sexual contact, as defined in section 2907.01 of the Revised Code;	12248 12249
(b) Verbal behavior that is sexually demeaning to the patient or may be reasonably interpreted by the patient as sexually demeaning.	12250 12251 12252

(33) Assisting suicide, as defined in section 3795.01 of the Revised Code;	12253 12254
(34) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code;	12255 12256 12257 12258
(35) Failure to comply with section 4723.487 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	12259 12260 12261 12262
(36) The revocation, suspension, restriction, reduction, or termination of clinical privileges by the United States department of defense or department of veterans affairs or the termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement administration of the United States department of justice.	12263 12264 12265 12266 12267 12268
(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication conducted under Chapter 119. of the Revised Code, except that in lieu of a hearing, the board may enter into a consent agreement with an individual to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by a vote of a quorum, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the agreement shall be of no effect.	12269 12270 12271 12272 12273 12274 12275 12276 12277 12278 12279
(D) The hearings of the board shall be conducted in accordance with Chapter 119. of the Revised Code, the board may	12280 12281

appoint a hearing examiner, as provided in section 119.09 of the Revised Code, to conduct any hearing the board is authorized to hold under Chapter 119. of the Revised Code.

In any instance in which the board is required under Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and the applicant, licensee, or certificate holder does not make a timely request for a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by a vote of a quorum, a final order that contains the board's findings. In the final order, the board may order any of the sanctions listed in division (A) or (B) of this section.

(E) If a criminal action is brought against a registered nurse, licensed practical nurse, or dialysis technician for an act or crime described in divisions (B) (3) to (7) of this section and the action is dismissed by the trial court other than on the merits, the board shall conduct an adjudication to determine whether the registered nurse, licensed practical nurse, or dialysis technician committed the act on which the action was based. If the board determines on the basis of the adjudication that the registered nurse, licensed practical nurse, or dialysis technician committed the act, or if the registered nurse, licensed practical nurse, or dialysis technician fails to participate in the adjudication, the board may take action as though the registered nurse, licensed practical nurse, or dialysis technician had been convicted of the act.

If the board takes action on the basis of a conviction, plea, or a judicial finding as described in divisions (B) (3) to (7) of this section that is overturned on appeal, the registered

nurse, licensed practical nurse, or dialysis technician may, on 12312  
exhaustion of the appeal process, petition the board for 12313  
reconsideration of its action. On receipt of the petition and 12314  
supporting court documents, the board shall temporarily rescind 12315  
its action. If the board determines that the decision on appeal 12316  
was a decision on the merits, it shall permanently rescind its 12317  
action. If the board determines that the decision on appeal was 12318  
not a decision on the merits, it shall conduct an adjudication 12319  
to determine whether the registered nurse, licensed practical 12320  
nurse, or dialysis technician committed the act on which the 12321  
original conviction, plea, or judicial finding was based. If the 12322  
board determines on the basis of the adjudication that the 12323  
registered nurse, licensed practical nurse, or dialysis 12324  
technician committed such act, or if the registered nurse, 12325  
licensed practical nurse, or dialysis technician does not 12326  
request an adjudication, the board shall reinstate its action; 12327  
otherwise, the board shall permanently rescind its action. 12328

Notwithstanding the provision of division (C) (2) of 12329  
section 2953.32 of the Revised Code specifying that if records 12330  
pertaining to a criminal case are sealed under that section the 12331  
proceedings in the case shall be deemed not to have occurred, 12332  
sealing of the following records on which the board has based an 12333  
action under this section shall have no effect on the board's 12334  
action or any sanction imposed by the board under this section: 12335  
records of any conviction, guilty plea, judicial finding of 12336  
guilt resulting from a plea of no contest, or a judicial finding 12337  
of eligibility for a pretrial diversion program or intervention 12338  
in lieu of conviction. 12339

The board shall not be required to seal, destroy, redact, 12340  
or otherwise modify its records to reflect the court's sealing 12341  
of conviction records. 12342

(F) The board may investigate an individual's criminal background in performing its duties under this section. As part of such investigation, the board may order the individual to submit, at the individual's expense, a request to the bureau of criminal identification and investigation for a criminal records check and check of federal bureau of investigation records in accordance with the procedure described in section 4723.091 of the Revised Code.

(G) During the course of an investigation conducted under this section, the board may compel any registered nurse, licensed practical nurse, or dialysis technician or applicant under this chapter to submit to a mental or physical examination, or both, as required by the board and at the expense of the individual, if the board finds reason to believe that the individual under investigation may have a physical or mental impairment that may affect the individual's ability to provide safe nursing care. Failure of any individual to submit to a mental or physical examination when directed constitutes an admission of the allegations, unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence.

If the board finds that an individual is impaired, the board shall require the individual to submit to care, counseling, or treatment approved or designated by the board, as a condition for initial, continued, reinstated, or renewed authority to practice. The individual shall be afforded an opportunity to demonstrate to the board that the individual can begin or resume the individual's occupation in compliance with acceptable and prevailing standards of care under the provisions of the individual's authority to practice.



For purposes of this division, any registered nurse, 12374  
licensed practical nurse, or dialysis technician or applicant 12375  
under this chapter shall be deemed to have given consent to 12376  
submit to a mental or physical examination when directed to do 12377  
so in writing by the board, and to have waived all objections to 12378  
the admissibility of testimony or examination reports that 12379  
constitute a privileged communication. 12380

(H) The board shall investigate evidence that appears to 12381  
show that any person has violated any provision of this chapter 12382  
or any rule of the board. Any person may report to the board any 12383  
information the person may have that appears to show a violation 12384  
of any provision of this chapter or rule of the board. In the 12385  
absence of bad faith, any person who reports such information or 12386  
who testifies before the board in any adjudication conducted 12387  
under Chapter 119. of the Revised Code shall not be liable for 12388  
civil damages as a result of the report or testimony. 12389

(I) All of the following apply under this chapter with 12390  
respect to the confidentiality of information: 12391

(1) Information received by the board pursuant to a 12392  
complaint or an investigation is confidential and not subject to 12393  
discovery in any civil action, except that the board may 12394  
disclose information to law enforcement officers and government 12395  
entities for purposes of an investigation of either a licensed 12396  
health care professional, including a registered nurse, licensed 12397  
practical nurse, or dialysis technician, or a person who may 12398  
have engaged in the unauthorized practice of nursing or dialysis 12399  
care. No law enforcement officer or government entity with 12400  
knowledge of any information disclosed by the board pursuant to 12401  
this division shall divulge the information to any other person 12402  
or government entity except for the purpose of a government 12403

investigation, a prosecution, or an adjudication by a court or  
government entity. 12404  
12405

(2) If an investigation requires a review of patient 12406  
records, the investigation and proceeding shall be conducted in 12407  
such a manner as to protect patient confidentiality. 12408

(3) All adjudications and investigations of the board 12409  
shall be considered civil actions for the purposes of section 12410  
2305.252 of the Revised Code. 12411

(4) Any board activity that involves continued monitoring 12412  
of an individual as part of or following any disciplinary action 12413  
taken under this section shall be conducted in a manner that 12414  
maintains the individual's confidentiality. Information received 12415  
or maintained by the board with respect to the board's 12416  
monitoring activities is not subject to discovery in any civil 12417  
action and is confidential, except that the board may disclose 12418  
information to law enforcement officers and government entities 12419  
for purposes of an investigation of a licensee or certificate 12420  
holder. 12421

(J) Any action taken by the board under this section 12422  
resulting in a suspension from practice shall be accompanied by 12423  
a written statement of the conditions under which the person may 12424  
be reinstated to practice. 12425

(K) When the board refuses to grant a license or 12426  
certificate to an applicant, revokes a license or certificate, 12427  
or refuses to reinstate a license or certificate, the board may 12428  
specify that its action is permanent. An individual subject to 12429  
permanent action taken by the board is forever ineligible to 12430  
hold a license or certificate of the type that was refused or 12431  
revoked and the board shall not accept from the individual an 12432

application for reinstatement of the license or certificate or 12433  
for a new license or certificate. 12434

(L) No unilateral surrender of a nursing license, 12435  
certificate of authority, or dialysis technician certificate 12436  
issued under this chapter shall be effective unless accepted by 12437  
majority vote of the board. No application for a nursing 12438  
license, certificate of authority, or dialysis technician 12439  
certificate issued under this chapter may be withdrawn without a 12440  
majority vote of the board. The board's jurisdiction to take 12441  
disciplinary action under this section is not removed or limited 12442  
when an individual has a license or certificate classified as 12443  
inactive or fails to renew a license or certificate. 12444

(M) Sanctions shall not be imposed under division (B) (24) 12445  
of this section against any licensee who waives deductibles and 12446  
copayments as follows: 12447

(1) In compliance with the health benefit plan that 12448  
expressly allows such a practice. Waiver of the deductibles or 12449  
copayments shall be made only with the full knowledge and 12450  
consent of the plan purchaser, payer, and third-party 12451  
administrator. Documentation of the consent shall be made 12452  
available to the board upon request. 12453

(2) For professional services rendered to any other person 12454  
licensed pursuant to this chapter to the extent allowed by this 12455  
chapter and the rules of the board. 12456

**Sec. 4723.651.** (A) To be eligible to receive a medication 12457  
aide certificate, an applicant shall meet all of the following 12458  
conditions: 12459

(1) Be at least eighteen years of age; 12460

(2) Have a high school diploma or a certificate of high 12461

school equivalence as defined in section 5107.40 of the Revised Code; 12462  
12463

(3) If the applicant is to practice as a medication aide 12464  
in a nursing home, be a nurse aide who satisfies the 12465  
requirements of division (A) (1), (2), (3), (4), (5), (6), or (8) 12466  
of section 3721.32 of the Revised Code; 12467

(4) If the applicant is to practice as a medication aide 12468  
in a residential care facility, be a nurse aide who satisfies 12469  
the requirements of division (A) (1), (2), (3), (4), (5), (6), or 12470  
(8) of section 3721.32 of the Revised Code or an individual who 12471  
has at least one year of direct care experience in a residential 12472  
care facility; 12473

(5) If the applicant is to practice as a medication aide 12474  
in an ICF/IID, be a nurse aide who satisfies the requirements of 12475  
division (A) (1), (2), (3), (4), (5), (6), or (8) of section 12476  
3721.32 of the Revised Code or an individual who has at least 12477  
one year of direct care experience in an ICF/IID; 12478

(6) Successfully complete the course of instruction 12479  
provided by a training program approved under section 4723.66 of 12480  
the Revised Code; 12481

(7) Not be ineligible for licensure or certification ~~as~~ 12482  
~~specified in~~ accordance with section 4723.092 of the Revised 12483  
Code; 12484

(8) Have not committed any act that is grounds for 12485  
disciplinary action under section 3123.47 or 4723.28 of the 12486  
Revised Code or be determined by the board to have made 12487  
restitution, been rehabilitated, or both; 12488

(9) ~~Not be required to register under Chapter 2950. of the~~ 12489  
~~Revised Code or a substantially similar law of another state,~~ 12490

~~the United States, or another country,~~ 12491

~~(10)~~ Meet all other requirements for a medication aide 12492  
certificate established in rules adopted under section 4723.69 12493  
of the Revised Code. 12494

(B) If an applicant meets the requirements specified in 12495  
division (A) of this section, the board of nursing shall issue a 12496  
medication aide certificate to the applicant. If a medication 12497  
aide certificate is issued to an individual on the basis of 12498  
having at least one year of direct care experience working in a 12499  
residential care facility, as provided in division (A) (4) of 12500  
this section, the certificate is valid for use only in a 12501  
residential care facility. If a medication aide certificate is 12502  
issued to an individual on the basis of having at least one year 12503  
of direct care experience working in an ICF/IID, as provided in 12504  
division (A) (5) of this section, the certificate is valid for 12505  
use only in an ICF/IID. The board shall state the limitation on 12506  
the certificate issued to the individual. 12507

(C) A medication aide certificate is valid for two years, 12508  
unless earlier suspended or revoked. The certificate may be 12509  
renewed in accordance with procedures specified by the board in 12510  
rules adopted under section 4723.69 of the Revised Code. To be 12511  
eligible for renewal, an applicant shall pay the renewal fee 12512  
established in the rules and meet all renewal qualifications 12513  
specified in the rules. 12514

**Sec. 4723.75.** (A) The board of nursing shall issue a 12515  
certificate to practice as a dialysis technician to an applicant 12516  
if the following conditions ~~of divisions (A) (1) to (5) of this~~ 12517  
~~section have been~~ are met: 12518

(1) The application is submitted to the board in 12519

accordance with rules adopted under section 4723.79 of the Revised Code and includes both of the following:

(a) The fee established in rules adopted under section 4723.79 of the Revised Code;

(b) The name and address of each approved dialysis training program in which the applicant has enrolled and the dates during which the applicant was enrolled in each program.

(2) The applicant meets the requirements established by the board's rules.

(3) The applicant demonstrates competency to practice as a dialysis technician, as specified in division (B) of this section.

(4) In the case of an applicant who entered a dialysis training program on or after June 1, 2003, the results of a criminal records check conducted in accordance with section 4723.091 of the Revised Code demonstrate that the applicant is not ineligible for certification as specified in accordance with section 4723.092 of the Revised Code.

~~(5) The applicant is not required to register under Chapter 2950. of the Revised Code or a substantially similar law of another state, the United States, or another country.~~

(B) For an applicant to demonstrate competence to practice as a dialysis technician, one of the following must apply:

(1) The applicant has successfully completed a dialysis training program approved by the board under section 4723.74 of the Revised Code and meets both of the following requirements:

(a) Has performed dialysis care for a dialysis provider for not less than six months immediately prior to the date of

application; 12548

(b) Has passed a certification examination demonstrating 12549  
competence to perform dialysis care not later than eighteen 12550  
months after successfully completing a dialysis training program 12551  
approved by the board under section 4723.74 of the Revised Code. 12552

(2) The applicant does all of the following: 12553

(a) Has a testing organization approved by the board 12554  
submit evidence satisfactory to the board that the applicant 12555  
passed an examination, in another jurisdiction, that 12556  
demonstrates the applicant's competence to provide dialysis 12557  
care; 12558

(b) Submits evidence satisfactory to the board that the 12559  
applicant has been employed to perform dialysis care in another 12560  
jurisdiction for not less than six months immediately prior to 12561  
the date of application for certification under this section; 12562

(c) Submits evidence satisfactory to the board that the 12563  
applicant completed at least two hours of education directly 12564  
related to this chapter and the rules adopted under it. 12565

(C) An applicant who does not pass the certification 12566  
examination described in division (B) (1) (b) of this section 12567  
within the time period prescribed in that division may continue 12568  
to pursue certification by repeating the entire training and 12569  
application process, including doing all of the following: 12570

(1) Enrolling in and successfully completing a dialysis 12571  
training program approved by the board; 12572

(2) Submitting a request to the bureau of criminal 12573  
identification and investigation for a criminal records check 12574  
and check of federal bureau of investigation records pursuant to 12575

section 4723.091 of the Revised Code;	12576
(3) Submitting an application for a dialysis technician intern certificate in accordance with section 4723.76 of the Revised Code;	12577 12578 12579
(4) Demonstrating competence to perform dialysis care in accordance with division (B) of this section.	12580 12581
<b>Sec. 4723.76.</b> (A) The board of nursing shall issue a certificate to practice as a dialysis technician intern to an applicant who has not passed the dialysis technician certification examination required by section 4723.751 of the Revised Code, but who satisfies all of the following requirements:	12582 12583 12584 12585 12586 12587
(1) Applies to the board in accordance with rules adopted under section 4723.79 of the Revised Code and includes with the application both of the following:	12588 12589 12590
(a) The fee established in rules adopted under section 4723.79 of the Revised Code;	12591 12592
(b) The name and address of all dialysis training programs approved by the board in which the applicant has been enrolled and the dates of enrollment in each program.	12593 12594 12595
(2) Provides documentation from the applicant's employer attesting that the applicant is competent to perform dialysis care;	12596 12597 12598
(3) Has successfully completed a dialysis training program approved by the board of nursing under section 4723.74 of the Revised Code;	12599 12600 12601
<del>(4) Is not required to register under Chapter 2950. of the Revised Code or a substantially similar law of another state,</del>	12602 12603



~~the United States, or another country.~~ 12604

(B) A dialysis technician intern certificate issued to an 12605  
applicant who meets the requirements in division (A) of this 12606  
section is valid for a period of time that is eighteen months 12607  
from the date on which the applicant successfully completed a 12608  
dialysis training program approved by the board under section 12609  
4723.74 of the Revised Code, minus the time the applicant was 12610  
enrolled in one or more dialysis training programs approved by 12611  
the board. 12612

(C) A dialysis technician intern certificate issued under 12613  
this section may not be renewed. 12614

**Sec. 4723.84.** (A) To be eligible to receive a community 12615  
health worker certificate, an applicant shall meet all of the 12616  
following conditions: 12617

(1) Be eighteen years of age or older; 12618

(2) Possess a high school diploma or the equivalent of a 12619  
high school diploma, as determined by the board; 12620

(3) Except as provided in division (B) of this section, 12621  
successfully complete a community health worker training program 12622  
approved by the board under section 4723.87 of the Revised Code; 12623

(4) Not be ineligible for certification ~~as specified in~~ 12624  
accordance with section 4723.092 of the Revised Code; 12625

(5) Not have committed any act that is grounds for 12626  
disciplinary action under section 3123.47 of the Revised Code or 12627  
rules adopted under division (F) of section 4723.88 of the 12628  
Revised Code or, if such an act has been committed, be 12629  
determined by the board to have made restitution, been 12630  
rehabilitated, or both; 12631

~~(6) Not be required to register under Chapter 2950. of the Revised Code or a substantially similar law of another state, the United States, or another country;~~

~~(7) Meet all other requirements the board specifies in rules adopted under section 4723.88 of the Revised Code.~~

(B) In lieu of meeting the condition of completing a community health worker training program, an applicant may be issued a community health worker certificate if the individual was employed in a capacity substantially the same as a community health worker prior to February 1, 2005. To be eligible under this division, an applicant must meet the requirements specified in rules adopted by the board under section 4723.88 of the Revised Code and provide documentation from the employer attesting to the employer's belief that the applicant is competent to perform activities as a certified community health worker.

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

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

- (1) Be at least eighteen years of age; 12662
- (2) ~~Be of good moral character;~~ 12663
- ~~(3)~~ Complete satisfactorily a course of study of at least 12664  
six college years; 12665
- ~~(4)~~ (3) Graduate from a school of optometry approved by 12666  
the board under section 4725.10 of the Revised Code; 12667
- ~~(5)~~ (4) Pass the licensing examination accepted by the 12668  
board under section 4725.11 of the Revised Code. 12669
- Sec. 4725.121.** (A) As used in this section, "license" and 12670  
"applicant for an initial license" have the same meanings as in 12671  
section 4776.01 of the Revised Code, except that "license" as 12672  
used in both of those terms refers to the types of 12673  
authorizations otherwise issued or conferred under this chapter. 12674
- (B) In addition to any other eligibility requirement set 12675  
forth in this chapter, each applicant for an initial license 12676  
shall comply with sections 4776.01 to 4776.04 of the Revised 12677  
Code. The state vision professionals board shall not grant a 12678  
license to an applicant for an initial license unless the 12679  
applicant complies with sections 4776.01 to 4776.04 of the 12680  
Revised Code ~~and the board, in its discretion, decides that the~~ 12681  
~~results of the criminal records check do not make the applicant~~ 12682  
~~ineligible for a license issued pursuant to section 4725.13 or~~ 12683  
~~4725.18 of the Revised Code.~~ 12684
- Sec. 4725.18.** (A) The state vision professionals board may 12685  
issue a certificate of licensure and therapeutic pharmaceutical 12686  
agents certificate by endorsement to an individual licensed as 12687  
an optometrist by another state or a Canadian province if the 12688  
board determines that the other state or province has standards 12689  
for the practice of optometry that are at least as stringent as 12690

the standards established under sections 4725.01 to 4725.34 of 12691  
the Revised Code and the individual meets the conditions 12692  
specified in division (B) of this section. The certificates may 12693  
be issued only by an affirmative vote of a majority of the 12694  
board's members. 12695

(B) An individual seeking a certificate of licensure and 12696  
therapeutic pharmaceutical agents certificate pursuant to this 12697  
section shall submit an application to the board. To receive the 12698  
certificates, an applicant must meet all of the following 12699  
conditions: 12700

(1) Meet the same qualifications that an individual must 12701  
meet under divisions (B) (1) to ~~(4)~~ (3) of section 4725.12 of the 12702  
Revised Code to receive a certificate of licensure and 12703  
therapeutic pharmaceutical agents certificate under that 12704  
section; 12705

(2) Be licensed to practice optometry by a state or 12706  
province that requires passage of a written, entry-level 12707  
examination at the time of initial licensure; 12708

(3) Be licensed in good standing by the optometry 12709  
licensing agency of the other state or province, evidenced by 12710  
submission of a letter from the licensing agency of the other 12711  
state or province attesting to the applicant's good standing; 12712

(4) Provide the board with certified reports from the 12713  
optometry licensing agencies of all states and provinces in 12714  
which the applicant is licensed or has been licensed to practice 12715  
optometry describing all past and pending actions taken by those 12716  
agencies with respect to the applicant's authority to practice 12717  
optometry in those jurisdictions, including such actions as 12718  
investigations, entering into consent agreements, suspensions, 12719

revocations, and refusals to issue or renew a license;	12720
(5) Have been actively engaged in the practice of	12721
optometry, including the use of therapeutic pharmaceutical	12722
agents, for at least three years immediately preceding making	12723
application under this section;	12724
(6) Pay the nonrefundable application fees established	12725
under section 4725.34 of the Revised Code for a certificate of	12726
licensure and therapeutic pharmaceutical agents certificate;	12727
(7) Submit all transcripts, reports, or other information	12728
the board requires;	12729
(8) Participate in a two-hour instruction session provided	12730
by the board on the optometry statutes and rules of this state	12731
or pass an Ohio optometry jurisprudence test administered by the	12732
board;	12733
(9) Pass all or part of the licensing examination accepted	12734
by the board under section 4725.11 of the Revised Code, if the	12735
board determines that testing is necessary to determine whether	12736
the applicant's qualifications are sufficient for issuance of a	12737
certificate of licensure and therapeutic pharmaceutical agents	12738
certificate under this section;	12739
(10) Not have been previously denied issuance of a	12740
certificate by the board.	12741
<b>Sec. 4725.19.</b> (A) In accordance with Chapter 119. of the	12742
Revised Code and by an affirmative vote of a majority of its	12743
members, the state vision professionals board, for any of the	12744
reasons specified in division (B) of this section, shall refuse	12745
to grant a certificate of licensure to practice optometry to an	12746
applicant and may, with respect to a licensed optometrist, do	12747
one or more of the following:	12748

(1) Suspend the operation of any certificate of licensure, 12749  
topical ocular pharmaceutical agents certificate, or therapeutic 12750  
pharmaceutical agents certificate, or all certificates granted 12751  
by it to the optometrist; 12752

(2) Permanently revoke any or all of the certificates; 12753

(3) Limit or otherwise place restrictions on any or all of 12754  
the certificates; 12755

(4) Reprimand the optometrist; 12756

(5) Impose a monetary penalty. If the reason for which the 12757  
board is imposing the penalty involves a criminal offense that 12758  
carries a fine under the Revised Code, the penalty shall not 12759  
exceed the maximum fine that may be imposed for the criminal 12760  
offense. In any other case, the penalty imposed by the board 12761  
shall not exceed five hundred dollars. 12762

(6) Require the optometrist to take corrective action 12763  
courses. 12764

The amount and content of corrective action courses shall 12765  
be established by the board in rules adopted under section 12766  
4725.09 of the Revised Code. 12767

(B) ~~The~~ Except as provided in division (E) of this 12768  
section, the sanctions specified in division (A) of this section 12769  
may be taken by the board for any of the following reasons: 12770

(1) Committing fraud in passing the licensing examination 12771  
or making false or purposely misleading statements in an 12772  
application for a certificate of licensure; 12773

(2) Being at any time guilty of immorality, regardless of 12774  
the jurisdiction in which the act was committed; 12775

- (3) Being guilty of dishonesty or unprofessional conduct 12776  
in the practice of optometry; 12777
- (4) Being at any time guilty of a felony, regardless of 12778  
the jurisdiction in which the act was committed; 12779
- (5) Being at any time guilty of a misdemeanor committed in 12780  
the course of practice, regardless of the jurisdiction in which 12781  
the act was committed; 12782
- (6) Violating the conditions of any limitation or other 12783  
restriction placed by the board on any certificate issued by the 12784  
board; 12785
- (7) Engaging in the practice of optometry as provided in 12786  
division (A) (1), (2), or (3) of section 4725.01 of the Revised 12787  
Code when the certificate authorizing that practice is under 12788  
suspension, in which case the board shall permanently revoke the 12789  
certificate; 12790
- (8) Being denied a license to practice optometry in 12791  
another state or country or being subject to any other sanction 12792  
by the optometric licensing authority of another state or 12793  
country, other than sanctions imposed for the nonpayment of 12794  
fees; 12795
- (9) Departing from or failing to conform to acceptable and 12796  
prevailing standards of care in the practice of optometry as 12797  
followed by similar practitioners under the same or similar 12798  
circumstances, regardless of whether actual injury to a patient 12799  
is established; 12800
- (10) Failing to maintain comprehensive patient records; 12801
- (11) Advertising a price of optical accessories, eye 12802  
examinations, or other products or services by any means that 12803

would deceive or mislead the public; 12804

(12) Being addicted to the use of alcohol, stimulants, 12805  
narcotics, or any other substance which impairs the intellect 12806  
and judgment to such an extent as to hinder or diminish the 12807  
performance of the duties included in the person's practice of 12808  
optometry; 12809

(13) Engaging in the practice of optometry as provided in 12810  
division (A) (2) or (3) of section 4725.01 of the Revised Code 12811  
without authority to do so or, if authorized, in a manner 12812  
inconsistent with the authority granted; 12813

(14) Failing to make a report to the board as required by 12814  
division (A) of section 4725.21 or section 4725.31 of the 12815  
Revised Code; 12816

(15) Soliciting patients from door to door or establishing 12817  
temporary offices, in which case the board shall suspend all 12818  
certificates held by the optometrist; 12819

(16) Except as provided in division (D) of this section: 12820

(a) Waiving the payment of all or any part of a deductible 12821  
or copayment that a patient, pursuant to a health insurance or 12822  
health care policy, contract, or plan that covers optometric 12823  
services, would otherwise be required to pay if the waiver is 12824  
used as an enticement to a patient or group of patients to 12825  
receive health care services from that optometrist. 12826

(b) Advertising that the optometrist will waive the 12827  
payment of all or any part of a deductible or copayment that a 12828  
patient, pursuant to a health insurance or health care policy, 12829  
contract, or plan that covers optometric services, would 12830  
otherwise be required to pay. 12831



(17) Failing to comply with the requirements in section 12832  
3719.061 of the Revised Code before issuing for a minor a 12833  
prescription for an analgesic controlled substance authorized 12834  
pursuant to section 4725.091 of the Revised Code that is an 12835  
opioid analgesic, as defined in section 3719.01 of the Revised 12836  
Code; 12837

(18) Violating the rules adopted under section 4725.66 of 12838  
the Revised Code; 12839

(19) A pattern of continuous or repeated violations of 12840  
division (E) (2) or (3) of section 3963.02 of the Revised Code. 12841

(C) Any person who is the holder of a certificate of 12842  
licensure, or who is an applicant for a certificate of licensure 12843  
against whom is preferred any charges, shall be furnished by the 12844  
board with a copy of the complaint and shall have a hearing 12845  
before the board in accordance with Chapter 119. of the Revised 12846  
Code. 12847

(D) Sanctions shall not be imposed under division (B) (17) 12848  
of this section against any optometrist who waives deductibles 12849  
and copayments: 12850

(1) In compliance with the health benefit plan that 12851  
expressly allows such a practice. Waiver of the deductibles or 12852  
copayments shall be made only with the full knowledge and 12853  
consent of the plan purchaser, payer, and third-party 12854  
administrator. Documentation of the consent shall be made 12855  
available to the board upon request. 12856

(2) For professional services rendered to any other 12857  
optometrist licensed by the board, to the extent allowed by 12858  
sections 4725.01 to 4725.34 of the Revised Code and the rules of 12859  
the board. 12860

(E) The board shall not refuse to grant a certificate of licensure to practice optometry to an applicant because of a conviction of or plea of guilty to an offense unless the refusal is in accordance with section 9.79 of the Revised Code.

**Sec. 4725.44.** (A) The state vision professionals board shall be responsible for the administration of sections 4725.40 to 4725.59 of the Revised Code and, in particular, shall process applications for licensure as licensed dispensing opticians and ocularists; schedule, administer, and supervise the qualifying examinations for licensure or contract with a testing service to schedule, administer, and supervise the qualifying examination for licensure; issue licenses to qualified individuals; and revoke and suspend licenses.

(B) The board shall adopt, amend, or rescind rules, pursuant to Chapter 119. of the Revised Code, for the licensure of dispensing opticians and ocularists, and such other rules as are required by or necessary to carry out the responsibilities imposed by sections 4725.40 to 4725.59 of the Revised Code, including rules establishing criminal records check requirements under section 4776.03 of the Revised Code and rules establishing disqualifying offenses for licensure as a dispensing optician or certification as an apprentice dispensing optician pursuant to sections 9.79, 4725.48, 4725.52, 4725.53, and 4776.10 of the Revised Code.

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

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

optical dispensing shall file a properly completed application 12891  
for an examination with the state vision professionals board or 12892  
with the testing service the board has contracted with pursuant 12893  
to section 4725.49 of the Revised Code. The application for 12894  
examination shall be made using a form provided by the board and 12895  
shall be accompanied by an examination fee the board shall 12896  
establish by rule. 12897

(B) Any person who desires to engage in optical dispensing 12898  
shall file a properly completed application for a license with 12899  
the board with a licensure application fee of fifty dollars. 12900

No person shall be eligible to apply for a license under 12901  
this division, unless the person is at least eighteen years of 12902  
age, is free of contagious or infectious disease, has received a 12903  
passing score, as determined by the board, on the examination 12904  
administered under division (A) of this section, is a graduate 12905  
of an accredited high school of any state, or has received an 12906  
equivalent education and has successfully completed either of 12907  
the following: 12908

(1) Two years of supervised experience under a licensed 12909  
dispensing optician, optometrist, or physician engaged in the 12910  
practice of ophthalmology, up to one year of which may be 12911  
continuous experience of not less than thirty hours a week in an 12912  
optical laboratory; 12913

(2) A two-year college level program in optical dispensing 12914  
that has been approved by the board and that includes, but is 12915  
not limited to, courses of study in mathematics, science, 12916  
English, anatomy and physiology of the eye, applied optics, 12917  
ophthalmic optics, measurement and inspection of lenses, lens 12918  
grinding and edging, ophthalmic lens design, keratometry, and 12919  
the fitting and adjusting of spectacle lenses and frames and 12920

contact lenses, including methods of fitting contact lenses and 12921  
post-fitting care. 12922

(C) Any person who desires to obtain a license to practice 12923  
as an ocularist shall file a properly completed application with 12924  
the board accompanied by the appropriate fee and proof that the 12925  
applicant has met the requirements for licensure. The board 12926  
shall establish, by rule, the application fee and the minimum 12927  
requirements for licensure, including education, examination, or 12928  
experience standards recognized by the board as national 12929  
standards for ocularists. The board shall issue a license to 12930  
practice as an ocularist to an applicant who satisfies the 12931  
requirements of this division and rules adopted pursuant to this 12932  
division. 12933

(D) (1) Subject to divisions (D) ~~(2)~~, ~~(3)~~, and (4) of this 12934  
section, the board shall not adopt, maintain, renew, or enforce 12935  
any rule that precludes an individual from ~~receiving or renewing~~ 12936  
a license as a dispensing optician issued under sections 4725.40 12937  
to 4725.59 of the Revised Code due to any past criminal 12938  
activity or interpretation of moral character, unless the 12939  
individual has committed a crime of moral turpitude or a 12940  
disqualifying offense as those terms are defined in section 12941  
4776.10 of the Revised Code. 12942

If the board denies an individual a license or license 12943  
renewal, the reasons for such denial shall be put in writing. 12944

~~(2) Except as otherwise provided in this division, if an~~ 12945  
~~individual applying for a license has been convicted of or~~ 12946  
~~pleaded guilty to a misdemeanor that is not a crime of moral~~ 12947  
~~turpitude or a disqualifying offense less than one year prior to~~ 12948  
~~making the application, the The board may use its discretion in~~ 12949  
~~granting or denying the individual refuse to issue a license.~~ 12950

~~Except as otherwise provided in this division, if an individual applying for a license has been convicted of or pleaded guilty to a felony that is not a crime of moral turpitude or a disqualifying offense less than three years prior to making the application, the board may use its discretion in granting or denying the individual a license. The provisions in this paragraph do not apply with respect to any offense unless the board, prior to September 28, 2012, was required or authorized to deny the application based on that offense.~~

~~In all other circumstances, the board shall follow the procedures it adopts by rule that conform to division (D)(1) of this section to an applicant because of a conviction of or plea of guilty to an offense if the refusal is in accordance with section 9.79 of the Revised Code.~~

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

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

(E) The board, subject to the approval of the controlling board, may establish examination fees in excess of the amount established by rule pursuant to this section, provided that such fees do not exceed those amounts established in rule by more than fifty per cent.

**Sec. 4725.501.** (A) As used in this section, "license" and 12980  
"applicant for an initial license" have the same meanings as in 12981  
section 4776.01 of the Revised Code, except that "license" as 12982  
used in both of those terms refers to the types of 12983  
authorizations otherwise issued or conferred under this chapter. 12984

(B) In addition to any other eligibility requirement set 12985  
forth in this chapter, each applicant for an initial license 12986  
shall comply with sections 4776.01 to 4776.04 of the Revised 12987  
Code. The state vision professionals board shall not grant a 12988  
license to an applicant for an initial license unless the 12989  
applicant complies with sections 4776.01 to 4776.04 of the 12990  
Revised Code ~~and the board, in its discretion, decides that the~~ 12991  
~~results of the criminal records check do not make the applicant~~ 12992  
~~ineligible for a license issued pursuant to section 4725.50 or~~ 12993  
~~4725.57 of the Revised Code.~~ 12994

**Sec. 4725.52.** Any licensed dispensing optician may 12995  
supervise a maximum of three apprentices who shall be permitted 12996  
to engage in optical dispensing only under the supervision of 12997  
the licensed dispensing optician. 12998

To serve as an apprentice, a person shall register with 12999  
the state vision professionals board on a form provided by the 13000  
board and in the form of a statement giving the name and address 13001  
of the supervising licensed dispensing optician, the location at 13002  
which the apprentice will be employed, and any other information 13003  
required by the board. For the duration of the apprenticeship, 13004  
the apprentice shall register annually on the form provided by 13005  
the board and in the form of a statement. 13006

Each apprentice shall pay an initial registration fee of 13007  
twenty dollars. For each registration renewal thereafter, each 13008  
apprentice shall pay a registration renewal fee of twenty 13009

dollars. 13010

The board shall not deny registration as an apprentice 13011  
under this section to any individual based on the individual's 13012  
past criminal history or an interpretation of moral character 13013  
unless the individual has committed denial is for a 13014  
~~disqualifying offense or crime of moral turpitude as those terms~~ 13015  
~~are defined in accordance with section 4776.10-9.79 of the~~ 13016  
Revised Code. ~~Except as otherwise provided in this division, if~~ 13017  
~~an individual applying for a registration has been convicted of~~ 13018  
~~or pleaded guilty to a misdemeanor that is not a crime of moral~~ 13019  
~~turpitude or a disqualifying offense less than one year prior to~~ 13020  
~~making the application, the board may use its discretion in~~ 13021  
~~granting or denying the individual a registration. Except as~~ 13022  
~~otherwise provided in this division, if an individual applying~~ 13023  
~~for a registration has been convicted of or pleaded guilty to a~~ 13024  
~~felony that is not a crime of moral turpitude or a disqualifying~~ 13025  
~~offense less than three years prior to making the application,~~ 13026  
~~the board may use its discretion in granting or denying the~~ 13027  
~~individual a registration. The provisions in this paragraph do~~ 13028  
~~not apply with respect to any offense unless the board, prior to~~ 13029  
~~September 28, 2012, was required or authorized to deny the~~ 13030  
~~registration based on that offense.~~ 13031

~~In all other circumstances, the board shall follow the~~ 13032  
~~procedures it adopts by rule that conform to this section. In~~ 13033  
considering a renewal of an individual's registration, the board 13034  
shall not consider any conviction or plea of guilty prior to the 13035  
initial registration. However, the board may consider a 13036  
conviction or plea of guilty if it occurred after the individual 13037  
was initially registered, or after the most recent registration 13038  
renewal. If the board denies an individual for a registration or 13039  
registration renewal, the reasons for such denial shall be put 13040

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

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

**Sec. 4725.53.** (A) The Except as provided in division (D) of this section, the state vision professionals board, by a majority vote of its members, may refuse to grant a license and, in accordance with Chapter 119. of the Revised Code, may suspend or revoke the license of a licensed dispensing optician or impose a fine or order restitution pursuant to division (B) of this section on any of the following grounds:

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

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

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

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

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



applicant or licensee is incompetent by reason of mental illness 13070  
and no subsequent finding by the court of competency; 13071

(6) Finding by a court of law that the licensee is guilty 13072  
of incompetence or negligence in the dispensing of optical aids; 13073

(7) Knowingly permitting or employing a person whose 13074  
license has been suspended or revoked or an unlicensed person to 13075  
engage in optical dispensing; 13076

(8) Permitting another person to use the licensee's 13077  
license; 13078

(9) Engaging in optical dispensing not pursuant to the 13079  
prescription of a licensed physician or licensed optometrist, 13080  
but nothing in this section shall prohibit the duplication or 13081  
replacement of previously prepared optical aids, except contact 13082  
lenses shall not be duplicated or replaced without a written 13083  
prescription; 13084

(10) Violation of sections 4725.40 to 4725.59 of the 13085  
Revised Code; 13086

(11) Waiving the payment of all or any part of a 13087  
deductible or copayment that a patient, pursuant to a health 13088  
insurance or health care policy, contract, or plan that covers 13089  
optical dispensing services, would otherwise be required to pay 13090  
if the waiver is used as an enticement to a patient or group of 13091  
patients to receive health care services from that provider; 13092

(12) Advertising that the licensee will waive the payment 13093  
of all or any part of a deductible or copayment that a patient, 13094  
pursuant to a health insurance or health care policy, contract, 13095  
or plan that covers optical dispensing services, would otherwise 13096  
be required to pay; 13097

(13) Violating the code of ethical conduct adopted under 13098  
section 4725.66 of the Revised Code. 13099

(B) The board may impose a fine of not more than five 13100  
hundred dollars for a first occurrence of an action that is 13101  
grounds for discipline under this section and of not less than 13102  
five hundred nor more than one thousand dollars for a subsequent 13103  
occurrence, or may order the licensee to make restitution to a 13104  
person who has suffered a financial loss as a result of the 13105  
licensee's failure to comply with sections 4725.40 to 4725.59 of 13106  
the Revised Code. 13107

(C) Notwithstanding divisions (A) (11) and (12) of this 13108  
section, sanctions shall not be imposed against any licensee who 13109  
waives deductibles and copayments: 13110

(1) In compliance with the health benefit plan that 13111  
expressly allows such a practice. Waiver of the deductibles or 13112  
copays shall be made only with the full knowledge and consent of 13113  
the plan purchaser, payer, and third-party administrator. Such 13114  
consent shall be made available to the board upon request. 13115

(2) For professional services rendered to any other person 13116  
licensed pursuant to this chapter to the extent allowed by this 13117  
chapter and the rules of the board. 13118

(D) The board shall not refuse to grant a license to an 13119  
applicant because of a conviction unless the refusal is in 13120  
accordance with section 9.79 of the Revised Code. 13121

**Sec. 4727.03.** (A) As used in this section, "~~experience and-~~ 13122  
~~fitness~~ in the capacity involved" means that the applicant for a 13123  
pawnbroker's license demonstrates sufficient financial 13124  
responsibility, ~~reputation,~~ and experience in the pawnbroker 13125  
business, or in a related business, to act as a pawnbroker in 13126

compliance with this chapter. "Experience ~~and fitness~~ in the 13127  
capacity involved" shall be determined by: 13128

(1) Prior or current ownership or management of, or 13129  
employment in, a pawnshop; 13130

(2) Demonstration to the satisfaction of the 13131  
superintendent of financial institutions of a thorough working 13132  
knowledge of all pawnbroker laws and rules as they relate to the 13133  
actual operation of a pawnshop. 13134

A demonstration shall include a demonstration of an 13135  
ability to properly complete forms, knowledge of how to properly 13136  
calculate interest and storage charges, and knowledge of legal 13137  
notice and forfeiture procedures. The final determination of 13138  
whether an applicant's demonstration is adequate rests with the 13139  
superintendent. 13140

(3) A submission by the applicant and any stockholders, 13141  
owners, managers, directors, or officers of the pawnshop, and 13142  
employees of the applicant to a police record check; and 13143

(4) Liquid assets in a minimum amount of one hundred 13144  
twenty-five thousand dollars at the time of applying for initial 13145  
licensure and demonstration of the ability to maintain the 13146  
liquid assets at a minimum amount of seventy-five thousand 13147  
dollars for the duration of holding a valid pawnbroker's 13148  
license. If an applicant holds a pawnbroker's license at the 13149  
time of application or is applying for more than one license, 13150  
this requirement shall be met separately for each license. 13151

(B) The superintendent may grant a license to act as a 13152  
pawnbroker to any person ~~of good character and having experience~~ 13153  
~~and fitness~~ in the capacity involved to engage in the business 13154  
of pawnbroking upon the payment to the superintendent of a 13155

license fee determined by the superintendent pursuant to section 13156  
1321.20 of the Revised Code. A license is not transferable or 13157  
assignable. 13158

(C) The superintendent may consider an application 13159  
withdrawn and may retain the investigation fee required under 13160  
division (D) of this section if both of the following are true: 13161

(1) An application for a license does not contain all of 13162  
the information required under division (B) of this section. 13163

(2) The information is not submitted to the superintendent 13164  
within ninety days after the superintendent requests the 13165  
information from the applicant in writing. 13166

(D) The superintendent shall require an applicant for a 13167  
pawnbroker's license to pay to the superintendent a 13168  
nonrefundable initial investigation fee of two hundred dollars, 13169  
which is for the exclusive use of the state. 13170

(E) (1) Except as otherwise provided in division (E) (2) of 13171  
this section, a pawnbroker's license issued by the 13172  
superintendent expires on the thirtieth day of June next 13173  
following the date of its issuance, and may be renewed annually 13174  
by the thirtieth day of June in accordance with the standard 13175  
renewal procedure set forth in Chapter 4745. of the Revised 13176  
Code. Fifty per cent of the annual license fee shall be for the 13177  
use of the state, and fifty per cent shall be paid by the state 13178  
to the municipal corporation, or if outside the limits of any 13179  
municipal corporation, to the county, in which the office of the 13180  
licensee is located. All such fees payable to municipal 13181  
corporations or counties shall be paid annually. 13182

(2) A pawnbroker's license issued or renewed by the 13183  
superintendent on or after January 1, 2006, expires on the 13184

thirtieth day of June in the even-numbered year next following 13185  
the date of its issuance or renewal, as applicable, and may be 13186  
renewed biennially by the thirtieth day of June in accordance 13187  
with the standard renewal procedure set forth in Chapter 4745. 13188  
of the Revised Code. Fifty per cent of the biennial license fee 13189  
shall be for the use of the state, and fifty per cent shall be 13190  
paid by the state to the municipal corporation, or if outside 13191  
the limits of any municipal corporation, to the county, in which 13192  
the office of the licensee is located. All such fees payable to 13193  
municipal corporations or counties shall be paid biennially. 13194

(F) The fee for renewal of a license shall be equivalent 13195  
to the fee for an initial license established by the 13196  
superintendent pursuant to section 1321.20 of the Revised Code. 13197  
Any licensee who wishes to renew the pawnbroker's license but 13198  
who fails to do so on or before the date the license expires 13199  
shall reapply for licensure in the same manner and pursuant to 13200  
the same requirements as for initial licensure, unless the 13201  
licensee pays to the superintendent on or before the thirty- 13202  
first day of August of the year the license expires, a late 13203  
renewal penalty of one hundred dollars in addition to the 13204  
regular renewal fee. Any licensee who fails to renew the license 13205  
on or before the date the license expires is prohibited from 13206  
acting as a pawnbroker until the license is renewed or a new 13207  
license is issued under this section. Any licensee who renews a 13208  
license between the first day of July and the thirty-first day 13209  
of August of the year the license expires is not relieved from 13210  
complying with this division. The superintendent may refuse to 13211  
issue to or renew the license of any licensee who violates this 13212  
division. 13213

(G) No license shall be granted to any person not a 13214  
resident of or the principal office of which is not located in 13215

the municipal corporation or county designated in such license 13216  
unless that applicant, in writing and in due form approved by 13217  
and filed with the superintendent, first appoints an agent, a 13218  
resident of the state, and city or county where the office is to 13219  
be located, upon whom all judicial and other process, or legal 13220  
notice, directed to the applicant may be served. In case of the 13221  
death, removal from the state, or any legal disability or any 13222  
disqualification of any such agent, service of such process or 13223  
notice may be made upon the superintendent. 13224

The superintendent may, upon notice to the licensee and 13225  
reasonable opportunity to be heard, suspend or revoke any 13226  
license or assess a penalty against the licensee if the 13227  
licensee, or the licensee's officers, agents, or employees, has 13228  
violated this chapter. Any penalty shall be appropriate to the 13229  
violation but in no case shall the penalty be less than two 13230  
hundred nor more than two thousand dollars. Whenever, for any 13231  
cause, a license is suspended or revoked, the superintendent 13232  
shall not issue another license to the licensee nor to the legal 13233  
spouse of the licensee, nor to any business entity of which the 13234  
licensee is an officer or member or partner, nor to any person 13235  
employed by the licensee, until the expiration of at least two 13236  
years from the date of revocation or suspension of the license. 13237  
The superintendent shall deposit all penalties allocated 13238  
pursuant to this section into the state treasury to the credit 13239  
of the consumer finance fund. 13240

Any proceedings for the revocation or suspension of a 13241  
license or to assess a penalty against a licensee are subject to 13242  
Chapter 119. of the Revised Code. 13243

(H) If a licensee surrenders or chooses not to renew the 13244  
pawnbroker's license, the licensee shall notify the 13245

superintendent thirty days prior to the date on which the 13246  
licensee intends to close the licensee's business as a 13247  
pawnbroker. Prior to the date, the licensee shall do either of 13248  
the following with respect to all active loans: 13249

(1) Dispose of an active loan by selling the loan to 13250  
another person holding a valid pawnbroker's license issued under 13251  
this section; 13252

(2) Reduce the rate of interest on pledged articles held 13253  
as security for a loan to eight per cent per annum or less 13254  
effective on the date that the pawnbroker's license is no longer 13255  
valid. 13256

**Sec. 4728.03.** (A) As used in this section, "~~experience and~~ 13257  
~~fitness~~ in the capacity involved" means that the applicant for a 13258  
precious metals dealer's license has had sufficient financial 13259  
responsibility, ~~reputation,~~ and experience in the business of 13260  
precious metals dealer, or a related business, to act as a 13261  
precious metals dealer in compliance with this chapter. 13262

(B) (1) The division of financial institutions in the 13263  
department of commerce may grant a precious metals dealer's 13264  
license to any person ~~of good character,~~ having experience ~~and~~ 13265  
~~fitness~~ in the capacity involved, who demonstrates a net worth 13266  
of at least ten thousand dollars and the ability to maintain 13267  
that net worth during the licensure period. The superintendent 13268  
of financial institutions shall compute the applicant's net 13269  
worth according to generally accepted accounting principles. 13270

(2) In place of the demonstration of net worth required by 13271  
division (B) (1) of this section, an applicant may obtain a 13272  
surety bond issued by a surety company authorized to do business 13273  
in this state if all of the following conditions are met: 13274

(a) A copy of the surety bond is filed with the division;	13275
(b) The bond is in favor of any person, and of the state for the benefit of any person, injured by any violation of this chapter;	13276 13277 13278
(c) The bond is in the amount of not less than ten thousand dollars.	13279 13280
(3) Before granting a license under this division, the division shall determine that the applicant meets the requirements of division (B) (1) or (2) of this section.	13281 13282 13283
(C) The division shall require an applicant for a precious metals dealer's license to pay to the division a nonrefundable, initial investigation fee of two hundred dollars which shall be for the exclusive use of the state. The license fee for a precious metals dealer's license and the renewal fee shall be determined by the superintendent, provided that the fee may not exceed three hundred dollars. A license issued by the division shall expire on the last day of June next following the date of its issuance. Fifty per cent of license fees shall be for the use of the state, and fifty per cent shall be paid to the municipal corporation, or if outside the limits of any municipal corporation, to the county in which the office of the licensee is located. All portions of license fees payable to municipal corporations or counties shall be paid as they accrue, by the treasurer of state, on vouchers issued by the director of budget and management.	13284 13285 13286 13287 13288 13289 13290 13291 13292 13293 13294 13295 13296 13297 13298 13299
(D) Every such license shall be renewed annually by the last day of June according to the standard renewal procedure of Chapter 4745. of the Revised Code. No license shall be granted to any person not a resident of or the principal office of which	13300 13301 13302 13303



is not located in the municipal corporation or county designated 13304  
in such license, unless, and until such applicant shall, in 13305  
writing and in due form, to be first approved by and filed with 13306  
the division, appoint an agent, a resident of the state, and 13307  
city or county where the office is to be located, upon whom all 13308  
judicial and other process, or legal notice, directed to the 13309  
applicant may be served; and in case of the death, removal from 13310  
the state, or any legal disability or any disqualification of 13311  
any agent, service of process or notice may be made upon the 13312  
superintendent. 13313

(E) The division may, pursuant to Chapter 119. of the 13314  
Revised Code, upon notice to the licensee and after giving the 13315  
licensee reasonable opportunity to be heard, revoke or suspend 13316  
any license, if the licensee or the licensee's officers, agents, 13317  
or employees violate this chapter. Whenever, for any cause, the 13318  
license is revoked or suspended, the division shall not issue 13319  
another license to the licensee nor to the husband or wife of 13320  
the licensee, nor to any copartnership or corporation of which 13321  
the licensee is an officer, nor to any person employed by the 13322  
licensee, until the expiration of at least one year from the 13323  
date of revocation of the license. 13324

(F) In conducting an investigation to determine whether an 13325  
applicant satisfies the requirements for licensure under this 13326  
section, the superintendent may request that the superintendent 13327  
of the bureau of criminal identification and investigation 13328  
investigate and determine whether the bureau has procured any 13329  
information pursuant to section 109.57 of the Revised Code 13330  
pertaining to the applicant. 13331

If the superintendent of financial institutions determines 13332  
that conducting an investigation to determine whether an 13333

applicant satisfies the requirements for licensure under this 13334  
section will require procuring information outside the state, 13335  
then, in addition to the fee established under division (C) of 13336  
this section, the superintendent may require the applicant to 13337  
pay any of the actual expenses incurred by the division to 13338  
conduct such an investigation, provided that the superintendent 13339  
shall assess the applicant a total no greater than one thousand 13340  
dollars for such expenses. The superintendent may require the 13341  
applicant to pay in advance of the investigation, sufficient 13342  
funds to cover the estimated cost of the actual expenses. If the 13343  
superintendent requires the applicant to pay investigation 13344  
expenses, the superintendent shall provide to the applicant an 13345  
itemized statement of the actual expenses incurred by the 13346  
division to conduct the investigation. 13347

(G) (1) Except as otherwise provided in division (G) (2) of 13348  
this section a precious metals dealer licensed under this 13349  
section shall maintain a net worth of at least ten thousand 13350  
dollars, computed as required under division (B) (1) of this 13351  
section, for as long as the licensee holds a valid precious 13352  
metals dealer's license issued pursuant to this section. 13353

(2) A licensee who obtains a surety bond under division 13354  
(B) (2) of this section is exempt from the requirement of 13355  
division (G) (1) of this section, but shall maintain the bond for 13356  
at least two years after the date on which the licensee ceases 13357  
to conduct business in this state. 13358

**Sec. 4729.071.** (A) As used in this section, "license" and 13359  
"applicant for an initial license" have the same meanings as in 13360  
section 4776.01 of the Revised Code, except that "license" as 13361  
used in both of those terms refers to the types of 13362  
authorizations otherwise issued or conferred under this chapter. 13363

(B) In addition to any other eligibility requirement set forth in this chapter, each applicant for an initial license shall comply with sections 4776.01 to 4776.04 of the Revised Code. The state board of pharmacy shall not grant a license to an applicant for an initial license unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code and the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4729.08, 4729.09, 4729.11, 4729.552, or 4729.553 of the Revised Code.

**Sec. 4729.08.** Every applicant for examination and licensure as a pharmacist shall:

(A) Be at least eighteen years of age;

~~(B) Be of good moral character, as defined in rules adopted by the state board of pharmacy under section 4729.26 of the Revised Code;~~

~~(C)~~ Have obtained a degree in pharmacy from a program that has been recognized and approved by the state board of pharmacy, except that graduates of schools or colleges of pharmacy that are located outside the United States and have not demonstrated that the standards of their programs are at least equivalent to programs recognized and approved by the board shall be required to pass an equivalency examination recognized and approved by the board and to establish written and oral proficiency in English.

~~(D)~~ (C) Have satisfactorily completed at least the minimum requirements for pharmacy internship as outlined by the board.

If the board is satisfied that the applicant meets the foregoing requirements and if the applicant passes the

examination required under section 4729.07 of the Revised Code, 13393  
the board shall issue to the applicant a license authorizing the 13394  
individual to practice pharmacy. 13395

**Sec. 4729.09.** The state board of pharmacy may license an 13396  
individual as a pharmacist without examination if the 13397  
individual: 13398

(A) Holds a license in good standing to practice pharmacy 13399  
under the laws of another state, has successfully completed an 13400  
examination for licensure in the other state, and in the opinion 13401  
of the board, the examination was at least as thorough as that 13402  
required by the board at the time the individual took the 13403  
examination; 13404

~~(B) Is of good moral character, as defined in rules 13405  
adopted by the board under section 4729.26 of the Revised Code;~~ 13406

~~(C) Has filed with the licensing body of the other state 13407  
at least the credentials or the equivalent that were required by 13408  
this state at the time the other state licensed the individual 13409  
as a pharmacist. 13410~~

The board shall not issue a license to practice pharmacy 13411  
to an individual licensed in another state if the state in which 13412  
the individual is licensed does not reciprocate by granting 13413  
licenses to practice pharmacy to individuals holding valid 13414  
licenses received through examination by the state board of 13415  
pharmacy. 13416

**Sec. 4729.16.** (A) (1) The state board of pharmacy, after 13417  
notice and hearing in accordance with Chapter 119. of the 13418  
Revised Code, may impose any one or more of the following 13419  
sanctions on a pharmacist or pharmacy intern if the board finds 13420  
the individual engaged in any of the conduct set forth in 13421

division (A) (2) of this section:	13422
(a) Revoke, suspend, restrict, limit, or refuse to grant or renew a license;	13423 13424
(b) Reprimand or place the license holder on probation;	13425
(c) Impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense, or in the case of a violation of a section of the Revised Code that does not bear a penalty, a monetary penalty or forfeiture of not more than five hundred dollars.	13426 13427 13428 13429 13430
(2) <del>The</del> <u>Except as provided in division (I) of this</u> <u>section, the</u> board may impose the sanctions listed in division (A) (1) of this section if the board finds a pharmacist or pharmacy intern:	13431 13432 13433 13434
(a) Has been convicted of a felony, or a crime of moral turpitude, as defined in section 4776.10 of the Revised Code;	13435 13436
(b) Engaged in dishonesty or unprofessional conduct in the practice of pharmacy;	13437 13438
(c) Is addicted to or abusing alcohol or drugs or is impaired physically or mentally to such a degree as to render the pharmacist or pharmacy intern unfit to practice pharmacy;	13439 13440 13441
(d) Has been convicted of a misdemeanor related to, or committed in, the practice of pharmacy;	13442 13443
(e) Violated, conspired to violate, attempted to violate, or aided and abetted the violation of any of the provisions of this chapter, sections 3715.52 to 3715.72 of the Revised Code, Chapter 2925. or 3719. of the Revised Code, or any rule adopted by the board under those provisions;	13444 13445 13446 13447 13448

(f) Permitted someone other than a pharmacist or pharmacy intern to practice pharmacy;	13449
	13450
(g) Knowingly lent the pharmacist's or pharmacy intern's name to an illegal practitioner of pharmacy or had a professional connection with an illegal practitioner of pharmacy;	13451
	13452
	13453
	13454
(h) Divided or agreed to divide remuneration made in the practice of pharmacy with any other individual, including, but not limited to, any licensed health professional authorized to prescribe drugs or any owner, manager, or employee of a health care facility, residential care facility, or nursing home;	13455
	13456
	13457
	13458
	13459
(i) Violated the terms of a consult agreement entered into pursuant to section 4729.39 of the Revised Code;	13460
	13461
(j) Committed fraud, misrepresentation, or deception in applying for or securing a license issued by the board under this chapter or under Chapter 3715. or 3719. of the Revised Code;	13462
	13463
	13464
	13465
(k) Failed to comply with an order of the board or a settlement agreement;	13466
	13467
(l) Engaged in any other conduct for which the board may impose discipline as set forth in rules adopted under section 4729.26 of the Revised Code.	13468
	13469
	13470
(B) Any individual whose license is revoked, suspended, or refused, shall return the license to the offices of the state board of pharmacy within ten days after receipt of notice of such action.	13471
	13472
	13473
	13474
(C) As used in this section:	13475
"Unprofessional conduct in the practice of pharmacy"	13476

includes any of the following:	13477
(1) Advertising or displaying signs that promote dangerous drugs to the public in a manner that is false or misleading;	13478 13479
(2) Except as provided in section 4729.281, 4729.44, or 4729.47 of the Revised Code, the dispensing or sale of any drug for which a prescription is required, without having received a prescription for the drug;	13480 13481 13482 13483
(3) Knowingly dispensing medication pursuant to false or forged prescriptions;	13484 13485
(4) Knowingly failing to maintain complete and accurate records of all dangerous drugs received or dispensed in compliance with federal laws and regulations and state laws and rules;	13486 13487 13488 13489
(5) Obtaining any remuneration by fraud, misrepresentation, or deception;	13490 13491
(6) Failing to conform to prevailing standards of care of similar pharmacists or pharmacy interns under the same or similar circumstances, whether or not actual injury to a patient is established;	13492 13493 13494 13495
(7) Engaging in any other conduct that the board specifies as unprofessional conduct in the practice of pharmacy in rules adopted under section 4729.26 of the Revised Code.	13496 13497 13498
(D) The board may suspend a license under division (B) of section 3719.121 of the Revised Code by utilizing a telephone conference call to review the allegations and take a vote.	13499 13500 13501
(E) For purposes of this division, an individual authorized to practice as a pharmacist or pharmacy intern accepts the privilege of practicing in this state subject to	13502 13503 13504

supervision by the board. By filing an application for or 13505  
holding a license to practice as a pharmacist or pharmacy 13506  
intern, an individual gives consent to submit to a mental or 13507  
physical examination when ordered to do so by the board in 13508  
writing and waives all objections to the admissibility of 13509  
testimony or examination reports that constitute privileged 13510  
communications. 13511

If the board has reasonable cause to believe that an 13512  
individual who is a pharmacist or pharmacy intern is physically 13513  
or mentally impaired, the board may require the individual to 13514  
submit to a physical or mental examination, or both. The expense 13515  
of the examination is the responsibility of the individual 13516  
required to be examined. 13517

Failure of an individual who is a pharmacist or pharmacy 13518  
intern to submit to a physical or mental examination ordered by 13519  
the board, unless the failure is due to circumstances beyond the 13520  
individual's control, constitutes an admission of the 13521  
allegations and a suspension order shall be entered without the 13522  
taking of testimony or presentation of evidence. Any subsequent 13523  
adjudication hearing under Chapter 119. of the Revised Code 13524  
concerning failure to submit to an examination is limited to 13525  
consideration of whether the failure was beyond the individual's 13526  
control. 13527

If, based on the results of an examination ordered under 13528  
this division, the board determines that the individual's 13529  
ability to practice is impaired, the board shall suspend the 13530  
individual's license or deny the individual's application and 13531  
shall require the individual, as a condition for an initial, 13532  
continued, reinstated, or renewed license to practice, to submit 13533  
to a physical or mental examination and treatment. 13534



An order of suspension issued under this division shall 13535  
not be subject to suspension by a court during pendency of any 13536  
appeal filed under section 119.12 of the Revised Code. 13537

(F) If the board is required under Chapter 119. of the 13538  
Revised Code to give notice of an opportunity for a hearing and 13539  
the applicant or licensee does not make a timely request for a 13540  
hearing in accordance with section 119.07 of the Revised Code, 13541  
the board is not required to hold a hearing, but may adopt a 13542  
final order that contains the board's findings. In the final 13543  
order, the board may impose any of the sanctions listed in 13544  
division (A) of this section. 13545

(G) Notwithstanding the provision of division (C) (2) of 13546  
section 2953.32 of the Revised Code specifying that if records 13547  
pertaining to a criminal case are sealed under that section the 13548  
proceedings in the case must be deemed not to have occurred, 13549  
sealing of the following records on which the board has based an 13550  
action under this section shall have no effect on the board's 13551  
action or any sanction imposed by the board under this section: 13552  
records of any conviction, guilty plea, judicial finding of 13553  
guilt resulting from a plea of no contest, or a judicial finding 13554  
of eligibility for a pretrial diversion program or intervention 13555  
in lieu of conviction. The board shall not be required to seal, 13556  
destroy, redact, or otherwise modify its records to reflect the 13557  
court's sealing of conviction records. 13558

(H) No pharmacist or pharmacy intern shall knowingly 13559  
engage in any conduct described in divisions (A) (2) (b) or (A) (2) 13560  
(e) to (l) of this section. 13561

(I) The board shall not refuse to issue a license to an 13562  
applicant for a conviction of an offense unless the refusal is 13563  
in accordance with section 9.79 of the Revised Code. 13564

**Sec. 4729.90.** (A) ~~As used in this section, "responsible-~~ 13565  
~~person" has the same meaning as in rules adopted by the state~~ 13566  
~~board of pharmacy under section 4729.26 of the Revised Code.~~ 13567

~~(B)~~ (1) An applicant for registration as a registered 13568  
pharmacy technician shall: 13569

(a) Be at least eighteen years of age; 13570

(b) Possess a high school diploma or a certificate of high 13571  
school equivalence or have been employed continuously since 13572  
prior to April 8, 2009, as a pharmacy technician without a high 13573  
school diploma or certificate of high school equivalence; 13574

(c) ~~Be of good moral character, as defined in rules-~~ 13575  
~~adopted by the state board of pharmacy under section 4729.26 of~~ 13576  
~~the Revised Code;~~ 13577

~~(d) Except as provided in division (D) of this section,~~ 13578  
~~comply~~ Comply with sections 4776.01 to 4776.04 of the Revised 13579  
Code; 13580

~~(e) Except as provided in division (E) (1) of this section,~~ 13581  
~~have~~ (d) Have successfully completed education and training that 13582  
meets the requirements established by the board in rules adopted 13583  
under section 4729.94 of the Revised Code. 13584

(2) An applicant for registration as a certified pharmacy 13585  
technician shall: 13586

(a) Comply with divisions ~~(B)~~ (A) (1) (a) ~~r~~ and (c) ~~r~~ and ~~(d)~~ 13587  
of this section; 13588

(b) Possess a high school diploma or a certificate of high 13589  
school equivalence; 13590

(c) ~~Except as provided in division (E) (2) of this section,~~ 13591

~~have~~ Have successfully completed education and training that 13592  
meets the requirements established by the board in rules adopted 13593  
under section 4729.94 of the Revised Code; 13594

(d) Have a current pharmacy technician certification from 13595  
an organization that has been recognized by the board. 13596

~~(C)~~ (B) A pharmacist or pharmacy intern whose license has 13597  
been denied, revoked, suspended, or otherwise restricted by the 13598  
board shall not be registered as a registered pharmacy 13599  
technician or certified pharmacy technician. 13600

~~(D) Until the date that is two years after April 6, 2017,~~ 13601  
~~an applicant for registration as a registered pharmacy~~ 13602  
~~technician or certified pharmacy technician who meets the~~ 13603  
~~requirements to be a qualified pharmacy technician under section~~ 13604  
~~4729.42 of the Revised Code, as it existed immediately prior to~~ 13605  
~~the effective date of section 4729.95 of the Revised Code, may,~~ 13606  
~~instead of complying with division (B) (1) (d) of this section,~~ 13607  
~~authorize the superintendent of the bureau of criminal~~ 13608  
~~identification and investigation to make the results of a~~ 13609  
~~criminal records check of the applicant available to the state~~ 13610  
~~board of pharmacy. The criminal records check must have been~~ 13611  
~~conducted not earlier than twenty four months before the date of~~ 13612  
~~the application for registration.~~ 13613

~~(E) (1) Until the date that is two years after April 6,~~ 13614  
~~2017, an applicant for registration as a registered pharmacy~~ 13615  
~~technician who meets the requirements to be a qualified pharmacy~~ 13616  
~~technician under section 4729.42 of the Revised Code, as it~~ 13617  
~~existed immediately prior to the effective date of section~~ 13618  
~~4729.95 of the Revised Code, may, instead of complying with~~ 13619  
~~division (B) (1) (e) of this section, submit an attestation from a~~ 13620  
~~pharmacy's responsible person that the applicant has completed a~~ 13621

~~pharmacy technician training program that is of appropriate  
breadth and depth to clearly address the competencies for a  
technician to safely and effectively work in that particular  
setting and includes instruction in all of the following:~~

~~(a) Packaging and labeling drugs;~~

~~(b) Pharmacy terminology;~~

~~(c) Basic drug information;~~

~~(d) Basic calculations;~~

~~(e) Quality control procedures;~~

~~(f) State and federal statutes, rules, and regulations  
regarding pharmacy technician duties, pharmacist duties,  
pharmacy intern duties, prescription or drug order processing  
procedures, non-sterile drug compounding, drug record-keeping  
requirements, patient confidentiality, security requirements,  
and storage requirements.~~

~~(2) Until the date that is two years after April 6, 2017,  
an applicant for registration as a certified pharmacy technician  
who meets the requirements to be a qualified pharmacy technician  
under section 4729.42 of the Revised Code, as it existed  
immediately prior to the effective date of section 4729.95 of  
the Revised Code, may, instead of complying with division (B)(2)  
(c) of this section, submit an attestation from a pharmacy's  
responsible person that the applicant has completed a pharmacy  
technician training program that is of appropriate breadth and  
depth to clearly address the competencies for a technician to  
safely and effectively work in that particular setting and  
includes instruction in all of the following:~~

~~(a) The topics listed in divisions (E)(1)(a) to (f) of~~

~~this section;~~ 13650

~~(b) Sterile drug compounding;~~ 13651

~~(c) Preparing and mixing intravenous drugs to be injected  
into a human being.~~ 13652  
13653

**Sec. 4729.92.** (A) An applicant for registration as a 13654  
pharmacy technician trainee shall: 13655

(1) Comply with divisions ~~(B)~~ (A) (1) (a) ~~to (c)~~ and (b) of 13656  
section 4729.90 of the Revised Code; 13657

(2) Be enrolled in or plan to enroll in education and 13658  
training that will allow the applicant to meet the requirements 13659  
established by the state board of pharmacy in rules adopted 13660  
under section 4729.94 of the Revised Code; 13661

(3) Comply with sections 4776.01 to 4776.04 of the Revised 13662  
Code. 13663

(B) A pharmacist or pharmacy intern whose license has been 13664  
denied, revoked, suspended, or otherwise restricted by the board 13665  
shall not be registered as a pharmacy technician trainee. 13666

**Sec. 4729.96.** (A) (1) The state board of pharmacy, after 13667  
notice and hearing in accordance with Chapter 119. of the 13668  
Revised Code, may impose one or more of the following sanctions 13669  
on a pharmacy technician trainee, registered pharmacy 13670  
technician, or certified pharmacy technician if the board finds 13671  
the individual engaged in any of the conduct set forth in 13672  
division (A) (2) of this section: 13673

(a) Revoke, suspend, restrict, limit, or refuse to grant 13674  
or renew a registration; 13675

(b) Reprimand or place the holder of the registration on 13676

probation; 13677

(c) Impose a monetary penalty or forfeiture not to exceed 13678  
in severity any fine designated under the Revised Code for a 13679  
similar offense, or in the case of a violation of a section of 13680  
the Revised Code that does not bear a penalty, a monetary 13681  
penalty or forfeiture of not more than five hundred dollars. 13682

(2) ~~The~~ Except as provided in division (G) of this 13683  
section, the board may impose the sanctions listed in division 13684  
(A)(1) of this section if the board finds a pharmacy technician 13685  
trainee, registered pharmacy technician, or certified pharmacy 13686  
technician: 13687

(a) Has been convicted of a felony, or a crime of moral 13688  
turpitude, as defined in section 4776.10 of the Revised Code; 13689

(b) Engaged in dishonesty or unprofessional conduct, as 13690  
prescribed in rules adopted by the board under section 4729.94 13691  
of the Revised Code; 13692

(c) Is addicted to or abusing alcohol or drugs or impaired 13693  
physically or mentally to such a degree as to render the 13694  
individual unable to perform the individual's duties; 13695

(d) Violated, conspired to violate, attempted to violate, 13696  
or aided and abetted the violation of any of the provisions of 13697  
this chapter, sections 3715.52 to 3715.72 of the Revised Code, 13698  
Chapter 2925. or 3719. of the Revised Code, or any rule adopted 13699  
by the board under those provisions; 13700

(e) Committed fraud, misrepresentation, or deception in 13701  
applying for or securing a registration issued by the board 13702  
under this chapter; 13703

(f) Failed to comply with an order of the board or a 13704

settlement agreement; 13705

(g) Engaged in any other conduct for which the board may 13706  
impose discipline as set forth in rules adopted by the board 13707  
under section 4729.94 of the Revised Code. 13708

(B) The board may suspend a registration under division 13709  
(B) of section 3719.121 of the Revised Code by utilizing a 13710  
telephone conference call to review the allegations and take a 13711  
vote. 13712

(C) For purposes of this division, an individual 13713  
authorized to practice as a pharmacy technician trainee, 13714  
registered pharmacy technician, or certified pharmacy technician 13715  
accepts the privilege of practicing in this state subject to 13716  
supervision by the board. By filing an application for or 13717  
holding a registration under this chapter, the individual gives 13718  
consent to submit to a mental or physical examination when 13719  
ordered to do so by the board in writing and waives all 13720  
objections to the admissibility of testimony or examination 13721  
reports that constitute privileged communications. 13722

If the board has reasonable cause to believe that an 13723  
individual who is a pharmacy technician trainee, registered 13724  
pharmacy technician, or certified pharmacy technician is 13725  
physically or mentally impaired, the board may require the 13726  
individual to submit to a physical or mental examination, or 13727  
both. The expense of the examination is the responsibility of 13728  
the individual required to be examined. 13729

Failure of an individual who is a pharmacy technician 13730  
trainee, registered pharmacy technician, or certified pharmacy 13731  
technician to submit to a physical or mental examination ordered 13732  
by the board, unless the failure is due to circumstances beyond 13733

the individual's control, constitutes an admission of the 13734  
allegations and a suspension order shall be entered without the 13735  
taking of testimony or presentation of evidence. Any subsequent 13736  
adjudication hearing under Chapter 119. of the Revised Code 13737  
concerning failure to submit to an examination is limited to 13738  
consideration of whether the failure was beyond the individual's 13739  
control. 13740

If, based on the results of an examination ordered under 13741  
this division, the board determines that the individual's 13742  
ability to practice is impaired, the board shall suspend the 13743  
individual's registration or deny the individual's application 13744  
and shall require the individual, as a condition for an initial, 13745  
continued, reinstated, or renewed registration to practice, to 13746  
submit to a physical or mental examination and treatment. 13747

An order of suspension issued under this division shall 13748  
not be subject to suspension by a court during pendency of any 13749  
appeal filed under section 119.12 of the Revised Code. 13750

(D) If the board is required under Chapter 119. of the 13751  
Revised Code to give notice of an opportunity for a hearing and 13752  
the applicant or registrant does not make a timely request for a 13753  
hearing in accordance with section 119.07 of the Revised Code, 13754  
the board is not required to hold a hearing, but may adopt a 13755  
final order that contains the board's findings. In the final 13756  
order, the board may impose any of the sanctions listed in 13757  
division (A) of this section. 13758

(E) Notwithstanding the provision of division (C) (2) of 13759  
section 2953.32 of the Revised Code specifying that if records 13760  
pertaining to a criminal case are sealed under that section the 13761  
proceedings in the case must be deemed not to have occurred, 13762  
sealing of the following records on which the board has based an 13763



action under this section shall have no effect on the board's 13764  
action or any sanction imposed by the board under this section: 13765  
records of any conviction, guilty plea, judicial finding of 13766  
guilt resulting from a plea of no contest, or a judicial finding 13767  
of eligibility for a pretrial diversion program or intervention 13768  
in lieu of conviction. The board shall not be required to seal, 13769  
destroy, redact, or otherwise modify its records to reflect the 13770  
court's sealing of conviction records. 13771

(F) No pharmacy technician trainee, registered pharmacy 13772  
technician, or certified pharmacy technician shall knowingly 13773  
engage in any conduct described in divisions (A) (2) (b) or (A) (2) 13774  
(d) to (g) of this section. 13775

(G) The board shall not refuse to issue a registration to 13776  
an applicant because of a conviction of an offense unless the 13777  
refusal is in accordance with section 9.79 of the Revised Code. 13778

**Sec. 4730.10.** (A) An individual seeking a license to 13779  
practice as a physician assistant shall file with the state 13780  
medical board a written application on a form prescribed and 13781  
supplied by the board. The application shall include all of the 13782  
following: 13783

(1) The applicant's name, residential address, business 13784  
address, if any, and social security number; 13785

(2) Satisfactory proof that the applicant meets the age 13786  
~~and moral character requirements~~ requirement specified in 13787  
~~divisions~~ division (A) (1) ~~and (2)~~ of section 4730.11 of the 13788  
Revised Code; 13789

(3) Satisfactory proof that the applicant meets either the 13790  
educational requirements specified in division (B) (1) or (2) of 13791  
section 4730.11 of the Revised Code or the educational or other 13792

applicable requirements specified in division (C) (1), (2), or 13793  
(3) of that section; 13794

(4) Any other information the board requires. 13795

(B) At the time of making application for a license to 13796  
practice, the applicant shall pay the board a fee of five 13797  
hundred dollars, no part of which shall be returned. The fees 13798  
shall be deposited in accordance with section 4731.24 of the 13799  
Revised Code. 13800

**Sec. 4730.101.** In addition to any other eligibility 13801  
requirement set forth in this chapter, each applicant for a 13802  
license to practice as a physician assistant shall comply with 13803  
sections 4776.01 to 4776.04 of the Revised Code. ~~The state 13804  
medical board shall not grant to an applicant a license to 13805  
practice as a physician assistant unless the board, in its 13806  
discretion, decides that the results of the criminal records- 13807  
check do not make the applicant ineligible for a license issued- 13808  
pursuant to section 4730.12 of the Revised Code.~~ 13809

**Sec. 4730.11.** (A) To be eligible to receive a license to 13810  
practice as a physician assistant, all of the following apply to 13811  
an applicant: 13812

(1) The applicant shall be at least eighteen years of age. 13813

(2) ~~The applicant shall be of good moral character.~~ 13814

~~(3)~~ The applicant shall hold current certification by the 13815  
national commission on certification of physician assistants or 13816  
a successor organization that is recognized by the state medical 13817  
board. 13818

~~(4)~~ (3) The applicant shall meet either of the following 13819  
requirements: 13820

- (a) The educational requirements specified in division (B) 13821  
(1) or (2) of this section; 13822
- (b) The educational or other applicable requirements 13823  
specified in division (C) (1), (2), or (3) of this section. 13824
- (B) For purposes of division (A) ~~(4)~~ (3) (a) of this section, 13825  
an applicant shall meet either of the following educational 13826  
requirements: 13827
- (1) The applicant shall hold a master's or higher degree 13828  
obtained from a program accredited by the accreditation review 13829  
commission on education for the physician assistant or a 13830  
predecessor or successor organization recognized by the board. 13831
- (2) The applicant shall hold both of the following 13832  
degrees: 13833
- (a) A degree other than a master's or higher degree 13834  
obtained from a program accredited by the accreditation review 13835  
commission on education for the physician assistant or a 13836  
predecessor or successor organization recognized by the board; 13837
- (b) A master's or higher degree in a course of study with 13838  
clinical relevance to the practice of physician assistants and 13839  
obtained from a program accredited by a regional or specialized 13840  
and professional accrediting agency recognized by the council 13841  
for higher education accreditation. 13842
- (C) For purposes of division (A) ~~(4)~~ (3) (b) of this section, 13843  
an applicant shall present evidence satisfactory to the board of 13844  
meeting one of the following requirements in lieu of meeting the 13845  
educational requirements specified in division (B) (1) or (2) of 13846  
this section: 13847
- (1) The applicant shall hold a current, valid license or 13848

other form of authority to practice as a physician assistant 13849  
issued by another jurisdiction and either have been in active 13850  
practice in any jurisdiction throughout the two-year period 13851  
immediately preceding the date of application or have met one or 13852  
more of the following requirements as specified by the board: 13853

(a) Passed an oral or written examination or assessment, 13854  
or both types of examination or assessment, that determined the 13855  
applicant's present fitness to resume practice; 13856

(b) Obtained additional training and passed an examination 13857  
or assessment on completion of the training; 13858

(c) Agreed to limitations on the applicant's extent, 13859  
scope, or type of practice. 13860

(2) The applicant shall hold a degree obtained as a result 13861  
of being enrolled on January 1, 2008, in a program in this state 13862  
that was accredited by the accreditation review commission on 13863  
education for the physician assistant but did not grant a 13864  
master's or higher degree to individuals enrolled in the program 13865  
on that date, and completing the program on or before December 13866  
31, 2009. 13867

(3) The applicant shall hold a degree obtained from a 13868  
program accredited by the accreditation review commission on 13869  
education for the physician assistant and meet either of the 13870  
following experience requirements: 13871

(a) Either have experience practicing as a physician 13872  
assistant for at least two consecutive years immediately 13873  
preceding the date of application while on active duty, with 13874  
evidence of service under honorable conditions, in any of the 13875  
armed forces of the United States or the national guard of any 13876  
state, including any experience attained while practicing as a 13877

physician assistant at a health care facility or clinic operated 13878  
by the United States department of veterans affairs or have met 13879  
one or more of the following requirements as specified by the 13880  
board: 13881

(i) Passed an oral or written examination or assessment, 13882  
or both types of examination or assessment, that determined the 13883  
applicant's present fitness to resume practice; 13884

(ii) Obtained additional training and passed an 13885  
examination or assessment on completion of the training; 13886

(iii) Agreed to limitations on the applicant's extent, 13887  
scope, or type of practice; 13888

(b) Either have experience practicing as a physician 13889  
assistant for at least two consecutive years immediately 13890  
preceding the date of application while on active duty in the 13891  
United States public health service commissioned corps or have 13892  
met one or more of the following requirements as specified by 13893  
the board: 13894

(i) Passed an oral or written examination or assessment, 13895  
or both types of examination or assessment, that determined the 13896  
applicant's present fitness to resume practice; 13897

(ii) Obtained additional training and passed an 13898  
examination or assessment on completion of the training; 13899

(iii) Agreed to limitations on the applicant's extent, 13900  
scope, or type of practice. 13901

(D) This section does not require an individual to obtain 13902  
a master's or higher degree as a condition of retaining or 13903  
renewing a license to practice as a physician assistant if the 13904  
individual received the license without holding a master's or 13905

higher degree as provided in either of the following: 13906

(1) Before the educational requirements specified in 13907  
division (B) (1) or (2) of this section became effective January 13908  
1, 2008; 13909

(2) By meeting the educational or other applicable 13910  
requirements specified in division (C) (1), (2), or (3) of this 13911  
section. 13912

**Sec. 4730.25.** (A) The state medical board, by an 13913  
affirmative vote of not fewer than six members, may revoke or 13914  
may refuse to grant a license to practice as a physician 13915  
assistant to a person found by the board to have committed 13916  
fraud, misrepresentation, or deception in applying for or 13917  
securing the license. 13918

(B) ~~The~~ Except as provided in division (N) of this 13919  
section, the board, by an affirmative vote of not fewer than six 13920  
members, shall, to the extent permitted by law, limit, revoke, 13921  
or suspend an individual's license to practice as a physician 13922  
assistant or prescriber number, refuse to issue a license to an 13923  
applicant, refuse to renew a ~~certificate~~ license, refuse to 13924  
reinstate a license, or reprimand or place on probation the 13925  
holder of a license for any of the following reasons: 13926

(1) Failure to practice in accordance with the supervising 13927  
physician's supervision agreement with the physician assistant, 13928  
including, if applicable, the policies of the health care 13929  
facility in which the supervising physician and physician 13930  
assistant are practicing; 13931

(2) Failure to comply with the requirements of this 13932  
chapter, Chapter 4731. of the Revised Code, or any rules adopted 13933  
by the board; 13934

(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board;

(4) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;

(5) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;

(6) Administering drugs for purposes other than those authorized under this chapter;

(7) Willfully betraying a professional confidence;

(8) Making a false, fraudulent, deceptive, or misleading statement in soliciting or advertising for employment as a physician assistant; in connection with any solicitation or advertisement for patients; in relation to the practice of medicine as it pertains to physician assistants; or in securing or attempting to secure a license to practice as a physician assistant.

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent

- person to misunderstand or be deceived. 13964
- (9) Representing, with the purpose of obtaining 13965  
compensation or other advantage personally or for any other 13966  
person, that an incurable disease or injury, or other incurable 13967  
condition, can be permanently cured; 13968
- (10) The obtaining of, or attempting to obtain, money or 13969  
anything of value by fraudulent misrepresentations in the course 13970  
of practice; 13971
- (11) A plea of guilty to, a judicial finding of guilt of, 13972  
or a judicial finding of eligibility for intervention in lieu of 13973  
conviction for, a felony; 13974
- (12) Commission of an act that constitutes a felony in 13975  
this state, regardless of the jurisdiction in which the act was 13976  
committed; 13977
- (13) A plea of guilty to, a judicial finding of guilt of, 13978  
or a judicial finding of eligibility for intervention in lieu of 13979  
conviction for, a misdemeanor committed in the course of 13980  
practice; 13981
- (14) A plea of guilty to, a judicial finding of guilt of, 13982  
or a judicial finding of eligibility for intervention in lieu of 13983  
conviction for, a misdemeanor involving moral turpitude; 13984
- (15) Commission of an act in the course of practice that 13985  
constitutes a misdemeanor in this state, regardless of the 13986  
jurisdiction in which the act was committed; 13987
- (16) Commission of an act involving moral turpitude that 13988  
constitutes a misdemeanor in this state, regardless of the 13989  
jurisdiction in which the act was committed; 13990
- (17) A plea of guilty to, a judicial finding of guilt of, 13991



or a judicial finding of eligibility for intervention in lieu of 13992  
conviction for violating any state or federal law regulating the 13993  
possession, distribution, or use of any drug, including 13994  
trafficking in drugs; 13995

(18) Any of the following actions taken by the state 13996  
agency responsible for regulating the practice of physician 13997  
assistants in another state, for any reason other than the 13998  
nonpayment of fees: the limitation, revocation, or suspension of 13999  
an individual's license to practice; acceptance of an 14000  
individual's license surrender; denial of a license; refusal to 14001  
renew or reinstate a license; imposition of probation; or 14002  
issuance of an order of censure or other reprimand; 14003

(19) A departure from, or failure to conform to, minimal 14004  
standards of care of similar physician assistants under the same 14005  
or similar circumstances, regardless of whether actual injury to 14006  
a patient is established; 14007

(20) Violation of the conditions placed by the board on a 14008  
license to practice as a physician assistant; 14009

(21) Failure to use universal blood and body fluid 14010  
precautions established by rules adopted under section 4731.051 14011  
of the Revised Code; 14012

(22) Failure to cooperate in an investigation conducted by 14013  
the board under section 4730.26 of the Revised Code, including 14014  
failure to comply with a subpoena or order issued by the board 14015  
or failure to answer truthfully a question presented by the 14016  
board at a deposition or in written interrogatories, except that 14017  
failure to cooperate with an investigation shall not constitute 14018  
grounds for discipline under this section if a court of 14019  
competent jurisdiction has issued an order that either quashes a 14020

subpoena or permits the individual to withhold the testimony or 14021  
evidence in issue; 14022

(23) Assisting suicide, as defined in section 3795.01 of 14023  
the Revised Code; 14024

(24) Prescribing any drug or device to perform or induce 14025  
an abortion, or otherwise performing or inducing an abortion; 14026

(25) Failure to comply with section 4730.53 of the Revised 14027  
Code, unless the board no longer maintains a drug database 14028  
pursuant to section 4729.75 of the Revised Code; 14029

(26) Failure to comply with the requirements in section 14030  
3719.061 of the Revised Code before issuing for a minor a 14031  
prescription for an opioid analgesic, as defined in section 14032  
3719.01 of the Revised Code; 14033

(27) Having certification by the national commission on 14034  
certification of physician assistants or a successor 14035  
organization expire, lapse, or be suspended or revoked; 14036

(28) The revocation, suspension, restriction, reduction, 14037  
or termination of clinical privileges by the United States 14038  
department of defense or department of veterans affairs or the 14039  
termination or suspension of a certificate of registration to 14040  
prescribe drugs by the drug enforcement administration of the 14041  
United States department of justice. 14042

(C) Disciplinary actions taken by the board under 14043  
divisions (A) and (B) of this section shall be taken pursuant to 14044  
an adjudication under Chapter 119. of the Revised Code, except 14045  
that in lieu of an adjudication, the board may enter into a 14046  
consent agreement with a physician assistant or applicant to 14047  
resolve an allegation of a violation of this chapter or any rule 14048  
adopted under it. A consent agreement, when ratified by an 14049

affirmative vote of not fewer than six members of the board, 14050  
shall constitute the findings and order of the board with 14051  
respect to the matter addressed in the agreement. If the board 14052  
refuses to ratify a consent agreement, the admissions and 14053  
findings contained in the consent agreement shall be of no force 14054  
or effect. 14055

(D) For purposes of divisions (B) (12), (15), and (16) of 14056  
this section, the commission of the act may be established by a 14057  
finding by the board, pursuant to an adjudication under Chapter 14058  
119. of the Revised Code, that the applicant or license holder 14059  
committed the act in question. The board shall have no 14060  
jurisdiction under these divisions in cases where the trial 14061  
court renders a final judgment in the license holder's favor and 14062  
that judgment is based upon an adjudication on the merits. The 14063  
board shall have jurisdiction under these divisions in cases 14064  
where the trial court issues an order of dismissal upon 14065  
technical or procedural grounds. 14066

(E) The sealing of conviction records by any court shall 14067  
have no effect upon a prior board order entered under the 14068  
provisions of this section or upon the board's jurisdiction to 14069  
take action under the provisions of this section if, based upon 14070  
a plea of guilty, a judicial finding of guilt, or a judicial 14071  
finding of eligibility for intervention in lieu of conviction, 14072  
the board issued a notice of opportunity for a hearing prior to 14073  
the court's order to seal the records. The board shall not be 14074  
required to seal, destroy, redact, or otherwise modify its 14075  
records to reflect the court's sealing of conviction records. 14076

(F) For purposes of this division, any individual who 14077  
holds a license issued under this chapter, or applies for a 14078  
license issued under this chapter, shall be deemed to have given 14079

consent to submit to a mental or physical examination when 14080  
directed to do so in writing by the board and to have waived all 14081  
objections to the admissibility of testimony or examination 14082  
reports that constitute a privileged communication. 14083

(1) In enforcing division (B)(4) of this section, the 14084  
board, upon a showing of a possible violation, may compel any 14085  
individual who holds a license issued under this chapter or who 14086  
has applied for a license pursuant to this chapter to submit to 14087  
a mental examination, physical examination, including an HIV 14088  
test, or both a mental and physical examination. The expense of 14089  
the examination is the responsibility of the individual 14090  
compelled to be examined. Failure to submit to a mental or 14091  
physical examination or consent to an HIV test ordered by the 14092  
board constitutes an admission of the allegations against the 14093  
individual unless the failure is due to circumstances beyond the 14094  
individual's control, and a default and final order may be 14095  
entered without the taking of testimony or presentation of 14096  
evidence. If the board finds a physician assistant unable to 14097  
practice because of the reasons set forth in division (B)(4) of 14098  
this section, the board shall require the physician assistant to 14099  
submit to care, counseling, or treatment by physicians approved 14100  
or designated by the board, as a condition for an initial, 14101  
continued, reinstated, or renewed license. An individual 14102  
affected under this division shall be afforded an opportunity to 14103  
demonstrate to the board the ability to resume practicing in 14104  
compliance with acceptable and prevailing standards of care. 14105

(2) For purposes of division (B)(5) of this section, if 14106  
the board has reason to believe that any individual who holds a 14107  
license issued under this chapter or any applicant for a license 14108  
suffers such impairment, the board may compel the individual to 14109  
submit to a mental or physical examination, or both. The expense 14110

of the examination is the responsibility of the individual 14111  
compelled to be examined. Any mental or physical examination 14112  
required under this division shall be undertaken by a treatment 14113  
provider or physician qualified to conduct such examination and 14114  
chosen by the board. 14115

Failure to submit to a mental or physical examination 14116  
ordered by the board constitutes an admission of the allegations 14117  
against the individual unless the failure is due to 14118  
circumstances beyond the individual's control, and a default and 14119  
final order may be entered without the taking of testimony or 14120  
presentation of evidence. If the board determines that the 14121  
individual's ability to practice is impaired, the board shall 14122  
suspend the individual's license or deny the individual's 14123  
application and shall require the individual, as a condition for 14124  
initial, continued, reinstated, or renewed licensure, to submit 14125  
to treatment. 14126

Before being eligible to apply for reinstatement of a 14127  
license suspended under this division, the physician assistant 14128  
shall demonstrate to the board the ability to resume practice or 14129  
prescribing in compliance with acceptable and prevailing 14130  
standards of care. The demonstration shall include the 14131  
following: 14132

(a) Certification from a treatment provider approved under 14133  
section 4731.25 of the Revised Code that the individual has 14134  
successfully completed any required inpatient treatment; 14135

(b) Evidence of continuing full compliance with an 14136  
aftercare contract or consent agreement; 14137

(c) Two written reports indicating that the individual's 14138  
ability to practice has been assessed and that the individual 14139

has been found capable of practicing according to acceptable and 14140  
prevailing standards of care. The reports shall be made by 14141  
individuals or providers approved by the board for making such 14142  
assessments and shall describe the basis for their 14143  
determination. 14144

The board may reinstate a license suspended under this 14145  
division after such demonstration and after the individual has 14146  
entered into a written consent agreement. 14147

When the impaired physician assistant resumes practice or 14148  
prescribing, the board shall require continued monitoring of the 14149  
physician assistant. The monitoring shall include compliance 14150  
with the written consent agreement entered into before 14151  
reinstatement or with conditions imposed by board order after a 14152  
hearing, and, upon termination of the consent agreement, 14153  
submission to the board for at least two years of annual written 14154  
progress reports made under penalty of falsification stating 14155  
whether the physician assistant has maintained sobriety. 14156

(G) If the secretary and supervising member determine that 14157  
there is clear and convincing evidence that a physician 14158  
assistant has violated division (B) of this section and that the 14159  
individual's continued practice or prescribing presents a danger 14160  
of immediate and serious harm to the public, they may recommend 14161  
that the board suspend the individual's license without a prior 14162  
hearing. Written allegations shall be prepared for consideration 14163  
by the board. 14164

The board, upon review of those allegations and by an 14165  
affirmative vote of not fewer than six of its members, excluding 14166  
the secretary and supervising member, may suspend a license 14167  
without a prior hearing. A telephone conference call may be 14168  
utilized for reviewing the allegations and taking the vote on 14169

the summary suspension. 14170

The board shall issue a written order of suspension by 14171  
certified mail or in person in accordance with section 119.07 of 14172  
the Revised Code. The order shall not be subject to suspension 14173  
by the court during pendency of any appeal filed under section 14174  
119.12 of the Revised Code. If the physician assistant requests 14175  
an adjudicatory hearing by the board, the date set for the 14176  
hearing shall be within fifteen days, but not earlier than seven 14177  
days, after the physician assistant requests the hearing, unless 14178  
otherwise agreed to by both the board and the license holder. 14179

A summary suspension imposed under this division shall 14180  
remain in effect, unless reversed on appeal, until a final 14181  
adjudicative order issued by the board pursuant to this section 14182  
and Chapter 119. of the Revised Code becomes effective. The 14183  
board shall issue its final adjudicative order within sixty days 14184  
after completion of its hearing. Failure to issue the order 14185  
within sixty days shall result in dissolution of the summary 14186  
suspension order, but shall not invalidate any subsequent, final 14187  
adjudicative order. 14188

(H) If the board takes action under division (B) (11), 14189  
(13), or (14) of this section, and the judicial finding of 14190  
guilt, guilty plea, or judicial finding of eligibility for 14191  
intervention in lieu of conviction is overturned on appeal, upon 14192  
exhaustion of the criminal appeal, a petition for 14193  
reconsideration of the order may be filed with the board along 14194  
with appropriate court documents. Upon receipt of a petition and 14195  
supporting court documents, the board shall reinstate the 14196  
individual's license. The board may then hold an adjudication 14197  
under Chapter 119. of the Revised Code to determine whether the 14198  
individual committed the act in question. Notice of opportunity 14199

for hearing shall be given in accordance with Chapter 119. of 14200  
the Revised Code. If the board finds, pursuant to an 14201  
adjudication held under this division, that the individual 14202  
committed the act, or if no hearing is requested, it may order 14203  
any of the sanctions identified under division (B) of this 14204  
section. 14205

(I) The license to practice issued to a physician 14206  
assistant and the physician assistant's practice in this state 14207  
are automatically suspended as of the date the physician 14208  
assistant pleads guilty to, is found by a judge or jury to be 14209  
guilty of, or is subject to a judicial finding of eligibility 14210  
for intervention in lieu of conviction in this state or 14211  
treatment or intervention in lieu of conviction in another state 14212  
for any of the following criminal offenses in this state or a 14213  
substantially equivalent criminal offense in another 14214  
jurisdiction: aggravated murder, murder, voluntary manslaughter, 14215  
felonious assault, kidnapping, rape, sexual battery, gross 14216  
sexual imposition, aggravated arson, aggravated robbery, or 14217  
aggravated burglary. Continued practice after the suspension 14218  
shall be considered practicing without a license. 14219

The board shall notify the individual subject to the 14220  
suspension by certified mail or in person in accordance with 14221  
section 119.07 of the Revised Code. If an individual whose 14222  
license is suspended under this division fails to make a timely 14223  
request for an adjudication under Chapter 119. of the Revised 14224  
Code, the board shall enter a final order permanently revoking 14225  
the individual's license to practice. 14226

(J) In any instance in which the board is required by 14227  
Chapter 119. of the Revised Code to give notice of opportunity 14228  
for hearing and the individual subject to the notice does not 14229



timely request a hearing in accordance with section 119.07 of 14230  
the Revised Code, the board is not required to hold a hearing, 14231  
but may adopt, by an affirmative vote of not fewer than six of 14232  
its members, a final order that contains the board's findings. 14233  
In that final order, the board may order any of the sanctions 14234  
identified under division (A) or (B) of this section. 14235

(K) Any action taken by the board under division (B) of 14236  
this section resulting in a suspension shall be accompanied by a 14237  
written statement of the conditions under which the physician 14238  
assistant's license may be reinstated. The board shall adopt 14239  
rules in accordance with Chapter 119. of the Revised Code 14240  
governing conditions to be imposed for reinstatement. 14241  
Reinstatement of a license suspended pursuant to division (B) of 14242  
this section requires an affirmative vote of not fewer than six 14243  
members of the board. 14244

(L) When the board refuses to grant or issue to an 14245  
applicant a license to practice as a physician assistant, 14246  
revokes an individual's license, refuses to renew an 14247  
individual's license, or refuses to reinstate an individual's 14248  
license, the board may specify that its action is permanent. An 14249  
individual subject to a permanent action taken by the board is 14250  
forever thereafter ineligible to hold the license and the board 14251  
shall not accept an application for reinstatement of the license 14252  
or for issuance of a new license. 14253

(M) Notwithstanding any other provision of the Revised 14254  
Code, all of the following apply: 14255

(1) The surrender of a license issued under this chapter 14256  
is not effective unless or until accepted by the board. 14257  
Reinstatement of a license surrendered to the board requires an 14258  
affirmative vote of not fewer than six members of the board. 14259

(2) An application made under this chapter for a license 14260  
may not be withdrawn without approval of the board. 14261

(3) Failure by an individual to renew a license in 14262  
accordance with section 4730.14 of the Revised Code shall not 14263  
remove or limit the board's jurisdiction to take disciplinary 14264  
action under this section against the individual. 14265

(N) The board shall not refuse to issue a license to an 14266  
applicant because of a conviction, plea of guilty, judicial 14267  
finding of guilt, judicial finding of eligibility for 14268  
intervention in lieu of conviction, or the commission of an act 14269  
that constitutes a criminal offense, unless the refusal is in 14270  
accordance with section 9.79 of the Revised Code. 14271

**Sec. 4731.08.** In addition to any other eligibility 14272  
requirement set forth in this chapter, each applicant for a 14273  
license to practice medicine and surgery or osteopathic medicine 14274  
and surgery shall comply with sections 4776.01 to 4776.04 of the 14275  
Revised Code. ~~The state medical board shall not grant to an 14276  
applicant a license to practice medicine and surgery or 14277  
osteopathic medicine and surgery unless the board, in its 14278  
discretion, decides that the results of the criminal records 14279  
check do not make the applicant ineligible for a license issued 14280  
pursuant to section 4731.14 of the Revised Code.~~ 14281

**Sec. 4731.09.** (A) An applicant for a license to practice 14282  
medicine and surgery or osteopathic medicine and surgery must 14283  
meet all of the following requirements: 14284

(1) Be at least eighteen years of age ~~and of good moral 14285  
character;~~ 14286

(2) Possess a high school diploma or a certificate of high 14287  
school equivalence or have obtained the equivalent of such 14288

education as determined by the state medical board;	14289
(3) Have completed two years of undergraduate work in a	14290
college of arts and sciences or the equivalent of such education	14291
as determined by the board;	14292
(4) Meet one of the following medical education and	14293
graduate medical education requirements:	14294
(a) Hold a diploma from a medical school or osteopathic	14295
medical school that, at the time the diploma was issued, was a	14296
medical school accredited by the liaison committee on medical	14297
education or an osteopathic medical school accredited by the	14298
American osteopathic association and have successfully completed	14299
not less than twelve months of graduate medical education	14300
through the first-year level of graduate medical education or	14301
its equivalent as determined by the board;	14302
(b) Hold certification from the educational commission for	14303
foreign medical graduates and have successfully completed not	14304
less than twenty-four months of graduate medical education	14305
through the second-year level of graduate medical education or	14306
its equivalent as determined by the board;	14307
(c) Be a qualified graduate of a fifth pathway training	14308
program as recognized by the board under section 4731.091 of the	14309
Revised Code and have successfully completed, subsequent to	14310
completing fifth pathway training, not less than twelve months	14311
of graduate medical education or its equivalent as determined by	14312
the board.	14313
(5) Have successfully passed an examination prescribed in	14314
rules adopted by the board to determine competency to practice	14315
medicine and surgery or osteopathic medicine and surgery;	14316
(6) Comply with section 4731.08 of the Revised Code;	14317

(7) Meet the requirements of section 4731.142 of the Revised Code if eligibility for the license applied for is based in part on certification from the educational commission for foreign medical graduates and the undergraduate education requirements established by this section were fulfilled at an institution outside of the United States.

(B) An applicant for a license to practice medicine and surgery or osteopathic medicine and surgery shall submit to the board an application in the form and manner prescribed by the board. The application must include all of the following:

(1) Evidence satisfactory to the board to demonstrate that the applicant meets all of the requirements of division (A) of this section;

(2) An attestation that the information submitted under this section is accurate and truthful;

(3) Consent to the release of the applicant's information;

(4) Any other information the board requires.

(C) An applicant for a license to practice medicine and surgery or osteopathic medicine and surgery shall include with the application a fee of three hundred five dollars, no part of which may be returned. An application is not considered submitted until the board receives the fee.

(D) The board may conduct an investigation related to the application materials received pursuant to this section and may contact any individual, agency, or organization for recommendations or other information about the applicant.

(E) The board shall conclude any investigation of an applicant conducted under section 4731.22 of the Revised Code

not later than ninety days after receipt of a complete 14346  
application unless the applicant agrees in writing to an 14347  
extension or the board determines that there is a substantial 14348  
question of a violation of this chapter or the rules adopted 14349  
under it and notifies the applicant in writing of the reasons 14350  
for continuation of the investigation. If the board determines 14351  
that the applicant is not in violation of this chapter or the 14352  
rules adopted under it, the board shall issue a license not 14353  
later than forty-five days after making that determination. 14354

**Sec. 4731.171.** In addition to any other eligibility 14355  
requirement set forth in this chapter, each applicant for a 14356  
certificate to practice massage therapy or cosmetic therapy 14357  
shall comply with sections 4776.01 to 4776.04 of the Revised 14358  
Code. ~~The state medical board shall not grant to an applicant a~~ 14359  
~~certificate to practice massage therapy or cosmetic therapy~~ 14360  
~~unless the board, in its discretion, decides that the results of~~ 14361  
~~the criminal records check do not make the applicant ineligible~~ 14362  
~~for a certificate issued pursuant to section 4731.17 of the~~ 14363  
~~Revised Code.~~ 14364

**Sec. 4731.19.** (A) A person seeking a certificate to 14365  
practice a limited branch of medicine shall file with the state 14366  
medical board an application in a manner prescribed by the 14367  
board. The application shall include or be accompanied by all of 14368  
the following: 14369

(1) Evidence that the applicant is at least eighteen years 14370  
of age ~~and of good moral character;~~ 14371

(2) Evidence that the applicant has attained high school 14372  
graduation or its equivalent; 14373

(3) Evidence that the applicant holds one of the 14374

following:	14375
(a) A diploma or certificate from a school, college, or institution in good standing as determined by the board, showing the completion of the required courses of instruction;	14376 14377 14378
(b) A diploma or certificate from a school, college, or institution in another state or jurisdiction showing completion of a course of instruction that meets course requirements determined by the board through rules adopted under section 4731.05 of the Revised Code;	14379 14380 14381 14382 14383
(c) For not less than five years preceding application, a current license, registration, or certificate in good standing in another state for massage therapy or cosmetic therapy.	14384 14385 14386
(4) Evidence that the applicant has successfully passed an examination, prescribed in rules described in section 4731.16 of the Revised Code, to determine competency to practice the applicable limited branch of medicine;	14387 14388 14389 14390
(5) An attestation that the information submitted under this section is accurate and truthful and that the applicant consents to release of information;	14391 14392 14393
(6) Any other information the board requires.	14394
(B) An applicant for a certificate to practice a limited branch of medicine shall comply with the requirements of section 4731.171 of the Revised Code.	14395 14396 14397
(C) At the time of making application for a certificate to practice a limited branch of medicine, the applicant shall pay to the board a fee of one hundred fifty dollars, no part of which shall be returned. No application shall be considered filed until the board receives the appropriate fee.	14398 14399 14400 14401 14402

(D) The board may investigate the application materials 14403  
received under this section and contact any agency or 14404  
organization for recommendations or other information about the 14405  
applicant. 14406

**Sec. 4731.22.** (A) The state medical board, by an 14407  
affirmative vote of not fewer than six of its members, may 14408  
limit, revoke, or suspend a license or certificate to practice 14409  
or certificate to recommend, refuse to grant a license or 14410  
certificate, refuse to renew a license or certificate, refuse to 14411  
reinstate a license or certificate, or reprimand or place on 14412  
probation the holder of a license or certificate if the 14413  
individual applying for or holding the license or certificate is 14414  
found by the board to have committed fraud during the 14415  
administration of the examination for a license or certificate 14416  
to practice or to have committed fraud, misrepresentation, or 14417  
deception in applying for, renewing, or securing any license or 14418  
certificate to practice or certificate to recommend issued by 14419  
the board. 14420

(B) ~~The~~ Except as provided in division (P) of this 14421  
section, the board, by an affirmative vote of not fewer than six 14422  
members, shall, to the extent permitted by law, limit, revoke, 14423  
or suspend a license or certificate to practice or certificate 14424  
to recommend, refuse to issue a license or certificate, refuse 14425  
to renew a license or certificate, refuse to reinstate a license 14426  
or certificate, or reprimand or place on probation the holder of 14427  
a license or certificate for one or more of the following 14428  
reasons: 14429

(1) Permitting one's name or one's license or certificate 14430  
to practice to be used by a person, group, or corporation when 14431  
the individual concerned is not actually directing the treatment 14432

given; 14433

(2) Failure to maintain minimal standards applicable to 14434  
the selection or administration of drugs, or failure to employ 14435  
acceptable scientific methods in the selection of drugs or other 14436  
modalities for treatment of disease; 14437

(3) Except as provided in section 4731.97 of the Revised 14438  
Code, selling, giving away, personally furnishing, prescribing, 14439  
or administering drugs for other than legal and legitimate 14440  
therapeutic purposes or a plea of guilty to, a judicial finding 14441  
of guilt of, or a judicial finding of eligibility for 14442  
intervention in lieu of conviction of, a violation of any 14443  
federal or state law regulating the possession, distribution, or 14444  
use of any drug; 14445

(4) Willfully betraying a professional confidence. 14446

For purposes of this division, "willfully betraying a 14447  
professional confidence" does not include providing any 14448  
information, documents, or reports under sections 307.621 to 14449  
307.629 of the Revised Code to a child fatality review board; 14450  
does not include providing any information, documents, or 14451  
reports to the director of health pursuant to guidelines 14452  
established under section 3701.70 of the Revised Code; does not 14453  
include written notice to a mental health professional under 14454  
section 4731.62 of the Revised Code; and does not include the 14455  
making of a report of an employee's use of a drug of abuse, or a 14456  
report of a condition of an employee other than one involving 14457  
the use of a drug of abuse, to the employer of the employee as 14458  
described in division (B) of section 2305.33 of the Revised 14459  
Code. Nothing in this division affects the immunity from civil 14460  
liability conferred by section 2305.33 or 4731.62 of the Revised 14461  
Code upon a physician who makes a report in accordance with 14462



section 2305.33 or notifies a mental health professional in 14463  
accordance with section 4731.62 of the Revised Code. As used in 14464  
this division, "employee," "employer," and "physician" have the 14465  
same meanings as in section 2305.33 of the Revised Code. 14466

(5) Making a false, fraudulent, deceptive, or misleading 14467  
statement in the solicitation of or advertising for patients; in 14468  
relation to the practice of medicine and surgery, osteopathic 14469  
medicine and surgery, podiatric medicine and surgery, or a 14470  
limited branch of medicine; or in securing or attempting to 14471  
secure any license or certificate to practice issued by the 14472  
board. 14473

As used in this division, "false, fraudulent, deceptive, 14474  
or misleading statement" means a statement that includes a 14475  
misrepresentation of fact, is likely to mislead or deceive 14476  
because of a failure to disclose material facts, is intended or 14477  
is likely to create false or unjustified expectations of 14478  
favorable results, or includes representations or implications 14479  
that in reasonable probability will cause an ordinarily prudent 14480  
person to misunderstand or be deceived. 14481

(6) A departure from, or the failure to conform to, 14482  
minimal standards of care of similar practitioners under the 14483  
same or similar circumstances, whether or not actual injury to a 14484  
patient is established; 14485

(7) Representing, with the purpose of obtaining 14486  
compensation or other advantage as personal gain or for any 14487  
other person, that an incurable disease or injury, or other 14488  
incurable condition, can be permanently cured; 14489

(8) The obtaining of, or attempting to obtain, money or 14490  
anything of value by fraudulent misrepresentations in the course 14491

of practice;	14492
(9) A plea of guilty to, a judicial finding of guilt of,	14493
or a judicial finding of eligibility for intervention in lieu of	14494
conviction for, a felony;	14495
(10) Commission of an act that constitutes a felony in	14496
this state, regardless of the jurisdiction in which the act was	14497
committed;	14498
(11) A plea of guilty to, a judicial finding of guilt of,	14499
or a judicial finding of eligibility for intervention in lieu of	14500
conviction for, a misdemeanor committed in the course of	14501
practice;	14502
(12) Commission of an act in the course of practice that	14503
constitutes a misdemeanor in this state, regardless of the	14504
jurisdiction in which the act was committed;	14505
(13) A plea of guilty to, a judicial finding of guilt of,	14506
or a judicial finding of eligibility for intervention in lieu of	14507
conviction for, a misdemeanor involving moral turpitude;	14508
(14) Commission of an act involving moral turpitude that	14509
constitutes a misdemeanor in this state, regardless of the	14510
jurisdiction in which the act was committed;	14511
(15) Violation of the conditions of limitation placed by	14512
the board upon a license or certificate to practice;	14513
(16) Failure to pay license renewal fees specified in this	14514
chapter;	14515
(17) Except as authorized in section 4731.31 of the	14516
Revised Code, engaging in the division of fees for referral of	14517
patients, or the receiving of a thing of value in return for a	14518
specific referral of a patient to utilize a particular service	14519

or business; 14520

(18) Subject to section 4731.226 of the Revised Code, 14521  
violation of any provision of a code of ethics of the American 14522  
medical association, the American osteopathic association, the 14523  
American podiatric medical association, or any other national 14524  
professional organizations that the board specifies by rule. The 14525  
state medical board shall obtain and keep on file current copies 14526  
of the codes of ethics of the various national professional 14527  
organizations. The individual whose license or certificate is 14528  
being suspended or revoked shall not be found to have violated 14529  
any provision of a code of ethics of an organization not 14530  
appropriate to the individual's profession. 14531

For purposes of this division, a "provision of a code of 14532  
ethics of a national professional organization" does not include 14533  
any provision that would preclude the making of a report by a 14534  
physician of an employee's use of a drug of abuse, or of a 14535  
condition of an employee other than one involving the use of a 14536  
drug of abuse, to the employer of the employee as described in 14537  
division (B) of section 2305.33 of the Revised Code. Nothing in 14538  
this division affects the immunity from civil liability 14539  
conferred by that section upon a physician who makes either type 14540  
of report in accordance with division (B) of that section. As 14541  
used in this division, "employee," "employer," and "physician" 14542  
have the same meanings as in section 2305.33 of the Revised 14543  
Code. 14544

(19) Inability to practice according to acceptable and 14545  
prevailing standards of care by reason of mental illness or 14546  
physical illness, including, but not limited to, physical 14547  
deterioration that adversely affects cognitive, motor, or 14548  
perceptive skills. 14549

In enforcing this division, the board, upon a showing of a possible violation, may compel any individual authorized to practice by this chapter or who has submitted an application pursuant to this chapter to submit to a mental examination, physical examination, including an HIV test, or both a mental and a physical examination. The expense of the examination is the responsibility of the individual compelled to be examined. Failure to submit to a mental or physical examination or consent to an HIV test ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board finds an individual unable to practice because of the reasons set forth in this division, the board shall require the individual to submit to care, counseling, or treatment by physicians approved or designated by the board, as a condition for initial, continued, reinstated, or renewed authority to practice. An individual affected under this division shall be afforded an opportunity to demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards under the provisions of the individual's license or certificate. For the purpose of this division, any individual who applies for or receives a license or certificate to practice under this chapter accepts the privilege of practicing in this state and, by so doing, shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board, and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

(20) Except as provided in division (F) (1) (b) of section 14580

4731.282 of the Revised Code or when civil penalties are imposed 14581  
under section 4731.225 of the Revised Code, and subject to 14582  
section 4731.226 of the Revised Code, violating or attempting to 14583  
violate, directly or indirectly, or assisting in or abetting the 14584  
violation of, or conspiring to violate, any provisions of this 14585  
chapter or any rule promulgated by the board. 14586

This division does not apply to a violation or attempted 14587  
violation of, assisting in or abetting the violation of, or a 14588  
conspiracy to violate, any provision of this chapter or any rule 14589  
adopted by the board that would preclude the making of a report 14590  
by a physician of an employee's use of a drug of abuse, or of a 14591  
condition of an employee other than one involving the use of a 14592  
drug of abuse, to the employer of the employee as described in 14593  
division (B) of section 2305.33 of the Revised Code. Nothing in 14594  
this division affects the immunity from civil liability 14595  
conferred by that section upon a physician who makes either type 14596  
of report in accordance with division (B) of that section. As 14597  
used in this division, "employee," "employer," and "physician" 14598  
have the same meanings as in section 2305.33 of the Revised 14599  
Code. 14600

(21) The violation of section 3701.79 of the Revised Code 14601  
or of any abortion rule adopted by the director of health 14602  
pursuant to section 3701.341 of the Revised Code; 14603

(22) Any of the following actions taken by an agency 14604  
responsible for authorizing, certifying, or regulating an 14605  
individual to practice a health care occupation or provide 14606  
health care services in this state or another jurisdiction, for 14607  
any reason other than the nonpayment of fees: the limitation, 14608  
revocation, or suspension of an individual's license to 14609  
practice; acceptance of an individual's license surrender; 14610

denial of a license; refusal to renew or reinstate a license; 14611  
imposition of probation; or issuance of an order of censure or 14612  
other reprimand; 14613

(23) The violation of section 2919.12 of the Revised Code 14614  
or the performance or inducement of an abortion upon a pregnant 14615  
woman with actual knowledge that the conditions specified in 14616  
division (B) of section 2317.56 of the Revised Code have not 14617  
been satisfied or with a heedless indifference as to whether 14618  
those conditions have been satisfied, unless an affirmative 14619  
defense as specified in division (H) (2) of that section would 14620  
apply in a civil action authorized by division (H) (1) of that 14621  
section; 14622

(24) The revocation, suspension, restriction, reduction, 14623  
or termination of clinical privileges by the United States 14624  
department of defense or department of veterans affairs or the 14625  
termination or suspension of a certificate of registration to 14626  
prescribe drugs by the drug enforcement administration of the 14627  
United States department of justice; 14628

(25) Termination or suspension from participation in the 14629  
medicare or medicaid programs by the department of health and 14630  
human services or other responsible agency; 14631

(26) Impairment of ability to practice according to 14632  
acceptable and prevailing standards of care because of habitual 14633  
or excessive use or abuse of drugs, alcohol, or other substances 14634  
that impair ability to practice. 14635

For the purposes of this division, any individual 14636  
authorized to practice by this chapter accepts the privilege of 14637  
practicing in this state subject to supervision by the board. By 14638  
filing an application for or holding a license or certificate to 14639

practice under this chapter, an individual shall be deemed to 14640  
have given consent to submit to a mental or physical examination 14641  
when ordered to do so by the board in writing, and to have 14642  
waived all objections to the admissibility of testimony or 14643  
examination reports that constitute privileged communications. 14644

If it has reason to believe that any individual authorized 14645  
to practice by this chapter or any applicant for licensure or 14646  
certification to practice suffers such impairment, the board may 14647  
compel the individual to submit to a mental or physical 14648  
examination, or both. The expense of the examination is the 14649  
responsibility of the individual compelled to be examined. Any 14650  
mental or physical examination required under this division 14651  
shall be undertaken by a treatment provider or physician who is 14652  
qualified to conduct the examination and who is chosen by the 14653  
board. 14654

Failure to submit to a mental or physical examination 14655  
ordered by the board constitutes an admission of the allegations 14656  
against the individual unless the failure is due to 14657  
circumstances beyond the individual's control, and a default and 14658  
final order may be entered without the taking of testimony or 14659  
presentation of evidence. If the board determines that the 14660  
individual's ability to practice is impaired, the board shall 14661  
suspend the individual's license or certificate or deny the 14662  
individual's application and shall require the individual, as a 14663  
condition for initial, continued, reinstated, or renewed 14664  
licensure or certification to practice, to submit to treatment. 14665

Before being eligible to apply for reinstatement of a 14666  
license or certificate suspended under this division, the 14667  
impaired practitioner shall demonstrate to the board the ability 14668  
to resume practice in compliance with acceptable and prevailing 14669

standards of care under the provisions of the practitioner's 14670  
license or certificate. The demonstration shall include, but 14671  
shall not be limited to, the following: 14672

(a) Certification from a treatment provider approved under 14673  
section 4731.25 of the Revised Code that the individual has 14674  
successfully completed any required inpatient treatment; 14675

(b) Evidence of continuing full compliance with an 14676  
aftercare contract or consent agreement; 14677

(c) Two written reports indicating that the individual's 14678  
ability to practice has been assessed and that the individual 14679  
has been found capable of practicing according to acceptable and 14680  
prevailing standards of care. The reports shall be made by 14681  
individuals or providers approved by the board for making the 14682  
assessments and shall describe the basis for their 14683  
determination. 14684

The board may reinstate a license or certificate suspended 14685  
under this division after that demonstration and after the 14686  
individual has entered into a written consent agreement. 14687

When the impaired practitioner resumes practice, the board 14688  
shall require continued monitoring of the individual. The 14689  
monitoring shall include, but not be limited to, compliance with 14690  
the written consent agreement entered into before reinstatement 14691  
or with conditions imposed by board order after a hearing, and, 14692  
upon termination of the consent agreement, submission to the 14693  
board for at least two years of annual written progress reports 14694  
made under penalty of perjury stating whether the individual has 14695  
maintained sobriety. 14696

(27) A second or subsequent violation of section 4731.66 14697  
or 4731.69 of the Revised Code; 14698



(28) Except as provided in division (N) of this section:	14699
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that individual;	14700 14701 14702 14703 14704 14705
(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay.	14706 14707 14708 14709 14710
(29) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;	14711 14712 14713
(30) Failure to provide notice to, and receive acknowledgment of the notice from, a patient when required by section 4731.143 of the Revised Code prior to providing nonemergency professional services, or failure to maintain that notice in the patient's medical record;	14714 14715 14716 14717 14718
(31) Failure of a physician supervising a physician assistant to maintain supervision in accordance with the requirements of Chapter 4730. of the Revised Code and the rules adopted under that chapter;	14719 14720 14721 14722
(32) Failure of a physician or podiatrist to enter into a standard care arrangement with a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner with whom the physician or podiatrist is in collaboration pursuant to section 4731.27 of the Revised Code or failure to fulfill the	14723 14724 14725 14726 14727

responsibilities of collaboration after entering into a standard	14728
care arrangement;	14729
(33) Failure to comply with the terms of a consult	14730
agreement entered into with a pharmacist pursuant to section	14731
4729.39 of the Revised Code;	14732
(34) Failure to cooperate in an investigation conducted by	14733
the board under division (F) of this section, including failure	14734
to comply with a subpoena or order issued by the board or	14735
failure to answer truthfully a question presented by the board	14736
in an investigative interview, an investigative office	14737
conference, at a deposition, or in written interrogatories,	14738
except that failure to cooperate with an investigation shall not	14739
constitute grounds for discipline under this section if a court	14740
of competent jurisdiction has issued an order that either	14741
quashes a subpoena or permits the individual to withhold the	14742
testimony or evidence in issue;	14743
(35) Failure to supervise an oriental medicine	14744
practitioner or acupuncturist in accordance with Chapter 4762.	14745
of the Revised Code and the board's rules for providing that	14746
supervision;	14747
(36) Failure to supervise an anesthesiologist assistant in	14748
accordance with Chapter 4760. of the Revised Code and the	14749
board's rules for supervision of an anesthesiologist assistant;	14750
(37) Assisting suicide, as defined in section 3795.01 of	14751
the Revised Code;	14752
(38) Failure to comply with the requirements of section	14753
2317.561 of the Revised Code;	14754
(39) Failure to supervise a radiologist assistant in	14755
accordance with Chapter 4774. of the Revised Code and the	14756

board's rules for supervision of radiologist assistants;	14757
(40) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;	14758 14759 14760 14761
(41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic;	14762 14763 14764 14765
(42) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;	14766 14767 14768 14769
(43) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	14770 14771 14772 14773
(44) Failure to comply with the requirements of section 2919.171, 2919.202, or 2919.203 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 or 2919.202 of the Revised Code;	14774 14775 14776 14777 14778
(45) Practicing at a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the person operating the facility has obtained and maintains the license with the classification;	14779 14780 14781 14782 14783
(46) Owning a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain	14784 14785

management clinic classification unless the facility is licensed 14786  
with the classification; 14787

(47) Failure to comply with the requirement regarding 14788  
maintaining notes described in division (B) of section 2919.191 14789  
of the Revised Code or failure to satisfy the requirements of 14790  
section 2919.191 of the Revised Code prior to performing or 14791  
inducing an abortion upon a pregnant woman; 14792

(48) Failure to comply with the requirements in section 14793  
3719.061 of the Revised Code before issuing for a minor a 14794  
prescription for an opioid analgesic, as defined in section 14795  
3719.01 of the Revised Code; 14796

(49) Failure to comply with the requirements of section 14797  
4731.30 of the Revised Code or rules adopted under section 14798  
4731.301 of the Revised Code when recommending treatment with 14799  
medical marijuana; 14800

(50) Practicing at a facility, clinic, or other location 14801  
that is subject to licensure as a category III terminal 14802  
distributor of dangerous drugs with an office-based opioid 14803  
treatment classification unless the person operating that place 14804  
has obtained and maintains the license with the classification; 14805

(51) Owning a facility, clinic, or other location that is 14806  
subject to licensure as a category III terminal distributor of 14807  
dangerous drugs with an office-based opioid treatment 14808  
classification unless that place is licensed with the 14809  
classification; 14810

(52) A pattern of continuous or repeated violations of 14811  
division (E) (2) or (3) of section 3963.02 of the Revised Code. 14812

(C) Disciplinary actions taken by the board under 14813  
divisions (A) and (B) of this section shall be taken pursuant to 14814

an adjudication under Chapter 119. of the Revised Code, except 14815  
that in lieu of an adjudication, the board may enter into a 14816  
consent agreement with an individual to resolve an allegation of 14817  
a violation of this chapter or any rule adopted under it. A 14818  
consent agreement, when ratified by an affirmative vote of not 14819  
fewer than six members of the board, shall constitute the 14820  
findings and order of the board with respect to the matter 14821  
addressed in the agreement. If the board refuses to ratify a 14822  
consent agreement, the admissions and findings contained in the 14823  
consent agreement shall be of no force or effect. 14824

A telephone conference call may be utilized for 14825  
ratification of a consent agreement that revokes or suspends an 14826  
individual's license or certificate to practice or certificate 14827  
to recommend. The telephone conference call shall be considered 14828  
a special meeting under division (F) of section 121.22 of the 14829  
Revised Code. 14830

If the board takes disciplinary action against an 14831  
individual under division (B) of this section for a second or 14832  
subsequent plea of guilty to, or judicial finding of guilt of, a 14833  
violation of section 2919.123 of the Revised Code, the 14834  
disciplinary action shall consist of a suspension of the 14835  
individual's license or certificate to practice for a period of 14836  
at least one year or, if determined appropriate by the board, a 14837  
more serious sanction involving the individual's license or 14838  
certificate to practice. Any consent agreement entered into 14839  
under this division with an individual that pertains to a second 14840  
or subsequent plea of guilty to, or judicial finding of guilt 14841  
of, a violation of that section shall provide for a suspension 14842  
of the individual's license or certificate to practice for a 14843  
period of at least one year or, if determined appropriate by the 14844  
board, a more serious sanction involving the individual's 14845

license or certificate to practice. 14846

(D) For purposes of divisions (B) (10), (12), and (14) of 14847  
this section, the commission of the act may be established by a 14848  
finding by the board, pursuant to an adjudication under Chapter 14849  
119. of the Revised Code, that the individual committed the act. 14850  
The board does not have jurisdiction under those divisions if 14851  
the trial court renders a final judgment in the individual's 14852  
favor and that judgment is based upon an adjudication on the 14853  
merits. The board has jurisdiction under those divisions if the 14854  
trial court issues an order of dismissal upon technical or 14855  
procedural grounds. 14856

(E) The sealing of conviction records by any court shall 14857  
have no effect upon a prior board order entered under this 14858  
section or upon the board's jurisdiction to take action under 14859  
this section if, based upon a plea of guilty, a judicial finding 14860  
of guilt, or a judicial finding of eligibility for intervention 14861  
in lieu of conviction, the board issued a notice of opportunity 14862  
for a hearing prior to the court's order to seal the records. 14863  
The board shall not be required to seal, destroy, redact, or 14864  
otherwise modify its records to reflect the court's sealing of 14865  
conviction records. 14866

(F) (1) The board shall investigate evidence that appears 14867  
to show that a person has violated any provision of this chapter 14868  
or any rule adopted under it. Any person may report to the board 14869  
in a signed writing any information that the person may have 14870  
that appears to show a violation of any provision of this 14871  
chapter or any rule adopted under it. In the absence of bad 14872  
faith, any person who reports information of that nature or who 14873  
testifies before the board in any adjudication conducted under 14874  
Chapter 119. of the Revised Code shall not be liable in damages 14875

in a civil action as a result of the report or testimony. Each 14876  
complaint or allegation of a violation received by the board 14877  
shall be assigned a case number and shall be recorded by the 14878  
board. 14879

(2) Investigations of alleged violations of this chapter 14880  
or any rule adopted under it shall be supervised by the 14881  
supervising member elected by the board in accordance with 14882  
section 4731.02 of the Revised Code and by the secretary as 14883  
provided in section 4731.39 of the Revised Code. The president 14884  
may designate another member of the board to supervise the 14885  
investigation in place of the supervising member. No member of 14886  
the board who supervises the investigation of a case shall 14887  
participate in further adjudication of the case. 14888

(3) In investigating a possible violation of this chapter 14889  
or any rule adopted under this chapter, or in conducting an 14890  
inspection under division (E) of section 4731.054 of the Revised 14891  
Code, the board may question witnesses, conduct interviews, 14892  
administer oaths, order the taking of depositions, inspect and 14893  
copy any books, accounts, papers, records, or documents, issue 14894  
subpoenas, and compel the attendance of witnesses and production 14895  
of books, accounts, papers, records, documents, and testimony, 14896  
except that a subpoena for patient record information shall not 14897  
be issued without consultation with the attorney general's 14898  
office and approval of the secretary and supervising member of 14899  
the board. 14900

(a) Before issuance of a subpoena for patient record 14901  
information, the secretary and supervising member shall 14902  
determine whether there is probable cause to believe that the 14903  
complaint filed alleges a violation of this chapter or any rule 14904  
adopted under it and that the records sought are relevant to the 14905

alleged violation and material to the investigation. The 14906  
subpoena may apply only to records that cover a reasonable 14907  
period of time surrounding the alleged violation. 14908

(b) On failure to comply with any subpoena issued by the 14909  
board and after reasonable notice to the person being 14910  
subpoenaed, the board may move for an order compelling the 14911  
production of persons or records pursuant to the Rules of Civil 14912  
Procedure. 14913

(c) A subpoena issued by the board may be served by a 14914  
sheriff, the sheriff's deputy, or a board employee or agent 14915  
designated by the board. Service of a subpoena issued by the 14916  
board may be made by delivering a copy of the subpoena to the 14917  
person named therein, reading it to the person, or leaving it at 14918  
the person's usual place of residence, usual place of business, 14919  
or address on file with the board. When serving a subpoena to an 14920  
applicant for or the holder of a license or certificate issued 14921  
under this chapter, service of the subpoena may be made by 14922  
certified mail, return receipt requested, and the subpoena shall 14923  
be deemed served on the date delivery is made or the date the 14924  
person refuses to accept delivery. If the person being served 14925  
refuses to accept the subpoena or is not located, service may be 14926  
made to an attorney who notifies the board that the attorney is 14927  
representing the person. 14928

(d) A sheriff's deputy who serves a subpoena shall receive 14929  
the same fees as a sheriff. Each witness who appears before the 14930  
board in obedience to a subpoena shall receive the fees and 14931  
mileage provided for under section 119.094 of the Revised Code. 14932

(4) All hearings, investigations, and inspections of the 14933  
board shall be considered civil actions for the purposes of 14934  
section 2305.252 of the Revised Code. 14935



(5) A report required to be submitted to the board under 14936  
this chapter, a complaint, or information received by the board 14937  
pursuant to an investigation or pursuant to an inspection under 14938  
division (E) of section 4731.054 of the Revised Code is 14939  
confidential and not subject to discovery in any civil action. 14940

The board shall conduct all investigations or inspections 14941  
and proceedings in a manner that protects the confidentiality of 14942  
patients and persons who file complaints with the board. The 14943  
board shall not make public the names or any other identifying 14944  
information about patients or complainants unless proper consent 14945  
is given or, in the case of a patient, a waiver of the patient 14946  
privilege exists under division (B) of section 2317.02 of the 14947  
Revised Code, except that consent or a waiver of that nature is 14948  
not required if the board possesses reliable and substantial 14949  
evidence that no bona fide physician-patient relationship 14950  
exists. 14951

The board may share any information it receives pursuant 14952  
to an investigation or inspection, including patient records and 14953  
patient record information, with law enforcement agencies, other 14954  
licensing boards, and other governmental agencies that are 14955  
prosecuting, adjudicating, or investigating alleged violations 14956  
of statutes or administrative rules. An agency or board that 14957  
receives the information shall comply with the same requirements 14958  
regarding confidentiality as those with which the state medical 14959  
board must comply, notwithstanding any conflicting provision of 14960  
the Revised Code or procedure of the agency or board that 14961  
applies when it is dealing with other information in its 14962  
possession. In a judicial proceeding, the information may be 14963  
admitted into evidence only in accordance with the Rules of 14964  
Evidence, but the court shall require that appropriate measures 14965  
are taken to ensure that confidentiality is maintained with 14966

respect to any part of the information that contains names or 14967  
other identifying information about patients or complainants 14968  
whose confidentiality was protected by the state medical board 14969  
when the information was in the board's possession. Measures to 14970  
ensure confidentiality that may be taken by the court include 14971  
sealing its records or deleting specific information from its 14972  
records. 14973

(6) On a quarterly basis, the board shall prepare a report 14974  
that documents the disposition of all cases during the preceding 14975  
three months. The report shall contain the following information 14976  
for each case with which the board has completed its activities: 14977

(a) The case number assigned to the complaint or alleged 14978  
violation; 14979

(b) The type of license or certificate to practice, if 14980  
any, held by the individual against whom the complaint is 14981  
directed; 14982

(c) A description of the allegations contained in the 14983  
complaint; 14984

(d) The disposition of the case. 14985

The report shall state how many cases are still pending 14986  
and shall be prepared in a manner that protects the identity of 14987  
each person involved in each case. The report shall be a public 14988  
record under section 149.43 of the Revised Code. 14989

(G) If the secretary and supervising member determine both 14990  
of the following, they may recommend that the board suspend an 14991  
individual's license or certificate to practice or certificate 14992  
to recommend without a prior hearing: 14993

(1) That there is clear and convincing evidence that an 14994

individual has violated division (B) of this section; 14995

(2) That the individual's continued practice presents a 14996  
danger of immediate and serious harm to the public. 14997

Written allegations shall be prepared for consideration by 14998  
the board. The board, upon review of those allegations and by an 14999  
affirmative vote of not fewer than six of its members, excluding 15000  
the secretary and supervising member, may suspend a license or 15001  
certificate without a prior hearing. A telephone conference call 15002  
may be utilized for reviewing the allegations and taking the 15003  
vote on the summary suspension. 15004

The board shall issue a written order of suspension by 15005  
certified mail or in person in accordance with section 119.07 of 15006  
the Revised Code. The order shall not be subject to suspension 15007  
by the court during pendency of any appeal filed under section 15008  
119.12 of the Revised Code. If the individual subject to the 15009  
summary suspension requests an adjudicatory hearing by the 15010  
board, the date set for the hearing shall be within fifteen 15011  
days, but not earlier than seven days, after the individual 15012  
requests the hearing, unless otherwise agreed to by both the 15013  
board and the individual. 15014

Any summary suspension imposed under this division shall 15015  
remain in effect, unless reversed on appeal, until a final 15016  
adjudicative order issued by the board pursuant to this section 15017  
and Chapter 119. of the Revised Code becomes effective. The 15018  
board shall issue its final adjudicative order within seventy- 15019  
five days after completion of its hearing. A failure to issue 15020  
the order within seventy-five days shall result in dissolution 15021  
of the summary suspension order but shall not invalidate any 15022  
subsequent, final adjudicative order. 15023

(H) If the board takes action under division (B) (9), (11), 15024  
or (13) of this section and the judicial finding of guilt, 15025  
guilty plea, or judicial finding of eligibility for intervention 15026  
in lieu of conviction is overturned on appeal, upon exhaustion 15027  
of the criminal appeal, a petition for reconsideration of the 15028  
order may be filed with the board along with appropriate court 15029  
documents. Upon receipt of a petition of that nature and 15030  
supporting court documents, the board shall reinstate the 15031  
individual's license or certificate to practice. The board may 15032  
then hold an adjudication under Chapter 119. of the Revised Code 15033  
to determine whether the individual committed the act in 15034  
question. Notice of an opportunity for a hearing shall be given 15035  
in accordance with Chapter 119. of the Revised Code. If the 15036  
board finds, pursuant to an adjudication held under this 15037  
division, that the individual committed the act or if no hearing 15038  
is requested, the board may order any of the sanctions 15039  
identified under division (B) of this section. 15040

(I) The license or certificate to practice issued to an 15041  
individual under this chapter and the individual's practice in 15042  
this state are automatically suspended as of the date of the 15043  
individual's second or subsequent plea of guilty to, or judicial 15044  
finding of guilt of, a violation of section 2919.123 of the 15045  
Revised Code. In addition, the license or certificate to 15046  
practice or certificate to recommend issued to an individual 15047  
under this chapter and the individual's practice in this state 15048  
are automatically suspended as of the date the individual pleads 15049  
guilty to, is found by a judge or jury to be guilty of, or is 15050  
subject to a judicial finding of eligibility for intervention in 15051  
lieu of conviction in this state or treatment or intervention in 15052  
lieu of conviction in another jurisdiction for any of the 15053  
following criminal offenses in this state or a substantially 15054

equivalent criminal offense in another jurisdiction: aggravated 15055  
murder, murder, voluntary manslaughter, felonious assault, 15056  
kidnapping, rape, sexual battery, gross sexual imposition, 15057  
aggravated arson, aggravated robbery, or aggravated burglary. 15058  
Continued practice after suspension shall be considered 15059  
practicing without a license or certificate. 15060

The board shall notify the individual subject to the 15061  
suspension by certified mail or in person in accordance with 15062  
section 119.07 of the Revised Code. If an individual whose 15063  
license or certificate is automatically suspended under this 15064  
division fails to make a timely request for an adjudication 15065  
under Chapter 119. of the Revised Code, the board shall do 15066  
whichever of the following is applicable: 15067

(1) If the automatic suspension under this division is for 15068  
a second or subsequent plea of guilty to, or judicial finding of 15069  
guilt of, a violation of section 2919.123 of the Revised Code, 15070  
the board shall enter an order suspending the individual's 15071  
license or certificate to practice for a period of at least one 15072  
year or, if determined appropriate by the board, imposing a more 15073  
serious sanction involving the individual's license or 15074  
certificate to practice. 15075

(2) In all circumstances in which division (I)(1) of this 15076  
section does not apply, enter a final order permanently revoking 15077  
the individual's license or certificate to practice. 15078

(J) If the board is required by Chapter 119. of the 15079  
Revised Code to give notice of an opportunity for a hearing and 15080  
if the individual subject to the notice does not timely request 15081  
a hearing in accordance with section 119.07 of the Revised Code, 15082  
the board is not required to hold a hearing, but may adopt, by 15083  
an affirmative vote of not fewer than six of its members, a 15084

final order that contains the board's findings. In that final 15085  
order, the board may order any of the sanctions identified under 15086  
division (A) or (B) of this section. 15087

(K) Any action taken by the board under division (B) of 15088  
this section resulting in a suspension from practice shall be 15089  
accompanied by a written statement of the conditions under which 15090  
the individual's license or certificate to practice may be 15091  
reinstated. The board shall adopt rules governing conditions to 15092  
be imposed for reinstatement. Reinstatement of a license or 15093  
certificate suspended pursuant to division (B) of this section 15094  
requires an affirmative vote of not fewer than six members of 15095  
the board. 15096

(L) When the board refuses to grant or issue a license or 15097  
certificate to practice to an applicant, revokes an individual's 15098  
license or certificate to practice, refuses to renew an 15099  
individual's license or certificate to practice, or refuses to 15100  
reinstatement an individual's license or certificate to practice, 15101  
the board may specify that its action is permanent. An 15102  
individual subject to a permanent action taken by the board is 15103  
forever thereafter ineligible to hold a license or certificate 15104  
to practice and the board shall not accept an application for 15105  
reinstatement of the license or certificate or for issuance of a 15106  
new license or certificate. 15107

(M) Notwithstanding any other provision of the Revised 15108  
Code, all of the following apply: 15109

(1) The surrender of a license or certificate issued under 15110  
this chapter shall not be effective unless or until accepted by 15111  
the board. A telephone conference call may be utilized for 15112  
acceptance of the surrender of an individual's license or 15113  
certificate to practice. The telephone conference call shall be 15114

considered a special meeting under division (F) of section 15115  
121.22 of the Revised Code. Reinstatement of a license or 15116  
certificate surrendered to the board requires an affirmative 15117  
vote of not fewer than six members of the board. 15118

(2) An application for a license or certificate made under 15119  
the provisions of this chapter may not be withdrawn without 15120  
approval of the board. 15121

(3) Failure by an individual to renew a license or 15122  
certificate to practice in accordance with this chapter or a 15123  
certificate to recommend in accordance with rules adopted under 15124  
section 4731.301 of the Revised Code shall not remove or limit 15125  
the board's jurisdiction to take any disciplinary action under 15126  
this section against the individual. 15127

(4) At the request of the board, a license or certificate 15128  
holder shall immediately surrender to the board a license or 15129  
certificate that the board has suspended, revoked, or 15130  
permanently revoked. 15131

(N) Sanctions shall not be imposed under division (B) (28) 15132  
of this section against any person who waives deductibles and 15133  
copayments as follows: 15134

(1) In compliance with the health benefit plan that 15135  
expressly allows such a practice. Waiver of the deductibles or 15136  
copayments shall be made only with the full knowledge and 15137  
consent of the plan purchaser, payer, and third-party 15138  
administrator. Documentation of the consent shall be made 15139  
available to the board upon request. 15140

(2) For professional services rendered to any other person 15141  
authorized to practice pursuant to this chapter, to the extent 15142  
allowed by this chapter and rules adopted by the board. 15143

(0) Under the board's investigative duties described in 15144  
this section and subject to division (F) of this section, the 15145  
board shall develop and implement a quality intervention program 15146  
designed to improve through remedial education the clinical and 15147  
communication skills of individuals authorized under this 15148  
chapter to practice medicine and surgery, osteopathic medicine 15149  
and surgery, and podiatric medicine and surgery. In developing 15150  
and implementing the quality intervention program, the board may 15151  
do all of the following: 15152

(1) Offer in appropriate cases as determined by the board 15153  
an educational and assessment program pursuant to an 15154  
investigation the board conducts under this section; 15155

(2) Select providers of educational and assessment 15156  
services, including a quality intervention program panel of case 15157  
reviewers; 15158

(3) Make referrals to educational and assessment service 15159  
providers and approve individual educational programs 15160  
recommended by those providers. The board shall monitor the 15161  
progress of each individual undertaking a recommended individual 15162  
educational program. 15163

(4) Determine what constitutes successful completion of an 15164  
individual educational program and require further monitoring of 15165  
the individual who completed the program or other action that 15166  
the board determines to be appropriate; 15167

(5) Adopt rules in accordance with Chapter 119. of the 15168  
Revised Code to further implement the quality intervention 15169  
program. 15170

An individual who participates in an individual 15171  
educational program pursuant to this division shall pay the 15172



financial obligations arising from that educational program. 15173

(P) The board shall not refuse to issue a license to an 15174  
applicant because of a conviction, plea of guilty, judicial 15175  
finding of guilt, judicial finding of eligibility for 15176  
intervention in lieu of conviction, or the commission of an act 15177  
that constitutes a criminal offense, unless the refusal is in 15178  
accordance with section 9.79 of the Revised Code. 15179

**Sec. 4731.291.** (A) An individual seeking to pursue an 15180  
internship, residency, clinical fellowship program, or elective 15181  
clinical rotation in this state, who does not hold a license to 15182  
practice medicine and surgery or osteopathic medicine or surgery 15183  
issued under this chapter, shall apply to the state medical 15184  
board for a training certificate. The application shall be made 15185  
on forms that the board shall furnish and shall be accompanied 15186  
by an application fee of one hundred thirty dollars. 15187

An applicant for a training certificate shall furnish to 15188  
the board all of the following: 15189

(1) Evidence satisfactory to the board that the applicant 15190  
is at least eighteen years of age ~~and is of good moral~~ 15191  
~~character.~~; 15192

(2) Evidence satisfactory to the board that the applicant 15193  
has been accepted or appointed to participate in this state in 15194  
one of the following: 15195

(a) An internship or residency program accredited by 15196  
either the accreditation council for graduate medical education 15197  
of the American medical association or the American osteopathic 15198  
association; 15199

(b) A clinical fellowship program at an institution with a 15200  
residency program accredited by either the accreditation council 15201

for graduate medical education of the American medical 15202  
association or the American osteopathic association that is in a 15203  
clinical field the same as or related to the clinical field of 15204  
the fellowship program; 15205

(c) An elective clinical rotation that lasts not more than 15206  
one year and is offered to interns, residents, or clinical 15207  
fellows participating in programs that are located outside this 15208  
state and meet the requirements of division (A) (2) (a) or (b) of 15209  
this section. 15210

(3) Information identifying the beginning and ending dates 15211  
of the period for which the applicant has been accepted or 15212  
appointed to participate in the internship, residency, or 15213  
clinical fellowship program; 15214

(4) Any other information that the board requires. 15215

(B) If no grounds for denying a license or certificate 15216  
under section 4731.22 of the Revised Code apply, and the 15217  
applicant meets the requirements of division (A) of this 15218  
section, the board shall issue a training certificate to the 15219  
applicant. The board shall not require an examination as a 15220  
condition of receiving a training certificate. 15221

A training certificate issued pursuant to this section 15222  
shall be valid only for three years, but may in the discretion 15223  
of the board and upon application duly made, be renewed for one 15224  
additional three-year period. The fee for renewal of a training 15225  
certificate shall be one hundred dollars. 15226

The board shall maintain a register of all individuals who 15227  
hold training certificates. 15228

(C) The holder of a valid training certificate shall be 15229  
entitled to perform such acts as may be prescribed by or 15230

incidental to the holder's internship, residency, or clinical 15231  
fellowship program, but the holder shall not be entitled 15232  
otherwise to engage in the practice of medicine and surgery or 15233  
osteopathic medicine and surgery in this state. The holder shall 15234  
limit activities under the certificate to the programs of the 15235  
hospitals or facilities for which the training certificate is 15236  
issued. The holder shall train only under the supervision of the 15237  
physicians responsible for supervision as part of the 15238  
internship, residency, or clinical fellowship program. 15239

A training certificate may be revoked by the board upon 15240  
proof, satisfactory to the board, that the holder thereof has 15241  
engaged in practice in this state outside the scope of the 15242  
internship, residency, or clinical fellowship program for which 15243  
the training certificate has been issued, or upon proof, 15244  
satisfactory to the board, that the holder thereof has engaged 15245  
in unethical conduct or that there are grounds for action 15246  
against the holder under section 4731.22 of the Revised Code. 15247

(D) The board may adopt rules as the board finds necessary 15248  
to effect the purpose of this section. 15249

**Sec. 4731.292.** The state medical board may register, 15250  
without examination, persons who are not citizens of the United 15251  
States, but who hold the degree of doctor of medicine or the 15252  
degree of doctor of osteopathic medicine and surgery, for the 15253  
purpose of permitting such persons to practice in hospitals 15254  
operated by the state. Registration pursuant to this section 15255  
permits practice of medicine or osteopathic medicine and surgery 15256  
in state operated institutions under the supervision of the 15257  
medical staff of such institution until the next scheduled 15258  
examination prescribed by the state medical board in its rules. 15259

An applicant for a limited certificate to practice 15260

medicine or osteopathic medicine and surgery shall furnish 15261  
proof, satisfactory to the board, that: 15262

(A) The applicant has filed an application for 15263  
naturalization and that such application has not been rejected 15264  
or withdrawn, or if not yet eligible to file an application for 15265  
naturalization, the applicant has filed a declaration of 15266  
intention to become a citizen of the United States in an 15267  
appropriate court of record. 15268

(B) The applicant has successfully passed the educational 15269  
council for foreign medical graduates test. 15270

(C) The applicant is at least eighteen years of age ~~and of~~ 15271  
~~good moral character.~~ 15272

(D) The applicant is a graduate of a medical or 15273  
osteopathic school or college which is reputable and in good 15274  
standing in the judgment of the board. 15275

(E) The applicant will limit the applicant's practice and 15276  
training within the physical confines of the institution for 15277  
which the limited certificate to practice is granted. 15278

(F) The medical staff of the institution for which the 15279  
limited certificate to practice is granted has approved in 15280  
writing the applicant's application for such certificate. 15281

(G) The applicant will practice medicine or osteopathic 15282  
medicine and surgery only under the supervision of the attending 15283  
medical staff of the institution for which the limited 15284  
certificate is granted. 15285

(H) The applicant has made application to take the state 15286  
medical board examination as provided by this section. 15287

Registration pursuant to this section shall be valid until 15288

such time as the applicant takes the state medical board 15289  
examination. If the applicant passes the examination, the 15290  
applicant shall then be granted a limited certificate to 15291  
practice medicine or osteopathic medicine and surgery. A holder 15292  
of a limited certificate to practice, upon completion of the 15293  
requisite training and upon receipt of United States 15294  
citizenship, shall be entitled to receive an unlimited license 15295  
to practice. 15296

A limited certificate to practice issued pursuant to this 15297  
section shall be valid for a period of one year only, but may be 15298  
renewed, in the discretion of the board and upon application 15299  
duly made, annually, with the written approval of the medical 15300  
staff of the institution for which the limited certificate to 15301  
practice has been issued, but no limited certificate shall be 15302  
renewed more than four times. The fee to be paid to the board 15303  
for the ~~issuances~~issuance of the pre-examination registration 15304  
permit to engage in limited practice shall be one hundred 15305  
dollars; the fee to be paid for each renewal of a limited 15306  
certificate shall be ten dollars. 15307

An applicant for a limited certificate to practice must 15308  
take an examination prescribed by the board in its rules at the 15309  
first reasonable opportunity. Failure to take the examination at 15310  
the first reasonable opportunity authorizes the termination of 15311  
the pre-examination registration permit to engage in a limited 15312  
practice as defined in this section. 15313

The holder of a valid limited certificate to practice may 15314  
engage in the practice of medicine and surgery or osteopathic 15315  
medicine and surgery only under the supervision of a member of 15316  
the medical staff of the institution for which the limited 15317  
certificate to practice has been issued, and only within 15318

physical confines of the institution so named. A limited 15319  
certificate to practice may be revoked by the board upon proof, 15320  
satisfactory to the board, that the holder thereof has engaged 15321  
in the practice of medicine and surgery or osteopathic medicine 15322  
and surgery in this state outside the scope of the holder's 15323  
certificate, or upon proof that the holder thereof has engaged 15324  
in unethical conduct or has violated section 4731.22 of the 15325  
Revised Code. 15326

The board may promulgate such additional rules and 15327  
regulations as the board finds necessary to effect the purpose 15328  
of this section. 15329

**Sec. 4731.296.** (A) For the purposes of this section, "the 15330  
practice of telemedicine" means the practice of medicine in this 15331  
state through the use of any communication, including oral, 15332  
written, or electronic communication, by a physician located 15333  
outside this state. 15334

(B) A person who wishes to practice telemedicine in this 15335  
state shall file an application with the state medical board, 15336  
together with a fee of three hundred five dollars and shall 15337  
comply with sections 4776.01 to 4776.04 of the Revised Code. If 15338  
the board, in its discretion, decides that the results of the 15339  
criminal records check do not make the person ineligible for a 15340  
telemedicine certificate, the board may issue, without 15341  
examination, a telemedicine certificate to a person who meets 15342  
all of the following requirements: 15343

(1) The person holds a current, unrestricted license to 15344  
practice medicine and surgery or osteopathic medicine and 15345  
surgery issued by another state that requires license holders to 15346  
complete at least fifty hours of continuing medical education 15347  
every two years. 15348

(2) The person's principal place of practice is in that state. 15349  
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(3) The person does not hold a license issued under this chapter authorizing the practice of medicine and surgery or osteopathic medicine and surgery in this state. 15351  
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(4) The person meets the same age, ~~moral character~~, and educational requirements individuals must meet under sections 4731.09 and 4731.14 of the Revised Code and, if applicable, demonstrates proficiency in spoken English in accordance with section 4731.142 of the Revised Code. 15354  
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(C) The holder of a telemedicine certificate may engage in the practice of telemedicine in this state. A person holding a telemedicine certificate shall not practice medicine in person in this state without obtaining a special activity certificate under section 4731.294 of the Revised Code. 15359  
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(D) The board may revoke a certificate issued under this section or take other disciplinary action against a certificate holder pursuant to section 4731.22 of the Revised Code on receiving proof satisfactory to the board that the certificate holder has engaged in practice in this state outside the scope of the certificate or that there are grounds for action against the holder under section 4731.22 of the Revised Code. 15364  
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(E) A telemedicine certificate shall be valid for a period specified by the board, and the initial renewal shall be in accordance with a schedule established by the board. Thereafter, the certificate shall be valid for two years. A certificate may be renewed on application of the holder. 15371  
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To be eligible for renewal, the holder of the certificate shall do both of the following: 15376  
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(1) Pay a fee in the amount of the fee described in 15378  
division (A) (1) of section 4731.281 of the Revised Code; 15379

(2) Certify to the board compliance with the continuing 15380  
medical education requirements of the state in which the 15381  
holder's principal place of practice is located. 15382

The board may require a random sample of persons holding a 15383  
telemedicine certificate to submit materials documenting 15384  
completion of the continuing medical education requirements 15385  
described in this division. 15386

(F) The board shall convert a telemedicine certificate to 15387  
a license issued under section 4731.14 of the Revised Code on 15388  
receipt of a written request from the certificate holder. Once 15389  
the telemedicine certificate is converted, the holder is subject 15390  
to all requirements and privileges attendant to a license issued 15391  
under section 4731.14 of the Revised Code, including continuing 15392  
medical education requirements. 15393

**Sec. 4731.299.** (A) The state medical board may issue, 15394  
without examination, to an applicant who meets all of the 15395  
requirements of this section an expedited license to practice 15396  
medicine and surgery or osteopathic medicine and surgery by 15397  
endorsement. 15398

(B) An individual who seeks an expedited license by 15399  
endorsement shall file with the board a written application on a 15400  
form prescribed and supplied by the board. The application shall 15401  
include all of the information the board considers necessary to 15402  
process it. 15403

(C) To be eligible to receive an expedited license by 15404  
endorsement, an applicant shall do both of the following: 15405

(1) Provide evidence satisfactory to the board that the 15406



applicant meets all of the following requirements:	15407
(a) Has passed one of the following:	15408
(i) Steps one, two, and three of the United States medical licensing examination;	15409 15410
(ii) Levels one, two, and three of the comprehensive osteopathic medical licensing examination of the United States;	15411 15412
(iii) Any other medical licensing examination recognized by the board.	15413 15414
(b) For at least five years immediately preceding the date of application, has held a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued by the licensing authority of another state or a Canadian province;	15415 15416 15417 15418 15419
(c) For at least two years immediately preceding the date of application, has actively practiced medicine and surgery or osteopathic medicine and surgery in a clinical setting;	15420 15421 15422
(d) Is in compliance with the medical education and training requirements in sections 4731.09 and 4731.14 of the Revised Code.	15423 15424 15425
(2) Certify to the board that all of the following are the case:	15426 15427
(a) Not more than two malpractice claims have been filed against the applicant within a period of ten years and no malpractice claim against the applicant has resulted in total payment of more than five hundred thousand dollars.	15428 15429 15430 15431
(b) <del>The applicant does not have a criminal record according to the criminal records check required by section</del>	15432 15433

~~4731.08 of the Revised Code.~~ 15434

~~(e)~~ The applicant does not have a medical condition that 15435  
could affect the applicant's ability to practice according to 15436  
acceptable and prevailing standards of care. 15437

~~(d)~~ (c) No adverse action has been taken against the 15438  
applicant by a health care institution. 15439

~~(e)~~ (d) To the applicant's knowledge, no federal agency, 15440  
medical society, medical association, or branch of the United 15441  
States military has investigated or taken action against the 15442  
applicant. 15443

~~(f)~~ (e) No professional licensing or regulatory authority 15444  
has filed a complaint against, investigated, or taken action 15445  
against the applicant and the applicant has not withdrawn a 15446  
professional license application. 15447

~~(g)~~ (f) The applicant has not been suspended or expelled 15448  
from any institution of higher education or school, including a 15449  
medical school. 15450

(D) An applicant for an expedited license by endorsement 15451  
shall comply with section 4731.08 of the Revised Code. 15452

(E) At the time of application, the applicant shall pay to 15453  
the board a fee of one thousand dollars, no part of which shall 15454  
be returned. No application shall be considered filed until the 15455  
board receives the fee. 15456

(F) The secretary and supervising member of the board 15457  
shall review all applications received under this section. 15458

If the secretary and supervising member determine that an 15459  
applicant meets the requirements for an expedited license by 15460  
endorsement, the board shall issue the license to the applicant. 15461

If the secretary and supervising member determine that an applicant does not meet the requirements for an expedited license by endorsement, the application shall be treated as an application under section 4731.09 of the Revised Code.

(G) Each license issued by the board under this section shall be signed by the president and secretary of the board and attested by the board's seal.

(H) Within sixty days after September 29, 2013, the board shall approve acceptable means of demonstrating compliance with sections 4731.09 and 4731.14 of the Revised Code as required by division (C) (1) (d) of this section.

**Sec. 4731.52.** (A) A person seeking a license to practice podiatric medicine and surgery shall file with the state medical board an application in the form and manner prescribed by the board. The application must include all of the following:

(1) Evidence satisfactory to the board to demonstrate that the applicant meets all of the following requirements:

(a) Is at least eighteen years of age ~~and of good moral character;~~

(b) Possesses a high school diploma or a certificate of high school equivalence or has obtained the equivalent of such education as determined by the board;

(c) Has completed at least two years of undergraduate work in a college of arts and sciences or the equivalent of such education as determined by the board;

(d) Holds a degree from a college of podiatric medicine and surgery that was in good standing with the board at the time the degree was granted, as determined by the board;

(e) Has completed one year of postgraduate training in a	15490
podiatric internship, residency, or clinical fellowship program	15491
accredited by the council on podiatric medicine or the American	15492
podiatric medical association or its equivalent as determined by	15493
the board;	15494
(f) Has successfully passed an examination prescribed in	15495
rules adopted by the board to determine competency to practice	15496
podiatric medicine and surgery;	15497
(g) Has complied with section 4731.531 of the Revised	15498
Code.	15499
(2) An attestation that the information submitted under	15500
this section is accurate and truthful;	15501
(3) Consent to the release of the applicant's information;	15502
(4) Any other information the board requires.	15503
(B) An applicant for a license to practice podiatric	15504
medicine and surgery shall include with the application a fee of	15505
three hundred five dollars, no part of which may be returned. An	15506
application is not considered submitted until the board receives	15507
the fee.	15508
(C) The board may conduct an investigation related to the	15509
application materials received pursuant to this section and may	15510
contact any individual, agency, or organization for	15511
recommendations or other information about the applicant.	15512
(D) The board shall conclude any investigation of an	15513
applicant conducted under section 4731.22 of the Revised Code	15514
not later than ninety days after receipt of a complete	15515
application unless the applicant agrees in writing to an	15516
extension or the board determines that there is a substantial	15517

question of a violation of this chapter or the rules adopted 15518  
under it and notifies the applicant in writing of the reasons 15519  
for continuation of the investigation. If the board determines 15520  
that the applicant is not in violation of this chapter or the 15521  
rules adopted under it, the board shall issue a license not 15522  
later than forty-five days after making that determination. 15523

**Sec. 4731.531.** In addition to any other eligibility 15524  
requirement set forth in this chapter, each applicant for a 15525  
license to practice podiatric medicine and surgery shall comply 15526  
with sections 4776.01 to 4776.04 of the Revised Code. ~~The state~~ 15527  
~~medical board shall not grant to an applicant a license to~~ 15528  
~~practice podiatric medicine and surgery unless the board, in its~~ 15529  
~~discretion, decides that the results of the criminal records~~ 15530  
~~check do not make the applicant ineligible for a license issued~~ 15531  
~~pursuant to section 4731.56 of the Revised Code.~~ 15532

**Sec. 4731.573.** (A) An individual seeking to pursue an 15533  
internship, residency, or clinical fellowship program in 15534  
podiatric medicine and surgery in this state, who does not hold 15535  
a license to practice podiatric medicine and surgery issued 15536  
under this chapter, shall apply to the state medical board for a 15537  
training certificate. The application shall be made on forms 15538  
that the board shall furnish and shall be accompanied by an 15539  
application fee of one hundred thirty dollars. 15540

An applicant for a training certificate shall furnish to 15541  
the board all of the following: 15542

(1) Evidence satisfactory to the board that the applicant 15543  
is at least eighteen years of age ~~and is of good moral~~ 15544  
~~character;~~ 15545

(2) Evidence satisfactory to the board that the applicant 15546

has been accepted or appointed to participate in this state in 15547  
one of the following: 15548

(a) An internship or residency program accredited by 15549  
either the council on podiatric medical education or the 15550  
American podiatric medical association; 15551

(b) A clinical fellowship program at an institution with a 15552  
residency program accredited by either the council on podiatric 15553  
medical education or the American podiatric medical association 15554  
that is in a clinical field the same as or related to the 15555  
clinical field of the fellowship program. 15556

(3) Information identifying the beginning and ending dates 15557  
of the period for which the applicant has been accepted or 15558  
appointed to participate in the internship, residency, or 15559  
clinical fellowship program; 15560

(4) Any other information that the board requires. 15561

(B) If no grounds for denying a license or certificate 15562  
under section 4731.22 of the Revised Code apply and the 15563  
applicant meets the requirements of division (A) of this 15564  
section, the board shall issue a training certificate to the 15565  
applicant. The board shall not require an examination as a 15566  
condition of receiving a training certificate. 15567

A training certificate issued pursuant to this section 15568  
shall be valid only for three years, but may in the discretion 15569  
of the board and upon application duly made, be renewed for one 15570  
additional three-year period. The fee for renewal of a training 15571  
certificate shall be one hundred dollars. 15572

The board shall maintain a register of all individuals who 15573  
hold training certificates. 15574

(C) The holder of a valid training certificate shall be 15575  
entitled to perform such acts as may be prescribed by or 15576  
incidental to the holder's internship, residency, or clinical 15577  
fellowship program, but the holder shall not be entitled 15578  
otherwise to engage in the practice of podiatric medicine and 15579  
surgery in this state. The holder shall limit activities under 15580  
the certificate to the programs of the hospitals or facilities 15581  
for which the training certificate is issued. The holder shall 15582  
train only under the supervision of the podiatrists responsible 15583  
for supervision as part of the internship, residency, or 15584  
clinical fellowship program. A training certificate may be 15585  
revoked by the board upon proof, satisfactory to the board, that 15586  
the holder thereof has engaged in practice in this state outside 15587  
the scope of the internship, residency, or clinical fellowship 15588  
program for which the training certificate has been issued, or 15589  
upon proof, satisfactory to the board, that the holder thereof 15590  
has engaged in unethical conduct or that there are grounds for 15591  
action against the holder under section 4731.22 of the Revised 15592  
Code. 15593

(D) The board may adopt rules as the board finds necessary 15594  
to effect the purpose of this section. 15595

**Sec. 4732.091.** (A) As used in this section, "license" and 15596  
"applicant for an initial license" have the same meanings as in 15597  
section 4776.01 of the Revised Code, except that "license" as 15598  
used in both of those terms refers to the types of 15599  
authorizations otherwise issued or conferred under this chapter. 15600

(B) In addition to any other eligibility requirement set 15601  
forth in this chapter, each applicant for an initial license 15602  
shall comply with sections 4776.01 to 4776.04 of the Revised 15603  
Code. The state board of psychology shall not grant a license to 15604

an applicant for an initial license unless the applicant 15605  
complies with sections 4776.01 to 4776.04 of the Revised Code 15606  
~~and the board, in its discretion, decides that the results of~~ 15607  
~~the criminal records check do not make the applicant ineligible~~ 15608  
~~for a license issued pursuant to section 4732.14 of the Revised~~ 15609  
Code. 15610

**Sec. 4732.10.** (A) The state board of psychology shall 15611  
appoint an entrance examiner who shall determine the sufficiency 15612  
of an applicant's qualifications for admission to the 15613  
appropriate examination. A member of the board or the executive 15614  
director may be appointed as the entrance examiner. 15615

(B) Requirements for admission to examination for a 15616  
psychologist license shall be that the applicant: 15617

(1) Is at least twenty-one years of age; 15618

~~(2) Is of good moral character;~~ 15619

~~(3)~~ Meets one of the following requirements: 15620

(a) Received an earned doctoral degree from an institution 15621  
accredited or recognized by a national or regional accrediting 15622  
agency and a program accredited by any of the following: 15623

(i) The American psychological association, office of 15624  
program consultation and accreditation; 15625

(ii) The accreditation office of the Canadian 15626  
psychological association; 15627

(iii) A program listed by the association of state and 15628  
provincial psychology boards/national register designation 15629  
committee; 15630

(iv) The national association of school psychologists. 15631



(b) Received an earned doctoral degree in psychology or school psychology from an institution accredited or recognized by a national or regional accrediting agency but the program does not meet the program accreditation requirements of division (B)~~(3)~~(2)(a) of this section;

(c) Received from an academic institution outside of the United States or Canada a degree determined, under rules adopted by the board under division (E) of this section, to be equivalent to a doctoral degree in psychology from a program described in division (B)~~(3)~~(2)(a) of this section;

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

~~(4)~~(3) Has had at least two years of supervised professional experience in psychological work of a type satisfactory to the board, at least one year of which must be a predoctoral internship. The board shall adopt guidelines for the kind of supervised professional experience that fulfill this requirement.

~~(5)~~(4) If applying under division (B)~~(3)~~(2)(b) or (c) of this section, has had at least two years of supervised professional experience in psychological work of a type satisfactory to the board, at least one year of which must be postdoctoral. The board shall adopt guidelines for the kind of supervised professional experience that fulfill this requirement.

(C) Requirements for admission to examination for a school

psychologist license shall be that the applicant: 15661

(1) Has received from an educational institution 15662  
accredited or recognized by national or regional accrediting 15663  
agencies as maintaining satisfactory standards, including those 15664  
approved by the state board of education for the training of 15665  
school psychologists, at least a master's degree in school 15666  
psychology, or a degree considered equivalent by the board; 15667

(2) Is at least twenty-one years of age; 15668

(3) ~~Is of good moral character;~~ 15669

~~(4)~~ Has completed at least sixty quarter hours, or the 15670  
semester hours equivalent, at the graduate level, of accredited 15671  
study in course work relevant to the study of school psychology; 15672

~~(5)~~ (4) Has completed an internship in an educational 15673  
institution approved by the Ohio department of education for 15674  
school psychology supervised experience or one year of other 15675  
training experience acceptable to the board, such as supervised 15676  
professional experience under the direction of a licensed 15677  
psychologist or licensed school psychologist; 15678

~~(6)~~ (5) Furnishes proof of at least twenty-seven months, 15679  
exclusive of internship, of full-time experience as a 15680  
certificated school psychologist employed by a board of 15681  
education or a private school meeting the standards prescribed 15682  
by the state board of education, or of experience that the board 15683  
deems equivalent. 15684

(D) If the entrance examiner finds that the applicant 15685  
meets the requirements set forth in this section, the applicant 15686  
shall be admitted to the appropriate examination. 15687

(E) The board shall adopt under Chapter 119. of the 15688

Revised Code rules for determining for the purposes of division 15689  
(B) ~~(3)~~ (2) (b) of this section whether a degree is equivalent to a 15690  
degree in psychology from an institution in the United States. 15691

**Sec. 4732.17.** (A) Subject to division (F) of this section 15692  
and except as provided in division (G) of this section, the 15693  
state board of psychology may take any of the actions specified 15694  
in division (C) of this section against an applicant for or a 15695  
person who holds a license issued under this chapter on any of 15696  
the following grounds as applicable: 15697

(1) Conviction, including a plea of guilty or no contest, 15698  
of a felony, or of any offense involving moral turpitude, in a 15699  
court of this or any other state or in a federal court; 15700

(2) A judicial finding of eligibility for intervention in 15701  
lieu of conviction for a felony or any offense involving moral 15702  
turpitude in a court of this or any other state or in a federal 15703  
court; 15704

(3) Using fraud or deceit in the procurement of the 15705  
license to practice psychology or school psychology or knowingly 15706  
assisting another in the procurement of such a license through 15707  
fraud or deceit; 15708

(4) Accepting commissions or rebates or other forms of 15709  
remuneration for referring persons to other professionals; 15710

(5) Willful, unauthorized communication of information 15711  
received in professional confidence; 15712

(6) Being negligent in the practice of psychology or 15713  
school psychology; 15714

(7) Inability to practice according to acceptable and 15715  
prevailing standards of care by reason of a mental, emotional, 15716

physiological, or pharmacological condition or substance abuse;	15717
(8) Subject to section 4732.28 of the Revised Code,	15718
violating any rule of professional conduct promulgated by the	15719
board;	15720
(9) Practicing in an area of psychology for which the	15721
person is clearly untrained or incompetent;	15722
(10) An adjudication by a court, as provided in section	15723
5122.301 of the Revised Code, that the person is incompetent for	15724
the purpose of holding the license. Such person may have the	15725
person's license issued or restored only upon determination by a	15726
court that the person is competent for the purpose of holding	15727
the license and upon the decision by the board that such license	15728
be issued or restored. The board may require an examination	15729
prior to such issuance or restoration.	15730
(11) Waiving the payment of all or any part of a	15731
deductible or copayment that a patient, pursuant to a health	15732
insurance or health care policy, contract, or plan that covers	15733
psychological services, would otherwise be required to pay if	15734
the waiver is used as an enticement to a patient or group of	15735
patients to receive health care services from that provider;	15736
(12) Advertising that the person will waive the payment of	15737
all or any part of a deductible or copayment that a patient,	15738
pursuant to a health insurance or health care policy, contract,	15739
or plan that covers psychological services, would otherwise be	15740
required to pay;	15741
(13) Any of the following actions taken by the agency	15742
responsible for authorizing or certifying the person to practice	15743
or regulating the person's practice of a health care occupation	15744
or provision of health care services in this state or another	15745

jurisdiction, as evidenced by a certified copy of that agency's records and findings for any reason other than the nonpayment of fees:	15746 15747 15748
(a) Limitation, revocation, or suspension of the person's license to practice;	15749 15750
(b) Acceptance of the person's license surrender;	15751
(c) Denial of a license to the person;	15752
(d) Refuse to renew or reinstate the person's license;	15753
(e) Imposition of probation on the person;	15754
(f) Issuance of an order of censure or other reprimand against the person;	15755 15756
(g) Other negative action or finding against the person about which information is available to the public.	15757 15758
(14) Offering or rendering psychological services after a license issued under this chapter has expired due to a failure to timely register under section 4732.14 of the Revised Code or complete continuing education requirements;	15759 15760 15761 15762
(15) Offering or rendering psychological services after a license issued under this chapter has been placed in retired status pursuant to section 4732.142 of the Revised Code;	15763 15764 15765
(16) Unless the person is a school psychologist licensed by the state board of education:	15766 15767
(a) Offering or rendering school psychological services after a license issued under this chapter has expired due to a failure to timely register under section 4732.14 of the Revised Code or complete continuing education requirements;	15768 15769 15770 15771
(b) Offering or rendering school psychological services	15772

after a license issued under this chapter has been placed in retired status pursuant to section 4732.142 of the Revised Code.	15773 15774
(17) Violating any adjudication order or consent agreement adopted by the board;	15775 15776
(18) Failure to submit to mental, cognitive, substance abuse, or medical evaluations, or a combination of these evaluations, ordered by the board under division (E) of this section.	15777 15778 15779 15780
(B) Notwithstanding divisions (A) (11) and (12) of this section, sanctions shall not be imposed against any license holder who waives deductibles and copayments:	15781 15782 15783
(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copays shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Such consent shall be made available to the board upon request.	15784 15785 15786 15787 15788
(2) For professional services rendered to any other person licensed pursuant to this chapter to the extent allowed by this chapter and the rules of the board.	15789 15790 15791
(C) For any of the reasons specified in division (A) of this section, the board may do one or more of the following:	15792 15793
(1) Refuse to issue a license to an applicant;	15794
(2) Issue a reprimand to a license holder;	15795
(3) Suspend the license of a license holder;	15796
(4) Revoke the license of a license holder;	15797
(5) Limit or restrict the areas of practice of an applicant or a license holder;	15798 15799

(6) Require mental, substance abuse, or physical 15800  
evaluations, or any combination of these evaluations, of an 15801  
applicant or a license holder; 15802

(7) Require remedial education and training of an 15803  
applicant or a license holder. 15804

(D) When it revokes the license of a license holder under 15805  
division (C) (4) of this section, the board may specify that the 15806  
revocation is permanent. An individual subject to permanent 15807  
revocation is forever thereafter ineligible to hold a license, 15808  
and the board shall not accept an application for reinstatement 15809  
of the license or issuance of a new license. 15810

(E) When the board issues a notice of opportunity for a 15811  
hearing on the basis of division (A) (7) of this section, the 15812  
supervising member of the board, with cause and upon 15813  
consultation with the board's executive director and the board's 15814  
legal counsel, may compel the applicant or license holder to 15815  
submit to mental, cognitive, substance abuse, or medical 15816  
evaluations, or a combination of these evaluations, by a person 15817  
or persons selected by the board. Notice shall be given to the 15818  
applicant or license holder in writing signed by the supervising 15819  
member, the executive director, and the board's legal counsel. 15820  
The applicant or license holder is deemed to have given consent 15821  
to submit to these evaluations and to have waived all objections 15822  
to the admissibility of testimony or evaluation reports that 15823  
constitute a privileged communication. The expense of the 15824  
evaluation or evaluations shall be the responsibility of the 15825  
applicant or license holder who is evaluated. 15826

(F) Before the board may take action under this section, 15827  
written charges shall be filed with the board by the secretary 15828  
and a hearing shall be had thereon in accordance with Chapter 15829

119. of the Revised Code, except as follows: 15830

(1) On receipt of a complaint that any of the grounds 15831  
listed in division (A) of this section exist, the state board of 15832  
psychology may suspend a license issued under this chapter prior 15833  
to holding a hearing in accordance with Chapter 119. of the 15834  
Revised Code if it determines, based on the complaint, that 15835  
there is an immediate threat to the public. A telephone 15836  
conference call may be used to conduct an emergency meeting for 15837  
review of the matter by a quorum of the board, taking the vote, 15838  
and memorializing the action in the minutes of the meeting. 15839

After suspending a license pursuant to division (F)(1) of 15840  
this section, the board shall notify the license holder of the 15841  
suspension in accordance with section 119.07 of the Revised 15842  
Code. If the individual whose license is suspended fails to make 15843  
a timely request for an adjudication under Chapter 119. of the 15844  
Revised Code, the board shall enter a final order permanently 15845  
revoking the license. 15846

(2) The board shall adopt rules establishing a case 15847  
management schedule for pre-hearing procedures by the hearing 15848  
examiner or presiding board member. The schedule shall include 15849  
applicable deadlines related to the hearing process, including 15850  
all of the following: 15851

(a) The date of the hearing; 15852

(b) The date for the disclosure of witnesses and exhibits; 15853

(c) The date for the disclosure of the identity of expert 15854  
witnesses and the exchange of written reports; 15855

(d) The deadline for submitting a request for the issuance 15856  
of a subpoena for the hearing as provided under Chapter 119. of 15857  
the Revised Code and division (F)(4) of this section. 15858



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

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

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

(G) The board shall not refuse to issue a license to an applicant because of a conviction or plea of guilty or no contest to an offense or a judicial finding of eligibility for intervention in lieu of conviction, unless the refusal is in

accordance with section 9.79 of the Revised Code. 15889

**Sec. 4733.11.** (A) The state board of registration for 15890  
professional engineers and surveyors shall consider an applicant 15891  
to be qualified for registration as a professional engineer if 15892  
an applicant satisfies all of the requirements listed in either 15893  
division (A) (1) or (2) of this section as follows: 15894

(1) (a) Graduation from an accredited engineering 15895  
curriculum of four years or more; 15896

(b) A specific record of four years or more of practical 15897  
experience in engineering work completed in addition to, and not 15898  
overlapping in time, any school work completed under division 15899  
(A) (1) (a) of this section that is acceptable to the board, not 15900  
more than two years of which may be before graduation but after 15901  
the completion of the second year of college, indicating that 15902  
the applicant is competent to be placed in responsible charge of 15903  
such work; 15904

(c) Passing the prescribed examinations under divisions 15905  
(A) and (B) of section 4733.13 of the Revised Code. 15906

(2) (a) Graduation from a college curriculum in engineering 15907  
of four years or more that is not accredited, whose curricula is 15908  
evaluated by the board and found to be of a high quality 15909  
essentially equal to the curricula that are accredited by ABET, 15910  
Inc., or graduation from a college curriculum in engineering 15911  
technology of four years or more that is accredited by the 15912  
engineering technical accreditation commission of ABET, Inc.; 15913

(b) Eight years or more of practical experience in 15914  
engineering work completed in addition to, and not overlapping 15915  
in time, any school work completed under division (A) (2) (a) of 15916  
this section that is acceptable to the state board of 15917

registration for professional engineers and surveyors, not more 15918  
than two years of which may be before college graduation but 15919  
after completion of the second year of college, indicating that 15920  
the applicant is competent to be placed in responsible charge of 15921  
such work; 15922

(c) Passing the prescribed examinations under divisions 15923  
(A) and (B) of section 4733.13 of the Revised Code. 15924

(B) The state board of registration for professional 15925  
engineers and surveyors shall consider an applicant to be 15926  
qualified for registration as a professional surveyor if the 15927  
applicant satisfies all of the requirements listed in either 15928  
division (B)(1) or (2) of this section as follows: 15929

(1) (a) Graduation from an approved curriculum in surveying 15930  
of four years or more; 15931

(b) A specific record of four years or more of surveying 15932  
office and field experience completed in addition to, and not 15933  
overlapping in time, any school work completed under division 15934  
(B)(1)(a) of this section that is of a character acceptable to 15935  
the board, at least two years of which shall be after college 15936  
graduation, with at least two of the four years of work in the 15937  
surveying of land boundaries under the direct supervision of a 15938  
professional surveyor, who may indicate in writing that the 15939  
applicant is competent to be placed in responsible charge of the 15940  
work; 15941

(c) Passing the prescribed examinations under divisions 15942  
(A) and (C) of section 4733.13 of the Revised Code. 15943

(2) (a) Graduation from an accredited curriculum in civil 15944  
engineering of four years or more in a recognized school or 15945  
college; 15946

(b) Successful completion of at least sixteen semester 15947  
hours, or equivalent quarter or trimester hours, of approved 15948  
surveying courses in surveying and mapping arts and sciences, 15949  
except that courses successfully completed as prior studies may 15950  
be credited by the board toward this requirement, of which at 15951  
least six semester hours, or equivalent quarter or trimester 15952  
hours, are in surveying of land boundaries; 15953

(c) A specific record of four years or more of surveying 15954  
office and field experience completed in addition to, and not 15955  
overlapping in time, any school work completed under division 15956  
(B) (2) (a) of this section that is of a character acceptable to 15957  
the board, at least two years of which shall be after college 15958  
graduation, with at least two of the four years of work in 15959  
surveying of land boundaries under the direct supervision of a 15960  
professional surveyor, who may indicate in writing that the 15961  
applicant is competent to be placed in responsible charge of the 15962  
work; 15963

(d) Passing the prescribed examinations under divisions 15964  
(A) and (C) of section 4733.13 of the Revised Code. 15965

(C) Engineering experience, for a professional engineer's 15966  
practical experience requirement, or surveying experience, for a 15967  
professional surveyor's practical experience requirement, in any 15968  
of the armed forces of the United States or civilian war 15969  
services may be credited for registration, if the experience is 15970  
acceptable to the board. 15971

(D) As used in this section, "an approved curriculum in 15972  
surveying" is one which has been accredited by the related 15973  
accreditation committee of ABET, Inc., or one which has been 15974  
approved by the state board of registration for professional 15975  
engineers and surveyors. 15976

~~(E) No person is eligible for registration as a professional engineer, or professional surveyor, who is not of good character and reputation.~~ 15977  
15978  
15979

~~(F)~~ In considering the qualifications of applicants, 15980  
responsible charge of engineering or surveying teaching may be 15981  
construed as responsible charge of engineering or surveying 15982  
work, respectively. No applicant shall receive credit for more 15983  
than six years of engineering or surveying experience because of 15984  
educational qualifications. The mere execution, as a contractor, 15985  
of work designed by a professional engineer or professional 15986  
surveyor, or the supervision of the construction of such work as 15987  
a superintendent is not deemed to be practical experience in 15988  
engineering or surveying work. 15989

~~(G)~~ (F) Every person applying for registration as a 15990  
professional engineer or professional surveyor shall be required 15991  
to pass the fundamentals examination and the principles and 15992  
practice examination as provided in section 4733.13 of the 15993  
Revised Code. In addition to passing each requisite examination, 15994  
each applicant must submit evidence, satisfactory to the board, 15995  
that the applicant has completed the practical experience 15996  
required in this section. 15997

~~(H)~~ (G) The board shall require the applicant for 15998  
registration as a professional engineer or professional surveyor 15999  
to take two examinations. The first examination, known as the 16000  
fundamentals examination, may be taken by the applicant at any 16001  
time after the applicant has completed the required education 16002  
under division (A) or (B) of this section, or, at the discretion 16003  
of the board, an applicant may be permitted to take the first 16004  
examination during the applicant's concluding term of an 16005  
approved curriculum in engineering or surveying of four years or 16006

more. 16007

~~(I)~~ (H) The board shall give an applicant an appropriate 16008  
certificate showing the applicant's status as an engineer intern 16009  
or surveyor intern upon the occurrence of all of the following: 16010

(1) The applicant provides proof to the board that the 16011  
applicant has passed the fundamentals examination as described 16012  
in division (A) of section 4733.13 of the Revised Code. 16013

(2) The board believes the applicant meets the 16014  
requirements of this chapter based on verified evidence. 16015

(3) The applicant applies for registration in accordance 16016  
with the requirements of this chapter. 16017

(4) The applicant pays the fee required pursuant to 16018  
section 4733.12 of the Revised Code. 16019

Each applicant applying for registration as a professional 16020  
engineer or professional surveyor shall first be certified as an 16021  
engineer intern or surveyor intern in this state. 16022

~~(J)~~ (I) The applicant is not eligible to take the second 16023  
examination, known as the principles and practice examination, 16024  
until the applicant has passed the fundamentals examination. 16025

~~(K)~~ (J) Any person having the necessary qualifications to 16026  
entitle the person to registration is eligible for registration 16027  
though the person may not be practicing the person's profession 16028  
at the time of making application. 16029

**Sec. 4733.20.** (A) ~~Pursuant to~~ Except as provided in 16030  
division (I) of this section, the state board of registration 16031  
for professional engineers and surveyors may fine, revoke, 16032  
suspend, refuse to renew, or limit the registration, or 16033  
reprimand, place on probation, deny an applicant the opportunity 16034

to sit for an examination or to have an examination scored, or 16035  
impose any combination of these disciplinary measures on any 16036  
applicant or registrant, or revoke the certificate of 16037  
authorization of any holder found to be or to have been engaged 16038  
in any one or more of the following acts or practices: 16039

(1) Any fraud or deceit in obtaining registration or a 16040  
certificate of authorization; 16041

(2) Any gross negligence, incompetency, or misconduct in 16042  
the practice of professional engineering or professional 16043  
surveying as a registered professional engineer or registered 16044  
professional surveyor; 16045

(3) Aiding or abetting any person to practice professional 16046  
engineering or professional surveying illegally in the state; 16047

(4) Conviction of or plea of guilty to any felony or crime 16048  
involving moral turpitude; 16049

(5) Violation of this chapter or any rule adopted by the 16050  
board; 16051

(6) Violation of any condition of limitation placed by the 16052  
board upon the registration of any professional engineer or 16053  
professional surveyor; 16054

(7) Failure to abide by or comply with examination 16055  
instructions. 16056

(B) The board shall cause to have prepared and shall adopt 16057  
a code of ethics, which it shall make known to every registrant. 16058  
The board may revise and amend this code of ethics from time to 16059  
time in accordance with Chapter 119. of the Revised Code. 16060

(C) Any person may file with the board a complaint 16061  
alleging fraud, deceit, gross negligence, incompetency, 16062

misconduct, or violation of this chapter or any rule adopted by 16063  
the board pursuant to section 4733.07 of the Revised Code. 16064  
Complaints shall be in writing. 16065

(D) The board may investigate any registrant or holder of 16066  
a certificate of authorization to determine whether the 16067  
registrant or certificate holder is or has been engaged in any 16068  
one or more of the acts or practices listed in division (A) of 16069  
this section. The board, by subpoena, may compel witnesses to 16070  
appear and testify in relation to any investigation under this 16071  
chapter and may require, by subpoena duces tecum, the production 16072  
and copying of any book, paper, or document pertaining to an 16073  
investigation. If a person fails to comply with the subpoena or 16074  
subpoena duces tecum, the board may apply to the Franklin county 16075  
court of common pleas for an order compelling the person to 16076  
comply or, for the failure to do so, to be held in contempt of 16077  
court. 16078

(E) If the board determines there is cause to believe that 16079  
an applicant, registrant, or a holder of a certificate of 16080  
authorization is or has been engaged in any act or practice 16081  
listed in division (A) of this section, the board shall issue a 16082  
written charge and notify the applicant, registrant, or 16083  
certificate holder of the right to an adjudication hearing, in 16084  
accordance with Chapter 119. of the Revised Code. If the accused 16085  
applicant, registrant, or holder of a certificate of 16086  
authorization fails or refuses to appear, or does not request a 16087  
hearing within the time period specified in Chapter 119. of the 16088  
Revised Code, the board may determine the validity of the charge 16089  
and issue an adjudication order in accordance with Chapter 119. 16090  
of the Revised Code. 16091

(F) ~~If~~ Except as provided in division (I) of this section, 16092



if a majority of the board votes in favor of sustaining the charge, the board shall impose one or any combination of the following disciplinary measures:

(1) Reprimanding the individual;

(2) Imposing a fine on the individual of not more than one thousand dollars for each offense committed by the individual;

(3) Refusing to renew, suspending, or revoking the individual's registration, or revoking the holder's certificate of authorization;

(4) Refusing to allow an applicant to take an examination;

(5) Refusing to score an applicant's examination.

The board, for good cause shown, may reregister any person or reissue a certificate of authorization to any corporation, firm, partnership, association, or limited liability company whose registration or certificate has been revoked or suspended.

(G) Any applicant, registrant, or certificate holder aggrieved by any action of the board in fining the registrant or denying, suspending, refusing to renew, or revoking the registrant's registration or a certificate of authorization, or denying an applicant the opportunity to take an examination or to have an examination scored may appeal such action to the proper court under section 119.12 of the Revised Code.

(H) A new certificate of authorization to replace any certificate revoked, lost, destroyed, or mutilated, may be issued, subject to the rules of the board, upon payment of a fee established by the board at an amount adequate to cover the expense of issuing a duplicate certificate of authorization.

(I) The board shall not refuse to issue a license or deny

the opportunity to sit for an examination or to have an 16121  
examination scored to an applicant because of a conviction of or 16122  
plea of guilty to an offense, unless the refusal or denial is in 16123  
accordance with section 9.79 of the Revised Code. 16124

**Sec. 4734.20.** (A) Except for persons seeking to practice 16125  
chiropractic under a special limited license issued pursuant to 16126  
section 4734.27 of the Revised Code, each person seeking to 16127  
practice chiropractic in this state shall apply in writing to 16128  
the state chiropractic board for a license to practice 16129  
chiropractic. The application shall be made under oath, on a 16130  
form prescribed by the board, and shall be accompanied by a fee 16131  
of two hundred fifty dollars. 16132

(B) Except as provided in sections 4734.23 and 4734.24 of 16133  
the Revised Code, to receive a chiropractic license, an 16134  
applicant must meet the following conditions: 16135

(1) The applicant must be at least twenty-one years of 16136  
age, ~~be of good moral character,~~ and possess a high school 16137  
education or its equivalent. 16138

(2) The applicant must have successfully completed, prior 16139  
to matriculation at a school or college of chiropractic, at 16140  
least two years of college credit in the arts and sciences at a 16141  
college or university accredited by a state or regional 16142  
accrediting organization recognized by the board, except that 16143  
the board may adopt rules in accordance with Chapter 119. of the 16144  
Revised Code that require completion of additional years of 16145  
college credit or receipt of a college degree in an area 16146  
specified in the rules. 16147

(3) The applicant must be a graduate of and hold the 16148  
degree of doctor of chiropractic from a school or college of 16149

chiropractic approved by the board under section 4734.21 of the Revised Code. 16150  
16151

(4) The applicant must have received one of the following 16152  
from the national board of chiropractic examiners, as 16153  
appropriate according to the date of the applicant's graduation 16154  
from a school or college of chiropractic: 16155

(a) If the applicant graduated on or after January 1, 1970, but before January 1, 1989, a "diplomate certificate" or "certificate of attainment" evidencing passage of parts I and II and the physiotherapy section of the national board's examinations; 16156  
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(b) If the applicant graduated on or after January 1, 1989, but before January 1, 2002, a "certificate of attainment" evidencing passage of parts I, II, and III and the physiotherapy section of the national board's examinations; 16161  
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(c) If the applicant graduated on or after January 1, 2002, a "certificate of attainment" evidencing passage of parts I, II, III, and IV and the physiotherapy section of the national board's examinations. 16165  
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(5) The applicant must have passed the board's jurisprudence examination conducted under section 4734.22 of the Revised Code. 16169  
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16171

(C) The board shall issue a license to practice chiropractic to each applicant who files a complete application, pays all applicable fees, and meets the conditions specified in division (B) of this section. The burden of proof is on the applicant, to prove by clear and convincing evidence to the board, that the applicant meets the conditions for receipt of the license. 16172  
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The board may conduct any investigation it considers 16179  
appropriate to verify an applicant's credentials,~~moral~~ 16180  
~~character,~~ and fitness to receive a license. In conducting an 16181  
investigation, the board may request information from the 16182  
records maintained by the federal bureau of investigation, the 16183  
bureau of criminal identification and investigation, and any 16184  
other repositories of criminal records held in this or another 16185  
state. The board may charge the applicant a fee for conducting 16186  
the investigation. The amount of the fee shall not exceed the 16187  
expenses the board incurs in conducting the investigation and 16188  
may include any fees that must be paid to obtain information in 16189  
the criminal record. 16190

**Sec. 4734.202.** (A) As used in this section, "license" and 16191  
"applicant for an initial license" have the same meanings as in 16192  
section 4776.01 of the Revised Code, except that "license" as 16193  
used in both of those terms refers to the types of 16194  
authorizations otherwise issued or conferred under this chapter. 16195

(B) In addition to any other eligibility requirement set 16196  
forth in this chapter, each applicant for an initial license 16197  
shall comply with sections 4776.01 to 4776.04 of the Revised 16198  
Code. The state chiropractic board shall not grant a license to 16199  
an applicant for an initial license unless the applicant 16200  
complies with sections 4776.01 to 4776.04 of the Revised Code 16201  
~~and the board, in its discretion, decides that the results of~~ 16202  
~~the criminal records check do not make the applicant ineligible~~ 16203  
~~for a license issued pursuant to section 4734.20, 4734.23, or~~ 16204  
~~4734.27 of the Revised Code.~~ 16205

**Sec. 4734.23.** (A) A person licensed by another state or 16206  
country in the practice of chiropractic may apply under this 16207  
section for a license to practice chiropractic in this state in 16208

lieu of applying under section 4734.20 of the Revised Code. The 16209  
fee for applying under this section shall be five hundred 16210  
dollars. 16211

(B) The state chiropractic board may, for good cause, 16212  
waive all or part of the educational and testing requirements 16213  
specified under section 4734.20 of the Revised Code and issue a 16214  
license to an applicant under this section, if the applicant 16215  
presents satisfactory proof of being licensed to practice 16216  
chiropractic in another state or country where the requirements 16217  
for receipt of the license, on the date the license was issued, 16218  
are considered by the board to be substantially equivalent to 16219  
those of this chapter. The applicant must meet the same age ~~and~~ 16220  
~~moral character requirements requirement~~ that must be met under 16221  
section 4734.20 of the Revised Code. If the board does not waive 16222  
all of the educational and testing requirements, the board may 16223  
require that the applicant complete and receive a score 16224  
specified by the board on one or more tests administered by the 16225  
board or by the national board of chiropractic examiners or 16226  
another testing entity. 16227

**Sec. 4734.27.** (A) To the extent it is in the public 16228  
interest, the state chiropractic board may issue, without 16229  
examination, a special limited license to practice chiropractic 16230  
as follows: 16231

(1) To a person who is seeking to participate in an 16232  
internship, residency, preceptorship, or clinical fellowship in 16233  
this state in preparation for the practice of chiropractic; 16234

(2) To a person who plans to provide chiropractic services 16235  
in connection with a special activity, program, or event 16236  
conducted in this state, if the person holds a current, valid, 16237  
and unrestricted license to practice chiropractic in another 16238

state or country; 16239

(3) To a person who previously held an unrestricted 16240  
license to practice chiropractic in this state who plans to 16241  
offer gratuitous chiropractic services as a voluntary public 16242  
service; 16243

(4) To any other person for any other reason specified as 16244  
good cause by the board in rules adopted under this section. 16245

(B) An applicant for a special limited license shall 16246  
submit to the board a complete application on a form prescribed 16247  
by the board, pay an application fee of seventy-five dollars, 16248  
and furnish proof satisfactory to the board of being at least 16249  
twenty-one years of age, ~~of good moral character,~~ and of either 16250  
holding the degree of doctor of chiropractic or being enrolled 16251  
in a program leading to the degree. The institution from which 16252  
the applicant received the degree or in which the applicant is 16253  
enrolled must be a school or college that is approved by the 16254  
board under section 4734.21 of the Revised Code. 16255

(C) The provisions of this chapter that apply to 16256  
applicants for and holders of licenses to practice chiropractic 16257  
shall apply to applicants for and holders of special limited 16258  
licenses to the extent the board considers appropriate, 16259  
including the board's authority to conduct any investigation it 16260  
considers appropriate to verify an applicant's credentials, ~~—~~ 16261  
~~moral character,~~ and fitness to receive a license and the 16262  
board's authority to take actions under section 4734.31 of the 16263  
Revised Code. 16264

(D) The board shall adopt any rules it considers necessary 16265  
to implement this section. All rules adopted under this section 16266  
shall be adopted in accordance with Chapter 119. of the Revised 16267

Code. 16268

**Sec. 4734.31.** (A) The state chiropractic board may take 16269  
any of the actions specified in division (B) of this section 16270  
against an individual who has applied for or holds a license to 16271  
practice chiropractic in this state if any of the reasons 16272  
specified in division (C) of this section for taking action 16273  
against an individual are applicable. Except as provided in 16274  
division (D) of this section, actions taken against an 16275  
individual shall be taken in accordance with Chapter 119. of the 16276  
Revised Code. The board may specify that any action it takes is 16277  
a permanent action. The board's authority to take action against 16278  
an individual is not removed or limited by the individual's 16279  
failure to renew a license. 16280

(B) In its imposition of sanctions against an individual, 16281  
the board may do any of the following: 16282

(1) ~~Refuse~~ Except as provided in division (H) of this 16283  
section, refuse to issue, renew, restore, or reinstate a license 16284  
to practice chiropractic or a certificate to practice 16285  
acupuncture; 16286

(2) Reprimand or censure a license holder; 16287

(3) Place limits, restrictions, or probationary conditions 16288  
on a license holder's practice; 16289

(4) Impose a civil fine of not more than five thousand 16290  
dollars according to a schedule of fines specified in rules that 16291  
the board shall adopt in accordance with Chapter 119. of the 16292  
Revised Code. 16293

(5) Suspend a license to practice chiropractic or a 16294  
certificate to practice acupuncture for a limited or indefinite 16295  
period; 16296

(6) Revoke a license to practice chiropractic or a certificate to practice acupuncture.	16297 16298
(C) The board may take the actions specified in division (B) of this section for any of the following reasons:	16299 16300
(1) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony in any jurisdiction, in which case a certified copy of the court record shall be conclusive evidence of the conviction;	16301 16302 16303 16304 16305
(2) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	16306 16307 16308
(3) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude, as determined by the board, in which case a certified copy of the court record shall be conclusive evidence of the matter;	16309 16310 16311 16312 16313
(4) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	16314 16315 16316
(5) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice, in which case a certified copy of the court record shall be conclusive evidence of the matter;	16317 16318 16319 16320 16321
(6) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	16322 16323 16324



(7) A violation or attempted violation of this chapter or the rules adopted under it governing the practice of chiropractic and the practice of acupuncture by a chiropractor licensed under this chapter;

(8) Failure to cooperate in an investigation conducted by the board, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if the board or a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;

(9) Engaging in an ongoing professional relationship with a person or entity that violates any provision of this chapter or the rules adopted under it, unless the chiropractor makes a good faith effort to have the person or entity comply with the provisions;

(10) Retaliating against a chiropractor for the chiropractor's reporting to the board or any other agency with jurisdiction any violation of the law or for cooperating with the board of another agency in the investigation of any violation of the law;

(11) Aiding, abetting, assisting, counseling, or conspiring with any person in that person's violation of any provision of this chapter or the rules adopted under it, including the practice of chiropractic without a license, the practice of acupuncture without a certificate, or aiding, abetting, assisting, counseling, or conspiring with any person in that person's unlicensed practice of any other health care

profession that has licensing requirements; 16355

(12) With respect to a report or record that is made, 16356  
filed, or signed in connection with the practice of chiropractic 16357  
or acupuncture, knowingly making or filing a report or record 16358  
that is false, intentionally or negligently failing to file a 16359  
report or record required by federal, state, or local law or 16360  
willfully impeding or obstructing the required filing, or 16361  
inducing another person to engage in any such acts; 16362

(13) Making a false, fraudulent, or deceitful statement to 16363  
the board or any agent of the board during any investigation or 16364  
other official proceeding conducted by the board under this 16365  
chapter or in any filing that must be submitted to the board; 16366

(14) Attempting to secure a license to practice 16367  
chiropractic or certificate to practice acupuncture or to 16368  
corrupt the outcome of an official board proceeding through 16369  
bribery or any other improper means; 16370

(15) Willfully obstructing or hindering the board or any 16371  
agent of the board in the discharge of the board's duties; 16372

(16) Habitually using drugs or intoxicants to the extent 16373  
that the person is rendered unfit for the practice of 16374  
chiropractic or acupuncture; 16375

(17) Inability to practice chiropractic or acupuncture 16376  
according to acceptable and prevailing standards of care by 16377  
reason of chemical dependency, mental illness, or physical 16378  
illness, including conditions in which physical deterioration 16379  
has adversely affected the person's cognitive, motor, or 16380  
perceptive skills and conditions in which a chiropractor's 16381  
continued practice may pose a danger to the chiropractor or the 16382  
public; 16383

- (18) Any act constituting gross immorality relative to the person's practice of chiropractic or acupuncture, including acts involving sexual abuse, sexual misconduct, or sexual exploitation; 16384  
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- (19) Exploiting a patient for personal or financial gain; 16388
- (20) Failing to maintain proper, accurate, and legible records in the English language documenting each patient's care, including, as appropriate, records of the following: dates of treatment, services rendered, examinations, tests, x-ray reports, referrals, and the diagnosis or clinical impression and clinical treatment plan provided to the patient; 16389  
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- (21) Except as otherwise required by the board or by law, disclosing patient information gained during the chiropractor's professional relationship with a patient without obtaining the patient's authorization for the disclosure; 16395  
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- (22) Commission of willful or gross malpractice, or willful or gross neglect, in the practice of chiropractic or acupuncture; 16399  
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- (23) Failing to perform or negligently performing an act recognized by the board as a general duty or the exercise of due care in the practice of chiropractic or acupuncture, regardless of whether injury results to a patient from the failure to perform or negligent performance of the act; 16402  
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- (24) Engaging in any conduct or practice that impairs or may impair the ability to practice chiropractic or acupuncture safely and skillfully; 16407  
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- (25) Practicing, or claiming to be capable of practicing, beyond the scope of the practice of chiropractic or acupuncture as established under this chapter and the rules adopted under 16410  
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this chapter;	16413
(26) Accepting and performing professional responsibilities as a chiropractor or chiropractor with a certificate to practice acupuncture when not qualified to perform those responsibilities, if the person knew or had reason to know that the person was not qualified to perform them;	16414 16415 16416 16417 16418
(27) Delegating any of the professional responsibilities of a chiropractor or chiropractor with a certificate to practice acupuncture to an employee or other individual when the delegating chiropractor knows or had reason to know that the employee or other individual is not qualified by training, experience, or professional licensure to perform the responsibilities;	16419 16420 16421 16422 16423 16424 16425
(28) Delegating any of the professional responsibilities of a chiropractor or chiropractor with a certificate to practice acupuncture to an employee or other individual in a negligent manner or failing to provide proper supervision of the employee or other individual to whom the responsibilities are delegated;	16426 16427 16428 16429 16430
(29) Failing to refer a patient to another health care practitioner for consultation or treatment when the chiropractor knows or has reason to know that the referral is in the best interest of the patient;	16431 16432 16433 16434
(30) Obtaining or attempting to obtain any fee or other advantage by fraud or misrepresentation;	16435 16436
(31) Making misleading, deceptive, false, or fraudulent representations in the practice of chiropractic or acupuncture;	16437 16438
(32) Being guilty of false, fraudulent, deceptive, or misleading advertising or other solicitations for patients or knowingly having professional connection with any person that	16439 16440 16441

advertises or solicits for patients in such a manner;	16442
(33) Violation of a provision of any code of ethics established or adopted by the board under section 4734.16 of the Revised Code;	16443 16444 16445
(34) Failing to meet the examination requirements for receipt of a license specified under section 4734.20 of the Revised Code;	16446 16447 16448
(35) Actions taken for any reason, other than nonpayment of fees, by the chiropractic or acupuncture licensing authority of another state or country;	16449 16450 16451
(36) Failing to maintain clean and sanitary conditions at the clinic, office, or other place in which chiropractic services or acupuncture services are provided;	16452 16453 16454
(37) Except as provided in division (G) of this section:	16455
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the chiropractor's services, otherwise would be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that chiropractor;	16456 16457 16458 16459 16460 16461
(b) Advertising that the chiropractor will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the chiropractor's services, otherwise would be required to pay.	16462 16463 16464 16465 16466
(38) Failure to supervise an oriental medicine practitioner performing acupuncture or an acupuncturist in accordance with the provisions of section 4762.11 of the Revised	16467 16468 16469

Code that are applicable to a supervising chiropractor. 16470

(D) The adjudication requirements of Chapter 119. of the 16471  
Revised Code apply to the board when taking actions against an 16472  
individual under this section, except as follows: 16473

(1) An applicant is not entitled to an adjudication for 16474  
failing to meet the conditions specified under section 4734.20 16475  
of the Revised Code for receipt of a license that involve the 16476  
board's examination on jurisprudence or the examinations of the 16477  
national board of chiropractic examiners. 16478

(2) A person is not entitled to an adjudication if the 16479  
person fails to make a timely request for a hearing, in 16480  
accordance with Chapter 119. of the Revised Code. 16481

(3) In lieu of an adjudication, the board may accept the 16482  
surrender of a license to practice chiropractic or certificate 16483  
to practice acupuncture from a chiropractor. 16484

(4) In lieu of an adjudication, the board may enter into a 16485  
consent agreement with an individual to resolve an allegation of 16486  
a violation of this chapter or any rule adopted under it. A 16487  
consent agreement, when ratified by the board, shall constitute 16488  
the findings and order of the board with respect to the matter 16489  
addressed in the agreement. If the board refuses to ratify a 16490  
consent agreement, the admissions and findings contained in the 16491  
consent agreement shall be of no force or effect. 16492

(E) This section does not require the board to hire, 16493  
contract with, or retain the services of an expert witness when 16494  
the board takes action against a chiropractor concerning 16495  
compliance with acceptable and prevailing standards of care in 16496  
the practice of chiropractic or acupuncture. As part of an 16497  
action taken concerning compliance with acceptable and 16498

prevailing standards of care, the board may rely on the 16499  
knowledge of its members for purposes of making a determination 16500  
of compliance, notwithstanding any expert testimony presented by 16501  
the chiropractor that contradicts the knowledge and opinions of 16502  
the members of the board. 16503

(F) The sealing of conviction records by a court shall 16504  
have no effect on a prior board order entered under this section 16505  
or on the board's jurisdiction to take action under this section 16506  
if, based on a plea of guilty, a judicial finding of guilt, or a 16507  
judicial finding of eligibility for intervention in lieu of 16508  
conviction, the board issued a notice of opportunity for a 16509  
hearing prior to the court's order to seal the records. The 16510  
board shall not be required to seal, destroy, redact, or 16511  
otherwise modify its records to reflect the court's sealing of 16512  
conviction records. 16513

(G) Actions shall not be taken pursuant to division (C) 16514  
(37) of this section against any chiropractor who waives 16515  
deductibles and copayments as follows: 16516

(1) In compliance with the health benefit plan that 16517  
expressly allows a practice of that nature. Waiver of the 16518  
deductibles or copayments shall be made only with the full 16519  
knowledge and consent of the plan purchaser, payer, and third- 16520  
party administrator. Documentation of the consent shall be made 16521  
available to the board upon request. 16522

(2) For professional services rendered to any other person 16523  
licensed pursuant to this chapter, to the extent allowed by this 16524  
chapter and the rules of the board. 16525

(H) The board shall not refuse to issue a license to an 16526  
applicant because of a conviction, plea of guilty, judicial 16527

finding of guilt, judicial finding of eligibility for 16528  
intervention in lieu of conviction, or the commission of an act 16529  
that constitutes a criminal offense, unless the refusal is in 16530  
accordance with section 9.79 of the Revised Code. 16531

**Sec. 4735.07.** (A) The superintendent of real estate, with 16532  
the consent of the Ohio real estate commission, may enter into 16533  
agreements with recognized national testing services to 16534  
administer the real estate broker's examination under the 16535  
superintendent's supervision and control, consistent with the 16536  
requirements of this chapter as to the contents of such 16537  
examination. 16538

(B) No applicant for a real estate broker's license shall 16539  
take the broker's examination who has not established to the 16540  
satisfaction of the superintendent that the applicant: 16541

(1) Is honest, and truthful, ~~and of good reputation;~~ 16542

(2) (a) Has not been convicted of a ~~felony or crime of~~ 16543  
~~moral turpitude, or if the applicant has been so convicted, the~~ 16544  
~~superintendent has disregarded the conviction because the~~ 16545  
~~applicant has proven to the superintendent, by a preponderance~~ 16546  
~~of the evidence, that the applicant's activities and employment~~ 16547  
~~record since the conviction show that the applicant is honest,~~ 16548  
~~truthful, and of good reputation, and there is no basis in fact~~ 16549  
~~for believing that the applicant again will violate the laws~~ 16550  
involved disqualifying offense as determined in accordance with 16551  
section 9.79 of the Revised Code; 16552

(b) Has not been finally adjudged by a court to have 16553  
violated any municipal, state, or federal civil rights laws 16554  
relevant to the protection of purchasers or sellers of real 16555  
estate or, if the applicant has been so adjudged, at least two 16556



years have passed since the court decision and the 16557  
superintendent has disregarded the adjudication because the 16558  
applicant has proven, by a preponderance of the evidence, that 16559  
the applicant's activities and employment record since the 16560  
adjudication show that the applicant is honest, and truthful, ~~and~~ 16561  
~~and of good reputation~~, and there is no basis in fact for 16562  
believing that the applicant will again violate the laws 16563  
involved. 16564

(3) Has not, during any period in which the applicant was 16565  
licensed under this chapter, violated any provision of, or any 16566  
rule adopted pursuant to, this chapter, or, if the applicant has 16567  
violated any such provision or rule, has established to the 16568  
satisfaction of the superintendent that the applicant will not 16569  
again violate such provision or rule; 16570

(4) Is at least eighteen years of age; 16571

(5) Has been a licensed real estate broker or salesperson 16572  
for at least two years; during at least two of the five years 16573  
preceding the person's application, has worked as a licensed 16574  
real estate broker or salesperson for an average of at least 16575  
thirty hours per week; and has completed one of the following: 16576

(a) At least twenty real estate transactions, in which 16577  
property was sold for another by the applicant while acting in 16578  
the capacity of a real estate broker or salesperson; 16579

(b) Such equivalent experience as is defined by rules 16580  
adopted by the commission. 16581

(6) (a) If licensed as a real estate salesperson prior to 16582  
August 1, 2001, successfully has completed at an institution of 16583  
higher education all of the following credit-eligible courses by 16584  
either classroom instruction or distance education: 16585

- (i) Thirty hours of instruction in real estate practice; 16586
- (ii) Thirty hours of instruction that includes the 16587  
subjects of Ohio real estate law, municipal, state, and federal 16588  
civil rights law, new case law on housing discrimination, 16589  
desegregation issues, and methods of eliminating the effects of 16590  
prior discrimination. If feasible, the instruction in Ohio real 16591  
estate law shall be taught by a member of the faculty of an 16592  
accredited law school. If feasible, the instruction in 16593  
municipal, state, and federal civil rights law, new case law on 16594  
housing discrimination, desegregation issues, and methods of 16595  
eliminating the effects of prior discrimination shall be taught 16596  
by a staff member of the Ohio civil rights commission who is 16597  
knowledgeable with respect to those subjects. The requirements 16598  
of this division do not apply to an applicant who is admitted to 16599  
practice before the supreme court. 16600
- (iii) Thirty hours of instruction in real estate 16601  
appraisal; 16602
- (iv) Thirty hours of instruction in real estate finance; 16603
- (v) Three quarter hours, or its equivalent in semester 16604  
hours, in financial management; 16605
- (vi) Three quarter hours, or its equivalent in semester 16606  
hours, in human resource or personnel management; 16607
- (vii) Three quarter hours, or its equivalent in semester 16608  
hours, in applied business economics; 16609
- (viii) Three quarter hours, or its equivalent in semester 16610  
hours, in business law. 16611
- (b) If licensed as a real estate salesperson on or after 16612  
August 1, 2001, successfully has completed at an institution of 16613

higher education all of the following credit-eligible courses by 16614  
either classroom instruction or distance education: 16615

(i) Forty hours of instruction in real estate practice; 16616

(ii) Forty hours of instruction that includes the subjects 16617  
of Ohio real estate law, municipal, state, and federal civil 16618  
rights law, new case law on housing discrimination, 16619  
desegregation issues, and methods of eliminating the effects of 16620  
prior discrimination. If feasible, the instruction in Ohio real 16621  
estate law shall be taught by a member of the faculty of an 16622  
accredited law school. If feasible, the instruction in 16623  
municipal, state, and federal civil rights law, new case law on 16624  
housing discrimination, desegregation issues, and methods of 16625  
eliminating the effects of prior discrimination shall be taught 16626  
by a staff member of the Ohio civil rights commission who is 16627  
knowledgeable with respect to those subjects. The requirements 16628  
of this division do not apply to an applicant who is admitted to 16629  
practice before the supreme court. 16630

(iii) Twenty hours of instruction in real estate 16631  
appraisal; 16632

(iv) Twenty hours of instruction in real estate finance; 16633

(v) The training in the amount of hours specified under 16634  
divisions (B) (6) (a) (v), (vi), (vii), and (viii) of this section. 16635

(c) Division (B) (6) (a) or (b) of this section does not 16636  
apply to any applicant who holds a valid real estate 16637  
salesperson's license issued prior to January 2, 1972. Divisions 16638  
(B) (6) (a) (v), (vi), (vii), and (viii) or division (B) (6) (b) (v) 16639  
of this section do not apply to any applicant who holds a valid 16640  
real estate salesperson's license issued prior to January 3, 16641  
1984. 16642

(d) Divisions (B) (6) (a) (iii) and (B) (6) (b) (iii) of this section do not apply to any new applicant who holds a valid Ohio real estate appraiser license or certificate issued prior to the date of application for a real estate broker's license.

(e) Successful completion of the instruction required by division (B) (6) (a) or (b) of this section shall be determined by the law in effect on the date the instruction was completed.

(7) If licensed as a real estate salesperson on or after January 3, 1984, satisfactorily has completed a minimum of two years of post-secondary education, or its equivalent in semester or quarter hours, at an institution of higher education, and has fulfilled the requirements of division (B) (6) (a) or (b) of this section. The requirements of division (B) (6) (a) or (b) of this section may be included in the two years of post-secondary education, or its equivalent in semester or quarter hours, that is required by this division. The post-secondary education requirement may be satisfied by completing the credit-eligible courses using either classroom instruction or distance education. Successful completion of any course required by this section shall be determined by the law in effect on the date the course was completed.

(C) Each applicant for a broker's license shall be examined in the principles of real estate practice, Ohio real estate law, and financing and appraisal, and as to the duties of real estate brokers and real estate salespersons, the applicant's knowledge of real estate transactions and instruments relating to them, and the canons of business ethics pertaining to them. The commission from time to time shall promulgate such canons and cause them to be published in printed form.

(D) Examinations shall be administered with reasonable accommodations in accordance with the requirements of the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C. 12101. The contents of an examination shall be consistent with the requirements of division (B)(6) of this section and with the other specific requirements of this section. An applicant who has completed the requirements of division (B)(6) of this section at the time of application shall be examined no later than twelve months after the applicant is notified of admission to the examination.

(E) The superintendent may waive one or more of the requirements of this section in the case of an application from a nonresident real estate broker pursuant to a reciprocity agreement with the licensing authority of the state from which the nonresident applicant holds a valid real estate broker license.

(F) There shall be no limit placed on the number of times an applicant may retake the examination.

(G) (1) Not earlier than the date of issue of a real estate broker's license to a licensee, but not later than twelve months after the date of issue of a real estate broker's license to a licensee, the licensee shall submit proof satisfactory to the superintendent, on forms made available by the superintendent, of the completion of ten hours of instruction that shall be completed in schools, seminars, and educational institutions that are approved by the commission. Approval of the curriculum and providers shall be granted according to rules adopted pursuant to section 4735.10 of the Revised Code and may be taken through classroom instruction or distance education.

If the required proof of completion is not submitted to

the superintendent within twelve months of the date a license is 16703  
issued under this section, the license of the real estate broker 16704  
is suspended automatically without the taking of any action by 16705  
the superintendent. The broker's license shall not be 16706  
reactivated by the superintendent until it is established, to 16707  
the satisfaction of the superintendent, that the requirements of 16708  
this division have been met and that the licensee is in 16709  
compliance with this chapter. A licensee's license is revoked 16710  
automatically without the taking of any action by the 16711  
superintendent if the licensee fails to submit proof of 16712  
completion of the education requirements specified under 16713  
division (G) (1) of this section within twelve months of the date 16714  
the license is suspended. 16715

(2) If the license of a real estate broker is suspended 16716  
pursuant to division (G) (1) of this section, the license of a 16717  
real estate salesperson associated with that broker 16718  
correspondingly is suspended pursuant to division (H) of section 16719  
4735.20 of the Revised Code. However, the suspended license of 16720  
the associated real estate salesperson shall be reactivated and 16721  
no fee shall be charged or collected for that reactivation if 16722  
all of the following occur: 16723

(a) That broker subsequently submits satisfactory proof to 16724  
the superintendent that the broker has complied with the 16725  
requirements of division (G) (1) of this section and requests 16726  
that the broker's license as a real estate broker be 16727  
reactivated; 16728

(b) The superintendent then reactivates the broker's 16729  
license as a real estate broker; 16730

(c) The associated real estate salesperson intends to 16731  
continue to be associated with that broker and otherwise is in 16732

compliance with this chapter. 16733

**Sec. 4735.09.** (A) Application for a license as a real 16734  
estate salesperson shall be made to the superintendent of real 16735  
estate on forms furnished by the superintendent and signed by 16736  
the applicant. The application shall be in the form prescribed 16737  
by the superintendent and shall contain such information as is 16738  
required by this chapter and the rules of the Ohio real estate 16739  
commission. The application shall be accompanied by the 16740  
recommendation of the real estate broker with whom the applicant 16741  
is associated or with whom the applicant intends to be 16742  
associated, certifying that the applicant is honest, and 16743  
~~truthful, and of good reputation, has not been convicted of a~~ 16744  
~~felony or a crime involving moral turpitude,~~ and has not been 16745  
finally adjudged by a court to have violated any municipal, 16746  
state, or federal civil rights laws relevant to the protection 16747  
of purchasers or sellers of real estate, which conviction or 16748  
adjudication the applicant has not disclosed to the 16749  
superintendent, and recommending that the applicant be admitted 16750  
to the real estate salesperson examination. 16751

(B) A fee of sixty dollars shall accompany the 16752  
application, which fee includes the fee for the initial year of 16753  
the licensing period, if a license is issued. The initial year 16754  
of the licensing period commences at the time the license is 16755  
issued and ends on the applicant's first birthday thereafter. 16756  
The application fee shall be nonrefundable. A fee of sixty 16757  
dollars shall be charged by the superintendent for each 16758  
successive application made by the applicant. One dollar of each 16759  
application fee shall be credited to the real estate education 16760  
and research fund. 16761

(C) There shall be no limit placed on the number of times 16762

an applicant may retake the examination. 16763

(D) The superintendent, with the consent of the 16764  
commission, may enter into an agreement with a recognized 16765  
national testing service to administer the real estate 16766  
salesperson's examination under the superintendent's supervision 16767  
and control, consistent with the requirements of this chapter as 16768  
to the contents of the examination. 16769

If the superintendent, with the consent of the commission, 16770  
enters into an agreement with a national testing service to 16771  
administer the real estate salesperson's examination, the 16772  
superintendent may require an applicant to pay the testing 16773  
service's examination fee directly to the testing service. If 16774  
the superintendent requires the payment of the examination fee 16775  
directly to the testing service, each applicant shall submit to 16776  
the superintendent a processing fee in an amount determined by 16777  
the Ohio real estate commission pursuant to division (A) (1) of 16778  
section 4735.10 of the Revised Code. 16779

(E) The superintendent shall issue a real estate 16780  
salesperson's license when satisfied that the applicant has 16781  
received a passing score on each portion of the salesperson's 16782  
examination as determined by rule by the real estate commission, 16783  
except that the superintendent may waive one or more of the 16784  
requirements of this section in the case of an applicant who is 16785  
a licensed real estate salesperson in another state pursuant to 16786  
a reciprocity agreement with the licensing authority of the 16787  
state from which the applicant holds a valid real estate 16788  
salesperson's license. 16789

(F) No applicant for a salesperson's license shall take 16790  
the salesperson's examination who has not established to the 16791  
satisfaction of the superintendent that the applicant: 16792



- (1) Is honest, and truthful, ~~and of good reputation;~~ 16793
- (2) (a) Has not been convicted of a ~~felony or crime of~~ 16794  
~~moral turpitude or, if the applicant has been so convicted, the~~ 16795  
~~superintendent has disregarded the conviction because the~~ 16796  
~~applicant has proven to the superintendent, by a preponderance~~ 16797  
~~of the evidence, that the applicant's activities and employment~~ 16798  
~~record since the conviction show that the applicant is honest,~~ 16799  
~~truthful, and of good reputation, and there is no basis in fact~~ 16800  
~~for believing that the applicant again will violate the laws~~ 16801  
~~involved~~ disqualifying offense as determined in accordance with 16802  
section 9.79 of the Revised Code; 16803
- (b) Has not been finally adjudged by a court to have 16804  
violated any municipal, state, or federal civil rights laws 16805  
relevant to the protection of purchasers or sellers of real 16806  
estate or, if the applicant has been so adjudged, at least two 16807  
years have passed since the court decision and the 16808  
superintendent has disregarded the adjudication because the 16809  
applicant has proven, by a preponderance of the evidence, that 16810  
the applicant is honest, and truthful, ~~and of good reputation,~~ 16811  
and there is no basis in fact for believing that the applicant 16812  
again will violate the laws involved. 16813
- (3) Has not, during any period in which the applicant was 16814  
licensed under this chapter, violated any provision of, or any 16815  
rule adopted pursuant to this chapter, or, if the applicant has 16816  
violated such provision or rule, has established to the 16817  
satisfaction of the superintendent that the applicant will not 16818  
again violate such provision or rule; 16819
- (4) Is at least eighteen years of age; 16820
- (5) If born after the year 1950, has a high school diploma 16821

or a certificate of high school equivalence issued by the department of education; 16822  
16823

(6) Has successfully completed at an institution of higher education all of the following credit-eligible courses by either classroom instruction or distance education: 16824  
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(a) Forty hours of instruction in real estate practice; 16827

(b) Forty hours of instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination. If feasible, the instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of this division do not apply to an applicant who is admitted to practice before the supreme court. 16828  
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(c) Twenty hours of instruction in real estate appraisal; 16842

(d) Twenty hours of instruction in real estate finance. 16843

(G)(1) Successful completion of the instruction required by division (F)(6) of this section shall be determined by the law in effect on the date the instruction was completed. 16844  
16845  
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(2) Division (F)(6)(c) of this section does not apply to any new applicant who holds a valid Ohio real estate appraiser license or certificate issued prior to the date of application for a real estate salesperson's license. 16847  
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(H) Only for noncredit course offerings, an institution of higher education shall obtain approval from the appropriate state authorizing entity prior to offering a real estate course that is designed and marketed as satisfying the salesperson license education requirements of division (F)(6) of this section. The state authorizing entity may consult with the superintendent in reviewing the course for compliance with this section.

(I) Any person who has not been licensed as a real estate salesperson or broker within a four-year period immediately preceding the person's current application for the salesperson's examination shall have successfully completed the prelicensure instruction required by division (F)(6) of this section within a ten-year period immediately preceding the person's current application for the salesperson's examination.

(J) Not earlier than the date of issue of a real estate salesperson's license to a licensee, but not later than twelve months after the date of issue of a real estate salesperson license to a licensee, the licensee shall submit proof satisfactory to the superintendent, on forms made available by the superintendent, of the completion of twenty hours of instruction that shall be completed in schools, seminars, and educational institutions approved by the commission. The instruction shall include, but is not limited to, current practices relating to commercial real estate, property management, short sales, and land contracts; contract law; federal and state programs; economic conditions; and fiduciary responsibility. Approval of the curriculum and providers shall be granted according to rules adopted pursuant to section 4735.10 of the Revised Code and may be taken through classroom instruction or distance education.

If proof of completion of the required instruction is not 16882  
submitted within twelve months of the date a license is issued 16883  
under this section, the licensee's license is suspended 16884  
automatically without the taking of any action by the 16885  
superintendent. The superintendent immediately shall notify the 16886  
broker with whom such salesperson is associated of the 16887  
suspension of the salesperson's license. A salesperson whose 16888  
license has been suspended under this division shall have twelve 16889  
months after the date of the suspension of the salesperson's 16890  
license to submit proof of successful completion of the 16891  
instruction required under this division. No such license shall 16892  
be reactivated by the superintendent until it is established, to 16893  
the satisfaction of the superintendent, that the requirements of 16894  
this division have been met and that the licensee is in 16895  
compliance with this chapter. A licensee's license is revoked 16896  
automatically without the taking of any action by the 16897  
superintendent when the licensee fails to submit the required 16898  
proof of completion of the education requirements under division 16899  
(I) of this section within twelve months of the date the license 16900  
is suspended. 16901

(K) Examinations shall be administered with reasonable 16902  
accommodations in accordance with the requirements of the 16903  
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 16904  
U.S.C. 12189. The contents of an examination shall be consistent 16905  
with the classroom instructional requirements of division (F) (6) 16906  
of this section. An applicant who has completed the classroom 16907  
instructional requirements of division (F) (6) of this section at 16908  
the time of application shall be examined no later than twelve 16909  
months after the applicant is notified of the applicant's 16910  
admission to the examination. 16911

**Sec. 4735.10.** (A) (1) The Ohio real estate commission may 16912

adopt reasonable rules in accordance with Chapter 119. of the 16913  
Revised Code, necessary for implementing the provisions of this 16914  
chapter relating, but not limited to, the following: 16915

(a) The form and manner of filing applications for 16916  
licensure; 16917

(b) Times and form of examination for license; 16918

(c) Placing an existing broker's license on deposit or a 16919  
salesperson's license on an inactive status for an indefinite 16920  
period; 16921

(d) Specifying the process by which a licensee may resign 16922  
the licensee's license; 16923

(e) Defining any additional license status that the 16924  
commission determines is necessary and that is not otherwise 16925  
defined in this chapter and establishing the process by which a 16926  
licensee places the licensee's license in a status defined by 16927  
the commission in the rules the commission adopts; 16928

(f) Clarification of the activities that require a license 16929  
under this chapter; 16930

(g) Permitting a broker to act as principal broker for 16931  
more than one brokerage. 16932

(2) The commission shall adopt reasonable rules in 16933  
accordance with Chapter 119. of the Revised Code, for 16934  
implementing the provisions of this chapter relating to the 16935  
following: 16936

(a) The issuance, renewal, suspension, and revocation of 16937  
licenses, other sanctions that may be imposed for violations of 16938  
this chapter, the conduct of hearings related to these actions, 16939  
and the process of reactivating a license; 16940

(b) A three-year license and a three-year license renewal system; 16941  
16942

(c) Standards for the approval of the postlicensure courses as required by division (G) of section 4735.07 and division (J) of section 4735.09 of the Revised Code, courses of study required for licenses, courses offered in preparation for license examinations, or courses required as continuing education for licenses. 16943  
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(d) Guidelines to ensure that continuing education classes are open to all persons licensed under this chapter. The rules shall specify that an organization that sponsors a continuing education class may offer its members a reasonable reduction in the fees charged for the class. 16949  
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(e) Requirements for trust accounts and property management accounts. The rules shall specify that: 16954  
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(i) Brokerages engaged in the management of property for another may, pursuant to a written contract with the property owner, exercise signatory authority for withdrawals from property management accounts maintained in the name of the property owner. The exercise of authority for withdrawals does not constitute a violation of any provision of division (A) of section 4735.18 of the Revised Code. 16956  
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(ii) The interest earned on property management trust accounts maintained in the name of the property owner or the broker shall be payable to the property owner unless otherwise specified in a written contract. 16963  
16964  
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(f) Notice of renewal forms and filing deadlines; 16967

(g) Special assessments under division (A) of section 4735.12 of the Revised Code. 16968  
16969

(B) The commission may adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and guidelines with which the superintendent of real estate shall comply in the exercise of the following powers:

(1) Appointment and recommendation of ancillary trustees under section 4735.05 of the Revised Code;

(2) Rejection of names proposed to be used by partnerships, associations, limited liability companies, limited liability partnerships, and corporations, under division (B) of section 4735.06 of the Revised Code, including procedures for the application and approval of more than one trade name for a brokerage;

(3) Acceptance and rejection of applications to take the broker and salesperson examinations and licensure, with appropriate waivers pursuant to division (E) of section 4735.07 and section 4735.09 of the Revised Code;

(4) Approval of applications of brokers to place their licenses in an inactive status and to become salespersons under section 4735.13 of the Revised Code;

(5) Appointment of hearing examiners under section 119.09 of the Revised Code;

(6) Acceptance and rejection of applications to take the foreign real estate dealer and salesperson examinations and licensure, with waiver of examination, under sections 4735.27 and 4735.28 of the Revised Code;

(7) Qualification of foreign real estate under section 4735.25 of the Revised Code.

If at any time there is no rule in effect establishing a

guideline or standard required by this division, the 16998  
superintendent may adopt a rule in accordance with Chapter 119. 16999  
of the Revised Code for such purpose. 17000

(C) The commission or superintendent may hear testimony in 17001  
matters relating to the duties imposed upon them, and the 17002  
president of the commission and superintendent may administer 17003  
oaths. The commission or superintendent may require other proof 17004  
of the honesty, and truthfulness, ~~and good reputation~~ of any 17005  
person named in an application for a real estate broker's or 17006  
real estate salesperson's license before admitting the applicant 17007  
to the examination or issuing a license. 17008

**Sec. 4735.13.** (A) Every real estate broker licensed under 17009  
this chapter shall have and maintain a definite place of 17010  
business in this state. A post office box address is not a 17011  
definite place of business for purposes of this section. The 17012  
license of a real estate broker shall be prominently displayed 17013  
in the office or place of business of the broker, and no license 17014  
shall authorize the licensee to do business except from the 17015  
location specified in it. If the broker maintains more than one 17016  
place of business within the state, the broker shall apply for 17017  
and procure a duplicate license for each branch office 17018  
maintained by the broker. Each branch office shall be in the 17019  
charge of a licensed broker or salesperson. The branch office 17020  
license shall be prominently displayed at the branch office 17021  
location. 17022

(B) The license of each real estate salesperson shall be 17023  
mailed to and remain in the possession of the licensed broker 17024  
with whom the salesperson is or is to be associated until the 17025  
licensee places the license on inactive or resigned status or 17026  
until the salesperson leaves the brokerage or is terminated. The 17027



broker shall keep each salesperson's license in a way that it  
can, and shall on request, be made immediately available for  
public inspection at the office or place of business of the  
broker. Except as provided in divisions (G) and (H) of this  
section, immediately upon the salesperson's leaving the  
association or termination of the association of a real estate  
salesperson with the broker, the broker shall return the  
salesperson's license to the superintendent of real estate.

The failure of a broker to return the license of a real  
estate salesperson or broker who leaves or who is terminated,  
via certified mail return receipt requested, within three  
business days of the receipt of a written request from the  
superintendent for the return of the license, is prima-facie  
evidence of misconduct under division (A) (6) of section 4735.18  
of the Revised Code.

(C) A licensee shall notify the superintendent in writing  
within fifteen days of any of the following occurrences:

(1) The licensee is convicted of a felony.

(2) The licensee is convicted of a crime involving moral  
turpitude.

(3) The licensee is found to have violated any federal,  
state, or municipal civil rights law pertaining to  
discrimination in housing.

(4) The licensee is found to have engaged in a  
discriminatory practice pertaining to housing accommodations  
described in division (H) of section 4112.02 of the Revised  
Code.

(5) The licensee is the subject of an order by the  
department of commerce, the department of insurance, or the

department of agriculture revoking or permanently surrendering 17057  
any professional license, certificate, or registration. 17058

(6) The licensee is the subject of an order by any 17059  
government agency concerning real estate, financial matters, or 17060  
the performance of fiduciary duties with respect to any license, 17061  
certificate, or registration. 17062

If a licensee fails to notify the superintendent within 17063  
the required time, the superintendent immediately may suspend 17064  
the license of the licensee. 17065

Any court that convicts a licensee of a violation of any 17066  
municipal civil rights law pertaining to housing discrimination 17067  
also shall notify the Ohio civil rights commission within 17068  
fifteen days of the conviction. 17069

(D) In case of any change of business location, a broker 17070  
shall give notice to the superintendent, on a form prescribed by 17071  
the superintendent, within thirty days after the change of 17072  
location, whereupon the superintendent shall issue new licenses 17073  
for the unexpired period without charge. If a broker changes a 17074  
business location without giving the required notice and without 17075  
receiving new licenses that action is prima-facie evidence of 17076  
misconduct under division (A) (6) of section 4735.18 of the 17077  
Revised Code. 17078

(E) If a real estate broker desires to associate with 17079  
another real estate broker in the capacity of a real estate 17080  
salesperson, the broker shall apply to the superintendent to 17081  
deposit the broker's real estate broker's license with the 17082  
superintendent and for the issuance of a real estate 17083  
salesperson's license. The application shall be made on a form 17084  
prescribed by the superintendent and shall be accompanied by the 17085

recommendation of the real estate broker with whom the applicant 17086  
intends to become associated and a fee of twenty-five dollars 17087  
for the real estate salesperson's license. One dollar of the fee 17088  
shall be credited to the real estate education and research 17089  
fund. If the superintendent is satisfied that the applicant is 17090  
honest, ~~and truthful, and of good reputation,~~ has not been 17091  
convicted of a ~~felony or a crime involving moral turpitude~~ 17092  
disqualifying offense as determined in accordance with section 17093  
9.79 of the Revised Code, and has not been finally adjudged by a 17094  
court to have violated any municipal, state, or federal civil 17095  
rights laws relevant to the protection of purchasers or sellers 17096  
of real estate, and that the association of the real estate 17097  
broker and the applicant will be in the public interest, the 17098  
superintendent shall grant the application and issue a real 17099  
estate salesperson's license to the applicant. Any license so 17100  
deposited with the superintendent shall be subject to this 17101  
chapter. A broker who intends to deposit the broker's license 17102  
with the superintendent, as provided in this section, shall give 17103  
written notice of this fact in a format prescribed by the 17104  
superintendent to all salespersons associated with the broker 17105  
when applying to place the broker's license on deposit. 17106

(F) If a real estate broker desires to become a member or 17107  
officer of a partnership, association, limited liability 17108  
company, limited liability partnership, or corporation that is 17109  
or intends to become a licensed real estate broker, the broker 17110  
shall notify the superintendent of the broker's intentions. The 17111  
notice of intention shall be on a form prescribed by the 17112  
superintendent and shall be accompanied by a fee of twenty-five 17113  
dollars. One dollar of the fee shall be credited to the real 17114  
estate education and research fund. 17115

A licensed real estate broker who is a member or officer 17116

of a partnership, association, limited liability company, 17117  
limited liability partnership, or corporation shall only act as 17118  
a real estate broker for such partnership, association, limited 17119  
liability company, limited liability partnership, or 17120  
corporation. 17121

(G) (1) If a real estate broker or salesperson enters the 17122  
armed forces, the broker or salesperson may place the broker's 17123  
or salesperson's license on deposit with the Ohio real estate 17124  
commission. The licensee shall not be required to renew the 17125  
license until the renewal date that follows the date of 17126  
discharge from the armed forces. Any license deposited with the 17127  
commission shall be subject to this chapter. 17128

Any licensee whose license is on deposit under this 17129  
division and who fails to meet the continuing education 17130  
requirements of section 4735.141 of the Revised Code because the 17131  
licensee is in the armed forces shall satisfy the commission 17132  
that the licensee has complied with the continuing education 17133  
requirements within twelve months of the licensee's first 17134  
birthday after discharge or within the amount of time equal to 17135  
the total number of months the licensee spent on active duty, 17136  
whichever is greater. The licensee shall submit proper 17137  
documentation of active duty service and the length of that 17138  
active duty service to the superintendent. The extension shall 17139  
not exceed the total number of months that the licensee served 17140  
in active duty. The superintendent shall notify the licensee of 17141  
the licensee's obligations under section 4735.141 of the Revised 17142  
Code at the time the licensee applies for reactivation of the 17143  
licensee's license. 17144

(2) If a licensee is a spouse of a member of the armed 17145  
forces and the spouse's service resulted in the licensee's 17146

absence from this state, both of the following apply: 17147

(a) The licensee shall not be required to renew the 17148  
license until the renewal date that follows the date of the 17149  
spouse's discharge from the armed forces. 17150

(b) If the licensee fails to meet the continuing education 17151  
requirements of section 4735.141 of the Revised Code, the 17152  
licensee shall satisfy the commission that the licensee has 17153  
complied with the continuing education requirements within 17154  
twelve months after the licensee's first birthday after the 17155  
spouse's discharge or within the amount of time equal to the 17156  
total number of months the licensee's spouse spent on active 17157  
duty, whichever is greater. The licensee shall submit proper 17158  
documentation of the spouse's active duty service and the length 17159  
of that active duty service. This extension shall not exceed the 17160  
total number of months that the licensee's spouse served in 17161  
active duty. 17162

(3) In the case of a licensee as described in division (G) 17163  
(2) of this section, who holds the license through a reciprocity 17164  
agreement with another state, the spouse's service shall have 17165  
resulted in the licensee's absence from the licensee's state of 17166  
residence for the provisions of that division to apply. 17167

(4) As used in this division, "armed forces" means the 17168  
armed forces of the United States or reserve component of the 17169  
armed forces of the United States including the Ohio national 17170  
guard or the national guard of any other state. 17171

(H) If a licensed real estate salesperson submits an 17172  
application to the superintendent to leave the association of 17173  
one broker to associate with a different broker, the broker 17174  
possessing the licensee's license need not return the 17175

salesperson's license to the superintendent. The superintendent 17176  
may process the application regardless of whether the licensee's 17177  
license is returned to the superintendent. 17178

**Sec. 4735.27.** (A) An application to act as a foreign real 17179  
estate dealer shall be in writing and filed with the 17180  
superintendent of real estate. It shall be in the form the 17181  
superintendent prescribes and shall contain the following 17182  
information: 17183

(1) The name and address of the applicant; 17184

(2) A description of the applicant, including, if the 17185  
applicant is a partnership, unincorporated association, or any 17186  
similar form of business organization, the names and the 17187  
residence and business addresses of all partners, officers, 17188  
directors, trustees, or managers of the organization, and the 17189  
limitation of the liability of any partner or member; and if the 17190  
applicant is a corporation, a list of its officers and 17191  
directors, and the residence and business addresses of each, 17192  
and, if it is a foreign corporation, a copy of its articles of 17193  
incorporation in addition; 17194

(3) The location and addresses of the principal office and 17195  
all other offices of the applicant; 17196

(4) A general description of the business of the applicant 17197  
prior to the application, including a list of states in which 17198  
the applicant is a licensed foreign real estate dealer; 17199

(5) The names and addresses of all ~~salesmen~~ salespersons 17200  
of the applicant at the date of the application; 17201

(6) The nature of the business of the applicant, and its 17202  
places of business, for the ten-year period preceding the date 17203  
of application. 17204

(B) Every nonresident applicant shall name a person within this state upon whom process against the applicant may be served and shall give the complete residence and business address of the person designated. Every applicant shall file an irrevocable written consent, executed and acknowledged by an individual duly authorized to give such consent, that actions growing out of a fraud committed by the applicant in connection with the sale in this state of foreign real estate may be commenced against it, in the proper court of any county in this state in which a cause of action for such fraud may arise or in which the plaintiff in such action may reside, by serving on the secretary of state any proper process or pleading authorized by the laws of this state, in the event that the applicant if a resident of this state, or the person designated by the nonresident applicant, cannot be found at the address given. The consent shall stipulate that the service of process on the secretary of state shall be taken in all courts to be as valid and binding as if service had been made upon the foreign real estate dealer. If the applicant is a corporation or an unincorporated association, the consent shall be accompanied by a certified copy of the resolution of the board of directors, trustees, or managers of the corporation or association, authorizing such individual to execute the consent.

(C) The superintendent may investigate any applicant for a dealer's license, and may require any additional information—~~he~~ the superintendent considers necessary to determine the ~~business—~~ ~~repute and~~ qualifications of the applicant to act as a foreign real estate dealer. If the application for a dealer's license involves investigation outside this state, the superintendent may require the applicant to advance sufficient funds to pay any of the actual expenses of the investigation, and an itemized statement of such expense shall be furnished to the applicant.

(D) Every applicant shall take a written examination, 17236  
prescribed and conducted by the superintendent, which covers ~~his~~ 17237  
the applicant's knowledge of the principles of real estate 17238  
practice, real estate law, financing and appraisal, real estate 17239  
transactions and instruments relating to them, canons of 17240  
business ethics relating to real estate transactions, and the 17241  
duties of foreign real estate dealers and ~~salesmen~~ salespersons. 17242  
The fee for the examination, when administered by the 17243  
superintendent, is seventy-five dollars. If the applicant does 17244  
not appear for the examination, the fee shall be forfeited and a 17245  
new application and fee shall be filed, unless good cause for 17246  
the failure to appear is shown to the superintendent. The 17247  
requirement of an examination may be waived in whole or in part 17248  
by the superintendent if an applicant is licensed as a real 17249  
estate broker by any state. 17250

Any applicant who fails the examination twice shall wait 17251  
six months before applying to retake the examination. 17252

(E) No person shall take the foreign real estate dealer's 17253  
examination who has not established to the satisfaction of the 17254  
superintendent that ~~he~~ the person: 17255

(1) Has not been convicted of a ~~felony or a crime of moral~~ 17256  
~~turpitude or, if he has been so convicted, the superintendent~~ 17257  
~~has disregarded the conviction because the applicant has proven~~ 17258  
~~to the superintendent, by a preponderance of the evidence, that~~ 17259  
~~his activities and employment record since the conviction show~~ 17260  
~~that he is honest, truthful, and of good reputation, and there~~ 17261  
~~is no basis in fact for believing that he again will violate the~~ 17262  
~~laws involved~~ disqualifying offense as determined in accordance 17263  
with section 9.79 of the Revised Code; 17264

(2) Has not been finally adjudged by a court to have 17265



violated any municipal, state, or federal civil rights laws 17266  
relevant to the protection of purchasers or sellers of real 17267  
estate or, if ~~he~~ the applicant has been so adjudged, at least 17268  
two years have passed since the court decision and the 17269  
superintendent has disregarded the adjudication because the 17270  
applicant has proven, by a preponderance of the evidence, that 17271  
~~his~~ the applicant's activities and employment record since the 17272  
adjudication show that ~~he~~ the applicant is honest, ~~and~~ truthful, ~~and of good reputation,~~ 17273  
and there is no basis in fact for 17274  
believing that ~~he~~ the applicant again will violate the laws 17275  
involved; 17276

(3) Has not, during any period for which ~~he~~ the applicant 17277  
was licensed under this chapter or any former section of the 17278  
Revised Code applicable to licensed foreign real estate dealers 17279  
or ~~salesmen~~ salespersons, violated any provision of, or any rule 17280  
adopted pursuant to, this chapter or that section, or, if ~~he~~ the 17281  
applicant has violated any such provision or rule, has 17282  
established to the satisfaction of the superintendent that ~~he~~ 17283  
the applicant will not again violate the provision or rule. 17284

(F) If the superintendent finds that an applicant for a 17285  
license as a foreign real estate dealer, or each named member, 17286  
manager, or officer of a partnership, association, or corporate 17287  
applicant is at least eighteen years of age, ~~is of good business~~ 17288  
~~repute,~~ has passed the examination required under this section 17289  
or has had the requirement of an examination waived, and appears 17290  
otherwise qualified, the superintendent shall issue a license to 17291  
the applicant to engage in business in this state as a foreign 17292  
real estate dealer. Dealers licensed pursuant to this section 17293  
shall employ as ~~salesmen~~ salespersons of foreign real estate 17294  
only persons licensed pursuant to section 4735.28 of the Revised 17295  
Code. If at any time such ~~salesmen~~ salespersons resign or are 17296

discharged or new ~~salesmen~~ salespersons are added, the dealer 17297  
forthwith shall notify the superintendent and shall file with 17298  
the division of real estate the names and addresses of new 17299  
~~salesmen~~ salespersons. 17300

(G) If the applicant merely is renewing ~~his~~ the 17301  
applicant's license for the previous year, the application need 17302  
contain only the information required by divisions (A) (2), (3), 17303  
and (6) of this section. 17304

**Sec. 4735.28.** (A) An application to act as a foreign real 17305  
estate ~~salesman~~ salesperson shall be in writing and filed with 17306  
the superintendent of real estate. It shall be in the form the 17307  
superintendent prescribes and shall contain the following 17308  
information: 17309

(1) The name and complete residence and business addresses 17310  
of the applicant; 17311

(2) The name of the foreign real estate dealer who is 17312  
employing the applicant or who intends to employ ~~him~~ the 17313  
applicant; 17314

(3) The age and education of the applicant, and ~~his~~ the 17315  
applicant's experience in the sale of foreign real estate; 17316  
whether ~~he~~ the applicant has ever been licensed by the 17317  
superintendent, and if so, when; whether ~~he~~ the applicant has 17318  
ever been refused a license by the superintendent; and whether 17319  
~~he~~ the applicant has ever been licensed or refused a license or 17320  
any similar permit by any division or superintendent of real 17321  
estate, by whatsoever name known or designated, anywhere; 17322

(4) The nature of the employment, and the names and 17323  
addresses of the employers, of the applicant for the period of 17324  
ten years immediately preceding the date of the application. 17325

(B) Every applicant shall take a written examination, 17326  
prescribed and conducted by the superintendent, which covers ~~his~~ 17327  
the applicant's knowledge of the principles of real estate 17328  
practice, real estate law, financing and appraisal, real estate 17329  
transactions and instruments relating to them, canons of 17330  
business ethics relating to real estate transactions, and the 17331  
duties of foreign real estate ~~salesmen~~ salespersons. The fee for 17332  
the examination, when administered by the superintendent, is 17333  
fifty dollars. If the applicant does not appear for the 17334  
examination, the fee shall be forfeited and a new application 17335  
and fee shall be filed, unless good cause for the failure to 17336  
appear is shown to the superintendent. The requirement of an 17337  
examination may be waived in whole or in part by the 17338  
superintendent if an applicant is licensed as a real estate 17339  
broker or ~~salesman~~ salesperson by any state. 17340

Any applicant who fails the examination twice shall wait 17341  
six months before applying to retake the examination. 17342

(C) No person shall take the foreign real estate 17343  
~~salesman's~~ salesperson's examination who has not established to 17344  
the satisfaction of the superintendent that ~~he~~ the person: 17345

(1) Has not been convicted of a ~~felony or a crime of moral~~ 17346  
~~turpitude or, if he has been so convicted, the superintendent~~ 17347  
~~has disregarded the conviction because the applicant has proven~~ 17348  
~~to the superintendent, by a preponderance of the evidence, that~~ 17349  
~~his activities and employment record since the conviction show~~ 17350  
~~that he is honest, truthful, and of good reputation, and there~~ 17351  
~~is no basis in fact for believing that he again will violate the~~ 17352  
~~laws involved~~ disqualifying offense as determined in accordance 17353  
with section 9.79 of the Revised Code; 17354

(2) Has not been finally adjudged by a court to have 17355

violated any municipal, state, or federal civil rights laws 17356  
relevant to the protection of purchasers or sellers of real 17357  
estate or, if ~~he~~ the applicant has been so adjudged, at least 17358  
two years have passed since the court decision and the 17359  
superintendent has disregarded the adjudication because the 17360  
applicant has proven, by a preponderance of the evidence, that 17361  
~~his~~ the applicant's activities and employment record since the 17362  
adjudication show that ~~he~~ the applicant is honest, ~~and~~ truthful, ~~and of good reputation,~~ 17363  
and there is no basis in fact for 17364  
believing that ~~he~~ the applicant will again violate the laws; 17365

(3) Has not, during any period for which ~~he~~ the applicant 17366  
was licensed under this chapter or any former section of the 17367  
Revised Code ~~aplicable~~ applicable to licensed foreign real estate 17368  
dealers or ~~salesmen~~ salespersons, violated any provision of, or 17369  
any rule adopted pursuant to, this chapter or that section, or, 17370  
if ~~he~~ the applicant has violated any such provision or rule, has 17371  
established to the satisfaction of the superintendent that ~~he~~ 17372  
the applicant will not again violate the provision or rule. 17373

(D) Every ~~salesman~~ salesperson of foreign real estate 17374  
shall be licensed by the superintendent of real estate and shall 17375  
be employed only by the licensed foreign real estate dealer 17376  
specified on ~~his~~ the salesperson's license. 17377

(E) If the superintendent finds that the applicant ~~is of~~ 17378  
~~good business repute,~~ appears to be qualified to act as a 17379  
foreign real estate ~~salesman,~~ salesperson and has fully complied 17380  
with the provisions of this chapter, and that the dealer in the 17381  
application is a licensed foreign real estate dealer, the 17382  
superintendent, upon payment of the fees prescribed by section 17383  
4735.15 of the Revised Code, shall issue a license to the 17384  
applicant authorizing ~~him~~ the applicant to act as ~~salesman~~ a 17385

salesperson for the dealer named in the application. 17386

**Sec. 4736.08.** An application for registration as a 17387  
sanitarian shall be made to the director of health on a form 17388  
prescribed by the director and accompanied by the application 17389  
fee prescribed in section 4736.12 of the Revised Code. The 17390  
director shall register an applicant if the applicant ~~is of good~~ 17391  
~~moral character,~~ passes an examination conducted by the director 17392  
in accordance with section 4736.09 of the Revised Code, and 17393  
meets the education and experience requirements of division (A), 17394  
(B), or (C) of this section: 17395

(A) Graduated from an accredited college or university 17396  
with at least a baccalaureate degree, including at least forty- 17397  
five quarter units or thirty semester units of science courses 17398  
approved by the director; and completed at least two years of 17399  
full-time employment as a sanitarian; 17400

(B) Graduated from an accredited college or university 17401  
with at least a baccalaureate degree, completed a major in 17402  
environmental health science which included an internship 17403  
program approved by the director; and completed at least one 17404  
year of full-time employment as a sanitarian; 17405

(C) Graduated from an accredited college or university 17406  
with a degree higher than a baccalaureate degree, including at 17407  
least forty-five quarter units or thirty semester units of 17408  
science courses approved by the director; and completed at least 17409  
one year of full-time employment as a sanitarian. 17410

**Sec. 4738.04.** Each person applying for a motor vehicle 17411  
salvage dealer license or a salvage motor vehicle auction 17412  
license or a salvage motor vehicle pool license shall make out 17413  
and deliver to the registrar of motor vehicles, upon a blank to 17414

be furnished by the registrar for that purpose, a separate 17415  
application for license for each county in which the business is 17416  
to be conducted. The application for each type of license shall 17417  
be in the form prescribed by the registrar and shall be signed 17418  
and sworn to by the applicant. The application for a license for 17419  
a motor vehicle salvage dealer, a salvage motor vehicle auction, 17420  
or salvage motor vehicle pool, in addition to other information 17421  
as is required by the registrar, shall include the following: 17422

(A) Name of applicant and location of principal place of 17423  
business; 17424

(B) Name or style under which business is to be conducted 17425  
and, if a corporation, the state of incorporation; 17426

(C) Name and address of each owner or partner and, if a 17427  
corporation, the names of the officers and directors; 17428

(D) The county in which the business is to be conducted 17429  
and the address of each place of business therein; 17430

(E) A financial statement of the applicant showing the 17431  
true financial condition as of a date not earlier than six 17432  
months prior to the date of the application; 17433

(F) A statement of the previous history, record, and 17434  
association of the applicant and of each owner, partner, 17435  
officer, and director, which statement shall be sufficient to 17436  
establish to the satisfaction of the registrar the reputation in 17437  
business of the applicant; 17438

(G) A statement showing whether the applicant has 17439  
previously been convicted of ~~a crime of moral turpitude or a~~ 17440  
disqualifying offense as ~~those terms are defined in specified~~ 17441  
under section 4776.10-9.79 of the Revised Code; 17442

(H) A statement showing whether the applicant has 17443  
previously applied for a license under this chapter and the 17444  
result of the application, and whether the applicant has ever 17445  
been the holder of any such license which was revoked or 17446  
suspended; 17447

(I) If the applicant is a corporation or partnership, a 17448  
statement showing whether any of the partners, officers, or 17449  
directors have been refused a license under this chapter, or 17450  
have been the holder of any such license which was revoked or 17451  
suspended. 17452

**Sec. 4738.07.** (A) Except as otherwise provided in division 17453  
(B) of this section, the registrar of motor vehicles shall deny 17454  
the application of any person for a license under this chapter 17455  
and refuse to issue the person a license if the registrar finds 17456  
that the applicant: 17457

(1) Has made false statement of a material fact in the 17458  
individual's application; 17459

(2) Has not complied with sections 4738.01 to 4738.15 of 17460  
the Revised Code; 17461

(3) ~~Is of bad business repute or has~~ Has habitually 17462  
defaulted on financial obligations; 17463

(4) Has been convicted of or pleaded guilty to a ~~crime of~~ 17464  
~~moral turpitude or a disqualifying offense as defined in~~, 17465  
provided the registrar complies with section 4776.10-9.79 of the 17466  
Revised Code; 17467

(5) Has been guilty of a fraudulent act in connection with 17468  
dealing in salvage motor vehicles or when operating as a motor 17469  
vehicle salvage dealer, salvage motor vehicle auction, or 17470  
salvage motor vehicle pool; 17471

- (6) Is insolvent; 17472
- (7) Is of insufficient responsibility to assure the prompt 17473  
payment of any final judgments which might reasonably be entered 17474  
against the individual because of the transaction of the 17475  
individual's business during the period of the license applied 17476  
for; 17477
- (8) Has no established place of business; or 17478
- (9) Has less than twelve months prior to said application, 17479  
been denied a license under this chapter. 17480
- ~~(B) (1) Except as otherwise provided in this division, the 17481  
registrar of motor vehicles may grant, but is not required to 17482  
grant, the application of any person for a license under this 17483  
chapter if the registrar finds that the applicant has been 17484  
convicted of or pleaded guilty to either of the following: 17485~~
- ~~(a) A misdemeanor that is not a crime of moral turpitude 17486  
or a disqualifying offense less than a year prior to the 17487  
person's initial application; 17488~~
- ~~(b) A felony that is not a crime of moral turpitude or a 17489  
disqualifying offense less than three years prior to the 17490  
person's application. 17491~~
- ~~(2) The provisions in division (B) (1) of this section do 17492  
not apply with respect to any offense unless the registrar, 17493  
prior to the effective date of this amendment, was required or 17494  
authorized to deny the registration based on that offense. 17495~~
- ~~(3) In considering a renewal of an individual's license, 17496  
the registrar shall not consider any conviction or plea of 17497  
guilty prior to the initial licensing. However, the registrar 17498  
may consider a conviction or plea of guilty if it occurred after 17499~~



the individual was initially licensed, or after the most recent  
license renewal. 17500  
17501

(C) The registrar may grant a person a conditional license 17502  
that lasts for one year. After the one-year period has expired, 17503  
the license is no longer considered conditional, and the person 17504  
shall be considered fully licensed. 17505

(D) If the applicant is a corporation or partnership, the 17506  
registrar may refuse to issue a license if any officer, 17507  
director, or partner of the applicant has been guilty of any ~~act~~ 17508  
~~or omission which would be cause for refusing or revoking a~~ 17509  
~~license issued to the officer, director, or partner as an~~ 17510  
~~individual~~ disqualifying offense and the refusal is in 17511  
accordance with section 9.79 of the Revised Code. The 17512  
registrar's finding may be based upon facts contained in the 17513  
application or upon any other information which ~~he~~ the registrar 17514  
may have. Immediately upon denying an application for any of the 17515  
reasons in this section, the registrar shall enter a final order 17516  
together with the registrar's findings and certify the same to 17517  
the motor vehicle salvage dealer's licensing board. 17518

(E) If the registrar refuses an application for a license, 17519  
the reasons for such refusal shall be put in writing. An 17520  
applicant who has been refused a license may appeal from the 17521  
action of the registrar to the motor vehicle salvage dealer's 17522  
licensing board in the manner prescribed in section 4738.12 of 17523  
the Revised Code. 17524

(F) The registrar of motor vehicles shall not adopt, 17525  
maintain, renew, or enforce any rule, or otherwise preclude in 17526  
any way, an individual from ~~receiving or~~ renewing a license 17527  
under this chapter due to any past criminal activity or 17528  
interpretation of moral character, except as pursuant to 17529

division ~~(A) (4), (5), and~~ (B) of this section. If the registrar 17530  
denies an individual a license or license renewal, the reasons 17531  
for such denial shall be put in writing. 17532

**Sec. 4740.05.** Each specialty section of the Ohio 17533  
construction industry licensing board, other than the 17534  
administrative section, shall do all of the following: 17535

(A) Adopt rules in accordance with Chapter 119. of the 17536  
Revised Code that are limited to the following: 17537

(1) Criteria for the section to use in evaluating the 17538  
qualifications of an individual; 17539

(2) Criteria for the section to use in deciding whether to 17540  
issue, renew, suspend, revoke, or refuse to issue or renew a 17541  
license; 17542

(3) The determinations and approvals the section makes 17543  
under the reciprocity provision of section 4740.08 of the 17544  
Revised Code; 17545

(4) Criteria for continuing education courses conducted 17546  
pursuant to this chapter; 17547

(5) A requirement that any training agency seeking 17548  
approval to provide continuing education courses submit the 17549  
required information to the appropriate specialty section of the 17550  
board at least thirty days, but not more than one year, prior to 17551  
the date on which the course is proposed to be offered; 17552

(6) A prohibition against any training agency providing a 17553  
continuing education course unless the administrative section of 17554  
the board approved that training agency not more than one year 17555  
prior to the date the course is offered; 17556

(7) A list of disqualifying offenses pursuant to sections 17557

<u>9.79</u> , 4740.06, 4740.10, and 4776.10 of the Revised Code.	17558
(B) Investigate allegations in reference to violations of this chapter and the rules adopted pursuant to it that pertain to the specialty section and determine by rule a procedure to conduct investigations and hearings on these allegations;	17559 17560 17561 17562
(C) Maintain a record of its proceedings;	17563
(D) Grant approval to a training agency to offer continuing education courses pursuant to rules the board adopts;	17564 17565
(E) As required, do all things necessary to carry out this chapter;	17566 17567
(F) Establish or approve a continuing education curriculum for license renewal for each class of contractors for which the section has primary responsibility. No curriculum may require more than five hours per year in specific course requirements. No contractor may be required to take more than ten hours per year in continuing education courses. The ten hours shall be the aggregate of hours of continuing education for all licenses the contractor holds.	17568 17569 17570 17571 17572 17573 17574 17575
(G) Design the examination for the type of contractor the specialty section licenses to determine an applicant's competence to perform that type of contracting.	17576 17577 17578
<b>Sec. 4740.06.</b> (A) Any individual who applies for a license shall file a written application with the appropriate specialty section of the Ohio construction industry licensing board, accompanied with the application fee as determined pursuant to section 4740.09 of the Revised Code. The application shall be on the form the section prescribes and verified by the applicant's oath. The applicant shall provide information satisfactory to the section showing that the applicant meets the requirements of	17579 17580 17581 17582 17583 17584 17585 17586

division (B) of this section. 17587

(B) To qualify to take an examination, an individual 17588  
shall: 17589

(1) Be at least eighteen years of age; 17590

(2) Be a United States citizen or legal alien who produces 17591  
valid documentation to demonstrate the individual is a legal 17592  
resident of the United States; 17593

(3) Either have been a tradesperson in the type of 17594  
licensed trade for which the application is filed for not less 17595  
than five years immediately prior to the date the application is 17596  
filed, be a currently registered engineer in this state with 17597  
three years of business experience in the construction industry 17598  
in the trade for which the engineer is applying to take an 17599  
examination, or have other experience acceptable to the 17600  
appropriate specialty section of the board; 17601

(4) Maintain contractor's liability insurance in an amount 17602  
the appropriate specialty section of the board determines and 17603  
only in one contracting company name; 17604

(5) Not have done any of the following: 17605

(a) ~~Been convicted of or pleaded guilty to a crime of-~~ 17606  
~~moral turpitude or a disqualifying offense as those terms are-~~ 17607  
~~defined in section 4776.10 of the Revised Code;~~ 17608

~~(b)~~ Violated this chapter or any rule adopted pursuant to 17609  
it; 17610

~~(c)~~ (b) Obtained or renewed a license issued pursuant to 17611  
this chapter, or any order, ruling, or authorization of the 17612  
board or a section of the board by fraud, misrepresentation, or 17613  
deception; 17614

~~(d)~~(c) Engaged in fraud, misrepresentation, or deception 17615  
in the conduct of business. 17616

(C) When an applicant for licensure as a contractor in a 17617  
licensed trade meets the qualifications set forth in division 17618  
(B) of this section and passes the required examination, the 17619  
appropriate specialty section of the board, within ninety days 17620  
after the application was filed, shall authorize the 17621  
administrative section of the board to license the applicant for 17622  
the type of contractor's license for which the applicant 17623  
qualifies. A specialty section of the board may withdraw its 17624  
authorization to the administrative section for issuance of a 17625  
license for good cause shown, on the condition that notice of 17626  
that withdrawal is given prior to the administrative section's 17627  
issuance of the license. 17628

(D) (1) Except as provided in division (D) (2) of this 17629  
section, if an applicant does not pass the required examination, 17630  
the applicant may retake the examination not less than sixty 17631  
days after the applicant's most recent examination. 17632

(2) An applicant who does not pass the required 17633  
examination after taking the examination five times under this 17634  
section shall reapply for a license under division (A) of this 17635  
section before retaking the required examination any subsequent 17636  
time. 17637

(E) All licenses a contractor holds pursuant to this 17638  
chapter shall expire annually on the same date, which shall be 17639  
the expiration date of the original license the contractor 17640  
holds. An individual holding a valid, unexpired license may 17641  
renew the license, without reexamination, by submitting an 17642  
application to the appropriate specialty section of the board 17643  
not more than ninety calendar days before the expiration of the 17644

license, along with the renewal fee the specialty section 17645  
requires and proof of compliance with the applicable continuing 17646  
education requirements. The applicant shall provide information 17647  
in the renewal application satisfactory to demonstrate to the 17648  
appropriate specialty section that the applicant continues to 17649  
meet the requirements of division (B) of this section. 17650

Upon application and within one calendar year after a 17651  
license has expired, a section may waive any of the requirements 17652  
for renewal of a license upon finding that an applicant 17653  
substantially meets the renewal requirements or that failure to 17654  
timely apply for renewal is due to excusable neglect. A section 17655  
that waives requirements for renewal of a license may impose 17656  
conditions upon the licensee and assess a late filing fee of not 17657  
more than double the usual renewal fee. An applicant shall 17658  
satisfy any condition the section imposes before a license is 17659  
reissued. 17660

(F) An individual holding a valid license may request the 17661  
section of the board that authorized that license to place the 17662  
license in inactive status under conditions, and for a period of 17663  
time, as that section determines. 17664

(G) Except for the ninety-day extension provided for a 17665  
license assigned to a contracting company under division (D) of 17666  
section 4740.07 of the Revised Code, a license held by an 17667  
individual immediately terminates upon the death of the 17668  
individual. 17669

(H) Nothing in any license issued by the Ohio construction 17670  
industry licensing board shall be construed to limit or 17671  
eliminate any requirement of or any license issued by the Ohio 17672  
fire marshal. 17673

(I) (1) Subject to ~~divisions~~ division (I) (2), (3), and (4) 17674  
of this section, no specialty section of the board shall adopt, 17675  
maintain, renew, or enforce any rule, or otherwise preclude in 17676  
any way, an individual from ~~receiving or~~ renewing a license 17677  
under this chapter due to any past criminal activity or 17678  
interpretation of moral character, ~~except as pursuant to~~ 17679  
~~division (B) (5) (a) of this section.~~ If the specialty section 17680  
denies an individual a ~~license or~~ license renewal, the reasons 17681  
for such denial shall be put in writing. 17682

(2) ~~Except as otherwise provided in this division, if an~~ 17683  
~~individual applying for a license has been convicted of or~~ 17684  
~~pleaded guilty to a misdemeanor that is not a crime of moral~~ 17685  
~~turpitude or a disqualifying offense less than one year prior to~~ 17686  
~~making the application, the~~ The section may use its discretion 17687  
~~in granting or denying the individual~~ refuse to issue a license. 17688  
~~Except as otherwise provided in this division, if an individual~~ 17689  
~~applying for a license has been convicted of or pleaded guilty~~ 17690  
~~to a felony that is not a crime of moral turpitude or a~~ 17691  
~~disqualifying offense less than three years prior to making the~~ 17692  
~~application, the section may use its discretion in granting or~~ 17693  
~~denying the individual a license. The provisions in this~~ 17694  
~~paragraph do not apply with respect to any offense unless the~~ 17695  
~~section, prior to September 28, 2012, was required or authorized~~ 17696  
~~to deny the application based on that offense.~~ 17697

~~In all other circumstances, the section shall follow the~~ 17698  
~~procedures it adopts by rule that conform to division (I) (1) of~~ 17699  
~~this section~~ to an applicant because of a conviction of or plea 17700  
of guilty to an offense if the refusal is in accordance with 17701  
section 9.79 of the Revised Code. 17702

(3) In considering a renewal of an individual's license, 17703

the section shall not consider any conviction or plea of guilty 17704  
prior to the initial licensing. However, the board may consider 17705  
a conviction or plea of guilty if it occurred after the 17706  
individual was initially licensed, or after the most recent 17707  
license renewal. 17708

(4) The section may grant an individual a conditional 17709  
license that lasts for one year. After the one-year period has 17710  
expired, the license is no longer considered conditional, and 17711  
the individual shall be considered fully licensed. 17712

~~(H)~~(J) Notwithstanding divisions ~~(D)~~(E) and ~~(H)~~(I) of this 17713  
section and sections 4740.04 and 4740.05 of the Revised Code, 17714  
the board may establish rules that amend the continuing 17715  
education requirements and license renewal schedule for 17716  
licensees as provided in or adopted pursuant to those sections 17717  
for the purpose of establishing a compliance incentive program. 17718  
These rules may include provisions for the creation of the 17719  
program and the qualifications, continuing education 17720  
requirements, and renewal schedule for the program. 17721

**Sec. 4740.061.** (A) As used in this section, "license" and 17722  
"applicant for an initial license" have the same meanings as in 17723  
section 4776.01 of the Revised Code, except that "license" as 17724  
used in both of those terms refers to the types of 17725  
authorizations otherwise issued or conferred under this chapter. 17726

(B) In addition to any other eligibility requirement set 17727  
forth in this chapter, each applicant for an initial license 17728  
shall comply with sections 4776.01 to 4776.04 of the Revised 17729  
Code. The Ohio construction industry licensing board shall not 17730  
grant a license to an applicant for an initial license unless 17731  
the applicant complies with sections 4776.01 to 4776.04 of the 17732  
Revised Code ~~and the board, in its discretion, decides that the~~ 17733



~~results of the criminal records check do not make the applicant-~~ 17734  
~~ineligible for a license issued pursuant to section 4740.04 or-~~ 17735  
~~4740.08 of the Revised Code.~~ 17736

**Sec. 4740.10.** (A) A specialty section of the Ohio 17737  
construction industry licensing board may impose any of the 17738  
following, or any combination of the following, disciplinary 17739  
actions against an applicant or license holder for committing an 17740  
act listed in division (B) of this section: 17741

(1) Suspend, revoke, or refuse to issue any license; 17742

(2) Require additional continuing education hours; 17743

(3) Issue a fine. 17744

(B) (1) An applicant or licensee shall be subject to 17745  
disciplinary action as prescribed under division (A) of this 17746  
section for any of the following: 17747

(a) Having been convicted of or pleading guilty to a crime 17748  
of moral turpitude or disqualifying offense as those terms are 17749  
defined in section 4776.10 of the Revised Code; 17750

(b) Violating any provision of this chapter; 17751

(c) Violating any rule adopted pursuant to this chapter; 17752

(d) Obtaining or attempting to obtain a license or a 17753  
renewal of such license pursuant to this chapter by means of 17754  
fraud, deception, or misrepresentation; 17755

(e) Obtaining an order, ruling, or authorization from any 17756  
section of the board by means of fraud or misrepresentation; 17757

(f) Engaging in fraud, misrepresentation, or deception in 17758  
the conduct of business; 17759

(g) Transferring the person's license to another person 17760

without the approval of the appropriate specialty section; 17761

(h) (i) Allowing the person's license to be used by an 17762  
unlicensed person or entity; 17763

(ii) Division (B) (1) (h) (i) of this section does not apply 17764  
to a contracting company that has been assigned a license under 17765  
section 4740.07 of the Revised Code. 17766

(i) Failing to comply with a disciplinary action imposed 17767  
by the appropriate specialty section; 17768

(j) Failing to maintain insurance throughout the license 17769  
year, unless the license has properly been placed in inactive 17770  
status under section 4740.06 of the Revised Code. 17771

(2) The appropriate specialty section of the board may 17772  
take disciplinary action against an applicant or license holder 17773  
as prescribed under division (A) of this section upon receiving 17774  
notice that a municipal corporation or any other governmental 17775  
agency has suspended or revoked the local contracting license or 17776  
registration of an individual or contracting company that also 17777  
holds a license pursuant to this chapter. 17778

(C) Notwithstanding any provision to the contrary in 17779  
divisions (A) and (B) of this section, a specialty section shall 17780  
not refuse to issue a license to an applicant because of a 17781  
conviction of or plea of guilty to an offense unless the refusal 17782  
is in accordance with section 9.79 of the Revised Code. 17783

(D) The appropriate specialty sections shall direct the 17784  
administrative section to refuse to issue any license to an 17785  
applicant upon a finding by the appropriate specialty section 17786  
that the applicant has done either of the following: 17787

(1) Had another person take the required examination for 17788

the applicant; 17789

(2) Failed to pass the required examination. 17790

~~(D)~~(E) If an individual fails to request a hearing within 17791  
thirty days after the date a specialty section, in accordance 17792  
with section 119.07 of the Revised Code, notifies the individual 17793  
of the board's intent to impose a disciplinary action against 17794  
the individual under division (A) of this section, the specialty 17795  
section, by a majority vote of a quorum of the section members, 17796  
may impose the action against the individual without holding an 17797  
adjudication hearing. 17798

**Sec. 4741.10.** (A) As used in this section, "license" and 17799  
"applicant for an initial license" have the same meanings as in 17800  
section 4776.01 of the Revised Code, except that "license" as 17801  
used in both of those terms refers to the types of 17802  
authorizations otherwise issued or conferred under this chapter. 17803

(B) In addition to any other eligibility requirement set 17804  
forth in this chapter, each applicant for an initial license 17805  
shall comply with sections 4776.01 to 4776.04 of the Revised 17806  
Code. The state veterinary medical licensing board shall not 17807  
grant a license to an applicant for an initial license unless 17808  
the applicant complies with sections 4776.01 to 4776.04 of the 17809  
Revised Code ~~and the board, in its discretion, decides that the~~ 17810  
~~results of the criminal records check do not make the applicant~~ 17811  
~~ineligible for a license issued pursuant to section 4741.11,~~ 17812  
~~4741.12, 4741.13, or 4741.14 of the Revised Code.~~ 17813

**Sec. 4741.12.** The state veterinary medical licensing board 17814  
may issue a license to practice veterinary medicine without the 17815  
examination required pursuant to section 4741.11 of the Revised 17816  
Code to an applicant from another state, territory, country, or 17817

the District of Columbia who furnishes satisfactory proof to the board that the applicant meets all of the following criteria:

(A) The applicant is a graduate of a veterinary college accredited by the American veterinary medical association or holds a certificate issued, on or after May 1, 1987, by the education commission for foreign veterinary graduates of the American veterinary medical association or issued by any other nationally recognized certification program the board approves by rule.

(B) The applicant holds a license, which is not under suspension, revocation, or other disciplinary action, issued by an agency similar to this board of another state, territory, country, or the District of Columbia, having requirements equivalent to those of this state, provided the laws of such state, territory, country, or district accord equal rights to the holder of a license to practice in this state who removes to such state, territory, country, or district.

~~(C) The applicant is of good moral character, as determined by the board.~~

~~(D)~~ The applicant is not under investigation for an act which would constitute a violation of this chapter that would require the revocation of or refusal to renew a license.

~~(E)~~ (D) The applicant has a thorough knowledge of the laws and rules governing the practice of veterinary medicine in this state, as determined by the board.

**Sec. 4741.22.** (A) The state veterinary medical licensing board may, except as provided in division (B) of this section, refuse to issue or renew a license, limited license, registration, or temporary permit to or of any applicant who,

and may issue a reprimand to, suspend or revoke the license, 17847  
limited license, registration, or the temporary permit of, or 17848  
impose a civil penalty pursuant to this section upon any person 17849  
holding a license, limited license, or temporary permit to 17850  
practice veterinary medicine or any person registered as a 17851  
registered veterinary technician who: 17852

(1) In the conduct of the person's practice does not 17853  
conform to the rules of the board or the standards of the 17854  
profession governing proper, humane, sanitary, and hygienic 17855  
methods to be used in the care and treatment of animals; 17856

(2) Uses fraud, misrepresentation, or deception in any 17857  
application or examination for licensure, or any other 17858  
documentation created in the course of practicing veterinary 17859  
medicine; 17860

(3) Is found to be physically or psychologically addicted 17861  
to alcohol or an illegal or controlled substance, as defined in 17862  
section 3719.01 of the Revised Code, to such a degree as to 17863  
render the person unfit to practice veterinary medicine; 17864

(4) Directly or indirectly employs or lends the person's 17865  
services to a solicitor for the purpose of obtaining patients; 17866

(5) Obtains a fee on the assurance that an incurable 17867  
disease can be cured; 17868

(6) Advertises in a manner that violates section 4741.21 17869  
of the Revised Code; 17870

(7) Divides fees or charges or has any arrangement to 17871  
share fees or charges with any other person, except on the basis 17872  
of services performed; 17873

(8) Sells any biologic containing living, dead, or 17874

sensitized organisms or products of those organisms, except in a manner that the board by rule has prescribed; 17875  
17876

(9) Is convicted of or pleads guilty to any felony or crime involving illegal or prescription drugs, or fails to report to the board within sixty days of the individual's conviction of, plea of guilty to, or treatment in lieu of conviction involving a felony, misdemeanor of the first degree, or offense involving illegal or prescription drugs; 17877  
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(10) Is convicted of any violation of section 959.13 of the Revised Code; 17883  
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(11) Swears falsely in any affidavit required to be made by the person in the course of the practice of veterinary medicine; 17885  
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(12) Fails to report promptly to the proper official any known reportable disease; 17888  
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(13) Fails to report promptly vaccinations or the results of tests when required to do so by law or rule; 17890  
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(14) Has been adjudicated incompetent for the purpose of holding the license or permit by a court, as provided in Chapter 2111. of the Revised Code, and has not been restored to legal capacity for that purpose; 17892  
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(15) Permits a person who is not a licensed veterinarian, a veterinary student, or a registered veterinary technician to engage in work or perform duties in violation of this chapter; 17896  
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(16) Is guilty of gross incompetence or gross negligence; 17899

(17) Has had a license to practice veterinary medicine or a license, registration, or certificate to engage in activities as a registered veterinary technician revoked, suspended, or 17900  
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acted against by disciplinary action by an agency similar to 17903  
this board of another state, territory, or country or the 17904  
District of Columbia; 17905

(18) Is or has practiced with a revoked, suspended, 17906  
inactive, expired, or terminated license or registration; 17907

(19) Represents self as a specialist unless certified as a 17908  
specialist by the board; 17909

(20) In the person's capacity as a veterinarian or 17910  
registered veterinary technician makes or files a report, health 17911  
certificate, vaccination certificate, or other document that the 17912  
person knows is false or negligently or intentionally fails to 17913  
file a report or record required by any applicable state or 17914  
federal law; 17915

(21) Fails to use reasonable care in the administration of 17916  
drugs or acceptable scientific methods in the selection of those 17917  
drugs or other modalities for treatment of a disease or in 17918  
conduct of surgery; 17919

(22) Makes available a dangerous drug, as defined in 17920  
section 4729.01 of the Revised Code, to any person other than 17921  
for the specific treatment of an animal patient; 17922

(23) Refuses to permit a board investigator or the board's 17923  
designee to inspect the person's business premises during 17924  
regular business hours, except as provided in division (A) of 17925  
section 4741.26 of the Revised Code; 17926

(24) Violates any order of the board or fails to comply 17927  
with a subpoena of the board; 17928

(25) Fails to maintain medical records as required by rule 17929  
of the board; 17930

(26) Engages in cruelty to animals; 17931

(27) Uses, prescribes, or sells any veterinary 17932  
prescription drug or biologic, or prescribes any extra-label use 17933  
of any over-the-counter drug or dangerous drug in the absence of 17934  
a valid veterinary-client-patient relationship. 17935

(B) The board shall not refuse to issue a license, limited 17936  
license, registration, or temporary permit to an applicant 17937  
because of a conviction of or plea of guilty to an offense 17938  
unless the refusal is in accordance with section 9.79 of the 17939  
Revised Code. 17940

(C) Except as provided in division (D) of this section, 17941  
before the board may revoke, deny, refuse to renew, or suspend a 17942  
license, registration, or temporary permit or otherwise 17943  
discipline the holder of a license, registration, or temporary 17944  
permit, the executive director shall file written charges with 17945  
the board. The board shall conduct a hearing on the charges as 17946  
provided in Chapter 119. of the Revised Code. 17947

~~(C)~~(D) If the board, after a hearing conducted pursuant to 17948  
Chapter 119. of the Revised Code, revokes, refuses to renew, or 17949  
suspends a license, registration, or temporary permit for a 17950  
violation of this section, section 4741.23, division (C) or (D) 17951  
of section 4741.19, or division (B), (C), or (D) of section 17952  
4741.21 of the Revised Code, the board may impose a civil 17953  
penalty upon the holder of the license, permit, or registration 17954  
of not less than one hundred dollars or more than one thousand 17955  
dollars. In addition to the civil penalty and any other 17956  
penalties imposed pursuant to this chapter, the board may assess 17957  
any holder of a license, permit, or registration the costs of 17958  
the hearing conducted under this section if the board determines 17959  
that the holder has violated any provision for which the board 17960



may impose a civil penalty under this section. 17961

~~(D)~~(E) The executive director may recommend that the board 17962  
suspend an individual's certificate of license without a prior 17963  
hearing if the executive director determines both of the 17964  
following: 17965

(1) There is clear and convincing evidence that division 17966  
(A) (3), (9), (14), (22), or (26) of this section applies to the 17967  
individual. 17968

(2) The individual's continued practice presents a danger 17969  
of immediate and serious harm to the public. 17970

The executive director shall prepare written allegations 17971  
for consideration by the board. The board, upon review of those 17972  
allegations and by an affirmative vote of not fewer than four of 17973  
its members, may suspend the certificate without a prior 17974  
hearing. A telephone conference call may be utilized for 17975  
reviewing the allegations and taking the vote on the suspension. 17976

The board shall issue a written order of suspension by 17977  
certified mail or in person in accordance with section 119.07 of 17978  
the Revised Code. If the individual subject to the suspension 17979  
requests an adjudicatory hearing by the board, the date set for 17980  
the hearing shall be not later than fifteen days, but not 17981  
earlier than seven days after the individual requests the 17982  
hearing unless otherwise agreed to by both the board and the 17983  
individual. 17984

A suspension imposed under this division shall remain in 17985  
effect, unless reversed on appeal, until a final adjudicative 17986  
order issued by the board under this section and Chapter 119. of 17987  
the Revised Code becomes effective. The board shall issue its 17988  
final adjudicative order not later than ninety days after 17989

completion of its hearing. Failure to issue the order within 17990  
ninety days results in dissolution of the suspension order, but 17991  
does not invalidate any subsequent, final adjudicative order. 17992

~~(E)~~ (F) A license or registration issued to an individual 17993  
under this chapter is automatically suspended upon that 17994  
individual's conviction of or plea of guilty to or upon a 17995  
judicial finding with regard to any of the following: aggravated 17996  
murder, murder, voluntary manslaughter, felonious assault, 17997  
kidnapping, rape, sexual battery, gross sexual imposition, 17998  
aggravated arson, aggravated robbery, or aggravated burglary. 17999  
The suspension shall remain in effect from the date of the 18000  
conviction, plea, or finding until an adjudication is held under 18001  
Chapter 119. of the Revised Code. If the board has knowledge 18002  
that an automatic suspension has occurred, it shall notify the 18003  
individual subject to the suspension. If the individual is 18004  
notified and either fails to request an adjudication within the 18005  
time periods established by Chapter 119. of the Revised Code or 18006  
fails to participate in the adjudication, the board shall enter 18007  
a final order permanently revoking the individual's license or 18008  
registration. 18009

**Sec. 4747.04.** (A) The state speech and hearing 18010  
professionals board shall: 18011

(1) Establish the nature and scope of qualifying 18012  
examinations in accordance with section 4747.08 of the Revised 18013  
Code; 18014

(2) Determine whether persons holding similar valid 18015  
licenses from other states or jurisdictions shall be required to 18016  
take and successfully pass the appropriate qualifying 18017  
examination as a condition for licensing in this state; 18018

- (3) Review complaints and conduct investigations in accordance with section 4747.13 of the Revised Code and hold any hearings that are necessary to carry out this chapter;
- (4) Determine and specify the length of time each license that is suspended or revoked shall remain suspended or revoked;
- (5) Deposit all payments collected under this chapter into the state treasury to the credit of the occupational licensing and regulatory fund created in section 4743.05 of the Revised Code;
- (6) Establish a list of disqualifying offenses for licensure as a hearing aid dealer or fitter, or for a hearing aid dealer or fitter trainee permit, pursuant to sections 9.79, 4747.05, 4747.10, 4747.12, and 4776.10 of the Revised Code.
- (B) The board shall adopt reasonable rules, in accordance with Chapter 119. of the Revised Code, necessary for the administration of this chapter. The board shall include all of the following in those rules:
- (1) The amount of any fees required under this chapter;
- (2) The information to be included in a hearing aid receipt provided by a licensed hearing aid dealer or fitter to a person under section 4747.09 of the Revised Code;
- (3) The amount of time a licensed hearing aid dealer or fitter or trainee permit holder has to provide the notice of a change in address or addresses required under section 4747.11 of the Revised Code and any other requirements relating to the notice;
- (4) Any additional conduct for which the board may discipline a licensee or permit holder under section 4747.12 of

the Revised Code. 18047

(C) Nothing in this section shall be interpreted as 18048  
granting to the board the right to restrict advertising which is 18049  
not false or misleading, or to prohibit or in any way restrict a 18050  
hearing aid dealer or fitter from renting or leasing space from 18051  
any person, firm or corporation in a mercantile establishment 18052  
for the purpose of using such space for the lawful sale of 18053  
hearing aids or to prohibit a mercantile establishment from 18054  
selling hearing aids if the sale would be otherwise lawful under 18055  
this chapter. 18056

**Sec. 4747.05.** (A) The state speech and hearing 18057  
professionals board shall issue to each applicant, within sixty 18058  
days of receipt of a properly completed application and payment 18059  
of an application fee set by the board in rules adopted under 18060  
section 4747.04 of the Revised Code, a hearing aid dealer's or 18061  
fitter's license if the applicant: 18062

(1) In the case of an individual, the individual is at 18063  
least eighteen years of age, ~~has not committed a disqualifying~~ 18064  
~~offense or a crime of moral turpitude, as those terms are~~ 18065  
~~defined in section 4776.10 of the Revised Code,~~ is free of 18066  
contagious or infectious disease, and has successfully passed a 18067  
qualifying examination specified and administered by the board. 18068

(2) In the case of a firm, partnership, association, or 18069  
corporation, the application, in addition to such information as 18070  
the board requires, is accompanied by an application for a 18071  
license for each person, whether owner or employee, of the firm, 18072  
partnership, association, or corporation, who engages in dealing 18073  
in or fitting of hearing aids, or contains a statement that such 18074  
applications are submitted separately. No firm, partnership, 18075  
association, or corporation licensed pursuant to this chapter 18076

shall permit any unlicensed person to sell or fit hearing aids. 18077

(B) (1) Subject to ~~divisions~~ division (B) (2), (3), and (4) 18078  
of this section, the board shall not adopt or enforce any rule 18079  
that precludes an individual from ~~receiving or~~ renewing a 18080  
license issued under this chapter due to any past criminal 18081  
activity, unless the individual has committed a crime of moral 18082  
turpitude or a disqualifying offense as those terms are defined 18083  
in section 4776.10 of the Revised Code. The board shall comply 18084  
with Chapter 119. of the Revised Code when denying an individual 18085  
a ~~license or~~ license renewal. 18086

(2) ~~Except as otherwise provided in this division, if an~~ 18087  
~~individual applying for a license has been convicted of or~~ 18088  
~~pleaded guilty to a misdemeanor that is not a crime of moral~~ 18089  
~~turpitude or a disqualifying offense less than one year prior to~~ 18090  
~~making the application, the~~ The board may use the board's 18091  
~~discretion in granting or denying the individual~~ refuse to issue 18092  
a license. ~~Except as otherwise provided in this division, if an~~ 18093  
~~individual applying for a license has been convicted of or~~ 18094  
~~pleaded guilty to a felony that is not a crime of moral~~ 18095  
~~turpitude or a disqualifying offense less than three years prior~~ 18096  
~~to making the application, the board may use the board's~~ 18097  
~~discretion in granting or denying the individual a license. The~~ 18098  
~~provisions in this paragraph do not apply with respect to any~~ 18099  
~~offense unless the board, prior to September 28, 2012, was~~ 18100  
~~required or authorized to deny the application based on that~~ 18101  
~~offense.~~ 18102

~~In all other circumstances, the board shall follow the~~ 18103  
~~procedures it adopts by rule that conform to division (B) (1) of~~ 18104  
~~this section to an applicant because of a conviction of or plea~~ 18105  
~~of guilty to an offense if the refusal is in accordance with~~ 18106

section 9.79 of the Revised Code. 18107

(3) In considering a renewal of an individual's license, 18108  
the board shall not consider any conviction or plea of guilty 18109  
prior to the initial licensing. However, the board may consider 18110  
a conviction or plea of guilty if it occurred after the 18111  
individual was initially licensed, or after the most recent 18112  
license renewal. 18113

(4) The board may grant an individual a conditional 18114  
license that lasts for one year. After the one-year period has 18115  
expired, the license is no longer considered conditional, and 18116  
the individual shall be considered fully licensed. 18117

(C) (1) Except as provided in division (C) (2) of this 18118  
section, each license issued is valid from the date of issuance 18119  
until the thirty-first day of December of the even-numbered year 18120  
that follows the date of issuance. 18121

(2) A license issued less than one hundred days before the 18122  
thirty-first day of December of an even-numbered year is valid 18123  
from the date of issuance until the thirty-first day of December 18124  
of the even-numbered year that follows the thirty-first day of 18125  
December immediately after the date of issuance. 18126

**Sec. 4747.051.** (A) As used in this section, "license" and 18127  
"applicant for an initial license" have the same meanings as in 18128  
section 4776.01 of the Revised Code, except that "license" as 18129  
used in both of those terms refers to the types of 18130  
authorizations otherwise issued or conferred under this chapter. 18131

(B) In addition to any other eligibility requirement set 18132  
forth in this chapter, each applicant for an initial license 18133  
shall comply with sections 4776.01 to 4776.04 of the Revised 18134  
Code. The state speech and hearing professionals board shall not 18135

grant a license to an applicant for an initial license unless 18136  
the applicant complies with sections 4776.01 to 4776.04 of the 18137  
Revised Code ~~and the board, in its discretion, decides that the~~ 18138  
~~results of the criminal records check do not make the applicant~~ 18139  
~~ineligible for a license issued pursuant to section 4747.05 or~~ 18140  
~~4747.10 of the Revised Code.~~ 18141

**Sec. 4747.10.** Each person currently engaged in training to 18142  
become a licensed hearing aid dealer or fitter shall apply to 18143  
the state speech and hearing professionals board for a hearing 18144  
aid dealer's and fitter's trainee permit. The board shall issue 18145  
to each applicant within thirty days of receipt of a properly 18146  
completed application and payment of an application fee set by 18147  
the board in rules adopted under section 4747.04 of the Revised 18148  
Code, a trainee permit if such applicant meets all of the 18149  
following criteria: 18150

(A) Is at least eighteen years of age; 18151

(B) Is the holder of a diploma from an accredited high 18152  
school or a certificate of high school equivalence issued by the 18153  
department of education; 18154

~~(C) Has not committed a disqualifying offense or a crime~~ 18155  
~~of moral turpitude, as those terms are defined in section~~ 18156  
~~4776.10 of the Revised Code;~~ 18157

~~(D)~~ Is free of contagious or infectious disease. 18158

~~Subject to the next paragraph, the~~ The board shall not 18159  
deny a trainee permit issued under this section to any 18160  
individual based on the individual's past criminal history 18161  
unless the ~~individual has committed a disqualifying offense or~~ 18162  
~~crime of moral turpitude as those terms are defined in~~ denial is 18163  
in accordance with section 4776.10-9.79 of the Revised Code. 18164

~~Except as otherwise provided in this paragraph, if an individual applying for a trainee permit has been convicted of or pleaded guilty to a misdemeanor that is not a crime of moral turpitude or a disqualifying offense less than one year prior to making the application, the board may use the board's discretion in granting or denying the individual a trainee permit. Except as otherwise provided in this paragraph, if an individual applying for a trainee permit has been convicted of or pleaded guilty to a felony that is not a crime of moral turpitude or a disqualifying offense less than three years prior to making the application, the board may use the board's discretion in granting or denying the individual a trainee permit. The provisions in this paragraph do not apply with respect to any offense unless the board, prior to September 28, 2012, was required or authorized to deny the application based on that offense.~~

~~In all other circumstances not described in the preceding paragraph, the board shall follow the procedures it adopts by rule that conform to this section.~~

In considering a renewal of an individual's trainee permit, the board shall not consider any conviction or plea of guilty prior to the issuance of the initial trainee permit. However, the board may consider a conviction or plea of guilty if it occurred after the individual was initially granted the trainee permit, or after the most recent trainee permit renewal. The board shall comply with Chapter 119. of the Revised Code when denying an individual for a trainee permit or renewal. Additionally, the board may grant an individual a conditional trainee permit that lasts for one year. After the one-year period has expired, the permit is no longer considered conditional, and the individual shall be considered to be



granted a full trainee permit. 18196

Each trainee permit issued by the board expires one year 18197  
from the date it was first issued, and may be renewed once if 18198  
the trainee has not successfully completed the qualifying 18199  
requirements for licensing as a hearing aid dealer or fitter 18200  
before the expiration date of such permit. The board shall issue 18201  
a renewed permit to each applicant upon receipt of a properly 18202  
completed application and payment of a renewal fee set by the 18203  
board in rules adopted under section 4747.04 of the Revised 18204  
Code. No person holding a trainee permit shall engage in the 18205  
practice of dealing in or fitting of hearing aids except while 18206  
under supervision by a licensed hearing aid dealer or fitter. 18207

**Sec. 4747.12.** (A) In accordance with Chapter 119. of the 18208  
Revised Code, the state speech and hearing professionals board 18209  
may revoke, suspend, place on probation, or, except as provided 18210  
in division (B) of this section, refuse to issue or renew a 18211  
license or permit or reprimand a licensee or permit holder if 18212  
the person who holds such license or permit: 18213

(1) Is convicted of a disqualifying offense or a crime of 18214  
moral turpitude as those terms are defined in section 4776.10 of 18215  
the Revised Code; 18216

(2) Procured a license or permit by fraud or deceit 18217  
practiced upon the board; 18218

(3) Obtained any fee or made any sale of a hearing aid by 18219  
fraud or misrepresentation; 18220

(4) Used or caused or promoted the use of any advertising 18221  
matter, promotional literature, testimonial, guarantee, 18222  
warranty, label, brand, insignia, or any other representation, 18223  
however disseminated or published, which is misleading, 18224

deceptive, or untruthful;	18225
(5) Advertised a particular model or type of hearing aid	18226
for sale when purchasers or prospective purchasers responding to	18227
the advertisement cannot purchase the specified model or type of	18228
hearing aid;	18229
(6) Represented or advertised that the service or advice	18230
of a person licensed to practice medicine will be used or made	18231
available in the selection, fitting, adjustment, maintenance, or	18232
repair of hearing aids when such is not true, or using the words	18233
"doctor," "clinic," or similar words, abbreviations, or symbols	18234
which connote the medical profession when such use is not	18235
accurate;	18236
(7) Advertised a manufacturer's product or used a	18237
manufacturer's name or trademark in a manner which suggested the	18238
existence of a relationship with the manufacturer which did not	18239
or does not exist;	18240
(8) Fitted or sold, or attempted to fit or sell, a hearing	18241
aid to a person without first utilizing the appropriate	18242
procedures and instruments required for proper fitting of	18243
hearing aids;	18244
(9) Engaged in the fitting and sale of hearing aids under	18245
a false name or an alias;	18246
(10) Engaged in the practice of dealing in or fitting of	18247
hearing aids while suffering from a contagious or infectious	18248
disease;	18249
(11) Was found by the board to be guilty of gross	18250
incompetence or negligence in the fitting or sale of hearing	18251
aids;	18252

(12) Permitted another person to use the licensee's license;	18253 18254
(13) Violate the code of ethical practice adopted under section 4744.50 of the Revised Code;	18255 18256
(14) Made or filed a false report or record in the sale or dispensing of a hearing aid;	18257 18258
(15) Aided or abetted the unlicensed sale, fitting, or dispensing of a hearing aid;	18259 18260
(16) Committed an act of dishonorable, immoral, or unprofessional conduct while engaging in the sale or practice of dealing in or fitting of hearing aids;	18261 18262 18263
(17) Engaged in illegal, incompetent, or habitually negligent practice;	18264 18265
(18) Provided professional services while mentally incompetent or under the influence of alcohol or while using any narcotic or controlled substance or other drug that is in excess of therapeutic amounts or without valid medical indication;	18266 18267 18268 18269
(19) Violated this chapter or any lawful order given or rule adopted by the board;	18270 18271
(20) Is disciplined by a licensing or disciplinary authority of this or any other state or country or is convicted or disciplined by a court of this or any other state or country for an act that would be grounds for disciplinary action under this section;	18272 18273 18274 18275 18276
(21) Engaged in conduct that the board has identified in a rule adopted under section 4747.04 of the Revised Code as requiring disciplinary action under this section.	18277 18278 18279

(B) The board shall not refuse to issue a license or permit to an applicant because of a criminal conviction unless the refusal is in accordance with section 9.79 of the Revised Code. 18280  
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(C) If the board revokes a person's license under division (A) of this section, the person may apply for reinstatement. The board may require the person to complete an examination or additional continuing education as a condition of reinstatement. 18284  
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**Sec. 4749.03.** (A) (1) Any individual, including a partner in a partnership, may be licensed as a private investigator under a class B license, or as a security guard provider under a class C license, or as a private investigator and a security guard provider under a class A license, if the individual meets all of the following requirements: 18288  
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(a) ~~Has a good reputation for integrity, has not been convicted of a disqualifying offense as defined in section 4776.10 of the Revised Code within the last three years or any crime of moral turpitude as that term is defined in section 4776.10 of the Revised Code, and has not been adjudicated incompetent for the purpose of holding the license, as provided in section 5122.301 of the Revised Code, without having been restored to legal capacity for that purpose.~~ 18294  
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(b) Depending upon the class of license for which application is made, for a continuous period of at least two years immediately preceding application for a license, has been engaged in investigatory or security services work for a law enforcement or other public agency engaged in investigatory activities, or for a private investigator or security guard provider, or engaged in the practice of law, or has acquired equivalent experience as determined by rule of the director of 18302  
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public safety. 18310

(c) Demonstrates competency as a private investigator or 18311  
security guard provider by passing an examination devised for 18312  
this purpose by the director, except that any individually 18313  
licensed person who qualifies a corporation for licensure shall 18314  
not be required to be reexamined if the person qualifies the 18315  
corporation in the same capacity that the person was 18316  
individually licensed. 18317

(d) Submits evidence of comprehensive general liability 18318  
insurance coverage, or other equivalent guarantee approved by 18319  
the director in such form and in principal amounts satisfactory 18320  
to the director, but not less than one hundred thousand dollars 18321  
for each person and three hundred thousand dollars for each 18322  
occurrence for bodily injury liability, and one hundred thousand 18323  
dollars for property damage liability. 18324

(e) Pays the requisite examination and license fees. 18325

(2) A corporation may be licensed as a private 18326  
investigator under a class B license, or as a security guard 18327  
provider under a class C license, or as a private investigator 18328  
and a security guard provider under a class A license, if an 18329  
application for licensure is filed by an officer of the 18330  
corporation and the officer, another officer, or the qualifying 18331  
agent of the corporation satisfies the requirements of divisions 18332  
(A) (1) and (F) (1) of this section. Officers and the statutory 18333  
agent of a corporation shall be determined in accordance with 18334  
Chapter 1701. of the Revised Code. 18335

(3) At least one partner in a partnership shall be 18336  
licensed as a private investigator, or as a security guard 18337  
provider, or as a private investigator and a security guard 18338

provider. Partners in a partnership shall be determined as 18339  
provided for in Chapter 1775. or 1776. of the Revised Code. 18340

(B) An application for a class A, B, or C license shall be 18341  
completed in the form the director prescribes. In the case of an 18342  
individual, the application shall state the applicant's name, 18343  
birth date, citizenship, physical description, current 18344  
residence, residences for the preceding ten years, current 18345  
employment, employment for the preceding seven years, experience 18346  
qualifications, the location of each of the applicant's offices 18347  
in this state, and any other information that is necessary in 18348  
order for the director to comply with the requirements of this 18349  
chapter. In the case of a corporation, the application shall 18350  
state the name of the officer or qualifying agent filing the 18351  
application; the state in which the corporation is incorporated 18352  
and the date of incorporation; the states in which the 18353  
corporation is authorized to transact business; the name of its 18354  
qualifying agent; the name of the officer or qualifying agent of 18355  
the corporation who satisfies the requirements of divisions (A) 18356  
(1) and (F) (1) of this section and the birth date, citizenship, 18357  
physical description, current residence, residences for the 18358  
preceding ten years, current employment, employment for the 18359  
preceding seven years, and experience qualifications of that 18360  
officer or qualifying agent; and other information that the 18361  
director requires. A corporation may specify in its application 18362  
information relative to one or more individuals who satisfy the 18363  
requirements of divisions (A) (1) and (F) (1) of this section. 18364

The application described in this division shall be 18365  
accompanied by all of the following: 18366

(1) One recent full-face photograph of the applicant or, 18367  
in the case of a corporation, of each officer or qualifying 18368

agent specified in the application as satisfying the 18369  
requirements of divisions (A) (1) and (F) (1) of this section; 18370

(2) ~~Character references~~ References from at least five 18371  
reputable citizens for the applicant or, in the case of a 18372  
corporation, for each officer or qualifying agent specified in 18373  
the application as satisfying the requirements of divisions (A) 18374  
(1) and (F) (1) of this section, each of whom has known the 18375  
applicant, officer, or qualifying agent for at least five years 18376  
preceding the application, and none of whom are connected with 18377  
the applicant, officer, or qualifying agent by blood or 18378  
marriage; 18379

(3) An examination fee of twenty-five dollars for the 18380  
applicant or, in the case of a corporation, for each officer or 18381  
qualifying agent specified in the application as satisfying the 18382  
requirements of divisions (A) (1) and (F) (1) of this section, and 18383  
a license fee in the amount the director determines, not to 18384  
exceed three hundred seventy-five dollars. The license fee shall 18385  
be refunded if a license is not issued. 18386

(C) (1) Each individual applying for a license and each 18387  
individual specified by a corporation as an officer or 18388  
qualifying agent in an application shall submit one complete set 18389  
of fingerprints directly to the superintendent of the bureau of 18390  
criminal identification and investigation for the purpose of 18391  
conducting a criminal records check. The individual shall 18392  
provide the fingerprints using a method the superintendent 18393  
prescribes pursuant to division (C) (2) of section 109.572 of the 18394  
Revised Code and fill out the form the superintendent prescribes 18395  
pursuant to division (C) (1) of section 109.572 of the Revised 18396  
Code. An applicant who intends to carry a firearm as defined in 18397  
section 2923.11 of the Revised Code in the course of business or 18398

employment shall so notify the superintendent. This notification 18399  
is in addition to any other requirement related to carrying a 18400  
firearm that applies to the applicant. The individual or 18401  
corporation requesting the criminal records check shall pay the 18402  
fee the superintendent prescribes. 18403

(2) The superintendent shall conduct the criminal records 18404  
check as set forth in division (B) of section 109.572 of the 18405  
Revised Code. If an applicant intends to carry a firearm in the 18406  
course of business or employment, the superintendent shall make 18407  
a request to the federal bureau of investigation for any 18408  
information and review the information the bureau provides 18409  
pursuant to division (B)(2) of section 109.572 of the Revised 18410  
Code. The superintendent shall submit all results of the 18411  
completed investigation to the director of public safety. 18412

(3) If the director determines that the applicant, 18413  
officer, or qualifying agent meets the requirements of divisions 18414  
(A)(1)(a), (b), and (d) of this section and that an officer or 18415  
qualifying agent meets the requirement of division (F)(1) of 18416  
this section, the director shall notify the applicant, officer, 18417  
or agent of the time and place for the examination. If the 18418  
director determines that an applicant does not meet the 18419  
requirements of divisions (A)(1)(a), (b), and (d) of this 18420  
section, the director shall notify the applicant that the 18421  
applicant's application is refused and refund the license fee. 18422  
If the director determines that none of the individuals 18423  
specified in the application of a corporation as satisfying the 18424  
requirements of divisions (A)(1) and (F)(1) of this section meet 18425  
the requirements of divisions (A)(1)(a), (b), and (d) and (F)(1) 18426  
of this section, the director shall notify the corporation that 18427  
its application is refused and refund the license fee. If the 18428  
bureau assesses the director a fee for any investigation, the 18429



director, in addition to any other fee assessed pursuant to this 18430  
chapter, may assess the applicant, officer, or qualifying agent, 18431  
as appropriate, a fee that is equal to the fee assessed by the 18432  
bureau. 18433

(4) (a) Subject to ~~divisions~~ division (C) (4) ~~(b), (c), and~~ 18434  
~~(d)~~ of this section, the director shall not adopt, maintain, 18435  
renew, or enforce any rule, or otherwise preclude in any way, an 18436  
individual from ~~receiving or~~ renewing a license under this 18437  
chapter due to any past criminal activity or interpretation of 18438  
moral character, ~~except as pursuant to division (A) (1) (a) of~~ 18439  
~~this section.~~ If the director denies an individual a ~~license or~~ 18440  
license renewal, the reasons for such denial shall be put in 18441  
writing. 18442

(b) ~~Except as otherwise provided in this division, if an~~ 18443  
~~individual applying for a license has been convicted of or~~ 18444  
~~pleaded guilty to a misdemeanor that is not a crime of moral~~ 18445  
~~turpitude or a disqualifying offense less than one year prior to~~ 18446  
~~making the application, the~~ The director may use the director's 18447  
discretion in granting or denying the individual refuse to issue 18448  
a license. ~~Except as otherwise provided in this division, if an~~ 18449  
~~individual applying for a license has been convicted of or~~ 18450  
~~pleaded guilty to a felony that is not a crime of moral~~ 18451  
~~turpitude or a disqualifying offense less than three years prior~~ 18452  
~~to making the application, the director may use the director's~~ 18453  
~~discretion in granting or denying the individual a license. The~~ 18454  
~~provisions in this paragraph do not apply with respect to any~~ 18455  
~~offense unless the director, prior to the effective date of this~~ 18456  
~~amendment, was required or authorized to deny the application~~ 18457  
~~based on that offense.~~ 18458

~~In all other circumstances, the director shall follow the~~ 18459

~~procedures the director adopts by rule that conform to division  
(C) (4) (a) of this section to an applicant because of a  
conviction of or plea of guilty to an offense if the refusal is  
in accordance with section 9.79 of the Revised Code.~~

(c) In considering a renewal of an individual's license,  
the director shall not consider any conviction or plea of guilty  
prior to the initial licensing. However, the director may  
consider a conviction or plea of guilty if it occurred after the  
individual was initially licensed, or after the most recent  
license renewal.

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

(D) If upon application, investigation, and examination,  
the director finds that the applicant or, in the case of a  
corporation, any officer or qualifying agent specified in the  
application as satisfying the requirements of divisions (A) (1)  
and (F) (1) of this section, meets the applicable requirements,  
the director shall issue the applicant or the corporation a  
class A, B, or C license. The director also shall issue an  
identification card to an applicant, but not an officer or  
qualifying agent of a corporation, who meets the applicable  
requirements. The license and identification card shall state  
the licensee's name, the classification of the license, the  
location of the licensee's principal place of business in this  
state, and the expiration date of the license, and, in the case  
of a corporation, it also shall state the name of each officer  
or qualifying agent who satisfied the requirements of divisions  
(A) (1) and (F) (1) of this section.

Licenses expire on the first day of March following the 18490  
date of initial issue, and on the first day of March of each 18491  
year thereafter. Annual renewals shall be according to the 18492  
standard renewal procedures contained in Chapter 4745. of the 18493  
Revised Code, upon payment of an annual renewal fee the director 18494  
determines, not to exceed two hundred seventy-five dollars. No 18495  
license shall be renewed if the licensee or, in the case of a 18496  
corporation, each officer or qualifying agent who qualified the 18497  
corporation for licensure no longer meets the applicable 18498  
requirements of this section. No license shall be renewed unless 18499  
the licensee provides evidence of workers' compensation risk 18500  
coverage and unemployment compensation insurance coverage, other 18501  
than for clerical employees and excepting sole proprietors who 18502  
are exempted therefrom, as provided for in Chapters 4123. and 18503  
4141. of the Revised Code, respectively, as well as the 18504  
licensee's state tax identification number. No reexamination 18505  
shall be required for renewal of a current license. 18506

For purposes of this chapter, a class A, B, or C license 18507  
issued to a corporation shall be considered as also having 18508  
licensed the individuals who qualified the corporation for 18509  
licensure, for as long as they are associated with the 18510  
corporation. 18511

For purposes of this division, "sole proprietor" means an 18512  
individual licensed under this chapter who does not employ any 18513  
other individual. 18514

(E) The director may issue a duplicate copy of a license 18515  
issued under this section for the purpose of replacement of a 18516  
lost, spoliated, or destroyed license, upon payment of a fee the 18517  
director determines, not exceeding twenty-five dollars. Any 18518  
change in license classification requires new application and 18519

application fees. 18520

(F) (1) In order to qualify a corporation for a class A, B, 18521  
or C license, an officer or qualifying agent may qualify another 18522  
corporation for similar licensure, provided that the officer or 18523  
qualifying agent is actively engaged in the business of both 18524  
corporations. 18525

(2) Each officer or qualifying agent who qualifies a 18526  
corporation for class A, B, or C licensure shall surrender any 18527  
personal license of a similar nature that the officer or 18528  
qualifying agent possesses. 18529

(3) Upon written notification to the director, completion 18530  
of an application similar to that for original licensure, 18531  
surrender of the corporation's current license, and payment of a 18532  
twenty-five-dollar fee, a corporation's class A, B, or C license 18533  
may be transferred to another corporation. 18534

(4) Upon written notification to the director, completion 18535  
of an application similar to that for an individual seeking 18536  
class A, B, or C licensure, payment of a twenty-five-dollar fee, 18537  
and, if the individual was the only individual that qualified a 18538  
corporation for licensure, surrender of the corporation's 18539  
license, any officer or qualifying agent who qualified a 18540  
corporation for licensure under this chapter may obtain a 18541  
similar license in the individual's own name without 18542  
reexamination. A request by an officer or qualifying agent for 18543  
an individual license shall not affect a corporation's license 18544  
unless the individual is the only individual that qualified the 18545  
corporation for licensure or all the other individuals who 18546  
qualified the corporation for licensure submit such requests. 18547

(G) If a corporation is for any reason no longer 18548

associated with an individual who qualified it for licensure 18549  
under this chapter, an officer of the corporation shall notify 18550  
the director of that fact by certified mail, return receipt 18551  
requested, within ten days after the association terminates. If 18552  
the notification is so given, the individual was the only 18553  
individual that qualified the corporation for licensure, and the 18554  
corporation submits the name of another officer or qualifying 18555  
agent to qualify the corporation for the license within thirty 18556  
days after the association terminates, the corporation may 18557  
continue to operate in the business of private investigation, 18558  
the business of security services, or both businesses in this 18559  
state under that license for ninety days after the association 18560  
terminates. If the officer or qualifying agent whose name is 18561  
submitted satisfies the requirements of divisions (A) (1) and (F) 18562  
(1) of this section, the director shall issue a new license to 18563  
the corporation within that ninety-day period. The names of more 18564  
than one individual may be submitted. 18565

**Sec. 4751.04.** (A) The board of executives of long-term 18566  
services and supports shall: 18567

(1) Develop, adopt, impose, and enforce regulations 18568  
prescribing standards which must be met by individuals in order 18569  
to receive a license as a nursing home administrator, which 18570  
standards shall be designed to ensure that nursing home 18571  
administrators ~~are of good character and are otherwise suitable,~~ 18572  
~~and who,~~ by training and experience, are qualified to serve as 18573  
nursing home administrators; 18574

(2) Develop and apply appropriate techniques, including 18575  
examinations and investigations, for determining whether an 18576  
individual meets such standards; 18577

(3) Issue licenses and registrations to individuals 18578

determined, after application of such techniques, to meet such standards; 18579  
18580

(4) Revoke or suspend licenses or registrations previously issued by the board or impose a civil penalty, fine, or any other sanction authorized by the board on an individual holding a license or registration, in any case where the individual is determined to have failed substantially to conform to the requirements of such standards; 18581  
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(5) Develop, adopt, impose, and enforce regulations and procedures designed to ensure that individuals holding a temporary license, or licensed as nursing home administrators will, during any period that they serve as such, comply with Chapter 4751. of the Revised Code and the regulations adopted thereunder; 18587  
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(6) Receive, investigate, and take appropriate action with respect to any charge or complaint filed with the board to the effect that any individual licensed as a nursing home administrator has failed to comply with Chapter 4751. of the Revised Code and the regulations adopted thereunder; 18593  
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(7) Take such other actions as may be necessary to enable the state to meet the requirements set forth in the "Social Security Amendments of 1967," 81 Stat. 908 (1968), 42 U.S.C. 1396 g; 18598  
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(8) Pay all license and registration fees, civil penalties, and fines collected under Chapter 4751. of the Revised Code into the board of executives of long-term services and supports fund created by section 4751.14 of the Revised Code to be used in administering and enforcing this chapter and the rules adopted under it; 18602  
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- (9) Administer, or contract with a government or private entity to administer, examinations for licensure as a nursing home administrator. If the board contracts with a government or private entity to administer the examinations, the contract may authorize the entity to collect and keep, as all or part of the entity's compensation under the contract, any fee an applicant for licensure pays to take an examination. The entity is not required to deposit the fee into the state treasury; 18608  
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- (10) Enter into a contract with the department of aging as required under section 4751.042 of the Revised Code; 18616  
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- (11) Create opportunities for the education, training, and credentialing of nursing home administrators, persons in leadership positions who practice in long-term services and supports settings or who direct the practices of others in those settings, and persons interested in serving in those roles. In carrying out this function, the board shall do the following: 18618  
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- (a) Identify core competencies and areas of knowledge that are appropriate for nursing home administrators, credentialed individuals, and others working within the long-term services and supports settings system, with an emphasis on all of the following: 18624  
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- (i) Leadership; 18629
- (ii) Person-centered care; 18630
- (iii) Principles of management within both the business and regulatory environments; 18631  
18632
- (iv) An understanding of all post-acute settings, including transitions from acute settings and between post-acute settings. 18633  
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(b) Assist in the development of a strong, competitive market in Ohio for training, continuing education, and degree programs in long-term services and supports settings administration. 18636  
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(B) In the administration and enforcement of Chapter 4751. of the Revised Code, and the regulations adopted thereunder, the board is subject to Chapter 119. of the Revised Code and sections 4743.01 and 4743.02 of the Revised Code except that a notice of appeal of an order of the board adopting, amending, or rescinding a rule or regulation does not operate as a stay of the effective date of such order as provided in section 119.11 of the Revised Code. The court, at its discretion, may grant a stay of any regulation in its application against the person filing the notice of appeal. 18640  
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**Sec. 4751.05.** (A) The board of executives of long-term services and supports, or a government or private entity under contract with the board to administer examinations for licensure as a nursing home administrator, shall admit to an examination any candidate who: 18650  
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(1) Pays the application fee of fifty dollars; 18655

(2) ~~Submits evidence of good moral character and suitability;~~ 18656  
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~~(3)~~ Is at least eighteen years of age; 18658

~~(4)~~ (3) Has completed educational requirements and work experience satisfactory to the board; 18659  
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~~(5)~~ (4) Submits an application on forms prescribed by the board; 18661  
18662

~~(6)~~ (5) Pays the examination fee charged by the board or 18663



government or private entity. 18664

(B) Nothing in Chapter 4751. of the Revised Code or the 18665  
rules adopted thereunder shall be construed to require an 18666  
applicant for licensure or a temporary license, who is employed 18667  
by an institution for the care and treatment of the sick to 18668  
demonstrate proficiency in any medical techniques or to meet any 18669  
medical educational qualifications or medical standards not in 18670  
accord with the remedial care and treatment provided by the 18671  
institution if the institution is all of the following: 18672

(1) Operated exclusively for patients who use spiritual 18673  
means for healing and for whom the acceptance of medical care is 18674  
inconsistent with their religious beliefs; 18675

(2) Accredited by a national accrediting organization; 18676

(3) Exempt from federal income taxation under section 501 18677  
of the Internal Revenue Code of 1986, 100 Stat. 2085, 26 18678  
U.S.C.A. 1, as amended; 18679

(4) Providing twenty-four hour nursing care pursuant to 18680  
the exemption in division (E) of section 4723.32 of the Revised 18681  
Code from the licensing requirements of Chapter 4723. of the 18682  
Revised Code. 18683

(C) If a person fails three times to attain a passing 18684  
grade on the examination, said person, before the person may 18685  
again be admitted to examination, shall meet such additional 18686  
education or experience requirements, or both, as may be 18687  
prescribed by the board. 18688

**Sec. 4752.09.** (A) The state board of pharmacy may, in 18689  
accordance with Chapter 119. of the Revised Code, impose any one 18690  
or more of the following sanctions on an applicant for a license 18691  
or certificate of registration issued under this chapter or a 18692

license or certificate holder for any of the causes set forth in	18693
division (B) of this section:	18694
(1) Suspend, revoke, restrict, limit, or refuse to grant	18695
or renew a license or certificate of registration;	18696
(2) Reprimand or place the license or certificate holder	18697
on probation;	18698
(3) Impose a monetary penalty or forfeiture not to exceed	18699
in severity any fine designated under the Revised Code for a	18700
similar offense or not more than five thousand dollars if the	18701
acts committed are not classified as an offense by the Revised	18702
Code.	18703
(B) The board may impose the sanctions listed in division	18704
(A) of this section for any of the following:	18705
(1) Violation of any provision of this chapter or an order	18706
or rule of the board, as those provisions, orders, or rules are	18707
applicable to persons licensed under this chapter;	18708
(2) A plea of guilty to or a judicial finding of guilt of	18709
a felony or a misdemeanor that involves dishonesty or is	18710
directly related to the provision of home medical equipment	18711
services;	18712
(3) Making a material misstatement in furnishing	18713
information to the board;	18714
(4) Professional incompetence;	18715
(5) Being guilty of negligence or gross misconduct in	18716
providing home medical equipment services;	18717
(6) Aiding, assisting, or willfully permitting another	18718
person to violate any provision of this chapter or an order or	18719

rule of the board, as those provisions, orders, or rules are applicable to persons licensed under this chapter; 18720  
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(7) Failing to provide information in response to a written request by the board; 18722  
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(8) Engaging in conduct likely to deceive, defraud, or harm the public; 18724  
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(9) Denial, revocation, suspension, or restriction of a license to provide home medical equipment services, for any reason other than failure to renew, in another state or jurisdiction; 18726  
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(10) Directly or indirectly giving to or receiving from any person a fee, commission, rebate, or other form of compensation for services not rendered; 18730  
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(11) Knowingly making or filing false records, reports, or billings in the course of providing home medical equipment services, including false records, reports, or billings prepared for or submitted to state and federal agencies or departments; 18733  
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(12) Failing to comply with federal rules issued pursuant to the medicare program established under Title XVIII of the "Social Security Act," 49 Stat. 620(1935), 42 U.S.C. 1395, as amended, relating to operations, financial transactions, and general business practices of home medical services providers; 18737  
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(13) Any other cause for which the board may impose sanctions as set forth in rules adopted under section 4752.17 of the Revised Code. 18742  
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(C) Notwithstanding any provision of divisions (A) and (B) of this section to the contrary, the board shall not refuse to issue a license or certificate of registration to an applicant 18745  
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because of a plea of guilty to or a judicial finding of guilt of 18748  
an offense unless the refusal is in accordance with section 9.79 18749  
of the Revised Code. 18750

(D) The state board of pharmacy immediately may suspend a 18751  
license without a hearing if it determines that there is 18752  
evidence that the license holder is subject to actions under 18753  
this section and that there is clear and convincing evidence 18754  
that continued operation by the license holder presents an 18755  
immediate and serious harm to the public. The board shall follow 18756  
the procedure for suspension without a prior hearing in section 18757  
119.07 of the Revised Code. The board may vote on the suspension 18758  
by way of a telephone conference call. 18759

A suspension under this division shall remain in effect, 18760  
unless reversed by the board, until a final adjudication order 18761  
issued by the board pursuant to this section and Chapter 119. of 18762  
the Revised Code becomes effective. The board shall issue its 18763  
final adjudication order not later than ninety days after 18764  
completion of the hearing. The board's failure to issue the 18765  
order by that day shall cause the summary suspension to end, but 18766  
shall not affect the validity of any subsequent final 18767  
adjudication order. 18768

~~(D)~~ (E) If the board is required under Chapter 119. of the 18769  
Revised Code to give notice of an opportunity for a hearing and 18770  
the applicant or license or certificate holder does not make a 18771  
timely request for a hearing in accordance with section 119.07 18772  
of the Revised Code, the board is not required to hold a 18773  
hearing, but may adopt a final order that contains the board's 18774  
findings. In the final order, the board may impose any of the 18775  
sanctions listed in division (A) of this section. 18776

~~(E)~~ (F) Notwithstanding the provision of division (C) (2) of 18777

section 2953.32 of the Revised Code specifying that if records 18778  
pertaining to a criminal case are sealed under that section the 18779  
proceedings in the case must be deemed not to have occurred, 18780  
sealing of the following records on which the board has based an 18781  
action under this section shall have no effect on the board's 18782  
action or any sanction imposed by the board under this section: 18783  
records of any conviction, guilty plea, judicial finding of 18784  
guilt resulting from a plea of no contest, or a judicial finding 18785  
of eligibility for a pretrial diversion program or intervention 18786  
in lieu of conviction. The board shall not be required to seal, 18787  
destroy, redact, or otherwise modify its records to reflect the 18788  
court's sealing of conviction records. 18789

**Sec. 4753.061.** (A) As used in this section, "license" and 18790  
"applicant for an initial license" have the same meanings as in 18791  
section 4776.01 of the Revised Code, except that "license" as 18792  
used in both of those terms refers to the types of 18793  
authorizations otherwise issued or conferred under this chapter. 18794

(B) In addition to any other eligibility requirement set 18795  
forth in this chapter, each applicant for an initial license 18796  
shall comply with sections 4776.01 to 4776.04 of the Revised 18797  
Code. The state speech and hearing professionals board shall not 18798  
grant a license to an applicant for an initial license unless 18799  
the applicant complies with sections 4776.01 to 4776.04 of the 18800  
Revised Code ~~and the board, in its discretion, decides that the~~ 18801  
~~results of the criminal records check do not make the applicant~~ 18802  
~~ineligible for a license issued pursuant to section 4753.06 or~~ 18803  
~~4753.07 of the Revised Code.~~ 18804

**Sec. 4753.10.** (A) In accordance with Chapter 119. of the 18805  
Revised Code, the state speech and hearing professionals board 18806  
may reprimand or place on probation a speech-language 18807

pathologist or audiologist or suspend, revoke, or, except as 18808  
provided in division (B) of this section, refuse to issue or 18809  
renew the license of a speech-language pathologist or 18810  
audiologist. Disciplinary actions may be taken by the board for 18811  
conduct that may result from but not necessarily be limited to: 18812

~~(A)~~ (1) Fraud, deception, or misrepresentation in obtaining 18813  
or attempting to obtain a license; 18814

~~(B)~~ (2) Fraud, deception, or misrepresentation in using a 18815  
license; 18816

~~(C)~~ (3) Altering a license; 18817

~~(D)~~ (4) Aiding or abetting unlicensed practice; 18818

~~(E)~~ (5) Committing fraud, deception, or misrepresentation 18819  
in the practice of speech-language pathology or audiology 18820  
including: 18821

~~(1)~~ (a) Making or filing a false report or record in the 18822  
practice of speech-language pathology or audiology; 18823

~~(2)~~ (b) Submitting a false statement to collect a fee; 18824

~~(3)~~ (c) Obtaining a fee through fraud, deception, or 18825  
misrepresentation, or accepting commissions or rebates or other 18826  
forms of remuneration for referring persons to others. 18827

~~(F)~~ (6) Using or promoting or causing the use of any 18828  
misleading, deceiving, improbable, or untruthful advertising 18829  
matter, promotional literature, testimonial, guarantee, 18830  
warranty, label, brand, insignia, or any other representation; 18831

~~(G)~~ (7) Falsely representing the use or availability of 18832  
services or advice of a physician; 18833

~~(H)~~ (8) Misrepresenting the applicant, licensee, or holder 18834

by using the word "doctor" or any similar word, abbreviation, or symbol if the use is not accurate or if the degree was not obtained from an accredited institution;

~~(I)~~ (9) Committing any act of dishonorable, immoral, or unprofessional conduct while engaging in the practice of speech-language pathology or audiology;

~~(J)~~ (10) Engaging in illegal, incompetent, or habitually negligent practice;

~~(K)~~ (11) Providing professional services while:

~~(1)~~ (a) Mentally incompetent;

~~(2)~~ (b) Under the influence of alcohol;

~~(3)~~ (c) Using any narcotic or controlled substance or other drug that is in excess of therapeutic amounts or without valid medical indication.

~~(L)~~ (12) Providing services or promoting the sale of devices, appliances, or products to a person who cannot reasonably be expected to benefit from such services, devices, appliances, or products in accordance with results obtained utilizing appropriate assessment procedures and instruments;

~~(M)~~ (13) Violating this chapter or any lawful order given or rule adopted by the board;

~~(N)~~ (14) Being convicted of or pleading guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;

~~(O)~~ (15) Being disciplined by a licensing or disciplinary authority of this or any other state or country or convicted or

disciplined by a court of this or any other state or country for 18862  
an act that would be grounds for disciplinary action under this 18863  
section. 18864

(B) The board shall not refuse to issue a license to an 18865  
applicant because of a conviction of or a plea of guilty or nolo 18866  
contendere to an offense unless the refusal is in accordance 18867  
with section 9.79 of the Revised Code. 18868

(C) After revocation of a license under this section, 18869  
application may be made to the board for reinstatement. The 18870  
board, in accordance with an order of revocation as issued under 18871  
Chapter 119. of the Revised Code, may require an examination for 18872  
reinstatement. 18873

(D) If any person has engaged in any practice which 18874  
constitutes an offense under the provisions of this chapter or 18875  
rules promulgated thereunder by the board, the board may apply 18876  
to the court of common pleas of the county for an injunction or 18877  
other appropriate order restraining such conduct, and the court 18878  
may issue such order. 18879

(E) Any person who wishes to make a complaint against any 18880  
person licensed pursuant to this chapter shall submit the 18881  
complaint in writing to the board within one year from the date 18882  
of the action or event upon which the complaint is based. The 18883  
board shall determine whether the allegations in the complaint 18884  
are of a sufficiently serious nature to warrant formal 18885  
disciplinary charges against the licensee pursuant to this 18886  
section. If the board determines that formal disciplinary 18887  
charges are warranted, it shall proceed in accordance with the 18888  
procedures established in Chapter 119. of the Revised Code. 18889

**Sec. 4755.06.** The occupational therapy section of the Ohio 18890



occupational therapy, physical therapy, and athletic trainers 18891  
board may make reasonable rules in accordance with Chapter 119. 18892  
of the Revised Code relating to, but not limited to, the 18893  
following: 18894

(A) The form and manner for filing applications for 18895  
licensure under sections 4755.04 to 4755.13 of the Revised Code; 18896

(B) The issuance, suspension, and revocation of the 18897  
licenses and the conducting of investigations and hearings; 18898

(C) Standards for approval of courses of study relative to 18899  
the practice of occupational therapy; 18900

(D) The time and form of examination for the licensure; 18901

(E) Standards of ethical conduct in the practice of 18902  
occupational therapy; 18903

(F) The form and manner for filing applications for 18904  
renewal and a schedule of deadlines for renewal; 18905

(G) The conditions under which a license of a licensee who 18906  
files a late application for renewal will be reinstated; 18907

(H) Placing an existing license in escrow; 18908

(I) The amount, scope, and nature of continuing education 18909  
activities required for license renewal, including waivers of 18910  
the continuing education requirements; 18911

(J) Guidelines for limited permits; 18912

(K) Requirements for criminal records checks of applicants 18913  
under section 4776.03 of the Revised Code; 18914

(L) Subject to section 4755.061 of the Revised Code, the 18915  
amount for each fee specified in section 4755.12 of the Revised 18916  
Code that the section charges; 18917

(M) The amount and content of corrective action courses 18918  
required by the board under section 4755.11 of the Revised Code. 18919

The section may hear testimony in matters relating to the 18920  
duties imposed upon it, and the chairperson and secretary of the 18921  
section may administer oaths. The section may require proof, 18922  
beyond the evidence found in the application, of the honesty, ~~and~~ 18923  
and truthfulness, ~~and good reputation~~ of any person named in an 18924  
application for licensure, before admitting the applicant to an 18925  
examination or issuing a license. 18926

**Sec. 4755.07.** No person shall qualify for licensure as an 18927  
occupational therapist or as an occupational therapy assistant 18928  
unless the person has shown to the satisfaction of the 18929  
occupational therapy section of the Ohio occupational therapy, 18930  
physical therapy, and athletic trainers board that the person: 18931

(A) ~~Is of good moral character;~~ 18932

~~(B)~~ Has successfully completed the academic requirements 18933  
of an educational program recognized by the section, including a 18934  
concentration of instruction in basic human sciences, the human 18935  
development process, occupational tasks and activities, the 18936  
health-illness-health continuum, and occupational therapy theory 18937  
and practice; 18938

~~(C)~~ (B) Has successfully completed a period of supervised 18939  
field work experience at a recognized educational institution or 18940  
a training program approved by the educational institution where 18941  
the person met the academic requirements. For an occupational 18942  
therapist, a minimum of six months of supervised field work 18943  
experience is required. For an occupational therapy assistant, a 18944  
minimum of two months of supervised field work experience is 18945  
required. 18946

~~(D)~~ (C) Has successfully passed a written examination 18947  
testing the person's knowledge of the basic and clinical 18948  
sciences relating to occupational therapy, and occupational 18949  
therapy theory and practice, including the applicant's 18950  
professional skills and judgment in the utilization of 18951  
occupational therapy techniques and methods, and such other 18952  
subjects as the section may consider useful to determine the 18953  
applicant's fitness to practice. The section may require 18954  
separate examinations of applicants for licensure as 18955  
occupational therapy assistants and applicants for licensure as 18956  
occupational therapists. 18957

Applicants for licensure shall be examined at a time and 18958  
place and under such supervision as the section determines. 18959

**Sec. 4755.08.** The occupational therapy section of the Ohio 18960  
occupational therapy, physical therapy, and athletic trainers 18961  
board shall issue a license to every applicant who has passed 18962  
the appropriate examination designated by the section and who 18963  
otherwise complies with the licensure requirements of sections 18964  
4755.04 to 4755.13 of the Revised Code. The license entitles the 18965  
holder to practice occupational therapy or to assist in the 18966  
practice of occupational therapy. The licensee shall display the 18967  
license in a conspicuous place at the licensee's principal place 18968  
of business. 18969

The section may issue a limited permit to persons who have 18970  
satisfied the requirements of divisions (A) ~~to (C)~~ and (B) of 18971  
section 4755.07 of the Revised Code. This permit allows the 18972  
person to practice as an occupational therapist or occupational 18973  
therapy assistant under the supervision of a licensed 18974  
occupational therapist and is valid until the date on which the 18975  
results of the examination are made public. This limited permit 18976

shall not be renewed if the applicant has failed the examination. 18977  
18978

**Sec. 4755.11.** (A) In accordance with Chapter 119. of the 18979  
Revised Code, the occupational therapy section of the Ohio 18980  
occupational therapy, physical therapy, and athletic trainers 18981  
board may suspend, revoke, or, except as provided in division 18982  
(B) of this section, refuse to issue or renew an occupational 18983  
therapist license, occupational therapy assistant license, 18984  
occupational therapist limited permit, occupational therapy 18985  
assistant limited permit, or reprimand, fine, place a license or 18986  
limited permit holder on probation, or require the license or 18987  
limited permit holder to take corrective action courses, for any 18988  
of the following: 18989

(1) Conviction of an offense involving moral turpitude or 18990  
a felony, regardless of the state or country in which the 18991  
conviction occurred; 18992

(2) Violation of any provision of sections 4755.04 to 18993  
4755.13 of the Revised Code; 18994

(3) Violation of any lawful order or rule of the 18995  
occupational therapy section; 18996

(4) Obtaining or attempting to obtain a license or limited 18997  
permit issued by the occupational therapy section by fraud or 18998  
deception, including the making of a false, fraudulent, 18999  
deceptive, or misleading ~~statements~~ statement in relation to 19000  
these activities; 19001

(5) Negligence, unprofessional conduct, or gross 19002  
misconduct in the practice of the profession of occupational 19003  
therapy; 19004

(6) Accepting commissions or rebates or other forms of 19005

remuneration for referring persons to other professionals;	19006
(7) Communicating, without authorization, information received in professional confidence;	19007 19008
(8) Using controlled substances, habit forming drugs, or alcohol to an extent that it impairs the ability to perform the work of an occupational therapist, occupational therapy assistant, occupational therapist limited permit holder, or occupational therapy assistant limited permit holder;	19009 19010 19011 19012 19013
(9) Practicing in an area of occupational therapy for which the individual is untrained or incompetent;	19014 19015
(10) Failing the licensing or Ohio jurisprudence examination;	19016 19017
(11) Aiding, abetting, directing, or supervising the unlicensed practice of occupational therapy;	19018 19019
(12) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including occupational therapy, for any reason other than a failure to renew, in Ohio or another state or jurisdiction;	19020 19021 19022 19023
(13) Except as provided in division <del>(B)</del> (C) of this section:	19024 19025
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers occupational therapy, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;	19026 19027 19028 19029 19030 19031
(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient,	19032 19033

pursuant to a health insurance or health care policy, contract, 19034  
or plan that covers occupational therapy, would otherwise be 19035  
required to pay. 19036

(14) Working or representing oneself as an occupational 19037  
therapist, occupational therapy assistant, occupational 19038  
therapist limited permit holder, or occupational therapy 19039  
assistant limited permit holder without a current and valid 19040  
license or limited permit issued by the occupational therapy 19041  
section; 19042

(15) Engaging in a deceptive trade practice, as defined in 19043  
section 4165.02 of the Revised Code; 19044

(16) Violation of the standards of ethical conduct in the 19045  
practice of occupational therapy as identified by the 19046  
occupational therapy section; 19047

(17) A departure from, or the failure to conform to, 19048  
minimal standards of care required of licensees or limited 19049  
permit holders, whether or not actual injury to a patient is 19050  
established; 19051

(18) An adjudication by a court that the applicant, 19052  
licensee, or limited permit holder is incompetent for the 19053  
purpose of holding a license or limited permit and has not 19054  
thereafter been restored to legal capacity for that purpose; 19055

(19) (a) Except as provided in division (A) (19) (b) of this 19056  
section, failure to cooperate with an investigation conducted by 19057  
the occupational therapy section, including failure to comply 19058  
with a subpoena or orders issued by the section or failure to 19059  
answer truthfully a question presented by the section at a 19060  
deposition or in written interrogatories. 19061

(b) Failure to cooperate with an investigation does not 19062

constitute grounds for discipline under this section if a court  
of competent jurisdiction issues an order that either quashes a  
subpoena or permits the individual to withhold the testimony or  
evidence at issue.

(20) Conviction of a misdemeanor reasonably related to the  
practice of occupational therapy, regardless of the state or  
country in which the conviction occurred;

(21) Inability to practice according to acceptable and  
prevailing standards of care because of mental or physical  
illness, including physical deterioration that adversely affects  
cognitive, motor, or perception skills;

(22) Violation of conditions, limitations, or agreements  
placed by the occupational therapy section on a license or  
limited permit to practice;

(23) Making a false, fraudulent, deceptive, or misleading  
statement in the solicitation of or advertising for patients in  
relation to the practice of occupational therapy;

(24) Failure to complete continuing education requirements  
as prescribed in rules adopted by the occupational therapy  
section under section 4755.06 of the Revised Code.

(B) The occupational therapy section shall not refuse to  
issue a license or limited permit to an applicant because of a  
criminal conviction unless the refusal is in accordance with  
section 9.79 of the Revised Code.

(C) Sanctions shall not be imposed under division (A) (13)  
of this section against any individual who waives deductibles  
and copayments as follows:

(1) In compliance with the health benefit plan that

expressly allows such a practice. Waiver of the deductibles or 19091  
copayments shall be made only with the full knowledge and 19092  
consent of the plan purchaser, payer, and third-party 19093  
administrator. Documentation of the consent shall be made 19094  
available to the section upon request. 19095

(2) For professional services rendered to any other person 19096  
licensed pursuant to sections 4755.04 to 4755.13 of the Revised 19097  
Code to the extent allowed by those sections and the rules of 19098  
the occupational therapy section. 19099

~~(C)~~ (D) Except as provided in division ~~(D)~~ (E) of this 19100  
section, the suspension or revocation of a license or limited 19101  
permit under this section is not effective until either the 19102  
order for suspension or revocation has been affirmed following 19103  
an adjudication hearing, or the time for requesting a hearing 19104  
has elapsed. 19105

When a license or limited permit is revoked under this 19106  
section, application for reinstatement may not be made sooner 19107  
than one year after the date of revocation. The occupational 19108  
therapy section may accept or refuse an application for 19109  
reinstatement and may require that the applicant pass an 19110  
examination as a condition of reinstatement. 19111

When a license or limited permit holder is placed on 19112  
probation under this section, the occupational therapy section's 19113  
probation order shall be accompanied by a statement of the 19114  
conditions under which the individual may be removed from 19115  
probation and restored to unrestricted practice. 19116

~~(D)~~ (E) On receipt of a complaint that a person who holds a 19117  
license or limited permit issued by the occupational therapy 19118  
section has committed any of the prohibited actions listed in 19119



division (A) of this section, the section may immediately 19120  
suspend the license or limited permit prior to holding a hearing 19121  
in accordance with Chapter 119. of the Revised Code if it 19122  
determines, based on the complaint, that the licensee or limited 19123  
permit holder poses an immediate threat to the public. The 19124  
section may review the allegations and vote on the suspension by 19125  
telephone conference call. If the section votes to suspend a 19126  
license or limited permit under this division, the section shall 19127  
issue a written order of summary suspension to the licensee or 19128  
limited permit holder in accordance with section 119.07 of the 19129  
Revised Code. If the individual whose license or limited permit 19130  
is suspended fails to make a timely request for an adjudication 19131  
under Chapter 119. of the Revised Code, the section shall enter 19132  
a final order permanently revoking the individual's license or 19133  
limited permit. Notwithstanding section 119.12 of the Revised 19134  
Code, a court of common pleas shall not grant a suspension of 19135  
the section's order of summary suspension pending the 19136  
determination of an appeal filed under that section. Any order 19137  
of summary suspension issued under this division shall remain in 19138  
effect, unless reversed on appeal, until a final adjudication 19139  
order issued by the section pursuant to division (A) of this 19140  
section becomes effective. The section shall issue its final 19141  
adjudication order regarding an order of summary suspension 19142  
issued under this division not later than ninety days after 19143  
completion of its hearing. Failure to issue the order within 19144  
ninety days shall result in immediate dissolution of the 19145  
suspension order, but shall not invalidate any subsequent, final 19146  
adjudication order. 19147

~~(E)~~ (F) If any person other than a person who holds a 19148  
license or limited permit issued under section 4755.08 of the 19149  
Revised Code has engaged in any practice that is prohibited 19150

under sections 4755.04 to 4755.13 of the Revised Code or the 19151  
rules of the occupational therapy section, the section may apply 19152  
to the court of common pleas of the county in which the 19153  
violation occurred, for an injunction or other appropriate order 19154  
restraining this conduct, and the court shall issue this order. 19155

**Sec. 4755.47.** (A) In accordance with Chapter 119. of the 19156  
Revised Code, the physical therapy section of the Ohio 19157  
occupational therapy, physical therapy, and athletic trainers 19158  
board may, except as provided in division (B) of this section, 19159  
refuse to grant a license to an applicant for an initial or 19160  
renewed license as a physical therapist or physical therapist 19161  
assistant or, by an affirmative vote of not less than five 19162  
members, may limit, suspend, or revoke the license of a physical 19163  
therapist or physical therapist assistant or reprimand, fine, 19164  
place a license holder on probation, or require the license 19165  
holder to take corrective action courses, on any of the 19166  
following grounds: 19167

(1) Habitual indulgence in the use of controlled 19168  
substances, other habit-forming drugs, or alcohol to an extent 19169  
that affects the individual's professional competency; 19170

(2) Conviction of a felony or a crime involving moral 19171  
turpitude, regardless of the state or country in which the 19172  
conviction occurred; 19173

(3) Obtaining or attempting to obtain a license issued by 19174  
the physical therapy section by fraud or deception, including 19175  
the making of a false, fraudulent, deceptive, or misleading 19176  
statement; 19177

(4) An adjudication by a court, as provided in section 19178  
5122.301 of the Revised Code, that the applicant or licensee is 19179

incompetent for the purpose of holding the license and has not  
thereafter been restored to legal capacity for that purpose;

(5) Subject to section 4755.471 of the Revised Code,  
violation of the code of ethics adopted by the physical therapy  
section;

(6) Violating or attempting to violate, directly or  
indirectly, or assisting in or abetting the violation of or  
conspiring to violate sections 4755.40 to 4755.56 of the Revised  
Code or any order issued or rule adopted under those sections;

(7) Failure of one or both of the examinations required  
under section 4755.43 or 4755.431 of the Revised Code;

(8) Permitting the use of one's name or license by a  
person, group, or corporation when the one permitting the use is  
not directing the treatment given;

(9) Denial, revocation, suspension, or restriction of  
authority to practice a health care occupation, including  
physical therapy, for any reason other than a failure to renew,  
in Ohio or another state or jurisdiction;

(10) Failure to maintain minimal standards of practice in  
the administration or handling of drugs, as defined in section  
4729.01 of the Revised Code, or failure to employ acceptable  
scientific methods in the selection of drugs, as defined in  
section 4729.01 of the Revised Code, or other modalities for  
treatment;

(11) Willful betrayal of a professional confidence;

(12) Making a false, fraudulent, deceptive, or misleading  
statement in the solicitation of or advertising for patients in  
relation to the practice of physical therapy;

- (13) A departure from, or the failure to conform to, minimal standards of care required of licensees when under the same or similar circumstances, whether or not actual injury to a patient is established; 19208  
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- (14) Obtaining, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice; 19212  
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- (15) Violation of the conditions of limitation or agreements placed by the physical therapy section on a license to practice; 19215  
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- (16) Failure to renew a license in accordance with section 4755.46 of the Revised Code; 19218  
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- (17) Except as provided in section 4755.471 of the Revised Code, engaging in the division of fees for referral of patients or receiving anything of value in return for a specific referral of a patient to utilize a particular service or business; 19220  
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- (18) Inability to practice according to acceptable and prevailing standards of care because of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perception skills; 19224  
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- (19) The revocation, suspension, restriction, or termination of clinical privileges by the United States department of defense or department of veterans affairs; 19228  
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- (20) Termination or suspension from participation in the medicare or medicaid program established under Title XVIII and Title XIX, respectively, of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, for an act or acts that constitute a violation of sections 4755.40 to 4755.56 of the Revised Code; 19231  
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(21) Failure of a physical therapist to maintain supervision of a student, physical therapist assistant, unlicensed support personnel, other assistant personnel, or a license applicant in accordance with the requirements of sections 4755.40 to 4755.56 of the Revised Code and rules adopted under those sections;

(22) Failure to complete continuing education requirements as prescribed in section 4755.51 or 4755.511 of the Revised Code or to satisfy any rules applicable to continuing education requirements that are adopted by the physical therapy section;

(23) Conviction of a misdemeanor when the act that constitutes the misdemeanor occurs during the practice of physical therapy;

(24) (a) Except as provided in division (A) (24) (b) of this section, failure to cooperate with an investigation conducted by the physical therapy section, including failure to comply with a subpoena or orders issued by the section or failure to answer truthfully a question presented by the section at a deposition or in written interrogatories.

(b) Failure to cooperate with an investigation does not constitute grounds for discipline under this section if a court of competent jurisdiction issues an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence at issue.

(25) Regardless of whether the contact or verbal behavior is consensual, engaging with a patient other than the spouse of the physical therapist or physical therapist assistant, in any of the following:

(a) Sexual contact, as defined in section 2907.01 of the

Revised Code;	19266
(b) Verbal behavior that is sexually demeaning to the patient or may be reasonably interpreted by the patient as sexually demeaning.	19267 19268 19269
(26) Failure to notify the physical therapy section of a change in name, business address, or home address within thirty days after the date of change;	19270 19271 19272
(27) Except as provided in division <del>(B)</del> (C) of this section:	19273 19274
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers physical therapy, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;	19275 19276 19277 19278 19279 19280
(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers physical therapy, would otherwise be required to pay <del>+</del> .	19281 19282 19283 19284 19285
(28) Violation of any section of this chapter or rule adopted under it.	19286 19287
(B) <u>The physical therapy section shall not refuse to issue a license to an applicant because of a criminal conviction unless the refusal is in accordance with section 9.79 of the Revised Code.</u>	19288 19289 19290 19291
<u>(C)</u> Sanctions shall not be imposed under division (A) (27) of this section against any individual who waives deductibles	19292 19293

and copayments as follows: 19294

(1) In compliance with the health benefit plan that 19295  
expressly allows such a practice. Waiver of the deductibles or 19296  
copayments shall be made only with the full knowledge and 19297  
consent of the plan purchaser, payer, and third-party 19298  
administrator. Documentation of the consent shall be made 19299  
available to the physical therapy section upon request. 19300

(2) For professional services rendered to any other person 19301  
licensed pursuant to sections 4755.40 to 4755.56 of the Revised 19302  
Code to the extent allowed by those sections and the rules of 19303  
the physical therapy section. 19304

~~(C)~~ (D) When a license is revoked under this section, 19305  
application for reinstatement may not be made sooner than one 19306  
year after the date of revocation. The physical therapy section 19307  
may accept or refuse an application for reinstatement and may 19308  
require that the applicant pass an examination as a condition 19309  
for reinstatement. 19310

When a license holder is placed on probation under this 19311  
section, the physical therapy section's order for placement on 19312  
probation shall be accompanied by a statement of the conditions 19313  
under which the individual may be removed from probation and 19314  
restored to unrestricted practice. 19315

~~(D)~~ (E) When an application for an initial or renewed 19316  
license is refused under this section, the physical therapy 19317  
section shall notify the applicant in writing of the section's 19318  
decision to refuse issuance of a license and the reason for its 19319  
decision. 19320

~~(E)~~ (F) On receipt of a complaint that a person licensed by 19321  
the physical therapy section has committed any of the actions 19322

listed in division (A) of this section, the physical therapy 19323  
section may immediately suspend the license of the physical 19324  
therapist or physical therapist assistant prior to holding a 19325  
hearing in accordance with Chapter 119. of the Revised Code if 19326  
it determines, based on the complaint, that the person poses an 19327  
immediate threat to the public. The physical therapy section may 19328  
review the allegations and vote on the suspension by telephone 19329  
conference call. If the physical therapy section votes to 19330  
suspend a license under this division, the physical therapy 19331  
section shall issue a written order of summary suspension to the 19332  
person in accordance with section 119.07 of the Revised Code. If 19333  
the person fails to make a timely request for an adjudication 19334  
under Chapter 119. of the Revised Code, the physical therapy 19335  
section shall enter a final order permanently revoking the 19336  
person's license. Notwithstanding section 119.12 of the Revised 19337  
Code, a court of common pleas shall not grant a suspension of 19338  
the physical therapy section's order of summary suspension 19339  
pending the determination of an appeal filed under that section. 19340  
Any order of summary suspension issued under this division shall 19341  
remain in effect, unless reversed on appeal, until a final 19342  
adjudication order issued by the physical therapy section 19343  
pursuant to division (A) of this section becomes effective. The 19344  
physical therapy section shall issue its final adjudication 19345  
order regarding an order of summary suspension issued under this 19346  
division not later than ninety days after completion of its 19347  
hearing. Failure to issue the order within ninety days shall 19348  
result in immediate dissolution of the suspension order, but 19349  
shall not invalidate any subsequent, final adjudication order. 19350

**Sec. 4755.62.** (A) No person shall claim to the public to 19351  
be an athletic trainer or imply by words, actions, or letters 19352  
that the person is an athletic trainer, or otherwise engage in 19353



the practice of athletic training, unless the person is licensed 19354  
as an athletic trainer pursuant to this chapter. 19355

(B) Except as otherwise provided in division (B) of 19356  
section 4755.65 of the Revised Code, no educational institution, 19357  
partnership, association, or corporation shall advertise or 19358  
otherwise offer to provide or convey the impression that it is 19359  
providing athletic training unless an individual licensed as an 19360  
athletic trainer pursuant to this chapter is employed by, or 19361  
under contract to, the educational institution, partnership, 19362  
association, or corporation and will be performing the athletic 19363  
training services to which reference is made. 19364

(C) To qualify for an athletic trainers license, a person 19365  
shall: 19366

(1) Have satisfactorily completed an application for 19367  
licensure in accordance with rules adopted by the athletic 19368  
trainers section of the Ohio occupational therapy, physical 19369  
therapy, and athletic trainers board under section 4755.61 of 19370  
the Revised Code; 19371

(2) Have paid the examination fee required under this 19372  
section; 19373

(3) ~~Be of good moral character;~~ 19374

~~(4)~~ Have shown, to the satisfaction of the athletic 19375  
trainers section, that the applicant has received a 19376  
baccalaureate or higher degree from an institution of higher 19377  
education, approved by the athletic trainers section of the 19378  
board and the federal regional accreditation agency and 19379  
recognized by the council on postsecondary accreditation, and 19380  
has satisfactorily completed the educational course work 19381  
requirements established by rule of the athletic trainers 19382

section under section 4755.61 of the Revised Code. 19383

~~(5)~~ (4) In addition to educational course work 19384  
requirements, have obtained supervised clinical experience that 19385  
meets the requirements established in rules adopted by the 19386  
athletic trainers section under section 4755.61 of the Revised 19387  
Code; 19388

~~(6)~~ (5) Have passed an examination adopted by the athletic 19389  
trainers section under division (A) (8) of section 4755.61 of the 19390  
Revised Code. Each applicant for licensure shall pay, at the 19391  
time of application, the nonrefundable examination fee set by 19392  
the athletic trainers section. 19393

(D) The section may waive the requirements of division (C) 19394  
of this section for any applicant who presents proof of current 19395  
licensure in another state whose standards for licensure, as 19396  
determined by the section, are equal to or greater than those in 19397  
effect in this state on the date of application. 19398

(E) The section shall issue a license to every applicant 19399  
who complies with the requirements of division (C) of this 19400  
section, files the required application form, and pays the fees 19401  
required by section 4755.61 of the Revised Code. A license 19402  
issued under this section entitles the holder to engage in the 19403  
practice of athletic training, claim to the public to be an 19404  
athletic trainer, or to imply by words or letters that the 19405  
licensee is an athletic trainer. Each licensee shall display the 19406  
licensee's license in a conspicuous place at the licensee's 19407  
principal place of employment. 19408

**Sec. 4755.64.** (A) In accordance with Chapter 119. of the 19409  
Revised Code, the athletic trainers section of the Ohio 19410  
occupational therapy, physical therapy, and athletic trainers 19411

board may suspend, revoke, or, except as provided in division 19412  
(B) of this section, refuse to issue or renew an athletic 19413  
trainers license, or reprimand, fine, or place a licensee on 19414  
probation, for any of the following: 19415

(1) Conviction of a felony or offense involving moral 19416  
turpitude, regardless of the state or country in which the 19417  
conviction occurred; 19418

(2) Violation of sections 4755.61 to 4755.65 of the 19419  
Revised Code or any order issued or rule adopted thereunder; 19420

(3) Obtaining a license through fraud, false or misleading 19421  
representation, or concealment of material facts; 19422

(4) Negligence or gross misconduct in the practice of 19423  
athletic training; 19424

(5) Violating the standards of ethical conduct in the 19425  
practice of athletic training as adopted by the athletic 19426  
trainers section under section 4755.61 of the Revised Code; 19427

(6) Using any controlled substance or alcohol to the 19428  
extent that the ability to practice athletic training at a level 19429  
of competency is impaired; 19430

(7) Practicing in an area of athletic training for which 19431  
the individual is untrained, incompetent, or practicing without 19432  
the referral of a practitioner licensed under Chapter 4731. of 19433  
the Revised Code, a dentist licensed under Chapter 4715. of the 19434  
Revised Code, a chiropractor licensed under Chapter 4734. of the 19435  
Revised Code, or a physical therapist licensed under this 19436  
chapter; 19437

(8) Employing, directing, or supervising a person in the 19438  
performance of athletic training procedures who is not 19439

authorized to practice as a licensed athletic trainer under this chapter; 19440  
19441

(9) Misrepresenting educational attainments or the functions the individual is authorized to perform for the purpose of obtaining some benefit related to the individual's athletic training practice; 19442  
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(10) Failing the licensing examination; 19446

(11) Aiding or abetting the unlicensed practice of athletic training; 19447  
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(12) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including athletic training, for any reason other than a failure to renew, in Ohio or another state or jurisdiction. 19449  
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(B) The athletic trainers section shall not refuse to issue a license to an applicant because of a criminal conviction unless the refusal is in accordance with section 9.79 of the Revised Code. 19453  
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(C) If the athletic trainers section places a licensee on probation under division (A) of this section, the section's order for placement on probation shall be accompanied by a written statement of the conditions under which the person may be removed from probation and restored to unrestricted practice. 19457  
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~~(C)~~ (D) A licensee whose license has been revoked under division (A) of this section may apply to the athletic trainers section for reinstatement of the license one year following the date of revocation. The athletic trainers section may accept or deny the application for reinstatement and may require that the applicant pass an examination as a condition for reinstatement. 19462  
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~~(D)~~(E) On receipt of a complaint that a person licensed by 19468  
the athletic trainers section has committed any of the 19469  
prohibited actions listed in division (A) of this section, the 19470  
section may immediately suspend the license of a licensed 19471  
athletic trainer prior to holding a hearing in accordance with 19472  
Chapter 119. of the Revised Code if it determines, based on the 19473  
complaint, that the licensee poses an immediate threat to the 19474  
public. The section may review the allegations and vote on the 19475  
suspension by telephone conference call. If the section votes to 19476  
suspend a license under this division, the section shall issue a 19477  
written order of summary suspension to the licensed athletic 19478  
trainer in accordance with section 119.07 of the Revised Code. 19479  
If the individual whose license is suspended fails to make a 19480  
timely request for an adjudication under Chapter 119. of the 19481  
Revised Code, the section shall enter a final order permanently 19482  
revoking the individual's license. Notwithstanding section 19483  
119.12 of the Revised Code, a court of common pleas shall not 19484  
grant a suspension of the section's order of summary suspension 19485  
pending the determination of an appeal filed under that section. 19486  
Any order of summary suspension issued under this division shall 19487  
remain in effect, unless reversed on appeal, until a final 19488  
adjudication order issued by the section pursuant to division 19489  
(A) of this section becomes effective. The section shall issue 19490  
its final adjudication order regarding an order of summary 19491  
suspension issued under this division not later than ninety days 19492  
after completion of its hearing. Failure to issue the order 19493  
within ninety days shall result in immediate dissolution of the 19494  
suspension order, but shall not invalidate any subsequent, final 19495  
adjudication order. 19496

**Sec. 4755.70.** (A) As used in this section, "license" and 19497  
"applicant for an initial license" have the same meanings as in 19498

section 4776.01 of the Revised Code, except that "license" as 19499  
used in both of those terms refers to the types of 19500  
authorizations otherwise issued or conferred under this chapter. 19501

(B) In addition to any other eligibility requirement set 19502  
forth in this chapter, each applicant for an initial license 19503  
shall comply with sections 4776.01 to 4776.04 of the Revised 19504  
Code. The occupational therapy section, the physical therapy 19505  
section, and the athletic trainers section of the Ohio 19506  
occupational therapy, physical therapy, and athletic trainers 19507  
board shall not grant a license to an applicant for an initial 19508  
license unless the applicant complies with sections 4776.01 to 19509  
4776.04 of the Revised Code ~~and the board, in its discretion,~~ 19510  
~~decides that the results of the criminal records check do not~~ 19511  
~~make the applicant ineligible for a license issued pursuant to~~ 19512  
~~section 4755.07, 4755.09, 4755.44, 4755.441, 4755.45, 4755.451,~~ 19513  
~~or 4755.62 of the Revised Code.~~ 19514

**Sec. 4757.10.** The counselor, social worker, and marriage 19515  
and family therapist board may adopt any rules necessary to 19516  
carry out this chapter. 19517

The board shall adopt rules that do all of the following: 19518

(A) Concern intervention for and treatment of any impaired 19519  
person holding a license or certificate of registration issued 19520  
under this chapter; 19521

(B) Establish standards for training and experience of 19522  
supervisors described in division (C) of section 4757.30 of the 19523  
Revised Code; 19524

~~(C) Define the requirement that an applicant be of good~~ 19525  
~~moral character in order to be licensed or registered under this~~ 19526  
~~chapter;~~ 19527

~~(D)~~ Establish requirements for criminal records checks of applicants under section 4776.03 of the Revised Code; 19528  
19529

~~(E)~~ (D) Establish a graduated system of fines based on the scope and severity of violations and the history of compliance, not to exceed five hundred dollars per incident, that any professional standards committee of the board may charge for a disciplinary violation described in section 4757.36 of the Revised Code; 19530  
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~~(F)~~ (E) Establish the amount and content of corrective action courses required by the board under section ~~4755.36~~ 4757.36 of the Revised Code; 19536  
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~~(G)~~ (F) Provide for voluntary registration of all of the following: 19539  
19540

(1) Master's level counselor trainees enrolled in practice and internships; 19541  
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(2) Master's level social worker trainees enrolled in fieldwork, practice, and internships; 19543  
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(3) Master's level marriage and family therapist trainees enrolled in practice and internships. 19545  
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Rules adopted under division ~~(G)~~ (F) of this section shall not require a trainee to register with the board, and if a trainee has not registered, shall prohibit any adverse effect with respect to a trainee's application for licensure by the board. 19547  
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All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code. When it adopts rules under this section or any other section of this chapter, the board may consider standards established by any national 19552  
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association or other organization representing the interests of 19556  
those involved in professional counseling, social work, or 19557  
marriage and family therapy. 19558

**Sec. 4757.101.** (A) As used in this section, "license" and 19559  
"applicant for an initial license" have the same meanings as in 19560  
section 4776.01 of the Revised Code, except that "license" as 19561  
used in both of those terms refers to the types of 19562  
authorizations otherwise issued or conferred under this chapter. 19563

(B) In addition to any other eligibility requirement set 19564  
forth in this chapter, each applicant for an initial license 19565  
shall comply with sections 4776.01 to 4776.04 of the Revised 19566  
Code. The counselor, social worker, and marriage and family 19567  
therapist board shall not grant a license to an applicant for an 19568  
initial license unless the applicant complies with sections 19569  
4776.01 to 4776.04 of the Revised Code ~~and the board, in its~~ 19570  
~~discretion, decides that the results of the criminal records~~ 19571  
~~check do not make the applicant ineligible for a license issued~~ 19572  
~~pursuant to section 4757.22, 4757.23, 4757.27, 4757.28, 4757.29,~~ 19573  
~~4757.30, or 4757.301 of the Revised Code.~~ 19574

**Sec. 4757.22.** (A) The counselors professional standards 19575  
committee of the counselor, social worker, and marriage and 19576  
family therapist board shall issue a license to practice as a 19577  
licensed professional clinical counselor to each applicant who 19578  
submits a properly completed application, pays the fee 19579  
established under section 4757.31 of the Revised Code, and meets 19580  
the requirements specified in division (B) of this section. 19581

(B) (1) To be eligible for a licensed professional clinical 19582  
counselor license, an individual must meet the following 19583  
requirements: 19584



<del>(a) The individual must be of good moral character.</del>	19585
<del>(b)</del> The individual must hold a graduate degree in counseling as described in division (B) (2) of this section.	19586 19587
<del>(e)</del> <u>(b)</u> The individual must complete a minimum of ninety quarter hours or sixty semester hours of graduate credit in counselor training acceptable to the committee, including instruction in the following areas:	19588 19589 19590 19591
(i) Clinical psychopathology, personality, and abnormal behavior;	19592 19593
(ii) Evaluation of mental and emotional disorders;	19594
(iii) Diagnosis of mental and emotional disorders;	19595
(iv) Methods of prevention, intervention, and treatment of mental and emotional disorders.	19596 19597
<del>(d)</del> <u>(c)</u> The individual must complete, in either a private or clinical counseling setting, supervised experience in counseling that is of a type approved by the committee, is supervised by a licensed professional clinical counselor or other qualified professional approved by the committee, and is in the following amounts:	19598 19599 19600 19601 19602 19603
(i) In the case of an individual holding only a master's degree, not less than two years of experience, which must be completed after the award of the master's degree;	19604 19605 19606
(ii) In the case of an individual holding a doctorate, not less than one year of experience, which must be completed after the award of the doctorate.	19607 19608 19609
<del>(e)</del> <u>(d)</u> The individual must pass a field evaluation that meets the following requirements:	19610 19611

(i) Has been completed by the applicant's instructors, 19612  
employers, supervisors, or other persons determined by the 19613  
committee to be competent to evaluate an individual's 19614  
professional competence; 19615

(ii) Includes documented evidence of the quality, scope, 19616  
and nature of the applicant's experience and competence in 19617  
diagnosing and treating mental and emotional disorders. 19618

~~(f)~~ (e) The individual must pass an examination 19619  
administered by the board for the purpose of determining ability 19620  
to practice as a licensed professional clinical counselor. 19621

(2) To meet the requirement of division (B) (1) ~~(b)~~ (a) of 19622  
this section, a graduate degree in counseling obtained from a 19623  
mental health counseling program in this state after January 1, 19624  
2018, must be from one of the following: 19625

(a) A clinical mental health counseling program, a 19626  
clinical rehabilitation counseling program, or an addiction 19627  
counseling program accredited by the council for accreditation 19628  
of counseling and related educational programs; 19629

(b) A counseling education program approved by the board 19630  
in accordance with rules adopted by the board under division (G) 19631  
of this section. 19632

(3) All of the following meet the educational requirements 19633  
of division (B) (1) ~~(e)~~ (b) of this section: 19634

(a) A clinical mental health counseling program accredited 19635  
by the council for accreditation of counseling and related 19636  
educational programs; 19637

(b) Until January 1, 2018, a mental health counseling 19638  
program accredited by the council for accreditation of 19639

counseling and related educational programs; 19640

(c) A graduate degree in counseling issued by another 19641  
state from a clinical mental health counseling program, a 19642  
clinical rehabilitation counseling program, or an addiction 19643  
counseling program that is accredited by the council for 19644  
accreditation of counseling and related educational programs; 19645

(d) A counseling education program approved by the board 19646  
in accordance with rules adopted under division (G) of this 19647  
section. 19648

(C) To be accepted by the committee for purposes of 19649  
division (B) of this section, counselor training must include at 19650  
least the following: 19651

(1) Instruction in human growth and development; 19652  
counseling theory; counseling techniques; group dynamics, 19653  
processing, and counseling; appraisal of individuals; research 19654  
and evaluation; professional, legal, and ethical 19655  
responsibilities; social and cultural foundations; and lifestyle 19656  
and career development; 19657

(2) Participation in a supervised practicum and internship 19658  
in counseling. 19659

(D) The committee may issue a temporary license to an 19660  
applicant who meets all of the requirements to be licensed under 19661  
this section, pending the receipt of transcripts or action by 19662  
the committee to issue a license to practice as a licensed 19663  
professional clinical counselor. 19664

(E) An individual may not sit for the licensing 19665  
examination unless the individual meets the educational 19666  
requirements to be licensed under this section. An individual 19667  
who is denied admission to the licensing examination may appeal 19668

the denial in accordance with Chapter 119. of the Revised Code. 19669

(F) The board shall adopt any rules necessary for the 19670  
committee to implement this section. The rules shall do both of 19671  
the following: 19672

(1) Establish criteria for the committee to use in 19673  
determining whether an applicant's training should be accepted 19674  
and supervised experience approved; 19675

(2) Establish course content requirements for qualifying 19676  
counseling degrees issued by institutions in other states from 19677  
clinical mental health counseling programs, clinical 19678  
rehabilitation counseling programs, and addiction counseling 19679  
programs that are not accredited by the council for 19680  
accreditation of counseling and related educational programs. 19681

Rules adopted under this division shall be adopted in 19682  
accordance with Chapter 119. of the Revised Code. 19683

(G) (1) The board may adopt rules to temporarily approve a 19684  
counseling education program created after January 1, 2018, that 19685  
has not been accredited by the council for accreditation of 19686  
counseling and related educational programs. If the board adopts 19687  
rules under this division, the board shall do all of the 19688  
following in the rules: 19689

(a) Create an application process under which a program 19690  
administrator may apply to the board for approval of the 19691  
program; 19692

(b) Identify the educational requirements that an 19693  
individual must satisfy to receive a graduate degree in 19694  
counseling from the approved program; 19695

(c) Establish a time period during which an individual may 19696

use an unaccredited degree granted under the program to satisfy 19697  
the requirements of divisions (B) (1) ~~(b) (a)~~ and ~~(e) (b)~~ of this 19698  
section; 19699

(d) Specify that, if the program is denied accreditation, 19700  
a student enrolled in the program before the accreditation is 19701  
denied may apply for licensure before completing the program 19702  
and, on receiving a degree from the program, is considered to 19703  
satisfy divisions (B) (1) ~~(b) (a)~~ and ~~(e) (b)~~ of this section. 19704

(2) A degree from a counseling education program approved 19705  
by the board pursuant to the rules adopted under division (G) (1) 19706  
of this section satisfies the requirements of divisions (B) (1) 19707  
~~(b) (a)~~ and ~~(e) (b)~~ of this section for the time period approved 19708  
by the board. 19709

**Sec. 4757.23.** (A) The counselors professional standards 19710  
committee of the counselor, social worker, and marriage and 19711  
family therapist board shall issue a license as a licensed 19712  
professional counselor to each applicant who submits a properly 19713  
completed application, pays the fee established under section 19714  
4757.31 of the Revised Code, and meets the requirements 19715  
established under division (B) of this section. 19716

(B) (1) To be eligible for a license as a licensed 19717  
professional counselor, an individual must meet the following 19718  
requirements: 19719

(a) ~~The individual must be of good moral character.~~ 19720

~~(b)~~ The individual must hold a graduate degree in 19721  
counseling as described in division (B) (2) of this section. 19722

~~(e) (b)~~ The individual must complete a minimum of ninety 19723  
quarter hours or sixty semester hours of graduate credit in 19724  
counselor training acceptable to the committee, which the 19725

individual may complete while working toward receiving a 19726  
graduate degree in counseling, or subsequent to receiving the 19727  
degree, and which shall include training in the following areas: 19728

(i) Clinical psychopathology, personality, and abnormal 19729  
behavior; 19730

(ii) Evaluation of mental and emotional disorders; 19731

(iii) Diagnosis of mental and emotional disorders; 19732

(iv) Methods of prevention, intervention, and treatment of 19733  
mental and emotional disorders. 19734

~~(d)~~ (c) The individual must pass an examination 19735  
administered by the board for the purpose of determining ability 19736  
to practice as a licensed professional counselor. 19737

(2) To meet the requirement of division (B) (1) ~~(b)~~ (a) of 19738  
this section, a graduate degree in counseling obtained from a 19739  
mental health counseling program in this state after January 1, 19740  
2018, must be from one of the following: 19741

(a) A clinical mental health counseling program, clinical 19742  
rehabilitation counseling program, or addiction counseling 19743  
program accredited by the council for accreditation of 19744  
counseling and related educational programs; 19745

(b) A counseling education program approved by the board 19746  
in accordance with rules adopted by the board under division (G) 19747  
of this section. 19748

(3) All of the following meet the educational requirements 19749  
of division (B) (1) ~~(e)~~ (b) of this section: 19750

(a) A clinical mental health counseling program accredited 19751  
by the council for accreditation of counseling and related 19752

educational programs; 19753

(b) Until January 1, 2018, a mental health counseling 19754  
program accredited by the council for accreditation of 19755  
counseling and related educational programs; 19756

(c) A graduate degree in counseling issued by an 19757  
institution in another state from a clinical mental health 19758  
counseling program, a clinical rehabilitation counseling 19759  
program, or an addiction counseling program that is accredited 19760  
by the council for accreditation of counseling and related 19761  
educational programs; 19762

(d) A counseling education program approved by the board 19763  
in accordance with rules adopted under division (G) of this 19764  
section. 19765

(C) To be accepted by the committee for purposes of 19766  
division (B) of this section, counselor training must include at 19767  
least the following: 19768

(1) Instruction in human growth and development; 19769  
counseling theory; counseling techniques; group dynamics, 19770  
processing, and counseling; appraisal of individuals; research 19771  
and evaluation; professional, legal, and ethical 19772  
responsibilities; social and cultural foundations; and lifestyle 19773  
and career development; 19774

(2) Participation in a supervised practicum and internship 19775  
in counseling. 19776

(D) The committee may issue a temporary license to 19777  
practice as a licensed professional counselor to an applicant 19778  
who meets all of the requirements to be licensed under this 19779  
section as follows: 19780

(1) Pending the receipt of transcripts or action by the committee to issue a license as a licensed professional counselor;

(2) For a period not to exceed ninety days, to an applicant who provides the board with a statement from the applicant's academic institution indicating that the applicant has met the academic requirements for the applicant's degree and the projected date the applicant will receive the applicant's transcript showing a conferred degree.

On application to the committee, a temporary license issued under division (D) (2) of this section may be renewed for good cause shown.

(E) An individual may not sit for the licensing examination unless the individual meets the educational requirements to be licensed under this section. An individual who is denied admission to the licensing examination may appeal the denial in accordance with Chapter 119. of the Revised Code.

(F) The board shall adopt any rules necessary for the committee to implement this section. The rules shall do both of the following:

(1) Establish criteria for the committee to use in determining whether an applicant's training should be accepted and supervised experience approved;

(2) Establish course content requirements for qualifying counseling degrees issued by institutions in other states from clinical mental health counseling programs, clinical rehabilitation counseling programs, and addiction counseling programs that are not accredited by the council for accreditation of counseling and related educational programs.



Rules adopted under this division shall be adopted in 19810  
accordance with Chapter 119. of the Revised Code. 19811

(G) (1) The board may adopt rules to temporarily approve a 19812  
counseling education program created after January 1, 2018, that 19813  
has not been accredited by the council for accreditation of 19814  
counseling and related educational programs. If the board adopts 19815  
rules under this division, the board shall do all of the 19816  
following in the rules: 19817

(a) Create an application process under which a program 19818  
administrator may apply to the board for approval of the 19819  
program; 19820

(b) Identify the educational requirements that an 19821  
individual must satisfy to receive a graduate degree in 19822  
counseling from the approved program; 19823

(c) Establish a time period during which an individual may 19824  
use an unaccredited degree granted under the program to satisfy 19825  
the requirements of divisions (B) (1) ~~(b)~~ (a) and ~~(e)~~ (b) of this 19826  
section; 19827

(d) Specify that, if the program is denied accreditation, 19828  
a student enrolled in the program before the accreditation is 19829  
denied may apply for licensure before completing the program 19830  
and, on receiving a degree from the program, is considered to 19831  
satisfy divisions (B) (1) ~~(b)~~ (a) and ~~(e)~~ (b) of this section. 19832

(2) A degree from a counseling education program approved 19833  
by the board pursuant to the rules adopted under division (G) (1) 19834  
of this section satisfies the requirements of divisions (B) (1) 19835  
~~(b)~~ (a) and ~~(e)~~ (b) of this section for the time period approved 19836  
by the board. 19837

**Sec. 4757.27.** (A) The social workers professional 19838

standards committee of the counselor, social worker, and 19839  
marriage and family therapist board shall issue a license as an 19840  
independent social worker to each applicant who submits a 19841  
properly completed application, pays the fee established under 19842  
section 4757.31 of the Revised Code, and meets the requirements 19843  
specified in division (B) of this section. An independent social 19844  
worker license shall clearly indicate each academic degree 19845  
earned by the person to whom it has been issued. 19846

(B) To be eligible for a license as an independent social 19847  
worker, an individual must meet the following requirements: 19848

~~(1) The individual must be of good moral character.~~ 19849

~~(2)~~ The individual must hold a master's degree in social 19850  
work from an educational institution accredited by the council 19851  
on social work education or an educational institution in 19852  
candidacy for accreditation by the council. 19853

~~(3)~~ (2) The individual must complete at least two years of 19854  
post-master's degree social work experience supervised by an 19855  
independent social worker. 19856

~~(4)~~ (3) The individual must pass an examination 19857  
administered by the board for the purpose of determining ability 19858  
to practice as an independent social worker. 19859

(C) The committee may issue a temporary license to an 19860  
applicant who meets all of the requirements to be licensed under 19861  
this section, pending the receipt of transcripts or action by 19862  
the committee to issue a license as an independent social 19863  
worker. 19864

(D) The board shall adopt any rules necessary for the 19865  
committee to implement this section, including criteria for the 19866  
committee to use in determining whether an applicant's training 19867

should be accepted and supervised experience approved. Rules 19868  
adopted under this division shall be adopted in accordance with 19869  
Chapter 119. of the Revised Code. 19870

**Sec. 4757.28.** (A) The social workers professional 19871  
standards committee of the counselor, social worker, and 19872  
marriage and family therapist board shall issue a license as a 19873  
social worker to each applicant who submits a properly completed 19874  
application, pays the fee established under section 4757.31 of 19875  
the Revised Code, and meets the requirements specified in 19876  
division (B) of this section. A social worker license shall 19877  
clearly indicate each academic degree earned by the person to 19878  
whom it is issued. 19879

(B) To be eligible for a license as a social worker, an 19880  
individual must meet the following requirements: 19881

~~(1) The individual must be of good moral character.~~ 19882

~~(2)~~ The individual must hold from an accredited 19883  
educational institution one of the following: 19884

(a) A baccalaureate degree in social work; 19885

(b) A master's degree in social work; 19886

(c) A doctorate in social work. 19887

~~(3)~~ (2) The individual must pass an examination 19888  
administered by the board for the purpose of determining ability 19889  
to practice as a social worker. 19890

(C) The committee may issue a temporary license to 19891  
practice as a social worker as follows: 19892

(1) To an applicant who meets all of the requirements to 19893  
be licensed under this section, pending the receipt of 19894

transcripts or action by the committee to issue a license as a 19895  
social worker; 19896

(2) For a period not to exceed ninety days, to an 19897  
applicant who provides the board with a statement from the 19898  
applicant's academic institution indicating that the applicant 19899  
has met the academic requirements for the applicant's degree, 19900  
and the projected date the applicant will receive the 19901  
applicant's transcript showing a conferred degree. 19902

On application to the committee, a temporary license 19903  
issued under division (C) (2) of this section may be renewed for 19904  
good cause shown. 19905

(D) The board shall adopt any rules necessary for the 19906  
committee to implement this section, including criteria for the 19907  
committee to use in determining whether an applicant's training 19908  
should be accepted and supervised experience approved. Rules 19909  
adopted under this division shall be adopted in accordance with 19910  
Chapter 119. of the Revised Code. 19911

**Sec. 4757.29.** The social workers professional standards 19912  
committee of the counselor, social worker, and marriage and 19913  
family therapist board shall issue a certificate of registration 19914  
as a social work assistant to each applicant who submits a 19915  
properly completed application, pays the fee established under 19916  
section 4757.31 of the Revised Code, ~~is of good moral character,~~ 19917  
and holds from an accredited educational institution an 19918  
associate degree in social service technology or a bachelor's 19919  
degree that is equivalent to an associate degree in social 19920  
service technology or a related bachelor's or higher degree that 19921  
is approved by the committee. 19922

**Sec. 4757.36.** (A) The appropriate professional standards 19923

committee of the counselor, social worker, and marriage and family therapist board may, in accordance with Chapter 119. of the Revised Code, take any action specified in division (B) of this section for any reason described in division (C) of this section against an individual who has applied for or holds a license issued under this chapter; a master's level counselor trainee, social worker trainee, or marriage and family therapist trainee; or an individual or entity that is registered, or has applied for registration, in accordance with rules adopted under section 4757.33 of the Revised Code to provide continuing education programs approved by the board.

(B) In its imposition of sanctions against an individual or entity specified in division (A) of this section, the board may do any of the following:

(1) Refuse to issue or refuse to renew a license or certificate of registration;

(2) Suspend, revoke, or otherwise restrict a license or certificate of registration;

(3) Reprimand an individual holding a license or certificate of registration;

(4) Impose a fine in accordance with the graduated system of fines established by the board in rules adopted under section 4757.10 of the Revised Code;

(5) Require an individual holding a license or certificate of registration to take corrective action courses.

(C) The appropriate professional standards committee of the board may take an action specified in division (B) of this section for any of the following reasons:

(1) Commission of an act that violates any provision of this chapter or rules adopted under it;	19952 19953
(2) Knowingly making a false statement on an application for licensure or registration, or for renewal of a license or certificate of registration;	19954 19955 19956
(3) Accepting a commission or rebate for referring persons to any professionals licensed, certified, or registered by any court or board, commission, department, division, or other agency of the state, including, but not limited to, individuals practicing counseling, social work, or marriage and family therapy or practicing in fields related to counseling, social work, or marriage and family therapy;	19957 19958 19959 19960 19961 19962 19963
(4) A failure to comply with section 4757.13 of the Revised Code;	19964 19965
(5) A conviction in this or any other state of a crime that is a felony in this state;	19966 19967
(6) A failure to perform properly as a licensed professional clinical counselor, licensed professional counselor, independent marriage and family therapist, marriage and family therapist, social work assistant, social worker, or independent social worker due to the use of alcohol or other drugs or any other physical or mental condition;	19968 19969 19970 19971 19972 19973
(7) A conviction in this state or in any other state of a misdemeanor committed in the course of practice as a licensed professional clinical counselor, licensed professional counselor, independent marriage and family therapist, marriage and family therapist, social work assistant, social worker, or independent social worker;	19974 19975 19976 19977 19978 19979
(8) Practicing outside the scope of practice applicable to	19980

that person; 19981

(9) Practicing in violation of the supervision 19982  
requirements specified under sections 4757.21 and 4757.26, and 19983  
division (E) of section 4757.30, of the Revised Code; 19984

(10) A violation of the person's code of ethical practice 19985  
adopted by rule of the board pursuant to section 4757.11 of the 19986  
Revised Code; 19987

(11) Revocation or suspension of a license or certificate 19988  
of registration, other disciplinary action against a license 19989  
holder or registration, or the voluntary surrender of a license 19990  
or certificate of registration in another state or jurisdiction 19991  
for an offense that would be a violation of this chapter. 19992

(D) Notwithstanding any provision of divisions (A) to (C) 19993  
of this section to the contrary, the board shall not refuse to 19994  
issue a license or certificate of registration to an applicant 19995  
because of a criminal conviction unless the refusal is in 19996  
accordance with section 9.79 of the Revised Code. 19997

(E) A disciplinary action under division (B) of this 19998  
section shall be taken pursuant to an adjudication under Chapter 19999  
119. of the Revised Code, except that in lieu of an 20000  
adjudication, the appropriate professional standards committee 20001  
may enter into a consent agreement with an individual or entity 20002  
specified in division (A) of this section to resolve an 20003  
allegation of a violation of this chapter or any rule adopted 20004  
under it. A consent agreement, when ratified by the appropriate 20005  
professional standards committee, constitutes the findings and 20006  
order of the board with respect to the matter addressed in the 20007  
agreement. If a committee refuses to ratify a consent agreement, 20008  
the admissions and findings contained in the consent agreement 20009

are of no force or effect. 20010

~~(E)~~(F) In any instance in which a professional standards 20011  
committee of the board is required by Chapter 119. of the 20012  
Revised Code to give notice of the opportunity for a hearing and 20013  
the individual or entity subject to the notice does not timely 20014  
request a hearing in accordance with section 119.07 of the 20015  
Revised Code, the committee may adopt a final order that 20016  
contains the board's findings. In that final order, the 20017  
committee may order any of the sanctions identified in division 20018  
(B) of this section. 20019

~~(F)~~(G) One year or more after the date of suspension or 20020  
revocation of a license or certificate of registration under 20021  
this section, application may be made to the appropriate 20022  
professional standards committee for reinstatement. The 20023  
committee may approve or deny an application for reinstatement. 20024  
If a license has been suspended or revoked, the committee may 20025  
require an examination for reinstatement. 20026

~~(G)~~(H) On request of the board, the attorney general shall 20027  
bring and prosecute to judgment a civil action to collect any 20028  
fine imposed under division (B)(4) of this section that remains 20029  
unpaid. 20030

~~(H)~~(I) All fines collected under division (B)(4) of this 20031  
section shall be deposited into the state treasury to the credit 20032  
of the occupational licensing and regulatory fund. 20033

**Sec. 4758.20.** (A) The chemical dependency professionals 20034  
board shall adopt rules to establish, specify, or provide for 20035  
all of the following: 20036

(1) Fees for the purposes authorized by section 4758.21 of 20037  
the Revised Code; 20038



(2) If the board, pursuant to section 4758.221 of the Revised Code, elects to administer examinations for individuals seeking to act as substance abuse professionals in a U.S. department of transportation drug and alcohol testing program, the board's administration of the examinations;

(3) For the purpose of section 4758.23 of the Revised Code, codes of ethical practice and professional conduct for individuals who hold a license, certificate, or endorsement issued under this chapter;

(4) For the purpose of section 4758.24 of the Revised Code, all of the following:

~~(a) Good moral character requirements for an individual who seeks or holds a license, certificate, or endorsement issued under this chapter;~~

~~(b) The documents that an individual seeking such a license, certificate, or endorsement must submit to the board;~~

~~(c) (b) Requirements to obtain the license, certificate, or endorsement that are in addition to the requirements established under sections 4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 4758.44, 4758.45, 4758.46, 4758.47, and 4758.48 of the Revised Code. The additional requirements may include preceptorships.~~

~~(d) (c) The period of time that an individual whose registered applicant certificate has expired must wait before applying for a new registered applicant certificate.~~

(5) For the purpose of section 4758.28 of the Revised Code, requirements for approval of continuing education courses of study for individuals who hold a license, certificate, or endorsement issued under this chapter;

(6) For the purpose of section 4758.30 of the Revised Code, the intervention for and treatment of an individual holding a license, certificate, or endorsement issued under this chapter whose abilities to practice are impaired due to abuse of or dependency on alcohol or other drugs or other physical or mental condition;

(7) Requirements governing reinstatement of a suspended or revoked license, certificate, or endorsement under division ~~(B)~~ (C) of section 4758.30 of the Revised Code, including requirements for determining the amount of time an individual must wait to apply for reinstatement;

(8) For the purpose of section 4758.31 of the Revised Code, methods of ensuring that all records the board holds pertaining to an investigation remain confidential during the investigation;

(9) Criteria for employees of the board to follow when performing their duties under division (B) of section 4758.35 of the Revised Code;

(10) For the purpose of division (A)(1) of section 4758.39 and division (A)(1) of section 4758.40 of the Revised Code, course requirements for a degree in a behavioral science or nursing that shall, at a minimum, include at least forty semester hours in all of the following courses:

(a) Theories of counseling and psychotherapy;

(b) Counseling procedures;

(c) Group process and techniques;

(d) Relationship therapy;

(e) Research methods and statistics;

(f) Fundamentals of assessment and diagnosis, including measurement and appraisal;	20096 20097
(g) Psychopathology;	20098
(h) Human development;	20099
(i) Cultural competence in counseling;	20100
(j) Ethics.	20101
(11) For the purpose of division (A) (2) of section 4758.39 of the Revised Code, the number of hours of compensated work or supervised internship experience that an individual must have and the number of those hours that must be in clinical supervisory experience;	20102 20103 20104 20105 20106
(12) For the purpose of division (A) (3) of section 4758.39, division (A) (3) of section 4758.40, division (A) (3) of section 4758.41, and division (A) (3) of section 4758.42 of the Revised Code, both of the following:	20107 20108 20109 20110
(a) The number of hours of training in chemical dependency an individual must have;	20111 20112
(b) Training requirements for chemical dependency that shall, at a minimum, include qualifications for the individuals who provide the training and the content areas covered in the training.	20113 20114 20115 20116
(13) For the purpose of division (A) (2) of section 4758.40, division (A) (2) of section 4758.41, and division (A) (2) of section 4758.42 of the Revised Code, the number of hours of compensated work or supervised internship experience that an individual must have;	20117 20118 20119 20120 20121
(14) For the purpose of division (B) (2) (b) of section	20122

4758.40 and division (B) (2) of section 4758.41 of the Revised Code, requirements for the forty clock hours of training on the version of the diagnostic and statistical manual of mental disorders that is current at the time of the training, including the number of the clock hours that must be on substance-related disorders, the number of the clock hours that must be on chemical dependency conditions, and the number of the clock hours that must be on awareness of other mental and emotional disorders;

(15) For the purpose of division (A) (1) of section 4758.41 of the Revised Code, course requirements for a degree in a behavioral science or nursing;

(16) For the purpose of division (A) of section 4758.43 of the Revised Code, both of the following:

(a) The number of hours of training in chemical dependency counseling that an individual must have;

(b) Training requirements for chemical dependency counseling that shall, at a minimum, include qualifications for the individuals who provide the training and the content areas covered in the training.

(17) For the purpose of division (A) (1) of section 4758.44 of the Revised Code, the number of hours of compensated work experience in prevention services that an individual must have and the number of those hours that must be in administering or supervising the services;

(18) For the purpose of division (A) (2) of section 4758.44 of the Revised Code, the field of study in which an individual must obtain at least a bachelor's degree;

(19) For the purpose of division (A) (3) of section

4758.44, division (A) (3) of section 4758.45, and division (D) of	20152
section 4758.46 of the Revised Code, both of the following:	20153
(a) The number of hours of prevention-related education	20154
that an individual must have;	20155
(b) Requirements for prevention-related education.	20156
(20) For the purpose of division (A) (4) of section 4758.44	20157
of the Revised Code, the number of hours of administrative or	20158
supervisory education that an individual must have;	20159
(21) For the purpose of division (A) (1) of section 4758.45	20160
of the Revised Code, the number of hours of compensated or	20161
volunteer work, field placement, intern, or practicum experience	20162
in prevention services that an individual must have and the	20163
number of those hours that must be in planning or delivering the	20164
services;	20165
(22) For the purpose of division (A) (2) of section 4758.45	20166
of the Revised Code, the field of study in which an individual	20167
must obtain at least an associate's degree;	20168
(23) For the purpose of division (C) of section 4758.46 of	20169
the Revised Code, the number of hours of compensated or	20170
volunteer work, field placement, intern, or practicum experience	20171
in prevention services that an individual must have;	20172
(24) Standards for the one hundred hours of compensated	20173
work or supervised internship in gambling disorder direct	20174
clinical experience required by division (B) (2) of section	20175
4758.48 of the Revised Code;	20176
(25) For the purpose of section 4758.51 of the Revised	20177
Code, continuing education requirements for individuals who hold	20178
a license, certificate, or endorsement issued under this	20179

chapter;	20180
(26) For the purpose of section 4758.51 of the Revised Code, the number of hours of continuing education that an individual must complete to have an expired license, certificate, or endorsement restored under section 4758.26 of the Revised Code;	20181 20182 20183 20184 20185
(27) For the purpose of divisions (A) and (B) of section 4758.52 of the Revised Code, training requirements for chemical dependency counseling;	20186 20187 20188
(28) The duties, which may differ, of all of the following:	20189 20190
(a) An independent chemical dependency counselor-clinical supervisor licensed under this chapter who supervises a chemical dependency counselor III under section 4758.56 of the Revised Code;	20191 20192 20193 20194
(b) An independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, or chemical dependency counselor III licensed under this chapter who supervises a chemical dependency counselor assistant under section 4758.59 of the Revised Code;	20195 20196 20197 20198 20199
(c) A prevention consultant or prevention specialist certified under this chapter or independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, or chemical dependency counselor III licensed under this chapter who supervises a prevention specialist assistant or registered applicant under section 4758.61 of the Revised Code.	20200 20201 20202 20203 20204 20205
(29) The duties of an independent chemical dependency counselor licensed under this chapter who holds the gambling disorder endorsement who supervises a chemical dependency	20206 20207 20208

counselor III with the gambling disorder endorsement under 20209  
section 4758.62 of the Revised Code. 20210

(30) Anything else necessary to administer this chapter. 20211

(B) All rules adopted under this section shall be adopted 20212  
in accordance with Chapter 119. of the Revised Code and any 20213  
applicable federal laws and regulations. 20214

(C) When it adopts rules under this section, the board may 20215  
consider standards established by any national association or 20216  
other organization representing the interests of those involved 20217  
in chemical dependency counseling or prevention services. 20218

**Sec. 4758.24.** (A) The chemical dependency professionals 20219  
board shall issue a license, certificate, or endorsement under 20220  
this chapter to an individual who meets all of the following 20221  
requirements: 20222

~~(1) Is of good moral character as determined in accordance~~ 20223  
~~with rules adopted under section 4758.20 of the Revised Code;~~ 20224

~~(2)~~ Except as provided in section 4758.241 of the Revised 20225  
Code, submits a properly completed application and all other 20226  
documentation specified in rules adopted under section 4758.20 20227  
of the Revised Code; 20228

~~(3)~~ (2) Except as provided in section 4758.241 of the 20229  
Revised Code, pays the fee established under section 4758.21 of 20230  
the Revised Code for the license, certificate, or endorsement 20231  
that the individual seeks; 20232

~~(4)~~ (3) Meets the requirements to obtain the license, 20233  
certificate, or endorsement that the individual seeks as 20234  
specified in section 4758.39, 4758.40, 4758.41, 4758.42, 20235  
4758.43, 4758.44, 4758.45, 4758.46, 4758.47, or 4758.48 of the 20236

Revised Code;	20237
<del>(5)</del> <u>(4)</u> Meets any additional requirements specified in	20238
rules adopted under section 4758.20 of the Revised Code to	20239
obtain the license, certificate, or endorsement that the	20240
individual seeks.	20241
(B) The board shall not do either of the following:	20242
(1) Issue a certificate to practice as a chemical	20243
dependency counselor I;	20244
(2) Issue a new registered applicant certificate to an	20245
individual whose previous registered applicant certificate has	20246
been expired for less than the period of time specified in rules	20247
adopted under section 4758.20 of the Revised Code.	20248
<b>Sec. 4758.30.</b> (A) The chemical dependency professionals	20249
board, in accordance with Chapter 119. of the Revised Code, may, <u>and</u>	20250
<u>except as provided in division (B) of this section,</u> refuse to	20251
issue a license, certificate, or endorsement applied for under	20252
this chapter; refuse to renew or restore a license, certificate,	20253
or endorsement issued under this chapter; suspend, revoke, or	20254
otherwise restrict a license, certificate, or endorsement issued	20255
under this chapter; or reprimand an individual holding a	20256
license, certificate, or endorsement issued under this chapter.	20257
These actions may be taken by the board regarding the applicant	20258
for a license, certificate, or endorsement or the individual	20259
holding a license, certificate, or endorsement for one or more	20260
of the following reasons:	20261
(1) Violation of any provision of this chapter or rules	20262
adopted under it;	20263
(2) Knowingly making a false statement on an application	20264
for a license, certificate, or endorsement or for renewal,	20265



restoration, or reinstatement of a license, certificate, or	20266
endorsement;	20267
(3) Acceptance of a commission or rebate for referring an	20268
individual to a person who holds a license or certificate issued	20269
by, or who is registered with, an entity of state government,	20270
including persons practicing chemical dependency counseling,	20271
prevention services, gambling disorder counseling, or fields	20272
related to chemical dependency counseling, prevention services,	20273
or gambling disorder counseling;	20274
(4) Conviction in this or any other state of any crime	20275
that is a felony in this state;	20276
(5) Conviction in this or any other state of a misdemeanor	20277
committed in the course of practice as an independent chemical	20278
dependency counselor-clinical supervisor, independent chemical	20279
dependency counselor, chemical dependency counselor III,	20280
chemical dependency counselor II, chemical dependency counselor	20281
assistant, prevention consultant, gambling disorder endorsee,	20282
prevention specialist, prevention specialist assistant, or	20283
registered applicant;	20284
(6) Inability to practice as an independent chemical	20285
dependency counselor-clinical supervisor, independent chemical	20286
dependency counselor, chemical dependency counselor III,	20287
chemical dependency counselor II, chemical dependency counselor	20288
assistant, gambling disorder endorsee, prevention consultant,	20289
prevention specialist, prevention specialist assistant, or	20290
registered applicant due to abuse of or dependency on alcohol or	20291
other drugs or other physical or mental condition;	20292
(7) Practicing outside the individual's scope of practice;	20293
(8) Practicing without complying with the supervision	20294

requirements specified under section 4758.56, 4758.59, 4758.61,  
or 4758.62 of the Revised Code;

(9) Violation of the code of ethical practice and  
professional conduct for chemical dependency counseling,  
prevention services, or gambling disorder counseling adopted by  
the board pursuant to section 4758.23 of the Revised Code;

(10) Revocation of a license, certificate, or endorsement  
or voluntary surrender of a license, certificate, or endorsement  
in another state or jurisdiction for an offense that would be a  
violation of this chapter.

(B) The board shall not refuse to issue a license,  
certificate, or endorsement to an applicant because of a  
criminal conviction unless the refusal is in accordance with  
section 9.79 of the Revised Code.

(C) An individual whose license, certificate, or  
endorsement has been suspended or revoked under this section may  
apply to the board for reinstatement after an amount of time the  
board shall determine in accordance with rules adopted under  
section 4758.20 of the Revised Code. The board may accept or  
refuse an application for reinstatement. The board may require  
an examination for reinstatement of a license, certificate, or  
endorsement that has been suspended or revoked.

**Sec. 4759.02.** (A) Except as otherwise provided in this  
section or in section 4759.10 of the Revised Code, no person  
shall practice, offer to practice, or hold self forth to  
practice dietetics unless the person has been licensed under  
section 4759.06 of the Revised Code.

(B) Except for a person licensed under section 4759.06 of  
the Revised Code, or as otherwise provided in this section or in

section 4759.10 of the Revised Code: 20324

(1) No person shall use the title "dietitian"; 20325

(2) No person except for a person licensed under Title 20326  
XLVII of the Revised Code, when acting within the scope of their 20327  
practice, shall use any other title, designation, words, 20328  
letters, abbreviation, or insignia or combination of any title, 20329  
designation, words, letters, abbreviation, or insignia tending 20330  
to indicate that the person is practicing dietetics. 20331

(C) Notwithstanding division (B) of this section, a person 20332  
who is a dietitian registered by the commission on dietetic 20333  
registration and who does not violate division (A) of this 20334  
section may use the designation "registered dietitian" and the 20335  
abbreviation "R.D." 20336

(D) Division (A) of this section does not apply to: 20337

(1) A student enrolled in an academic program that is in 20338  
compliance with division (A) ~~(4)~~ (3) of section 4759.06 of the 20339  
Revised Code who is engaging in the practice of dietetics under 20340  
the supervision of a dietitian licensed under section 4759.06 of 20341  
the Revised Code or a dietitian registered by the commission on 20342  
dietetic registration, as part of the academic program; 20343

(2) A person participating in the pre-professional 20344  
experience required by division (A) ~~(5)~~ (4) of section 4759.06 of 20345  
the Revised Code; 20346

(3) A person holding a limited permit under division (E) 20347  
of section 4759.06 of the Revised Code. 20348

(E) The attorney general, the prosecuting attorney of any 20349  
county in which the offense was committed or the offender 20350  
resides, the state medical board, or any other person having 20351

knowledge of a person who either directly or by complicity is in 20352  
violation of this section, may, in accordance with provisions of 20353  
the Revised Code governing injunctions, maintain an action in 20354  
the name of the state to enjoin any person from engaging either 20355  
directly or by complicity in the unlawful activity by applying 20356  
for an injunction in the Franklin county court of common pleas 20357  
or any other court of competent jurisdiction. 20358

Prior to application for such injunction, the secretary of 20359  
the state medical board shall notify the person allegedly 20360  
engaged either directly or by complicity in the unlawful 20361  
activity by registered mail that the secretary has received 20362  
information indicating that the person is so engaged. The person 20363  
shall answer the secretary within thirty days showing that the 20364  
person is either properly licensed for the stated activity or 20365  
that the person is not in violation of this chapter. If the 20366  
answer is not forthcoming within thirty days after notice by the 20367  
secretary, the secretary shall request that the attorney 20368  
general, the prosecuting attorney of the county in which the 20369  
offense was committed or the offender resides, or the state 20370  
medical board proceed as authorized in this section. 20371

Upon the filing of a verified petition in court, the court 20372  
shall conduct a hearing on the petition and shall give the same 20373  
preference to this proceeding as is given all proceedings under 20374  
Chapter 119. of the Revised Code, irrespective of the position 20375  
of the proceeding on the calendar of the court. Injunction 20376  
proceedings shall be in addition to, and not in lieu of, all 20377  
penalties and other remedies provided under this chapter. 20378

**Sec. 4759.051.** (A) The state medical board shall appoint a 20379  
dietetics advisory council for the purpose of advising the board 20380  
on issues relating to the practice of dietetics. The advisory 20381

council shall consist of not more than seven individuals 20382  
knowledgeable in the area of dietetics. 20383

A majority of the council members shall be individuals 20384  
licensed under this chapter who are actively engaged in the 20385  
practice of dietetics. The board shall include both of the 20386  
following on the council: 20387

(1) One educator with a doctoral degree who holds a 20388  
regular faculty appointment in a program that prepares students 20389  
to meet the requirements of division (A)~~(4)~~(3) of section 20390  
4759.06 of the Revised Code; 20391

(2) One individual who is not affiliated with any health 20392  
care profession, who shall be appointed to represent the 20393  
interest of consumers. 20394

The Ohio academy of nutrition and dietetics, or its 20395  
successor organization, may nominate not more than three 20396  
qualified individuals for consideration by the board in 20397  
appointing any member of the council. 20398

(B) Not later than ninety days after January 21, 2018, the 20399  
board shall make initial appointments to the council. Initial 20400  
members shall serve terms of office of one, two, or three years, 20401  
as selected by the board. Thereafter, terms of office shall be 20402  
for three years, with each term ending on the same day of the 20403  
same month as did the term that it succeeds. A council member 20404  
shall continue in office subsequent to the expiration date of 20405  
the member's term until a successor is appointed and takes 20406  
office, or until a period of sixty days has elapsed, whichever 20407  
occurs first. Each council member shall hold office from the 20408  
date of appointment until the end of the term for which the 20409  
member was appointed. 20410

(C) Members shall serve without compensation, but shall be 20411  
reimbursed for actual and necessary expenses incurred in 20412  
performing their official duties. 20413

(D) The council shall meet at least four times each year 20414  
and at such other times as may be necessary to carry out its 20415  
responsibilities. 20416

(E) The council may submit to the board recommendations 20417  
concerning all of the following: 20418

(1) Requirements for issuing a license to practice as a 20419  
dietitian or as a limited permit holder, including the 20420  
educational and experience requirements that must be met to 20421  
receive the license or permit; 20422

(2) Existing and proposed rules pertaining to the practice 20423  
of dietetics and the administration and enforcement of this 20424  
chapter; 20425

(3) Standards for the approval of educational programs 20426  
required to qualify for licensure and continuing education 20427  
programs for licensure renewal; 20428

(4) Policies related to the issuance and renewal of 20429  
licenses and limited permits; 20430

(5) Fees for the issuance and renewal of a license to 20431  
practice dietetics as a licensee or as a limited permit holder; 20432

(6) Standards of practice and ethical conduct in the 20433  
practice of dietetics; 20434

(7) The safe and effective practice of dietetics, 20435  
including scope of practice and minimal standards of care. 20436

**Sec. 4759.06.** (A) The state medical board shall issue a 20437

license to practice dietetics to an applicant who meets all of 20438  
the following requirements: 20439

(1) Has satisfactorily completed an application for 20440  
licensure in accordance with rules adopted under division (A) of 20441  
section 4759.05 of the Revised Code; 20442

(2) Has paid the fee required under division (A) of 20443  
section 4759.08 of the Revised Code; 20444

(3) ~~Is of good moral character;~~ 20445

~~(4)~~ Has received a baccalaureate or higher degree from an 20446  
institution of higher education that is approved by the board or 20447  
a regional accreditation agency that is recognized by the 20448  
council on postsecondary accreditation, and has completed a 20449  
program consistent with the academic standards for dietitians 20450  
established by the academy of nutrition and dietetics; 20451

~~(5)~~ (4) Has successfully completed a pre-professional 20452  
dietetic experience approved by the academy of nutrition and 20453  
dietetics, or experience approved by the board under division 20454  
(A) (3) of section 4759.05 of the Revised Code; 20455

~~(6)~~ (5) Has passed the examination approved by the board 20456  
under division (A) (1) of section 4759.05 of the Revised Code. 20457

(B) The board shall waive the requirements of divisions 20458  
(A) ~~(4)~~ (3), ~~(5)~~ (4), and ~~(6)~~ (5) of this section and any rules 20459  
adopted under division (A) (6) of section 4759.05 of the Revised 20460  
Code if the applicant presents satisfactory evidence to the 20461  
board of current registration as a registered dietitian with the 20462  
commission on dietetic registration. 20463

(C) (1) The board shall issue a license to practice 20464  
dietetics to an applicant who meets the requirements of division 20465

(A) of this section. A license issued before July 1, 2018, shall 20466  
expire on June 30, 2018. A license issued on or after July 1, 20467  
2018, shall expire on the thirtieth day of June of the next 20468  
even-numbered year after issuance. A license may be renewed. 20469

(2) The board shall renew an applicant's license if the 20470  
applicant meets the continuing education requirements adopted 20471  
under division (A) (5) of section 4759.05 of the Revised Code and 20472  
has paid the license renewal fee specified in section 4759.08 of 20473  
the Revised Code. The renewal shall be pursuant to the standard 20474  
renewal procedure of sections 4745.01 to 4745.03 of the Revised 20475  
Code. 20476

At least one month before a license expires, the board 20477  
shall provide a renewal notice. Failure of any person to receive 20478  
a notice of renewal from the board shall not excuse the person 20479  
from the requirements contained in this section. Each person 20480  
holding a license shall give notice to the board of a change in 20481  
the license holder's residence address, business address, or 20482  
electronic mail address not later than thirty days after the 20483  
change occurs. 20484

(D) Any person licensed to practice dietetics by the 20485  
former Ohio board of dietetics before January 21, 2018, may 20486  
continue to practice dietetics in this state under that license 20487  
if the person continues to meet the requirements to renew a 20488  
license under this chapter and renews the license through the 20489  
state medical board. 20490

The state medical board may take any of the following 20491  
actions, as provided in section 4759.07 of the Revised Code, 20492  
against the holder of a license to practice dietetics issued 20493  
before January 21, 2018, by the former Ohio board of dietetics: 20494



(1) Limit, revoke, or suspend the holder's license;	20495
(2) Refuse to renew or reinstate the holder's license;	20496
(3) Reprimand the holder or place the holder on probation.	20497
(E) (1) The board may grant a limited permit to a person	20498
who has completed the education and pre-professional	20499
requirements of divisions (A) <del>(4)</del> (3) and <del>(5)</del> (4) of this section	20500
and who presents evidence to the board of having applied to take	20501
the examination approved by the board under division (A) (1) of	20502
section 4759.05 of the Revised Code. An application for a	20503
limited permit shall be made on forms that the board shall	20504
furnish and shall be accompanied by the limited permit fee	20505
specified in section 4759.08 of the Revised Code.	20506
(2) If no grounds apply under section 4759.07 of the	20507
Revised Code for denying a license to the applicant and the	20508
applicant meets the requirements of division (E) (1) of this	20509
section, the board shall issue a limited permit to the	20510
applicant.	20511
A limited permit expires in accordance with rules adopted	20512
under section 4759.05 of the Revised Code. A limited permit may	20513
be renewed in accordance with those rules.	20514
(3) The board shall maintain a register of all persons	20515
holding limited permits under this chapter.	20516
(4) A person holding a limited permit who has failed the	20517
examination shall practice only under the direct supervision of	20518
a licensed dietitian.	20519
(5) The board may revoke a limited permit on proof	20520
satisfactory to the board that the permit holder has engaged in	20521
practice in this state outside the scope of the permit, that the	20522

holder has engaged in unethical conduct, or that grounds for 20523  
action against the holder exist under section 4759.07 of the 20524  
Revised Code. 20525

**Sec. 4759.061.** (A) As used in this section, "license" and 20526  
"applicant for an initial license" have the same meanings as in 20527  
section 4776.01 of the Revised Code, except that "license" as 20528  
used in both of those terms refers to the types of 20529  
authorizations otherwise issued or conferred under this chapter. 20530

(B) In addition to any other eligibility requirement set 20531  
forth in this chapter, each applicant for an initial license 20532  
shall comply with sections 4776.01 to 4776.04 of the Revised 20533  
Code. The state medical board shall not grant a license to an 20534  
applicant for an initial license unless the applicant complies 20535  
with sections 4776.01 to 4776.04 of the Revised Code ~~and the~~ 20536  
~~board, in its discretion, decides that the results of the~~ 20537  
~~criminal records check do not make the applicant ineligible for~~ 20538  
~~a license issued pursuant to section 4759.06 of the Revised~~ 20539  
~~Code.~~ 20540

**Sec. 4759.07.** (A) The state medical board, by an 20541  
affirmative vote of not fewer than six members, shall, except as 20542  
provided in division (B) of this section, and to the extent 20543  
permitted by law, limit, revoke, or suspend an individual's 20544  
license or limited permit, refuse to issue a license or limited 20545  
permit to an individual, refuse to renew a license or limited 20546  
permit, refuse to reinstate a license or limited permit, or 20547  
reprimand or place on probation the holder of a license or 20548  
limited permit for one or more of the following reasons: 20549

(1) Except when civil penalties are imposed under section 20550  
4759.071 of the Revised Code, violating or attempting to 20551  
violate, directly or indirectly, or assisting in or abetting the 20552

violation of, or conspiring to violate, any provision of this 20553  
chapter or the rules adopted by the board; 20554

(2) Making a false, fraudulent, deceptive, or misleading 20555  
statement in the solicitation of or advertising for patients; in 20556  
relation to the practice of dietetics; or in securing or 20557  
attempting to secure any license or permit issued by the board 20558  
under this chapter. 20559

As used in division (A) (2) of this section, "false, 20560  
fraudulent, deceptive, or misleading statement" means a 20561  
statement that includes a misrepresentation of fact, is likely 20562  
to mislead or deceive because of a failure to disclose material 20563  
facts, is intended or is likely to create false or unjustified 20564  
expectations of favorable results, or includes representations 20565  
or implications that in reasonable probability will cause an 20566  
ordinarily prudent person to misunderstand or be deceived. 20567

(3) Committing fraud during the administration of the 20568  
examination for a license to practice or committing fraud, 20569  
misrepresentation, or deception in applying for, renewing, or 20570  
securing any license or permit issued by the board; 20571

(4) A plea of guilty to, a judicial finding of guilt of, 20572  
or a judicial finding of eligibility for intervention in lieu of 20573  
conviction for, a felony; 20574

(5) Commission of an act that constitutes a felony in this 20575  
state, regardless of the jurisdiction in which the act was 20576  
committed; 20577

(6) A plea of guilty to, a judicial finding of guilt of, 20578  
or a judicial finding of eligibility for intervention in lieu of 20579  
conviction for, a misdemeanor committed in the course of 20580  
practice; 20581

- (7) Commission of an act in the course of practice that  
constitutes a misdemeanor in this state, regardless of the  
jurisdiction in which the act was committed; 20582  
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- (8) A plea of guilty to, a judicial finding of guilt of,  
or a judicial finding of eligibility for intervention in lieu of  
conviction for, a misdemeanor involving moral turpitude; 20585  
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- (9) Commission of an act involving moral turpitude that  
constitutes a misdemeanor in this state, regardless of the  
jurisdiction in which the act was committed; 20588  
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- (10) A record of engaging in incompetent or negligent  
conduct in the practice of dietetics; 20591  
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- (11) A departure from, or failure to conform to, minimal  
standards of care of similar practitioners under the same or  
similar circumstances, whether or not actual injury to a patient  
is established; 20593  
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- (12) The obtaining of, or attempting to obtain, money or  
anything of value by fraudulent misrepresentations in the course  
of practice; 20597  
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- (13) Violation of the conditions of limitation placed by  
the board on a license or permit; 20600  
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- (14) Inability to practice according to acceptable and  
prevailing standards of care by reason of mental illness or  
physical illness, including, physical deterioration that  
adversely affects cognitive, motor, or perceptive skills; 20602  
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- (15) Any of the following actions taken by an agency  
responsible for authorizing, certifying, or regulating an  
individual to practice a health care occupation or provide  
health care services in this state or another jurisdiction, for 20606  
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any reason other than the nonpayment of fees: the limitation, 20610  
revocation, or suspension of an individual's license; acceptance 20611  
of an individual's license surrender; denial of a license; 20612  
refusal to renew or reinstate a license; imposition of 20613  
probation; or issuance of an order of censure or other 20614  
reprimand; 20615

(16) The revocation, suspension, restriction, reduction, 20616  
or termination of practice privileges by the United States 20617  
department of defense or department of veterans affairs; 20618

(17) Termination or suspension from participation in the 20619  
medicare or medicaid programs by the department of health and 20620  
human services or other responsible agency for any act or acts 20621  
that also would constitute a violation of division (A) (11), 20622  
(12), or (14) of this section; 20623

(18) Impairment of ability to practice according to 20624  
acceptable and prevailing standards of care because of habitual 20625  
or excessive use or abuse of drugs, alcohol, or other substances 20626  
that impair ability to practice; 20627

(19) Failure to cooperate in an investigation conducted by 20628  
the board under division (B) of section 4759.05 of the Revised 20629  
Code, including failure to comply with a subpoena or order 20630  
issued by the board or failure to answer truthfully a question 20631  
presented by the board in an investigative interview, an 20632  
investigative office conference, at a deposition, or in written 20633  
interrogatories, except that failure to cooperate with an 20634  
investigation shall not constitute grounds for discipline under 20635  
this section if a court of competent jurisdiction has issued an 20636  
order that either quashes a subpoena or permits the individual 20637  
to withhold the testimony or evidence in issue; 20638

(20) Representing with the purpose of obtaining 20639  
compensation or other advantage as personal gain or for any 20640  
other person, that an incurable disease or injury, or other 20641  
incurable condition, can be permanently cured. 20642

(B) The board shall not refuse to issue a license or 20643  
limited permit to an applicant because of a plea of guilty to, a 20644  
judicial finding of guilt of, or a judicial finding of 20645  
eligibility for intervention in lieu of conviction for an 20646  
offense unless the refusal is in accordance with section 9.79 of 20647  
the Revised Code. 20648

(C) Any action taken by the board under division (A) of 20649  
this section resulting in a suspension from practice shall be 20650  
accompanied by a written statement of the conditions under which 20651  
the individual's license or permit may be reinstated. The board 20652  
shall adopt rules governing conditions to be imposed for 20653  
reinstatement. Reinstatement of a license or permit suspended 20654  
pursuant to division (A) of this section requires an affirmative 20655  
vote of not fewer than six members of the board. 20656

~~(C)~~ (D) When the board refuses to grant or issue a license 20657  
or permit to an applicant, revokes an individual's license or 20658  
permit, refuses to renew an individual's license or permit, or 20659  
refuses to reinstate an individual's license or permit, the 20660  
board may specify that its action is permanent. An individual 20661  
subject to a permanent action taken by the board is forever 20662  
thereafter ineligible to hold a license or permit and the board 20663  
shall not accept an application for reinstatement of the license 20664  
or permit or for issuance of a new license or permit. 20665

~~(D)~~ (E) Disciplinary actions taken by the board under 20666  
division (A) of this section shall be taken pursuant to an 20667  
adjudication under Chapter 119. of the Revised Code, except that 20668

in lieu of an adjudication, the board may enter into a consent 20669  
agreement with an individual to resolve an allegation of a 20670  
violation of this chapter or any rule adopted under it. A 20671  
consent agreement, when ratified by an affirmative vote of not 20672  
fewer than six members of the board, shall constitute the 20673  
findings and order of the board with respect to the matter 20674  
addressed in the agreement. If the board refuses to ratify a 20675  
consent agreement, the admissions and findings contained in the 20676  
consent agreement shall be of no force or effect. 20677

A telephone conference call may be utilized for 20678  
ratification of a consent agreement that revokes or suspends an 20679  
individual's license or permit. The telephone conference call 20680  
shall be considered a special meeting under division (F) of 20681  
section 121.22 of the Revised Code. 20682

~~(E)~~(F) In enforcing division (A) (14) of this section, the 20683  
board, upon a showing of a possible violation, may compel any 20684  
individual authorized to practice by this chapter or who has 20685  
submitted an application pursuant to this chapter to submit to a 20686  
mental examination, physical examination, including an HIV test, 20687  
or both a mental and a physical examination. The expense of the 20688  
examination is the responsibility of the individual compelled to 20689  
be examined. Failure to submit to a mental or physical 20690  
examination or consent to an HIV test ordered by the board 20691  
constitutes an admission of the allegations against the 20692  
individual unless the failure is due to circumstances beyond the 20693  
individual's control, and a default and final order may be 20694  
entered without the taking of testimony or presentation of 20695  
evidence. If the board finds an individual unable to practice 20696  
because of the reasons set forth in division (A) (14) of this 20697  
section, the board shall require the individual to submit to 20698  
care, counseling, or treatment by physicians approved or 20699

designated by the board, as a condition for initial, continued, 20700  
reinstated, or renewed authority to practice. An individual 20701  
affected under this division shall be afforded an opportunity to 20702  
demonstrate to the board the ability to resume practice in 20703  
compliance with acceptable and prevailing standards under the 20704  
provisions of the individual's license or permit. For the 20705  
purpose of division (A) (14) of this section, any individual who 20706  
applies for or receives a license or permit under this chapter 20707  
accepts the privilege of practicing in this state and, by so 20708  
doing, shall be deemed to have given consent to submit to a 20709  
mental or physical examination when directed to do so in writing 20710  
by the board, and to have waived all objections to the 20711  
admissibility of testimony or examination reports that 20712  
constitute a privileged communication. 20713

~~(F)~~(G) For the purposes of division (A) (18) of this 20714  
section, any individual authorized to practice by this chapter 20715  
accepts the privilege of practicing in this state subject to 20716  
supervision by the board. By filing an application for or 20717  
holding a license or permit under this chapter, an individual 20718  
shall be deemed to have given consent to submit to a mental or 20719  
physical examination when ordered to do so by the board in 20720  
writing, and to have waived all objections to the admissibility 20721  
of testimony or examination reports that constitute privileged 20722  
communications. 20723

If it has reason to believe that any individual authorized 20724  
to practice by this chapter or any applicant for a license or 20725  
permit suffers such impairment, the board may compel the 20726  
individual to submit to a mental or physical examination, or 20727  
both. The expense of the examination is the responsibility of 20728  
the individual compelled to be examined. Any mental or physical 20729  
examination required under this division shall be undertaken by 20730



a treatment provider or physician who is qualified to conduct 20731  
the examination and who is chosen by the board. 20732

Failure to submit to a mental or physical examination 20733  
ordered by the board constitutes an admission of the allegations 20734  
against the individual unless the failure is due to 20735  
circumstances beyond the individual's control, and a default and 20736  
final order may be entered without the taking of testimony or 20737  
presentation of evidence. If the board determines that the 20738  
individual's ability to practice is impaired, the board shall 20739  
suspend the individual's license or permit or deny the 20740  
individual's application and shall require the individual, as a 20741  
condition for an initial, continued, reinstated, or renewed 20742  
license or permit, to submit to treatment. 20743

Before being eligible to apply for reinstatement of a 20744  
license or permit suspended under this division, the impaired 20745  
practitioner shall demonstrate to the board the ability to 20746  
resume practice in compliance with acceptable and prevailing 20747  
standards of care under the provisions of the practitioner's 20748  
license or permit. The demonstration shall include, but shall 20749  
not be limited to, the following: 20750

(1) Certification from a treatment provider approved under 20751  
section 4731.25 of the Revised Code that the individual has 20752  
successfully completed any required inpatient treatment; 20753

(2) Evidence of continuing full compliance with an 20754  
aftercare contract or consent agreement; 20755

(3) Two written reports indicating that the individual's 20756  
ability to practice has been assessed and that the individual 20757  
has been found capable of practicing according to acceptable and 20758  
prevailing standards of care. The reports shall be made by 20759

individuals or providers approved by the board for making the 20760  
assessments and shall describe the basis for their 20761  
determination. 20762

The board may reinstate a license or permit suspended 20763  
under this division after that demonstration and after the 20764  
individual has entered into a written consent agreement. 20765

When the impaired practitioner resumes practice, the board 20766  
shall require continued monitoring of the individual. The 20767  
monitoring shall include, but not be limited to, compliance with 20768  
the written consent agreement entered into before reinstatement 20769  
or with conditions imposed by board order after a hearing, and, 20770  
upon termination of the consent agreement, submission to the 20771  
board for at least two years of annual written progress reports 20772  
made under penalty of perjury stating whether the individual has 20773  
maintained sobriety. 20774

~~(G)~~ (H) If the secretary and supervising member determine 20775  
both of the following, they may recommend that the board suspend 20776  
an individual's license or permit without a prior hearing: 20777

(1) That there is clear and convincing evidence that an 20778  
individual has violated division (A) of this section; 20779

(2) That the individual's continued practice presents a 20780  
danger of immediate and serious harm to the public. 20781

Written allegations shall be prepared for consideration by 20782  
the board. The board, upon review of those allegations and by an 20783  
affirmative vote of not fewer than six of its members, excluding 20784  
the secretary and supervising member, may suspend a license or 20785  
permit without a prior hearing. A telephone conference call may 20786  
be utilized for reviewing the allegations and taking the vote on 20787  
the summary suspension. 20788

The board shall issue a written order of suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code. If the individual subject to the summary suspension requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the individual requests the hearing, unless otherwise agreed to by both the board and the individual.

Any summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within seventy-five days after completion of its hearing. A failure to issue the order within seventy-five days shall result in dissolution of the summary suspension order but shall not invalidate any subsequent, final adjudicative order.

~~(H)~~(I) If the board is required by Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and if the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In the final order, the board may order any of the sanctions identified under division (A) of this section.

~~(I)~~(J) For purposes of divisions (A) (5), (7), and (9) of this section, the commission of the act may be established by a

finding by the board, pursuant to an adjudication under Chapter 20819  
119. of the Revised Code, that the individual committed the act. 20820  
The board does not have jurisdiction under those divisions if 20821  
the trial court renders a final judgment in the individual's 20822  
favor and that judgment is based upon an adjudication on the 20823  
merits. The board has jurisdiction under those divisions if the 20824  
trial court issues an order of dismissal upon technical or 20825  
procedural grounds. 20826

~~(J)~~ (K) The sealing of conviction records by any court 20827  
shall have no effect upon a prior board order entered under this 20828  
section or upon the board's jurisdiction to take action under 20829  
this section if, based upon a plea of guilty, a judicial finding 20830  
of guilt, or a judicial finding of eligibility for intervention 20831  
in lieu of conviction, the board issued a notice of opportunity 20832  
for a hearing prior to the court's order to seal the records. 20833  
The board shall not be required to seal, destroy, redact, or 20834  
otherwise modify its records to reflect the court's sealing of 20835  
conviction records. 20836

~~(K)~~ (L) If the board takes action under division (A) (4), 20837  
(6), or (8) of this section, and the judicial finding of guilt, 20838  
guilty plea, or judicial finding of eligibility for intervention 20839  
in lieu of conviction is overturned on appeal, upon exhaustion 20840  
of the criminal appeal, a petition for reconsideration of the 20841  
order may be filed with the board along with appropriate court 20842  
documents. Upon receipt of a petition for reconsideration and 20843  
supporting court documents, the board shall reinstate the 20844  
individual's license or permit. The board may then hold an 20845  
adjudication under Chapter 119. of the Revised Code to determine 20846  
whether the individual committed the act in question. Notice of 20847  
an opportunity for a hearing shall be given in accordance with 20848  
Chapter 119. of the Revised Code. If the board finds, pursuant 20849

to an adjudication held under this division, that the individual 20850  
committed the act or if no hearing is requested, the board may 20851  
order any of the sanctions identified under division (A) of this 20852  
section. 20853

~~(L)~~ (M) The license or permit issued to an individual under 20854  
this chapter and the individual's practice in this state are 20855  
automatically suspended as of the date the individual pleads 20856  
guilty to, is found by a judge or jury to be guilty of, or is 20857  
subject to a judicial finding of eligibility for intervention in 20858  
lieu of conviction in this state or treatment or intervention in 20859  
lieu of conviction in another jurisdiction for any of the 20860  
following criminal offenses in this state or a substantially 20861  
equivalent criminal offense in another jurisdiction: aggravated 20862  
murder, murder, voluntary manslaughter, felonious assault, 20863  
kidnapping, rape, sexual battery, gross sexual imposition, 20864  
aggravated arson, aggravated robbery, or aggravated burglary. 20865  
Continued practice after suspension shall be considered 20866  
practicing without a license or permit. 20867

The board shall notify the individual subject to the 20868  
suspension by certified mail or in person in accordance with 20869  
section 119.07 of the Revised Code. If an individual whose 20870  
license or permit is automatically suspended under this division 20871  
fails to make a timely request for an adjudication under Chapter 20872  
119. of the Revised Code, the board shall enter a final order 20873  
permanently revoking the individual's license or permit. 20874

~~(M)~~ (N) Notwithstanding any other provision of the Revised 20875  
Code, all of the following apply: 20876

(1) The surrender of a license or permit issued under this 20877  
chapter shall not be effective unless or until accepted by the 20878  
board. A telephone conference call may be utilized for 20879

acceptance of the surrender of an individual's license or 20880  
permit. The telephone conference call shall be considered a 20881  
special meeting under division (F) of section 121.22 of the 20882  
Revised Code. Reinstatement of a license or permit surrendered 20883  
to the board requires an affirmative vote of not fewer than six 20884  
members of the board. 20885

(2) An application for a license or permit made under the 20886  
provisions of this chapter may not be withdrawn without approval 20887  
of the board. 20888

(3) Failure by an individual to renew a license or permit 20889  
in accordance with this chapter shall not remove or limit the 20890  
board's jurisdiction to take any disciplinary action under this 20891  
section against the individual. 20892

(4) At the request of the board, a license or permit 20893  
holder shall immediately surrender to the board a license or 20894  
permit that the board has suspended, revoked, or permanently 20895  
revoked. 20896

**Sec. 4760.03.** (A) An individual seeking a certificate to 20897  
practice as an anesthesiologist assistant shall file with the 20898  
state medical board a written application on a form prescribed 20899  
and supplied by the board. The application shall include all of 20900  
the following information: 20901

(1) Evidence satisfactory to the board that the applicant 20902  
is at least twenty-one years of age ~~and of good moral character;~~ 20903

(2) Evidence satisfactory to the board that the applicant 20904  
has successfully completed the training necessary to prepare 20905  
individuals to practice as anesthesiologist assistants, as 20906  
specified in section 4760.031 of the Revised Code; 20907

(3) Evidence satisfactory to the board that the applicant 20908

holds current certification from the national commission for 20909  
certification of anesthesiologist assistants and that the 20910  
requirements for receiving the certification included passage of 20911  
an examination to determine the individual's competence to 20912  
practice as an anesthesiologist assistant; 20913

(4) Any other information the board considers necessary to 20914  
process the application and evaluate the applicant's 20915  
qualifications. 20916

(B) At the time of making application for a certificate to 20917  
practice, the applicant shall pay the board a fee of one hundred 20918  
dollars, no part of which shall be returned. 20919

(C) The board shall review all applications received under 20920  
this section. Not later than sixty days after receiving a 20921  
complete application, the board shall determine whether an 20922  
applicant meets the requirements to receive a certificate to 20923  
practice. The affirmative vote of not fewer than six members of 20924  
the board is required to determine that an applicant meets the 20925  
requirements for a certificate. The board shall not issue a 20926  
certificate to an applicant unless the applicant is certified by 20927  
the national commission for certification of anesthesiologist 20928  
assistants or a successor organization that is recognized by the 20929  
board. 20930

**Sec. 4760.032.** In addition to any other eligibility 20931  
requirement set forth in this chapter, each applicant for a 20932  
certificate to practice as an anesthesiologist assistant shall 20933  
comply with sections 4776.01 to 4776.04 of the Revised Code. The 20934  
state medical board shall not grant to an applicant a 20935  
certificate to practice as an anesthesiologist assistant ~~unless~~ 20936  
~~the board, in its discretion, decides that the results of the~~ 20937  
~~criminal records check do not make the applicant ineligible for~~ 20938

~~a certificate issued pursuant to section 4760.04 of the Revised Code.~~ 20939  
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**Sec. 4760.13.** (A) The state medical board, by an affirmative vote of not fewer than six members, may revoke or may refuse to grant a certificate to practice as an anesthesiologist assistant to a person found by the board to have committed fraud, misrepresentation, or deception in applying for or securing the certificate. 20941  
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(B) The board, by an affirmative vote of not fewer than six members, shall, except as provided in division (C) of this section, and to the extent permitted by law, limit, revoke, or suspend an individual's certificate to practice as an anesthesiologist assistant, refuse to issue a certificate to an applicant, refuse to renew a certificate, refuse to reinstate a certificate, or reprimand or place on probation the holder of a certificate for any of the following reasons: 20947  
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(1) Permitting the holder's name or certificate to be used by another person; 20955  
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(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board; 20957  
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(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board; 20960  
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(4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established; 20964  
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(5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;

(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;

(7) Willfully betraying a professional confidence;

(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a certificate to practice as an anesthesiologist assistant.

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;

(10) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;

(11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;

- (12) A plea of guilty to, a judicial finding of guilt of, 20997  
or a judicial finding of eligibility for intervention in lieu of 20998  
conviction for, a misdemeanor committed in the course of 20999  
practice; 21000
- (13) A plea of guilty to, a judicial finding of guilt of, 21001  
or a judicial finding of eligibility for intervention in lieu of 21002  
conviction for, a misdemeanor involving moral turpitude; 21003
- (14) Commission of an act in the course of practice that 21004  
constitutes a misdemeanor in this state, regardless of the 21005  
jurisdiction in which the act was committed; 21006
- (15) Commission of an act involving moral turpitude that 21007  
constitutes a misdemeanor in this state, regardless of the 21008  
jurisdiction in which the act was committed; 21009
- (16) A plea of guilty to, a judicial finding of guilt of, 21010  
or a judicial finding of eligibility for intervention in lieu of 21011  
conviction for violating any state or federal law regulating the 21012  
possession, distribution, or use of any drug, including 21013  
trafficking in drugs; 21014
- (17) Any of the following actions taken by the state 21015  
agency responsible for regulating the practice of 21016  
anesthesiologist assistants in another jurisdiction, for any 21017  
reason other than the nonpayment of fees: the limitation, 21018  
revocation, or suspension of an individual's license to 21019  
practice; acceptance of an individual's license surrender; 21020  
denial of a license; refusal to renew or reinstate a license; 21021  
imposition of probation; or issuance of an order of censure or 21022  
other reprimand; 21023
- (18) Violation of the conditions placed by the board on a 21024  
certificate to practice; 21025

(19) Failure to use universal blood and body fluid 21026  
precautions established by rules adopted under section 4731.051 21027  
of the Revised Code; 21028

(20) Failure to cooperate in an investigation conducted by 21029  
the board under section 4760.14 of the Revised Code, including 21030  
failure to comply with a subpoena or order issued by the board 21031  
or failure to answer truthfully a question presented by the 21032  
board at a deposition or in written interrogatories, except that 21033  
failure to cooperate with an investigation shall not constitute 21034  
grounds for discipline under this section if a court of 21035  
competent jurisdiction has issued an order that either quashes a 21036  
subpoena or permits the individual to withhold the testimony or 21037  
evidence in issue; 21038

(21) Failure to comply with any code of ethics established 21039  
by the national commission for the certification of 21040  
anesthesiologist assistants; 21041

(22) Failure to notify the state medical board of the 21042  
revocation or failure to maintain certification from the 21043  
national commission for certification of anesthesiologist 21044  
assistants. 21045

(C) The board shall not refuse to issue a certificate to 21046  
an applicant because of a plea of guilty to, a judicial finding 21047  
of guilt of, or a judicial finding of eligibility for 21048  
intervention in lieu of conviction for an offense unless the 21049  
refusal is in accordance with section 9.79 of the Revised Code. 21050

(D) Disciplinary actions taken by the board under 21051  
divisions (A) and (B) of this section shall be taken pursuant to 21052  
an adjudication under Chapter 119. of the Revised Code, except 21053  
that in lieu of an adjudication, the board may enter into a 21054

consent agreement with an anesthesiologist assistant or 21055  
applicant to resolve an allegation of a violation of this 21056  
chapter or any rule adopted under it. A consent agreement, when 21057  
ratified by an affirmative vote of not fewer than six members of 21058  
the board, shall constitute the findings and order of the board 21059  
with respect to the matter addressed in the agreement. If the 21060  
board refuses to ratify a consent agreement, the admissions and 21061  
findings contained in the consent agreement shall be of no force 21062  
or effect. 21063

~~(D)~~(E) For purposes of divisions (B) (11), (14), and (15) 21064  
of this section, the commission of the act may be established by 21065  
a finding by the board, pursuant to an adjudication under 21066  
Chapter 119. of the Revised Code, that the applicant or 21067  
certificate holder committed the act in question. The board 21068  
shall have no jurisdiction under these divisions in cases where 21069  
the trial court renders a final judgment in the certificate 21070  
holder's favor and that judgment is based upon an adjudication 21071  
on the merits. The board shall have jurisdiction under these 21072  
divisions in cases where the trial court issues an order of 21073  
dismissal on technical or procedural grounds. 21074

~~(E)~~(F) The sealing of conviction records by any court 21075  
shall have no effect on a prior board order entered under the 21076  
provisions of this section or on the board's jurisdiction to 21077  
take action under the provisions of this section if, based upon 21078  
a plea of guilty, a judicial finding of guilt, or a judicial 21079  
finding of eligibility for intervention in lieu of conviction, 21080  
the board issued a notice of opportunity for a hearing prior to 21081  
the court's order to seal the records. The board shall not be 21082  
required to seal, destroy, redact, or otherwise modify its 21083  
records to reflect the court's sealing of conviction records. 21084

~~(F)~~(G) For purposes of this division, any individual who 21085  
holds a certificate to practice issued under this chapter, or 21086  
applies for a certificate to practice, shall be deemed to have 21087  
given consent to submit to a mental or physical examination when 21088  
directed to do so in writing by the board and to have waived all 21089  
objections to the admissibility of testimony or examination 21090  
reports that constitute a privileged communication. 21091

(1) In enforcing division (B) (5) of this section, the 21092  
board, on a showing of a possible violation, may compel any 21093  
individual who holds a certificate to practice issued under this 21094  
chapter or who has applied for a certificate to practice 21095  
pursuant to this chapter to submit to a mental or physical 21096  
examination, or both. A physical examination may include an HIV 21097  
test. The expense of the examination is the responsibility of 21098  
the individual compelled to be examined. Failure to submit to a 21099  
mental or physical examination or consent to an HIV test ordered 21100  
by the board constitutes an admission of the allegations against 21101  
the individual unless the failure is due to circumstances beyond 21102  
the individual's control, and a default and final order may be 21103  
entered without the taking of testimony or presentation of 21104  
evidence. If the board finds an anesthesiologist assistant 21105  
unable to practice because of the reasons set forth in division 21106  
(B) (5) of this section, the board shall require the 21107  
anesthesiologist assistant to submit to care, counseling, or 21108  
treatment by physicians approved or designated by the board, as 21109  
a condition for an initial, continued, reinstated, or renewed 21110  
certificate to practice. An individual affected by this division 21111  
shall be afforded an opportunity to demonstrate to the board the 21112  
ability to resume practicing in compliance with acceptable and 21113  
prevailing standards of care. 21114

(2) For purposes of division (B) (6) of this section, if 21115

the board has reason to believe that any individual who holds a certificate to practice issued under this chapter or any applicant for a certificate to practice suffers such impairment, the board may compel the individual to submit to a mental or physical examination, or both. The expense of the examination is the responsibility of the individual compelled to be examined. Any mental or physical examination required under this division shall be undertaken by a treatment provider or physician qualified to conduct such examination and chosen by the board.

Failure to submit to a mental or physical examination ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's certificate or deny the individual's application and shall require the individual, as a condition for an initial, continued, reinstated, or renewed certificate to practice, to submit to treatment.

Before being eligible to apply for reinstatement of a certificate suspended under this division, the anesthesiologist assistant shall demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards of care. The demonstration shall include the following:

(a) Certification from a treatment provider approved under section 4731.25 of the Revised Code that the individual has successfully completed any required inpatient treatment;

(b) Evidence of continuing full compliance with an aftercare contract or consent agreement;

(c) Two written reports indicating that the individual's 21146  
ability to practice has been assessed and that the individual 21147  
has been found capable of practicing according to acceptable and 21148  
prevailing standards of care. The reports shall be made by 21149  
individuals or providers approved by the board for making such 21150  
assessments and shall describe the basis for their 21151  
determination. 21152

The board may reinstate a certificate suspended under this 21153  
division after such demonstration and after the individual has 21154  
entered into a written consent agreement. 21155

When the impaired anesthesiologist assistant resumes 21156  
practice, the board shall require continued monitoring of the 21157  
anesthesiologist assistant. The monitoring shall include 21158  
monitoring of compliance with the written consent agreement 21159  
entered into before reinstatement or with conditions imposed by 21160  
board order after a hearing, and, on termination of the consent 21161  
agreement, submission to the board for at least two years of 21162  
annual written progress reports made under penalty of 21163  
falsification stating whether the anesthesiologist assistant has 21164  
maintained sobriety. 21165

~~(G)~~(H) If the secretary and supervising member determine 21166  
that there is clear and convincing evidence that an 21167  
anesthesiologist assistant has violated division (B) of this 21168  
section and that the individual's continued practice presents a 21169  
danger of immediate and serious harm to the public, they may 21170  
recommend that the board suspend the individual's certificate 21171  
without a prior hearing. Written allegations shall be prepared 21172  
for consideration by the board. 21173

The board, on review of the allegations and by an 21174  
affirmative vote of not fewer than six of its members, excluding 21175

the secretary and supervising member, may suspend a certificate 21176  
without a prior hearing. A telephone conference call may be 21177  
utilized for reviewing the allegations and taking the vote on 21178  
the summary suspension. 21179

The board shall issue a written order of suspension by 21180  
certified mail or in person in accordance with section 119.07 of 21181  
the Revised Code. The order shall not be subject to suspension 21182  
by the court during pendency of any appeal filed under section 21183  
119.12 of the Revised Code. If the anesthesiologist assistant 21184  
requests an adjudicatory hearing by the board, the date set for 21185  
the hearing shall be within fifteen days, but not earlier than 21186  
seven days, after the anesthesiologist assistant requests the 21187  
hearing, unless otherwise agreed to by both the board and the 21188  
certificate holder. 21189

A summary suspension imposed under this division shall 21190  
remain in effect, unless reversed on appeal, until a final 21191  
adjudicative order issued by the board pursuant to this section 21192  
and Chapter 119. of the Revised Code becomes effective. The 21193  
board shall issue its final adjudicative order within sixty days 21194  
after completion of its hearing. Failure to issue the order 21195  
within sixty days shall result in dissolution of the summary 21196  
suspension order, but shall not invalidate any subsequent, final 21197  
adjudicative order. 21198

~~(H)~~(I) If the board takes action under division (B) (11), 21199  
(13), or (14) of this section, and the judicial finding of 21200  
guilt, guilty plea, or judicial finding of eligibility for 21201  
intervention in lieu of conviction is overturned on appeal, on 21202  
exhaustion of the criminal appeal, a petition for 21203  
reconsideration of the order may be filed with the board along 21204  
with appropriate court documents. On receipt of a petition and 21205



supporting court documents, the board shall reinstate the 21206  
certificate to practice. The board may then hold an adjudication 21207  
under Chapter 119. of the Revised Code to determine whether the 21208  
individual committed the act in question. Notice of opportunity 21209  
for hearing shall be given in accordance with Chapter 119. of 21210  
the Revised Code. If the board finds, pursuant to an 21211  
adjudication held under this division, that the individual 21212  
committed the act, or if no hearing is requested, it may order 21213  
any of the sanctions specified in division (B) of this section. 21214

~~(I)~~ (J) The certificate to practice of an anesthesiologist 21215  
assistant and the assistant's practice in this state are 21216  
automatically suspended as of the date the anesthesiologist 21217  
assistant pleads guilty to, is found by a judge or jury to be 21218  
guilty of, or is subject to a judicial finding of eligibility 21219  
for intervention in lieu of conviction in this state or 21220  
treatment of intervention in lieu of conviction in another 21221  
jurisdiction for any of the following criminal offenses in this 21222  
state or a substantially equivalent criminal offense in another 21223  
jurisdiction: aggravated murder, murder, voluntary manslaughter, 21224  
felonious assault, kidnapping, rape, sexual battery, gross 21225  
sexual imposition, aggravated arson, aggravated robbery, or 21226  
aggravated burglary. Continued practice after the suspension 21227  
shall be considered practicing without a certificate. 21228

The board shall notify the individual subject to the 21229  
suspension by certified mail or in person in accordance with 21230  
section 119.07 of the Revised Code. If an individual whose 21231  
certificate is suspended under this division fails to make a 21232  
timely request for an adjudication under Chapter 119. of the 21233  
Revised Code, the board shall enter a final order permanently 21234  
revoking the individual's certificate to practice. 21235

~~(J)~~ (K) In any instance in which the board is required by 21236  
Chapter 119. of the Revised Code to give notice of opportunity 21237  
for hearing and the individual subject to the notice does not 21238  
timely request a hearing in accordance with section 119.07 of 21239  
the Revised Code, the board is not required to hold a hearing, 21240  
but may adopt, by an affirmative vote of not fewer than six of 21241  
its members, a final order that contains the board's findings. 21242  
In the final order, the board may order any of the sanctions 21243  
identified under division (A) or (B) of this section. 21244

~~(K)~~ (L) Any action taken by the board under division (B) of 21245  
this section resulting in a suspension shall be accompanied by a 21246  
written statement of the conditions under which the 21247  
anesthesiologist assistant's certificate may be reinstated. The 21248  
board shall adopt rules in accordance with Chapter 119. of the 21249  
Revised Code governing conditions to be imposed for 21250  
reinstatement. Reinstatement of a certificate suspended pursuant 21251  
to division (B) of this section requires an affirmative vote of 21252  
not fewer than six members of the board. 21253

~~(L)~~ (M) When the board refuses to grant or issue a 21254  
certificate to practice as an anesthesiologist assistant to an 21255  
applicant, revokes an individual's certificate, refuses to renew 21256  
an individual's certificate, or refuses to reinstate an 21257  
individual's certificate, the board may specify that its action 21258  
is permanent. An individual subject to a permanent action taken 21259  
by the board is forever thereafter ineligible to hold a 21260  
certificate to practice as an anesthesiologist assistant and the 21261  
board shall not accept an application for reinstatement of the 21262  
certificate or for issuance of a new certificate. 21263

~~(M)~~ (N) Notwithstanding any other provision of the Revised 21264  
Code, all of the following apply: 21265

(1) The surrender of a certificate to practice issued 21266  
under this chapter is not effective unless or until accepted by 21267  
the board. Reinstatement of a certificate surrendered to the 21268  
board requires an affirmative vote of not fewer than six members 21269  
of the board. 21270

(2) An application made under this chapter for a 21271  
certificate to practice may not be withdrawn without approval of 21272  
the board. 21273

(3) Failure by an individual to renew a certificate to 21274  
practice in accordance with section 4760.06 of the Revised Code 21275  
shall not remove or limit the board's jurisdiction to take 21276  
disciplinary action under this section against the individual. 21277

**Sec. 4761.04.** (A) Except as provided in division (B) of 21278  
this section, no person is eligible for licensure as a 21279  
respiratory care professional unless the person has shown, to 21280  
the satisfaction of the state medical board, all of the 21281  
following: 21282

(1) ~~That the person is of good moral character;~~ 21283

~~(2)~~ That the person has successfully completed the 21284  
requirements of an educational program approved by the board 21285  
that includes instruction in the biological and physical 21286  
sciences, pharmacology, respiratory care theory, procedures, and 21287  
clinical practice, and cardiopulmonary rehabilitation 21288  
techniques; 21289

~~(3)~~ (2) That the person has passed an examination approved 21290  
under rules adopted by the board that tests the applicant's 21291  
knowledge of the basic and clinical sciences relating to 21292  
respiratory care theory and practice, professional skills and 21293  
judgment in the utilization of respiratory care techniques, and 21294

such other subjects as the board considers useful in determining 21295  
fitness to practice. 21296

(B) Any person licensed to practice respiratory care by 21297  
the former Ohio respiratory care board before January 21, 2018, 21298  
may continue to practice respiratory care in this state under 21299  
that license if the person continues to meet the requirements to 21300  
renew a license under this chapter and renews the license 21301  
through the state medical board. 21302

The state medical board may take any of the following 21303  
actions, as provided in section 4761.09 of the Revised Code, 21304  
against the holder of a license to practice respiratory care 21305  
issued before January 21, 2018, by the former Ohio respiratory 21306  
care board: 21307

(1) Limit, revoke, or suspend the holder's license; 21308

(2) Refuse to renew or reinstate the holder's license; 21309

(3) Reprimand the holder or place the holder on probation. 21310

**Sec. 4761.05.** (A) The state medical board shall issue a 21311  
license to any applicant who complies with the requirements of 21312  
section 4761.04 of the Revised Code, files the prescribed 21313  
application form, and pays the fee or fees required under 21314  
section 4761.07 of the Revised Code. The license entitles the 21315  
holder to practice respiratory care. 21316

(B) (1) The board shall issue a limited permit to any 21317  
applicant who ~~meets the requirements of division (A) (1) of~~ 21318  
~~section 4761.04 of the Revised Code,~~ files an application on a 21319  
form furnished by the board, pays the fee required under section 21320  
4761.07 of the Revised Code, and meets either of the following 21321  
requirements: 21322

(a) Is enrolled in and is in good standing in a 21323  
respiratory care educational program approved by the board that 21324  
meets the requirements of division (A) ~~(2)~~ (1) of section 4761.04 21325  
of the Revised Code leading to a degree or certificate of 21326  
completion or is a graduate of the program; 21327

(b) Is employed as a provider of respiratory care in this 21328  
state and was employed as a provider of respiratory care in this 21329  
state prior to March 14, 1989. 21330

(2) If no grounds apply under section 4761.09 of the 21331  
Revised Code for denying a limited permit to the applicant and 21332  
the applicant meets the requirements of division (B) of this 21333  
section, the board shall issue a limited permit to the 21334  
applicant. 21335

The board shall maintain a register of all persons holding 21336  
limited permits under this chapter. The limited permit 21337  
authorizes the holder to provide respiratory care under the 21338  
supervision of a respiratory care professional. A person issued 21339  
a limited permit under division (B) (1) (a) of this section may 21340  
practice respiratory care under the limited permit for not more 21341  
than three years after the date the limited permit is issued, 21342  
except that the limited permit shall cease to be valid one year 21343  
following the date of receipt of a certificate of completion 21344  
from a board-approved respiratory care education program or 21345  
immediately if the holder discontinues participation in the 21346  
educational program. 21347

The holder shall notify the board as soon as practicable 21348  
when the holder completes a board-approved respiratory care 21349  
education program or discontinues participation in the 21350  
educational program. 21351

This division does not require a student enrolled in an educational program leading to a degree or certificate of completion in respiratory care approved by the board to obtain a limited permit to perform any duties that are part of the required course of study.

(3) A person issued a limited permit under division (B) (1) (b) of this section may practice under a limited permit for not more than three years, except that this restriction does not apply to a permit holder who, on March 14, 1989, has been employed as a provider of respiratory care for an average of not less than twenty-five hours per week for a period of not less than five years by a hospital.

(4) The board may revoke a limited permit upon proof satisfactory to the board that the permit holder has engaged in practice in this state outside the scope of the permit, that the holder has engaged in unethical conduct, or that there are grounds for action against the holder under section 4761.09 of the Revised Code.

(C) The holder of a license or limited permit issued under this section shall either provide verification of licensure or permit status from the board's internet web site on request or prominently display a wall certificate in the license holder's office or place where the majority of the holder's practice is conducted.

**Sec. 4761.051.** (A) As used in this section, "license" and "applicant for an initial license" have the same meanings as in section 4776.01 of the Revised Code, except that "license" as used in both of those terms refers to the types of authorizations otherwise issued or conferred under this chapter.

(B) In addition to any other eligibility requirement set forth in this chapter, each applicant for an initial license shall comply with sections 4776.01 to 4776.04 of the Revised Code. The state medical board shall not grant a license to an applicant for an initial license unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code ~~and the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4761.05 of the Revised Code.~~

**Sec. 4761.06.** (A) Each license to practice respiratory care shall be renewed biennially on or before the last day of June of every even-numbered year. Each limited permit to practice respiratory care shall be renewed annually. Each person holding a license or limited permit to practice respiratory care shall apply to the state medical board on the form and according to the schedule prescribed by the board for renewal of the license or limited permit. Licenses and limited permits shall be renewed in accordance with the standard renewal procedure of Chapter 4745. of the Revised Code. The state medical board shall renew a license if the holder pays the license renewal fee prescribed under section 4761.07 of the Revised Code and certifies that the holder has completed the continuing education or reexamination requirements of division (B) of this section.

At least one month before a license expires, the board shall provide a renewal notice. Failure of any person to receive a notice of renewal from the board shall not excuse the person from the requirements contained in this section. Each person holding a license shall give notice to the board of a change in the license holder's residence address, business address, or electronic mail address not later than thirty days after the

change occurs. 21412

The board shall renew a limited permit if the holder pays 21413  
the limited permit renewal fee prescribed under section 4761.07 21414  
of the Revised Code and does either of the following: 21415

(1) If the limited permit was issued on the basis of 21416  
division (B) (1) (a) of section 4761.05 of the Revised Code, 21417  
certifies that the holder is enrolled and in good standing in an 21418  
educational program that meets the requirements of division (A) 21419  
~~(2)~~ (1) of section 4761.04 of the Revised Code or has graduated 21420  
from such a program; 21421

(2) If the limited permit was issued on the basis of 21422  
division (B) (1) (b) of section 4761.05 of the Revised Code, 21423  
certifies that the applicant is employed as a provider of 21424  
respiratory care under the supervision of a respiratory care 21425  
professional. 21426

(B) On and after March 14, 1991, and every year 21427  
thereafter, on or before the annual renewal date, the holder of 21428  
a limited permit issued under division (B) (1) (b) of section 21429  
4761.05 of the Revised Code shall certify to the board that the 21430  
holder has satisfactorily completed the number of hours of 21431  
continuing education required by the board, which shall not be 21432  
less than three nor more than ten hours of continuing education 21433  
acceptable to the board. 21434

On or before the biennial renewal date, a license holder 21435  
shall certify to the board that the license holder has 21436  
satisfactorily completed the number of hours of continuing 21437  
education required by the board, which shall be not less than 21438  
six nor more than twenty hours of continuing education 21439  
acceptable to the board, or has passed a reexamination in 21440



accordance with the board's renewal requirements. 21441

(C) (1) A license to practice respiratory care that is not 21442  
renewed on or before its expiration date is automatically 21443  
suspended on its expiration date. Continued practice after 21444  
suspension shall be considered as practicing in violation of 21445  
section 4761.10 of the Revised Code. 21446

(2) If a license has been suspended pursuant to division 21447  
(C) (1) of this section for two years or less, it may be 21448  
reinstated. The state medical board shall reinstate the license 21449  
upon the applicant's submission of a complete renewal 21450  
application and payment of a reinstatement fee of one hundred 21451  
dollars. 21452

(3) (a) If a license has been suspended pursuant to 21453  
division (C) (1) of this section for more than two years, it may 21454  
be restored. The board may restore the license upon an 21455  
applicant's submission of a complete restoration application and 21456  
a restoration fee of one hundred twenty-five dollars and 21457  
compliance with sections 4776.01 to 4776.04 of the Revised Code. 21458  
The board shall not restore a license unless the board, in its 21459  
discretion, decides that the results of the criminal records 21460  
check do not make the applicant ineligible for a license issued 21461  
pursuant to division (A) of this section. 21462

(b) The board may impose terms and conditions for the 21463  
restoration, including any one or more of the following: 21464

(i) Requiring the applicant to pass an oral or written 21465  
examination, or both, to determine the applicant's present 21466  
fitness to resume practice; 21467

(ii) Requiring the applicant to obtain additional training 21468  
and to pass an examination upon completion of such training; 21469

(iii) Restricting or limiting the extent, scope, or type of practice of the applicant. 21470  
21471

**Sec. 4761.07.** (A) The state medical board shall charge any license applicant or holder who is to take an examination required under division (A) ~~(3)~~ (2) of section 4761.04 or a reexamination required under division (B) of section 4761.06 of the Revised Code for license renewal or under section 4761.09 of the Revised Code for license reinstatement, a nonrefundable examination fee, not to exceed the amount necessary to cover the expense of administering the examination. The license applicant or holder shall pay the fee at the time of application for licensure or renewal. 21472  
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(B) The board shall establish the following additional nonrefundable fees and penalty: 21482  
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(1) An initial license fee of seventy-five dollars; 21484

(2) A biennial license renewal fee of seventy-five dollars; 21485  
21486

(3) A limited permit fee of twenty dollars; 21487

(4) A limited permit renewal fee of ten dollars; 21488

(5) A duplicate license or limited permit fee of thirty-five dollars; 21489  
21490

(6) In the case of a person holding a license issued under this chapter, a license verification fee of fifty dollars. 21491  
21492

(C) Notwithstanding division (B) (4) of this section, after the third renewal of a limited permit that meets the exception in division (B) (3) of section 4761.05 of the Revised Code, the limited permit renewal fee shall be thirty-five dollars. 21493  
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(D) All fees received by the board shall be deposited into 21497  
the state treasury to the credit of the state medical board 21498  
operating fund pursuant to section 4731.24 of the Revised Code. 21499

**Sec. 4761.09.** (A) The state medical board, by an 21500  
affirmative vote of not fewer than six members, shall, except as 21501  
provided in division (B) of this section, and to the extent 21502  
permitted by law, limit, revoke, or suspend an individual's 21503  
license or limited permit, refuse to issue a license or limited 21504  
permit to an individual, refuse to renew a license or limited 21505  
permit, refuse to reinstate a license or limited permit, or 21506  
reprimand or place on probation the holder of a license or 21507  
limited permit for one or more of the following reasons: 21508

(1) A plea of guilty to, a judicial finding of guilt of, 21509  
or a judicial finding of eligibility for intervention in lieu of 21510  
conviction for, a felony; 21511

(2) Commission of an act that constitutes a felony in this 21512  
state, regardless of the jurisdiction in which the act was 21513  
committed; 21514

(3) A plea of guilty to, a judicial finding of guilt of, 21515  
or a judicial finding of eligibility for intervention in lieu of 21516  
conviction for, a misdemeanor committed in the course of 21517  
practice; 21518

(4) Commission of an act in the course of practice that 21519  
constitutes a misdemeanor in this state, regardless of the 21520  
jurisdiction in which the act was committed; 21521

(5) A plea of guilty to, a judicial finding of guilt of, 21522  
or a judicial finding of eligibility for intervention in lieu of 21523  
conviction for, a misdemeanor involving moral turpitude; 21524

(6) Commission of an act involving moral turpitude that 21525

constitutes a misdemeanor in this state, regardless of the 21526  
jurisdiction in which the act was committed; 21527

(7) Except when civil penalties are imposed under section 21528  
4761.091 of the Revised Code, violating or attempting to 21529  
violate, directly or indirectly, or assisting in or abetting the 21530  
violation of, or conspiring to violate, any provision of this 21531  
chapter or the rules adopted by the board; 21532

(8) Making a false, fraudulent, deceptive, or misleading 21533  
statement in the solicitation of or advertising for patients; in 21534  
relation to the practice of respiratory care; or in securing or 21535  
attempting to secure any license or permit issued by the board 21536  
under this chapter. 21537

As used in division (A) (8) of this section, "false, 21538  
fraudulent, deceptive, or misleading statement" means a 21539  
statement that includes a misrepresentation of fact, is likely 21540  
to mislead or deceive because of a failure to disclose material 21541  
facts, is intended or is likely to create false or unjustified 21542  
expectations of favorable results, or includes representations 21543  
or implications that in reasonable probability will cause an 21544  
ordinarily prudent person to misunderstand or be deceived. 21545

(9) Committing fraud during the administration of the 21546  
examination for a license to practice or committing fraud, 21547  
misrepresentation, or deception in applying for, renewing, or 21548  
securing any license or permit issued by the board; 21549

(10) A departure from, or failure to conform to, minimal 21550  
standards of care of similar practitioners under the same or 21551  
similar circumstances, whether or not actual injury to a patient 21552  
is established; 21553

(11) Violating the standards of ethical conduct adopted by 21554

the board, in the practice of respiratory care; 21555

(12) The obtaining of, or attempting to obtain, money or 21556  
anything of value by fraudulent misrepresentations in the course 21557  
of practice; 21558

(13) Violation of the conditions of limitation placed by 21559  
the board upon a license or permit; 21560

(14) Inability to practice according to acceptable and 21561  
prevailing standards of care by reason of mental illness or 21562  
physical illness, including physical deterioration that 21563  
adversely affects cognitive, motor, or perceptive skills; 21564

(15) Any of the following actions taken by an agency 21565  
responsible for authorizing, certifying, or regulating an 21566  
individual to practice a health care occupation or provide 21567  
health care services in this state or another jurisdiction, for 21568  
any reason other than the nonpayment of fees: the limitation, 21569  
revocation, or suspension of an individual's license; acceptance 21570  
of an individual's license surrender; denial of a license; 21571  
refusal to renew or reinstate a license; imposition of 21572  
probation; or issuance of an order of censure or other 21573  
reprimand; 21574

(16) The revocation, suspension, restriction, reduction, 21575  
or termination of practice privileges by the United States 21576  
department of defense or department of veterans affairs; 21577

(17) Termination or suspension from participation in the 21578  
medicare or medicaid programs by the department of health and 21579  
human services or other responsible agency for any act or acts 21580  
that also would constitute a violation of division (A) (10), 21581  
(12), or (14) of this section; 21582

(18) Impairment of ability to practice according to 21583

acceptable and prevailing standards of care because of habitual 21584  
or excessive use or abuse of drugs, alcohol, or other substances 21585  
that impair ability to practice; 21586

(19) Failure to cooperate in an investigation conducted by 21587  
the board under division (E) of section 4761.03 of the Revised 21588  
Code, including failure to comply with a subpoena or order 21589  
issued by the board or failure to answer truthfully a question 21590  
presented by the board in an investigative interview, an 21591  
investigative office conference, at a deposition, or in written 21592  
interrogatories, except that failure to cooperate with an 21593  
investigation shall not constitute grounds for discipline under 21594  
this section if a court of competent jurisdiction has issued an 21595  
order that either quashes a subpoena or permits the individual 21596  
to withhold the testimony or evidence in issue; 21597

(20) Practicing in an area of respiratory care for which 21598  
the person is clearly untrained or incompetent or practicing in 21599  
a manner that conflicts with section 4761.17 of the Revised 21600  
Code; 21601

(21) Employing, directing, or supervising a person who is 21602  
not authorized to practice respiratory care under this chapter 21603  
in the performance of respiratory care procedures; 21604

(22) Misrepresenting educational attainments or authorized 21605  
functions for the purpose of obtaining some benefit related to 21606  
the practice of respiratory care; 21607

(23) Assisting suicide as defined in section 3795.01 of 21608  
the Revised Code; 21609

(24) Representing, with the purpose of obtaining 21610  
compensation or other advantage as personal gain or for any 21611  
other person, that an incurable disease or injury, or other 21612

incurable condition, can be permanently cured. 21613

Disciplinary actions taken by the board under division (A) 21614  
of this section shall be taken pursuant to an adjudication under 21615  
Chapter 119. of the Revised Code, except that in lieu of an 21616  
adjudication, the board may enter into a consent agreement with 21617  
an individual to resolve an allegation of a violation of this 21618  
chapter or any rule adopted under it. A consent agreement, when 21619  
ratified by an affirmative vote of not fewer than six members of 21620  
the board, shall constitute the findings and order of the board 21621  
with respect to the matter addressed in the agreement. If the 21622  
board refuses to ratify a consent agreement, the admissions and 21623  
findings contained in the consent agreement shall be of no 21624  
effect. 21625

A telephone conference call may be utilized for 21626  
ratification of a consent agreement that revokes or suspends an 21627  
individual's license or permit. The telephone conference call 21628  
shall be considered a special meeting under division (F) of 21629  
section 121.22 of the Revised Code. 21630

(B) The board shall not refuse to issue a license or 21631  
limited permit to an applicant because of a plea of guilty to, a 21632  
judicial finding of guilt of, or a judicial finding of 21633  
eligibility for intervention in lieu of conviction for an 21634  
offense unless the refusal is in accordance with section 9.79 of 21635  
the Revised Code. 21636

(C) Any action taken by the board under division (A) of 21637  
this section resulting in a suspension from practice shall be 21638  
accompanied by a written statement of the conditions under which 21639  
the individual's license or permit may be reinstated. The board 21640  
shall adopt rules governing conditions to be imposed for 21641  
reinstatement. Reinstatement of a license or permit suspended 21642

pursuant to division (A) of this section requires an affirmative 21643  
vote of not fewer than six members of the board. 21644

~~(C)~~ (D) When the board refuses to grant or issue a license 21645  
or permit to an applicant, revokes an individual's license or 21646  
permit, refuses to renew an individual's license or permit, or 21647  
refuses to reinstate an individual's license or permit, the 21648  
board may specify that its action is permanent. An individual 21649  
subject to a permanent action taken by the board is forever 21650  
thereafter ineligible to hold a license or permit and the board 21651  
shall not accept an application for reinstatement of the license 21652  
or permit or for issuance of a new license or permit. 21653

~~(D)~~ (E) If the board is required by Chapter 119. of the 21654  
Revised Code to give notice of an opportunity for a hearing and 21655  
if the individual subject to the notice does not timely request 21656  
a hearing in accordance with section 119.07 of the Revised Code, 21657  
the board is not required to hold a hearing, but may adopt, by 21658  
an affirmative vote of not fewer than six of its members, a 21659  
final order that contains the board's findings. In the final 21660  
order, the board may order any of the sanctions identified under 21661  
division (A) of this section. 21662

~~(E)~~ (F) In enforcing division (A) (14) of this section, the 21663  
board, upon a showing of a possible violation, may compel any 21664  
individual authorized to practice by this chapter or who has 21665  
submitted an application pursuant to this chapter to submit to a 21666  
mental examination, physical examination, including an HIV test, 21667  
or both a mental and a physical examination. The expense of the 21668  
examination is the responsibility of the individual compelled to 21669  
be examined. Failure to submit to a mental or physical 21670  
examination or consent to an HIV test ordered by the board 21671  
constitutes an admission of the allegations against the 21672



individual unless the failure is due to circumstances beyond the 21673  
individual's control, and a default and final order may be 21674  
entered without the taking of testimony or presentation of 21675  
evidence. If the board finds an individual unable to practice 21676  
because of the reasons set forth in division (A)(14) of this 21677  
section, the board shall require the individual to submit to 21678  
care, counseling, or treatment by physicians approved or 21679  
designated by the board, as a condition for initial, continued, 21680  
reinstated, or renewed authority to practice. An individual 21681  
affected under this division shall be afforded an opportunity to 21682  
demonstrate to the board the ability to resume practice in 21683  
compliance with acceptable and prevailing standards under the 21684  
provisions of the individual's license or permit. For the 21685  
purpose of division (A)(14) of this section, any individual who 21686  
applies for or receives a license or permit to practice under 21687  
this chapter accepts the privilege of practicing in this state 21688  
and, by so doing, shall be deemed to have given consent to 21689  
submit to a mental or physical examination when directed to do 21690  
so in writing by the board, and to have waived all objections to 21691  
the admissibility of testimony or examination reports that 21692  
constitute a privileged communication. 21693

~~(F)~~(G) For the purposes of division (A)(18) of this 21694  
section, any individual authorized to practice by this chapter 21695  
accepts the privilege of practicing in this state subject to 21696  
supervision by the board. By filing an application for or 21697  
holding a license or permit under this chapter, an individual 21698  
shall be deemed to have given consent to submit to a mental or 21699  
physical examination when ordered to do so by the board in 21700  
writing, and to have waived all objections to the admissibility 21701  
of testimony or examination reports that constitute privileged 21702  
communications. 21703

If it has reason to believe that any individual authorized to practice by this chapter or any applicant for a license or permit suffers such impairment, the board may compel the individual to submit to a mental or physical examination, or both. The expense of the examination is the responsibility of the individual compelled to be examined. Any mental or physical examination required under this division shall be undertaken by a treatment provider or physician who is qualified to conduct the examination and who is chosen by the board.

Failure to submit to a mental or physical examination ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's license or permit or deny the individual's application and shall require the individual, as a condition for an initial, continued, reinstated, or renewed license or permit, to submit to treatment.

Before being eligible to apply for reinstatement of a license or permit suspended under this division, the impaired practitioner shall demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards of care under the provisions of the practitioner's license or permit. The demonstration shall include, but shall not be limited to, the following:

(1) Certification from a treatment provider approved under section 4731.25 of the Revised Code that the individual has successfully completed any required inpatient treatment;

(2) Evidence of continuing full compliance with an aftercare contract or consent agreement; 21734  
21735

(3) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making the assessments and shall describe the basis for their determination. 21736  
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The board may reinstate a license or permit suspended under this division after that demonstration and after the individual has entered into a written consent agreement. 21743  
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When the impaired practitioner resumes practice, the board shall require continued monitoring of the individual. The monitoring shall include, but not be limited to, compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, upon termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of perjury stating whether the individual has maintained sobriety. 21746  
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~~(G)~~ (H) If the secretary and supervising member determine both of the following, they may recommend that the board suspend an individual's license or permit without a prior hearing: 21755  
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(1) That there is clear and convincing evidence that an individual has violated division (A) of this section; 21758  
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(2) That the individual's continued practice presents a danger of immediate and serious harm to the public. 21760  
21761

Written allegations shall be prepared for consideration by 21762

the board. The board, upon review of those allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a license or permit without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

The board shall issue a written order of suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code. If the individual subject to the summary suspension requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the individual requests the hearing, unless otherwise agreed to by both the board and the individual.

Any summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within seventy-five days after completion of its hearing. A failure to issue the order within seventy-five days shall result in dissolution of the summary suspension order but shall not invalidate any subsequent, final adjudicative order.

~~(H)~~(I) For purposes of divisions (A) (2), (4), and (6) of this section, the commission of the act may be established by a finding by the board, pursuant to an adjudication under Chapter 119. of the Revised Code, that the individual committed the act. The board does not have jurisdiction under those divisions if

the trial court renders a final judgment in the individual's 21793  
favor and that judgment is based upon an adjudication on the 21794  
merits. The board has jurisdiction under those divisions if the 21795  
trial court issues an order of dismissal upon technical or 21796  
procedural grounds. 21797

~~(I)~~(J) The sealing of conviction records by any court 21798  
shall have no effect upon a prior board order entered under this 21799  
section or upon the board's jurisdiction to take action under 21800  
this section if, based upon a plea of guilty, a judicial finding 21801  
of guilt, or a judicial finding of eligibility for intervention 21802  
in lieu of conviction, the board issued a notice of opportunity 21803  
for a hearing prior to the court's order to seal the records. 21804  
The board shall not be required to seal, destroy, redact, or 21805  
otherwise modify its records to reflect the court's sealing of 21806  
conviction records. 21807

~~(J)~~(K) If the board takes action under division (A) (1), 21808  
(3), or (5) of this section, and the judicial finding of guilt, 21809  
guilty plea, or judicial finding of eligibility for intervention 21810  
in lieu of conviction is overturned on appeal, upon exhaustion 21811  
of the criminal appeal, a petition for reconsideration of the 21812  
order may be filed with the board along with appropriate court 21813  
documents. Upon receipt of a petition for reconsideration and 21814  
supporting court documents, the board shall reinstate the 21815  
individual's license or permit. The board may then hold an 21816  
adjudication under Chapter 119. of the Revised Code to determine 21817  
whether the individual committed the act in question. Notice of 21818  
an opportunity for a hearing shall be given in accordance with 21819  
Chapter 119. of the Revised Code. If the board finds, pursuant 21820  
to an adjudication held under this division, that the individual 21821  
committed the act or if no hearing is requested, the board may 21822  
order any of the sanctions identified under division (A) of this 21823

section. 21824

~~(K)~~ (L) The license or permit issued to an individual under 21825  
this chapter and the individual's practice in this state are 21826  
automatically suspended as of the date the individual pleads 21827  
guilty to, is found by a judge or jury to be guilty of, or is 21828  
subject to a judicial finding of eligibility for intervention in 21829  
lieu of conviction in this state or treatment or intervention in 21830  
lieu of conviction in another jurisdiction for any of the 21831  
following criminal offenses in this state or a substantially 21832  
equivalent criminal offense in another jurisdiction: aggravated 21833  
murder, murder, voluntary manslaughter, felonious assault, 21834  
kidnapping, rape, sexual battery, gross sexual imposition, 21835  
aggravated arson, aggravated robbery, or aggravated burglary. 21836  
Continued practice after suspension shall be considered 21837  
practicing without a license or permit. 21838

The board shall notify the individual subject to the 21839  
suspension by certified mail or in person in accordance with 21840  
section 119.07 of the Revised Code. If an individual whose 21841  
license or permit is automatically suspended under this division 21842  
fails to make a timely request for an adjudication under Chapter 21843  
119. of the Revised Code, the board shall enter a final order 21844  
permanently revoking the individual's license or permit. 21845

~~(L)~~ (M) Notwithstanding any other provision of the Revised 21846  
Code, all of the following apply: 21847

(1) The surrender of a license or permit issued under this 21848  
chapter shall not be effective unless or until accepted by the 21849  
board. A telephone conference call may be utilized for 21850  
acceptance of the surrender of an individual's license or 21851  
permit. The telephone conference call shall be considered a 21852  
special meeting under division (F) of section 121.22 of the 21853

Revised Code. Reinstatement of a license or permit surrendered 21854  
to the board requires an affirmative vote of not fewer than six 21855  
members of the board. 21856

(2) An application for a license or permit made under the 21857  
provisions of this chapter may not be withdrawn without approval 21858  
of the board. 21859

(3) Failure by an individual to renew a license or permit 21860  
in accordance with this chapter shall not remove or limit the 21861  
board's jurisdiction to take any disciplinary action under this 21862  
section against the individual. 21863

(4) At the request of the board, a license or permit 21864  
holder shall immediately surrender to the board a license or 21865  
permit that the board has suspended, revoked, or permanently 21866  
revoked. 21867

**Sec. 4762.03.** (A) An individual seeking a certificate to 21868  
practice as an oriental medicine practitioner or certificate to 21869  
practice as an acupuncturist shall file with the state medical 21870  
board a written application on a form prescribed and supplied by 21871  
the board. 21872

(B) To be eligible for the certificate to practice, an 21873  
applicant shall meet all of the following conditions, as 21874  
applicable: 21875

(1) The applicant shall submit evidence satisfactory to 21876  
the board that the applicant is at least eighteen years of age 21877  
~~and of good moral character.~~ 21878

(2) In the case of an applicant seeking a certificate to 21879  
practice as an oriental medicine practitioner, the applicant 21880  
shall submit evidence satisfactory to the board of both of the 21881  
following: 21882

(a) That the applicant holds a current and active 21883  
designation from the national certification commission for 21884  
acupuncture and oriental medicine as either a diplomate in 21885  
oriental medicine or diplomate of acupuncture and Chinese 21886  
herbology; 21887

(b) That the applicant has successfully completed, in the 21888  
two-year period immediately preceding application for the 21889  
certificate to practice, one course approved by the commission 21890  
on federal food and drug administration dispensary and 21891  
compounding guidelines and procedures. 21892

(3) In the case of an applicant seeking a certificate to 21893  
practice as an acupuncturist, the applicant shall submit 21894  
evidence satisfactory to the board that the applicant holds a 21895  
current and active designation from the national certification 21896  
commission for acupuncture and oriental medicine as a diplomate 21897  
in acupuncture. 21898

(4) The applicant shall demonstrate to the board 21899  
proficiency in spoken English by satisfying one of the following 21900  
requirements: 21901

(a) Passing the examination described in section 4731.142 21902  
of the Revised Code; 21903

(b) Submitting evidence satisfactory to the board that the 21904  
applicant was required to demonstrate proficiency in spoken 21905  
English as a condition of obtaining designation from the 21906  
national certification commission for acupuncture and oriental 21907  
medicine as a diplomate in oriental medicine, diplomate of 21908  
acupuncture and Chinese herbology, or diplomate in acupuncture; 21909

(c) Submitting evidence satisfactory to the board that the 21910  
applicant, in seeking a designation from the national 21911



certification commission for acupuncture and oriental medicine 21912  
as a diplomate of oriental medicine, diplomate of acupuncture 21913  
and Chinese herbology, or diplomate of acupuncture, has 21914  
successfully completed in English the examination required for 21915  
such a designation by the national certification commission for 21916  
acupuncture and oriental medicine; 21917

(d) In the case of an applicant seeking a certificate to 21918  
practice as an oriental medicine practitioner, submitting 21919  
evidence satisfactory to the board that the applicant has 21920  
previously held a certificate to practice as an acupuncturist 21921  
issued under section 4762.04 of the Revised Code. 21922

(5) The applicant shall submit to the board any other 21923  
information the board requires. 21924

(6) The applicant shall pay to the board a fee of one 21925  
hundred dollars, no part of which may be returned to the 21926  
applicant. 21927

(C) The board shall review all applications received under 21928  
this section. The board shall determine whether an applicant 21929  
meets the requirements to receive a certificate to practice not 21930  
later than sixty days after receiving a complete application. 21931  
The affirmative vote of not fewer than six members of the board 21932  
is required to determine that an applicant meets the 21933  
requirements for a certificate. 21934

**Sec. 4762.031.** In addition to any other eligibility 21935  
requirement set forth in this chapter, each applicant for a 21936  
certificate to practice as an oriental medicine practitioner or 21937  
certificate to practice as an acupuncturist shall comply with 21938  
sections 4776.01 to 4776.04 of the Revised Code. ~~The state-~~ 21939  
~~medical board shall not grant to an applicant a certificate to-~~ 21940

~~practice unless the board, in its discretion, decides that the~~ 21941  
~~results of the criminal records check do not make the applicant~~ 21942  
~~ineligible for a certificate issued pursuant to section 4762.04~~ 21943  
~~of the Revised Code.~~ 21944

**Sec. 4762.13.** (A) The state medical board, by an 21945  
affirmative vote of not fewer than six members, may revoke or 21946  
may refuse to grant a certificate to practice as an oriental 21947  
medicine practitioner or certificate to practice as an 21948  
acupuncturist to a person found by the board to have committed 21949  
fraud, misrepresentation, or deception in applying for or 21950  
securing the certificate. 21951

(B) The board, by an affirmative vote of not fewer than 21952  
six members, shall, except as provided in division (C) of this 21953  
section, and to the extent permitted by law, limit, revoke, or 21954  
suspend an individual's certificate to practice, refuse to issue 21955  
a certificate to an applicant, refuse to renew a certificate, 21956  
refuse to reinstate a certificate, or reprimand or place on 21957  
probation the holder of a certificate for any of the following 21958  
reasons: 21959

(1) Permitting the holder's name or certificate to be used 21960  
by another person; 21961

(2) Failure to comply with the requirements of this 21962  
chapter, Chapter 4731. of the Revised Code, or any rules adopted 21963  
by the board; 21964

(3) Violating or attempting to violate, directly or 21965  
indirectly, or assisting in or abetting the violation of, or 21966  
conspiring to violate, any provision of this chapter, Chapter 21967  
4731. of the Revised Code, or the rules adopted by the board; 21968

(4) A departure from, or failure to conform to, minimal 21969

standards of care of similar practitioners under the same or 21970  
similar circumstances whether or not actual injury to the 21971  
patient is established; 21972

(5) Inability to practice according to acceptable and 21973  
prevailing standards of care by reason of mental illness or 21974  
physical illness, including physical deterioration that 21975  
adversely affects cognitive, motor, or perceptive skills; 21976

(6) Impairment of ability to practice according to 21977  
acceptable and prevailing standards of care because of habitual 21978  
or excessive use or abuse of drugs, alcohol, or other substances 21979  
that impair ability to practice; 21980

(7) Willfully betraying a professional confidence; 21981

(8) Making a false, fraudulent, deceptive, or misleading 21982  
statement in soliciting or advertising for patients or in 21983  
securing or attempting to secure a certificate to practice as an 21984  
oriental medicine practitioner or certificate to practice as an 21985  
acupuncturist. 21986

As used in this division, "false, fraudulent, deceptive, 21987  
or misleading statement" means a statement that includes a 21988  
misrepresentation of fact, is likely to mislead or deceive 21989  
because of a failure to disclose material facts, is intended or 21990  
is likely to create false or unjustified expectations of 21991  
favorable results, or includes representations or implications 21992  
that in reasonable probability will cause an ordinarily prudent 21993  
person to misunderstand or be deceived. 21994

(9) Representing, with the purpose of obtaining 21995  
compensation or other advantage personally or for any other 21996  
person, that an incurable disease or injury, or other incurable 21997  
condition, can be permanently cured; 21998

(10) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;	21999 22000 22001
(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;	22002 22003 22004
(12) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	22005 22006 22007
(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;	22008 22009 22010 22011
(14) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;	22012 22013 22014
(15) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	22015 22016 22017
(16) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	22018 22019 22020
(17) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs;	22021 22022 22023 22024 22025
(18) Any of the following actions taken by the state	22026

agency responsible for regulating the practice of oriental 22027  
medicine or acupuncture in another jurisdiction, for any reason 22028  
other than the nonpayment of fees: the limitation, revocation, 22029  
or suspension of an individual's license to practice; acceptance 22030  
of an individual's license surrender; denial of a license; 22031  
refusal to renew or reinstate a license; imposition of 22032  
probation; or issuance of an order of censure or other 22033  
reprimand; 22034

(19) Violation of the conditions placed by the board on a 22035  
certificate to practice as an oriental medicine practitioner or 22036  
certificate to practice as an acupuncturist; 22037

(20) Failure to use universal blood and body fluid 22038  
precautions established by rules adopted under section 4731.051 22039  
of the Revised Code; 22040

(21) Failure to cooperate in an investigation conducted by 22041  
the board under section 4762.14 of the Revised Code, including 22042  
failure to comply with a subpoena or order issued by the board 22043  
or failure to answer truthfully a question presented by the 22044  
board at a deposition or in written interrogatories, except that 22045  
failure to cooperate with an investigation shall not constitute 22046  
grounds for discipline under this section if a court of 22047  
competent jurisdiction has issued an order that either quashes a 22048  
subpoena or permits the individual to withhold the testimony or 22049  
evidence in issue; 22050

(22) Failure to comply with the standards of the national 22051  
certification commission for acupuncture and oriental medicine 22052  
regarding professional ethics, commitment to patients, 22053  
commitment to the profession, and commitment to the public; 22054

(23) Failure to have adequate professional liability 22055

insurance coverage in accordance with section 4762.22 of the Revised Code;

(24) Failure to maintain a current and active designation as a diplomate in oriental medicine, diplomate of acupuncture and Chinese herbology, or diplomate in acupuncture, as applicable, from the national certification commission for acupuncture and oriental medicine, including revocation by the commission of the individual's designation, failure by the individual to meet the commission's requirements for redesignation, or failure to notify the board that the appropriate designation has not been maintained.

(C) The board shall not refuse to issue a certificate to an applicant because of a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for an offense unless the refusal is in accordance with section 9.79 of the Revised Code.

(D) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with an oriental medicine practitioner or acupuncturist or applicant to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect.

~~(D)~~ (E) For purposes of divisions (B) (12), (15), and (16)

of this section, the commission of the act may be established by 22086  
a finding by the board, pursuant to an adjudication under 22087  
Chapter 119. of the Revised Code, that the applicant or 22088  
certificate holder committed the act in question. The board 22089  
shall have no jurisdiction under these divisions in cases where 22090  
the trial court renders a final judgment in the certificate 22091  
holder's favor and that judgment is based upon an adjudication 22092  
on the merits. The board shall have jurisdiction under these 22093  
divisions in cases where the trial court issues an order of 22094  
dismissal upon technical or procedural grounds. 22095

~~(E)~~ (F) The sealing of conviction records by any court 22096  
shall have no effect upon a prior board order entered under the 22097  
provisions of this section or upon the board's jurisdiction to 22098  
take action under the provisions of this section if, based upon 22099  
a plea of guilty, a judicial finding of guilt, or a judicial 22100  
finding of eligibility for intervention in lieu of conviction, 22101  
the board issued a notice of opportunity for a hearing or 22102  
entered into a consent agreement prior to the court's order to 22103  
seal the records. The board shall not be required to seal, 22104  
destroy, redact, or otherwise modify its records to reflect the 22105  
court's sealing of conviction records. 22106

~~(F)~~ (G) For purposes of this division, any individual who 22107  
holds a certificate to practice issued under this chapter, or 22108  
applies for a certificate to practice, shall be deemed to have 22109  
given consent to submit to a mental or physical examination when 22110  
directed to do so in writing by the board and to have waived all 22111  
objections to the admissibility of testimony or examination 22112  
reports that constitute a privileged communication. 22113

(1) In enforcing division (B) (5) of this section, the 22114  
board, upon a showing of a possible violation, may compel any 22115

individual who holds a certificate to practice issued under this 22116  
chapter or who has applied for a certificate pursuant to this 22117  
chapter to submit to a mental examination, physical examination, 22118  
including an HIV test, or both a mental and physical 22119  
examination. The expense of the examination is the 22120  
responsibility of the individual compelled to be examined. 22121  
Failure to submit to a mental or physical examination or consent 22122  
to an HIV test ordered by the board constitutes an admission of 22123  
the allegations against the individual unless the failure is due 22124  
to circumstances beyond the individual's control, and a default 22125  
and final order may be entered without the taking of testimony 22126  
or presentation of evidence. If the board finds an oriental 22127  
medicine practitioner or acupuncturist unable to practice 22128  
because of the reasons set forth in division (B) (5) of this 22129  
section, the board shall require the individual to submit to 22130  
care, counseling, or treatment by physicians approved or 22131  
designated by the board, as a condition for an initial, 22132  
continued, reinstated, or renewed certificate to practice. An 22133  
individual affected by this division shall be afforded an 22134  
opportunity to demonstrate to the board the ability to resume 22135  
practicing in compliance with acceptable and prevailing 22136  
standards of care. 22137

(2) For purposes of division (B) (6) of this section, if 22138  
the board has reason to believe that any individual who holds a 22139  
certificate to practice issued under this chapter or any 22140  
applicant for a certificate suffers such impairment, the board 22141  
may compel the individual to submit to a mental or physical 22142  
examination, or both. The expense of the examination is the 22143  
responsibility of the individual compelled to be examined. Any 22144  
mental or physical examination required under this division 22145  
shall be undertaken by a treatment provider or physician 22146



qualified to conduct such examination and chosen by the board. 22147

Failure to submit to a mental or physical examination 22148  
ordered by the board constitutes an admission of the allegations 22149  
against the individual unless the failure is due to 22150  
circumstances beyond the individual's control, and a default and 22151  
final order may be entered without the taking of testimony or 22152  
presentation of evidence. If the board determines that the 22153  
individual's ability to practice is impaired, the board shall 22154  
suspend the individual's certificate or deny the individual's 22155  
application and shall require the individual, as a condition for 22156  
an initial, continued, reinstated, or renewed certificate, to 22157  
submit to treatment. 22158

Before being eligible to apply for reinstatement of a 22159  
certificate suspended under this division, the oriental medicine 22160  
practitioner or acupuncturist shall demonstrate to the board the 22161  
ability to resume practice in compliance with acceptable and 22162  
prevailing standards of care. The demonstration shall include 22163  
the following: 22164

(a) Certification from a treatment provider approved under 22165  
section 4731.25 of the Revised Code that the individual has 22166  
successfully completed any required inpatient treatment; 22167

(b) Evidence of continuing full compliance with an 22168  
aftercare contract or consent agreement; 22169

(c) Two written reports indicating that the individual's 22170  
ability to practice has been assessed and that the individual 22171  
has been found capable of practicing according to acceptable and 22172  
prevailing standards of care. The reports shall be made by 22173  
individuals or providers approved by the board for making such 22174  
assessments and shall describe the basis for their 22175

determination. 22176

The board may reinstate a certificate suspended under this 22177  
division after such demonstration and after the individual has 22178  
entered into a written consent agreement. 22179

When the impaired individual resumes practice, the board 22180  
shall require continued monitoring of the individual. The 22181  
monitoring shall include monitoring of compliance with the 22182  
written consent agreement entered into before reinstatement or 22183  
with conditions imposed by board order after a hearing, and, 22184  
upon termination of the consent agreement, submission to the 22185  
board for at least two years of annual written progress reports 22186  
made under penalty of falsification stating whether the 22187  
individual has maintained sobriety. 22188

~~(G)~~(H) If the secretary and supervising member determine 22189  
both of the following, they may recommend that the board suspend 22190  
an individual's certificate to practice without a prior hearing: 22191

(1) That there is clear and convincing evidence that an 22192  
oriental medicine practitioner or acupuncturist has violated 22193  
division (B) of this section; 22194

(2) That the individual's continued practice presents a 22195  
danger of immediate and serious harm to the public. 22196

Written allegations shall be prepared for consideration by 22197  
the board. The board, upon review of the allegations and by an 22198  
affirmative vote of not fewer than six of its members, excluding 22199  
the secretary and supervising member, may suspend a certificate 22200  
without a prior hearing. A telephone conference call may be 22201  
utilized for reviewing the allegations and taking the vote on 22202  
the summary suspension. 22203

The board shall issue a written order of suspension by 22204

certified mail or in person in accordance with section 119.07 of 22205  
the Revised Code. The order shall not be subject to suspension 22206  
by the court during pendency of any appeal filed under section 22207  
119.12 of the Revised Code. If the oriental medicine 22208  
practitioner or acupuncturist requests an adjudicatory hearing 22209  
by the board, the date set for the hearing shall be within 22210  
fifteen days, but not earlier than seven days, after the hearing 22211  
is requested, unless otherwise agreed to by both the board and 22212  
the certificate holder. 22213

A summary suspension imposed under this division shall 22214  
remain in effect, unless reversed on appeal, until a final 22215  
adjudicative order issued by the board pursuant to this section 22216  
and Chapter 119. of the Revised Code becomes effective. The 22217  
board shall issue its final adjudicative order within sixty days 22218  
after completion of its hearing. Failure to issue the order 22219  
within sixty days shall result in dissolution of the summary 22220  
suspension order, but shall not invalidate any subsequent, final 22221  
adjudicative order. 22222

~~(H)~~(I) If the board takes action under division (B) (11), 22223  
(13), or (14) of this section, and the judicial finding of 22224  
guilt, guilty plea, or judicial finding of eligibility for 22225  
intervention in lieu of conviction is overturned on appeal, upon 22226  
exhaustion of the criminal appeal, a petition for 22227  
reconsideration of the order may be filed with the board along 22228  
with appropriate court documents. Upon receipt of a petition and 22229  
supporting court documents, the board shall reinstate the 22230  
certificate to practice. The board may then hold an adjudication 22231  
under Chapter 119. of the Revised Code to determine whether the 22232  
individual committed the act in question. Notice of opportunity 22233  
for hearing shall be given in accordance with Chapter 119. of 22234  
the Revised Code. If the board finds, pursuant to an 22235

adjudication held under this division, that the individual 22236  
committed the act, or if no hearing is requested, it may order 22237  
any of the sanctions specified in division (B) of this section. 22238

~~(I)~~ (J) The certificate to practice of an oriental medicine 22239  
practitioner or acupuncturist and the practitioner's or 22240  
acupuncturist's practice in this state are automatically 22241  
suspended as of the date the practitioner or acupuncturist 22242  
pleads guilty to, is found by a judge or jury to be guilty of, 22243  
or is subject to a judicial finding of eligibility for 22244  
intervention in lieu of conviction in this state or treatment or 22245  
intervention in lieu of conviction in another jurisdiction for 22246  
any of the following criminal offenses in this state or a 22247  
substantially equivalent criminal offense in another 22248  
jurisdiction: aggravated murder, murder, voluntary manslaughter, 22249  
felonious assault, kidnapping, rape, sexual battery, gross 22250  
sexual imposition, aggravated arson, aggravated robbery, or 22251  
aggravated burglary. Continued practice after the suspension 22252  
shall be considered practicing without a certificate. 22253

The board shall notify the individual subject to the 22254  
suspension by certified mail or in person in accordance with 22255  
section 119.07 of the Revised Code. If an individual whose 22256  
certificate is suspended under this division fails to make a 22257  
timely request for an adjudication under Chapter 119. of the 22258  
Revised Code, the board shall enter a final order permanently 22259  
revoking the individual's certificate to practice. 22260

~~(J)~~ (K) In any instance in which the board is required by 22261  
Chapter 119. of the Revised Code to give notice of opportunity 22262  
for hearing and the individual subject to the notice does not 22263  
timely request a hearing in accordance with section 119.07 of 22264  
the Revised Code, the board is not required to hold a hearing, 22265

but may adopt, by an affirmative vote of not fewer than six of 22266  
its members, a final order that contains the board's findings. 22267  
In the final order, the board may order any of the sanctions 22268  
identified under division (A) or (B) of this section. 22269

~~(K)~~ (L) Any action taken by the board under division (B) of 22270  
this section resulting in a suspension shall be accompanied by a 22271  
written statement of the conditions under which the certificate 22272  
to practice may be reinstated. The board shall adopt rules in 22273  
accordance with Chapter 119. of the Revised Code governing 22274  
conditions to be imposed for reinstatement. Reinstatement of a 22275  
certificate suspended pursuant to division (B) of this section 22276  
requires an affirmative vote of not fewer than six members of 22277  
the board. 22278

~~(L)~~ (M) When the board refuses to grant or issue a 22279  
certificate to practice to an applicant, revokes an individual's 22280  
certificate, refuses to renew an individual's certificate, or 22281  
refuses to reinstate an individual's certificate, the board may 22282  
specify that its action is permanent. An individual subject to a 22283  
permanent action taken by the board is forever thereafter 22284  
ineligible to hold a certificate to practice as an oriental 22285  
medicine practitioner or certificate to practice as an 22286  
acupuncturist and the board shall not accept an application for 22287  
reinstatement of the certificate or for issuance of a new 22288  
certificate. 22289

~~(M)~~ (N) Notwithstanding any other provision of the Revised 22290  
Code, all of the following apply: 22291

(1) The surrender of a certificate to practice as an 22292  
oriental medicine practitioner or certificate to practice as an 22293  
acupuncturist issued under this chapter is not effective unless 22294  
or until accepted by the board. Reinstatement of a certificate 22295

surrendered to the board requires an affirmative vote of not 22296  
fewer than six members of the board. 22297

(2) An application made under this chapter for a 22298  
certificate may not be withdrawn without approval of the board. 22299

(3) Failure by an individual to renew a certificate in 22300  
accordance with section 4762.06 of the Revised Code shall not 22301  
remove or limit the board's jurisdiction to take disciplinary 22302  
action under this section against the individual. 22303

**Sec. 4763.05.** (A) (1) (a) A person shall make application 22304  
for an initial state-certified general real estate appraiser 22305  
certificate, an initial state-certified residential real estate 22306  
appraiser certificate, an initial state-licensed residential 22307  
real estate appraiser license, or an initial state-registered 22308  
real estate appraiser assistant registration in writing to the 22309  
superintendent of real estate on a form the superintendent 22310  
prescribes. The application shall include the address of the 22311  
applicant's principal place of business and all other addresses 22312  
at which the applicant currently engages in the business of 22313  
performing real estate appraisals and the address of the 22314  
applicant's current residence. The superintendent shall retain 22315  
the applicant's current residence address in a separate record 22316  
which does not constitute a public record for purposes of 22317  
section 149.43 of the Revised Code. The application shall 22318  
indicate whether the applicant seeks certification as a general 22319  
real estate appraiser or as a residential real estate appraiser, 22320  
licensure as a residential real estate appraiser, or 22321  
registration as a real estate appraiser assistant and be 22322  
accompanied by the prescribed examination and certification, 22323  
registration, or licensure fees set forth in section 4763.09 of 22324  
the Revised Code. The application also shall include a pledge, 22325

signed by the applicant, that the applicant will comply with the standards set forth in this chapter; and a statement that the applicant understands the types of misconduct for which disciplinary proceedings may be initiated against the applicant pursuant to this chapter.

(b) Upon the filing of an application and payment of any examination and certification, registration, or licensure fees, the superintendent of real estate shall request the superintendent of the bureau of criminal identification and investigation, or a vendor approved by the bureau, to conduct a criminal records check based on the applicant's fingerprints in accordance with section 109.572 of the Revised Code. Notwithstanding division (K) of section 121.08 of the Revised Code, the superintendent of real estate shall request that criminal record information from the federal bureau of investigation be obtained as part of the criminal records check. Any fee required under division (C) (3) of section 109.572 of the Revised Code shall be paid by the applicant.

(2) For purposes of providing funding for the real estate appraiser recovery fund established by section 4763.16 of the Revised Code, the real estate appraiser board shall levy an assessment against each person issued an initial certificate, registration, or license and against current licensees, registrants, and certificate holders, as required by board rule. The assessment is in addition to the application and examination fees for initial applicants required by division (A) (1) of this section and the renewal fees required for current certificate holders, registrants, and licensees. The superintendent of real estate shall deposit the assessment into the state treasury to the credit of the real estate appraiser recovery fund. The assessment for initial certificate holders, registrants, and

licensees shall be paid prior to the issuance of a certificate, 22357  
registration, or license, and for current certificate holders, 22358  
registrants, and licensees, at the time of renewal. 22359

(B) An applicant for an initial general real estate 22360  
appraiser certificate, residential real estate appraiser 22361  
certificate, or residential real estate appraiser license shall 22362  
possess experience in real estate appraisal as the board 22363  
prescribes by rule. In addition to any other information 22364  
required by the board, the applicant shall furnish, under oath, 22365  
a detailed listing of the appraisal reports or file memoranda 22366  
for each year for which experience is claimed and, upon request 22367  
of the superintendent or the board, shall make available for 22368  
examination a sample of the appraisal reports prepared by the 22369  
applicant in the course of the applicant's practice. 22370

(C) An applicant for an initial certificate, registration, 22371  
or license shall be at least eighteen years of age, honest, and 22372  
~~truthful, and of good reputation~~ and shall present satisfactory 22373  
evidence to the superintendent that the applicant has 22374  
successfully completed any education requirements the board 22375  
prescribes by rule. 22376

(D) An applicant for an initial general real estate 22377  
appraiser or residential real estate appraiser certificate or 22378  
residential real estate appraiser license shall take and 22379  
successfully complete a written examination in order to qualify 22380  
for the certificate or license. 22381

The board shall prescribe the examination requirements by 22382  
rule. 22383

(E) (1) A person who has obtained a residential real estate 22384  
appraiser license, a residential real estate appraiser 22385



certificate, or a general real estate appraiser certificate from 22386  
another state may apply to obtain a license or certificate 22387  
issued under this chapter provided the state that issued the 22388  
license or certificate has requirements that meet or exceed the 22389  
requirements found in this chapter. The board shall adopt rules 22390  
relating to this division. The application for obtaining a 22391  
license or certificate under this division may include any of 22392  
the following: 22393

(a) A pledge, signed by the applicant, that the applicant 22394  
will comply with the standards set forth in this chapter; 22395

(b) A statement that the applicant understands the types 22396  
of misconduct for which disciplinary proceedings may be 22397  
initiated against the applicant pursuant to this chapter; 22398

(c) A consent to service of process. 22399

(2) (a) The board shall recognize on a temporary basis a 22400  
certification or license issued in another state and shall 22401  
register on a temporary basis an appraiser who is certified or 22402  
licensed in another state if all of the following apply: 22403

(i) The temporary registration is to perform an appraisal 22404  
assignment that is part of a federally related transaction. 22405

(ii) The appraiser's business in this state is of a 22406  
temporary nature. 22407

(iii) The appraiser registers with the board pursuant to 22408  
this division. 22409

(b) An appraiser who is certified or licensed in another 22410  
state shall register with the board for temporary practice 22411  
before performing an appraisal assignment in this state in 22412  
connection with a federally related transaction. 22413

(c) The board shall adopt rules relating to registration 22414  
for the temporary recognition of certification and licensure of 22415  
appraisers from another state. The registration for temporary 22416  
recognition of certified or licensed appraisers from another 22417  
state shall not authorize completion of more than one appraisal 22418  
assignment in this state. The board shall not issue more than 22419  
two registrations for temporary practice to any one applicant in 22420  
any calendar year. The application for obtaining a registration 22421  
under this division may include any of the following: 22422

(i) A pledge, signed by the applicant, that the applicant 22423  
will comply with the standards set forth in this chapter; 22424

(ii) A statement that the applicant understands the types 22425  
of misconduct for which disciplinary proceedings may be 22426  
initiated against the applicant pursuant to this chapter; 22427

(iii) A consent to service of process. 22428

(3) The board may enter into reciprocal agreements with 22429  
other states. The board shall prescribe reciprocal agreement 22430  
requirements by rule. 22431

(F) The superintendent shall not issue a certificate, 22432  
registration, or license to, or recognize on a temporary basis 22433  
an appraiser from another state that is a corporation, 22434  
partnership, or association. This prohibition shall not be 22435  
construed to prevent a certificate holder or licensee from 22436  
signing an appraisal report on behalf of a corporation, 22437  
partnership, or association. 22438

(G) Every person licensed, registered, or certified under 22439  
this chapter shall notify the superintendent, on a form provided 22440  
by the superintendent, of a change in the address of the 22441  
licensee's, registrant's, or certificate holder's principal 22442

place of business or residence within thirty days of the change. 22443  
If a licensee's, registrant's, or certificate holder's license, 22444  
registration, or certificate is revoked or not renewed, the 22445  
licensee, registrant, or certificate holder immediately shall 22446  
return the annual and any renewal certificate, registration, or 22447  
license to the superintendent. 22448

(H) (1) The superintendent shall not issue a certificate, 22449  
registration, or license to any person, or recognize on a 22450  
temporary basis an appraiser from another state, who does not 22451  
meet applicable minimum criteria for state certification, 22452  
registration, or licensure prescribed by federal law or rule. 22453

(2) The superintendent shall not refuse to issue a general 22454  
real estate appraiser certificate, residential real estate 22455  
appraiser certificate, residential real estate appraiser 22456  
license, or real estate appraiser assistant registration to any 22457  
person ~~who has been convicted because of a conviction of or~~ 22458  
~~pleaded plea of guilty to any criminal offense involving theft,~~ 22459  
~~receiving stolen property, embezzlement, forgery, fraud, passing~~ 22460  
~~bad checks, money laundering, or drug trafficking, or any~~ 22461  
~~criminal offense involving money or securities, including a~~ 22462  
~~violation of an existing or former law of this state, any other~~ 22463  
~~state, or the United States that substantially is equivalent to~~ 22464  
~~such an offense. However, if the applicant has pleaded guilty to~~ 22465  
~~or been convicted of such an offense, the superintendent shall~~ 22466  
~~not consider the offense if the applicant has proven to the~~ 22467  
~~superintendent, by a preponderance of the evidence, that the~~ 22468  
~~applicant's activities and employment record since the~~ 22469  
~~conviction show that the applicant is honest, truthful, and of~~ 22470  
~~good reputation, and there is no basis in fact for believing~~ 22471  
~~that the applicant will commit such an offense again unless the~~ 22472  
refusal is in accordance with section 9.79 of the Revised Code. 22473

<b>Sec. 4764.05.</b> (A) The Ohio home inspector board shall	22474
adopt rules in accordance with Chapter 119. of the Revised Code	22475
to do all of the following:	22476
(1) Establish standards to govern the issuance, renewal,	22477
suspension, and revocation of licenses, other sanctions that may	22478
be imposed for violations of this chapter, the conduct of	22479
hearings related to these actions, and the process of	22480
reactivating a license;	22481
(2) Establish the amount of the following fees:	22482
(a) Establish the following fees in an amount that is	22483
sufficient to defray necessary expenses incurred in the	22484
administration of this chapter:	22485
(i) The fee for applying for and receiving a license	22486
issued under section 4764.07 of the Revised Code and the special	22487
assessment for the home inspection recovery fund created in	22488
section 4764.21 of the Revised Code, which together shall not	22489
exceed two hundred fifty dollars;	22490
(ii) The fee for renewal of a license under section	22491
4764.09 of the Revised Code and the special assessment for the	22492
home inspection recovery fund created in section 4764.21 of the	22493
Revised Code, which together shall not exceed two hundred fifty	22494
dollars.	22495
(b) The renewal late fee described in division (B) (2) of	22496
section 4764.09 of the Revised Code;	22497
(c) The fee an institution or organization described in	22498
division (A) (7) of this section shall pay to receive approval to	22499
offer continuing education courses and programs;	22500
(d) The fee an institution or organization that is	22501

approved to offer continuing education courses and programs 22502  
shall pay for each course or program that the institution or 22503  
organization wishes to have the superintendent approve pursuant 22504  
to the rules adopted by the board under division (A) (8) of this 22505  
section; 22506

(e) Any other fees as required by this chapter. 22507

(3) In accordance with division (C) of this section, 22508  
specify methods and procedures the board shall use to approve a 22509  
curriculum of education a person must successfully complete to 22510  
obtain a license under this chapter; 22511

(4) In accordance with division (D) of this section, 22512  
specify methods and procedures the board shall use to approve a 22513  
curriculum of experience that a person may elect to complete the 22514  
proof of experience requirement specified in division (D) (6) of 22515  
section 4764.07 of the Revised Code; 22516

(5) Establish the administrative reporting and review 22517  
requirements for parallel inspections or equivalency for field 22518  
experience to assure that an applicant for a license satisfies 22519  
the requirements of division (D) (6) of section 4764.07 of the 22520  
Revised Code, as applicable; 22521

(6) Establish a curriculum for continuing education that a 22522  
licensed home inspector shall complete to satisfy the 22523  
requirements for continuing education specified in section 22524  
4764.08 of the Revised Code and procedures to assure continuing 22525  
education requirements are updated periodically to make those 22526  
requirements consistent with home inspection industry practices; 22527

(7) Establish requirements an institution or organization 22528  
shall satisfy to obtain approval to provide courses or programs 22529  
that enable a licensed home inspector to satisfy the 22530

requirements for continuing education specified in section 22531  
4764.08 of the Revised Code and establish procedures that the 22532  
superintendent of real estate and professional licensing shall 22533  
use to approve an institution or organization that satisfies the 22534  
requirements the board establishes; 22535

(8) Establish procedures and standards that the 22536  
superintendent shall use to approve courses and programs, 22537  
including online courses and programs, offered by an institution 22538  
or organization that is approved by the superintendent to offer 22539  
continuing education courses or programs pursuant to the rules 22540  
adopted by the board under division (A) (7) of this section; 22541

(9) Establish reporting requirements for a licensed home 22542  
inspector to follow to demonstrate that the licensed home 22543  
inspector successfully completed the continuing education 22544  
requirements specified in section 4764.08 of the Revised Code; 22545

(10) Establish requirements for conducting home 22546  
inspections, standards of practice for home inspectors, and 22547  
conflict of interest prohibitions to the extent that those 22548  
provisions do not conflict with divisions ~~(B)~~ (A) (2) to ~~(E)~~ (5) of 22549  
section 4764.14 of the Revised Code; 22550

(11) Specify requirements for settlement agreements 22551  
entered into between the superintendent and a licensed home 22552  
inspector under division (C) of section 4764.13 of the Revised 22553  
Code; 22554

(12) Establish procedures for providing licensees with 22555  
notice and applications for renewal under section 4764.09 of the 22556  
Revised Code; 22557

(13) Establish a set of standards of practice and canons 22558  
of ethics for the home inspection industry; 22559

(14) Establish directions for the superintendent of real estate and professional licensing to follow regarding the scheduling, instruction, and offerings of home inspection courses a person must successfully complete to obtain a license issued under this chapter;	22560 22561 22562 22563 22564
(15) Establish requirements a licensed home inspector shall satisfy to obtain approval to prepare and conduct peer review sessions.	22565 22566 22567
(B) The board shall do all of the following:	22568
(1) On appeal by any party affected, or on its own motion, review any order of or application determination made by the superintendent, and as the board determines necessary, reverse, vacate, modify, or sustain such an order or determination;	22569 22570 22571 22572
(2) Hear appeals from orders of the superintendent regarding claims against the home inspection recovery fund created under section 4764.21 of <del>this section</del> <u>the Revised Code</u> ;	22573 22574 22575
(3) Disseminate to licensees and the public information relative to board activities and decisions;	22576 22577
(4) Notify licensees of changes in state and federal laws pertaining to home inspections and relevant case law and inform licensees that they are subject to disciplinary action if they do not comply with the changes.	22578 22579 22580 22581
(C) The board shall approve a curriculum of education a person must successfully complete to obtain a license issued under this chapter. The board shall approve a curriculum of education that satisfies all of the following requirements:	22582 22583 22584 22585
(1) The curriculum is offered by an accredited public or private institution of higher education or a professional	22586 22587

organization that has been approved by the board to offer a curriculum. 22588  
22589

(2) The curriculum includes a requirement that a person, 22590  
to successfully complete the curriculum, complete at least 22591  
eighty hours of classroom or online prelicensing instruction, 22592  
including instruction about compliance with the requirements 22593  
specified in this chapter, inspection safety, report writing, 22594  
and any other administrative matters required by the board. 22595

(3) The curriculum satisfies any other requirements the 22596  
board established in rules it adopts. 22597

(D) The board shall determine the equivalency of field 22598  
experience that a person may elect to complete to satisfy the 22599  
proof of experience requirement specified in division (D) (6) of 22600  
section 4764.07 of the Revised Code. The board shall approve 22601  
only a curriculum of experience that includes a requirement that 22602  
a person, to successfully complete the curriculum, must perform 22603  
at least forty hours of work in the home inspection field that 22604  
allows the person to obtain practical experience or training 22605  
regarding home inspections. The board shall approve only a 22606  
curriculum of experience that includes a requirement that a 22607  
person, to successfully complete the curriculum, must complete a 22608  
peer review session with a licensed home inspector approved by 22609  
the board before applying for a license. The peer review session 22610  
may be used as part of the required eighty hours of prelicensing 22611  
education. 22612

**Sec. 4764.06.** (A) The superintendent of real estate and 22613  
professional licensing shall do all of the following: 22614

(1) Administer this chapter; 22615

(2) Provide the Ohio home inspector board with meeting 22616



space, staff services, and other technical assistance required 22617  
by the board to carry out the duties of the board under this 22618  
chapter; 22619

(3) Provide each applicant for a home inspector license 22620  
with a copy of the requirements for home inspections specified 22621  
in rules adopted by the board pursuant to division (A)(10) of 22622  
section 4764.05 of the Revised Code, and make those requirements 22623  
available to the public by posting them on the web site 22624  
maintained by the department of commerce; 22625

(4) In accordance with division (B) of this section, issue 22626  
a home inspector license to, or renew a home inspector license 22627  
for, any person who satisfies the requirements specified in this 22628  
chapter for such licensure or renewal, and make a list of those 22629  
licensed home inspectors available to the public by posting the 22630  
list on the web site maintained by the department of commerce; 22631

(5) Administer the home inspector recovery fund created 22632  
under section 4764.21 of the Revised Code; 22633

(6) Establish procedures, in accordance with division (K) 22634  
of section 121.08 of the Revised Code, to have fingerprint-based 22635  
criminal records checks conducted by the bureau of criminal 22636  
identification and investigation for all applicants for 22637  
licensure; 22638

(7) In accordance with the procedures specified in rules 22639  
adopted by the board in accordance with division (A)(7) of 22640  
section 4764.05 of the Revised Code, approve an institution or 22641  
organization wishing to provide continuing education courses or 22642  
programs if that institution or organization satisfies the 22643  
requirements specified in rules adopted by the board in 22644  
accordance with that division and pays the fee established in 22645

rules adopted by the board pursuant to division (A) (2) (c) of 22646  
that section; 22647

(8) In accordance with the procedures specified in rules 22648  
adopted by the board in accordance with division (A) (8) of 22649  
section 4764.05 of the Revised Code, approve a course or program 22650  
that a licensed home inspector may complete to satisfy the 22651  
continuing education requirements specified in section 4764.08 22652  
of the Revised Code if all of the following are satisfied: 22653

(a) The course or program is offered by an institution or 22654  
organization approved by the superintendent pursuant to division 22655  
(A) (7) of this section. 22656

(b) The course or program satisfies the standards 22657  
established in rules adopted by the board pursuant to division 22658  
(A) (8) of section 4764.05 of the Revised Code. 22659

(c) The institution or organization pays the fee 22660  
established in rules adopted by the board pursuant to division 22661  
(A) (2) (d) of section 4764.05 of the Revised Code. 22662

(9) Issue all orders necessary to implement this chapter; 22663

(10) In accordance with section 4764.12 of the Revised 22664  
Code, investigate complaints concerning an alleged violation of 22665  
this chapter or the conduct of any licensee and subpoena 22666  
witnesses in connection with those investigations, as provided 22667  
in that section. The subpoena may contain a direction that the 22668  
witness produce and bring any documents, work files, inspection 22669  
reports, records, or papers mentioned in the subpoena. 22670

(11) Establish and maintain an investigation and audit 22671  
section to investigate complaints and conduct inspections, 22672  
audits, and other inquiries as in the judgment of the 22673  
superintendent are appropriate to enforce this chapter. The 22674

superintendent shall utilize the investigators and auditors 22675  
employed pursuant to division (B) (4) of section 4735.05 of the 22676  
Revised Code to assist in performing the duties specified in 22677  
division (A) (10) of this section. 22678

(12) Specify the information that must be provided on an 22679  
application for licensure under this chapter; 22680

(13) Establish procedures for processing, approving, and 22681  
denying applications for licensure under this chapter; 22682

(14) Specify the format and content of all affidavits and 22683  
other documents required for the administration of this chapter; 22684

(15) Appoint a hearing officer for any proceeding 22685  
involving a determination under section 3123.47 of the Revised 22686  
Code, disciplinary action arising under section 4764.02 or 22687  
division ~~(F)~~(A) (6) of section 4764.14 of the Revised Code, or a 22688  
proceeding under section 4764.16 of the Revised Code. 22689

(B) The superintendent shall not issue a license to a 22690  
corporation, limited liability company, partnership, or 22691  
association, although a licensed home inspector may sign a home 22692  
inspection report in a representative capacity on behalf of any 22693  
of those types of entities. 22694

**Sec. 4764.13.** (A) If, upon examining the results of an 22695  
investigation, the superintendent of real estate and 22696  
professional licensing determines that reasonable evidence 22697  
exists that a licensed home inspector has violated this chapter 22698  
or engaged in an activity described in divisions (A) (1) to ~~(G)~~ 22699  
(7) of section 4764.14 of the Revised Code, the superintendent 22700  
shall proceed in accordance with the notice and hearing 22701  
requirements prescribed in Chapter 119. of the Revised Code. 22702  
After a hearing officer conducts a hearing and issues a report 22703

pursuant to division (D) of this section, the Ohio home 22704  
inspector board shall review the report and shall order the 22705  
disciplinary action the board considers appropriate, which may 22706  
include any one or more of the following: 22707

(1) A reprimand; 22708

(2) A fine not exceeding one thousand dollars per 22709  
violation; 22710

(3) Completion of hours of education in subjects related 22711  
to the underlying cause of the violation in an amount determined 22712  
by the board; 22713

(4) Suspension of the license until the licensed home 22714  
inspector complies with conditions the board establishes; 22715

(5) Suspension of the license for a specific period of 22716  
time; 22717

(6) Revocation of the license; 22718

(7) Surrender of the license in lieu of discipline. 22719

(B) The superintendent shall not credit any hours of 22720  
education a licensed home inspector completes in accordance with 22721  
division (A) (3) of this section toward satisfying the 22722  
requirements for continuing education specified in section 22723  
4764.08 of the Revised Code. 22724

(C) At any time after the superintendent notifies a 22725  
licensee in accordance with division (A) of this section that a 22726  
hearing will be held, the licensee may apply to the 22727  
superintendent to enter into a settlement agreement regarding 22728  
the alleged violation. The superintendent and the licensed home 22729  
inspector shall comply with the requirements for settlement 22730  
agreements established in rules adopted by the board pursuant to 22731

division (A) (11) of section 4764.05 of the Revised Code. If the 22732  
parties enter into the settlement agreement and comply with all 22733  
of the requirements set forth in that agreement, the 22734  
investigation regarding that alleged violation is considered 22735  
closed. Notwithstanding division (C) of section 4764.12 of the 22736  
Revised Code, the settlement agreement is a public record for 22737  
purposes of section 149.43 of the Revised Code. 22738

(D) The superintendent shall appoint a hearing officer to 22739  
conduct adjudication hearings in accordance with Chapter 119. of 22740  
the Revised Code. 22741

In accordance with section 119.09 of the Revised Code, 22742  
after conducting a hearing, a hearing officer shall submit to 22743  
the board a report of the hearing and a recommendation for the 22744  
action to be taken against the licensed home inspector. All 22745  
parties may file objections to the report and recommendations as 22746  
permitted under that section, and the board shall issue an order 22747  
in accordance with the procedures prescribed in that section. 22748

(E) If the board assesses a licensee a fine for a 22749  
violation of section 4764.02 of the Revised Code and the person 22750  
fails to pay that fine within the time period prescribed by the 22751  
board, the superintendent shall forward to the attorney general 22752  
the name of the person and the amount of the fine for the 22753  
purpose of collecting that fine. In addition to the fine 22754  
assessed pursuant to this section, the person also shall pay any 22755  
fee assessed by the attorney general for collection of the fine. 22756

(F) The decision and order of the board is final, subject 22757  
to review in the manner provided in Chapter 119. of the Revised 22758  
Code and appeal to the court of common pleas of Franklin county. 22759

**Sec. 4764.14. (A)** The superintendent of real estate and 22760

professional licensing may, except as provided in division (B) of this section, refuse to issue or renew a license if the applicant for the license or renewal has done any of the following:

~~(A)~~ (1) Failed to establish to the satisfaction of the superintendent that the applicant is honest, and truthful, ~~and of good reputation~~;

~~(B)~~ (2) Accepted compensation or other valuable consideration from more than one interested party for the same service without the written consent of all interested parties;

~~(C)~~ (3) Accepted commissions, allowances, or other valuable consideration, directly or indirectly, from other parties who deal with a client in connection with the home inspection for which the home inspector is responsible, or from other parties who are involved in any part of the real estate transaction involving a residential building for which that home inspector conducted a home inspection;

~~(D)~~ (4) Repaired, replaced, or upgraded, or solicited to repair, replace, or upgrade, for compensation or other valuable consideration, systems or components in a residential building after completing a home inspection of that residential building, but prior to the close of the real estate transaction associated with that home inspection and the resolution of all contingent issues involving that building and transaction;

~~(E)~~ (5) Failed to disclose to a client in writing and before entering into a written contract with the client information about any business interest of the home inspector that may affect the client in connection with the home inspection;

~~(F)~~(6) Pleaded guilty to or been convicted of any crime of moral turpitude, a felony, or an equivalent offense under the laws of any other state or the United States, or was required to register under Chapter 2950. of the Revised Code;

~~(G)~~(7) Failed to maintain or provide copies of records to the superintendent as required by section 4764.11 of the Revised Code or failed to cooperate with an investigation conducted by the superintendent under section 4764.12 of the Revised Code. Failure of a licensee to comply with a subpoena issued under division (D) of section 4764.12 of the Revised Code is prima facie evidence of a violation of division (B) of section 4764.11 of the Revised Code.

~~(H)~~(8) Failed to maintain, be covered by, or submit proof of a comprehensive general liability insurance policy or a commercial general liability insurance policy as required under division (A) of section 4764.11 of the Revised Code at any point during the term of a prior license;

~~(I)~~(9) Violated rules adopted under section 4764.05 of the Revised Code or is otherwise not in compliance with this chapter;

~~(J)~~(10) Failed to submit proof of satisfying the continuing education requirements specified in section 4764.08 of the Revised Code.

(B) The superintendent shall not refuse to issue a license to an applicant because of a conviction of or plea of guilty to an offense unless the refusal is in accordance with section 9.79 of the Revised Code.

**Sec. 4765.11.** (A) The state board of emergency medical, fire, and transportation services shall adopt, and may amend and

rescind, rules in accordance with Chapter 119. of the Revised 22819  
Code and division (C) of this section that establish all of the 22820  
following: 22821

(1) Procedures for its governance and the control of its 22822  
actions and business affairs; 22823

(2) Standards for the performance of emergency medical 22824  
services by first responders, emergency medical technicians- 22825  
basic, emergency medical technicians-intermediate, and emergency 22826  
medical technicians-paramedic; 22827

(3) Application fees for certificates of accreditation, 22828  
certificates of approval, certificates to teach, and 22829  
certificates to practice, which shall be deposited into the 22830  
trauma and emergency medical services fund created in section 22831  
4513.263 of the Revised Code; 22832

(4) Criteria for determining when the application or 22833  
renewal fee for a certificate to practice may be waived because 22834  
an applicant cannot afford to pay the fee; 22835

(5) Procedures for issuance and renewal of certificates of 22836  
accreditation, certificates of approval, certificates to teach, 22837  
and certificates to practice, including any measures necessary 22838  
to implement section 9.79 of the Revised Code and any procedures 22839  
necessary to ensure that adequate notice of renewal is provided 22840  
in accordance with division (D) of section 4765.30 of the 22841  
Revised Code; 22842

(6) Procedures for suspending or revoking certificates of 22843  
accreditation, certificates of approval, certificates to teach, 22844  
and certificates to practice; 22845

(7) Grounds for suspension or revocation of a certificate 22846  
to practice issued under section 4765.30 of the Revised Code and 22847



for taking any other disciplinary action against a first responder, EMT-basic, EMT-I, or paramedic;	22848
	22849
(8) Procedures for taking disciplinary action against a first responder, EMT-basic, EMT-I, or paramedic;	22850
	22851
(9) Standards for certificates of accreditation and certificates of approval;	22852
	22853
(10) Qualifications for certificates to teach;	22854
(11) Requirements for a certificate to practice;	22855
(12) The curricula, number of hours of instruction and training, and instructional materials to be used in adult and pediatric emergency medical services training programs and adult and pediatric emergency medical services continuing education programs;	22856
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	22860
(13) Procedures for conducting courses in recognizing symptoms of life-threatening allergic reactions and in calculating proper dosage levels and administering injections of epinephrine to adult and pediatric patients who suffer life-threatening allergic reactions;	22861
	22862
	22863
	22864
	22865
(14) Examinations for certificates to practice;	22866
(15) Procedures for administering examinations for certificates to practice;	22867
	22868
(16) Procedures for approving examinations that demonstrate competence to have a certificate to practice renewed without completing an emergency medical services continuing education program;	22869
	22870
	22871
	22872
(17) Procedures for granting extensions and exemptions of emergency medical services continuing education requirements;	22873
	22874

(18) Procedures for approving the additional emergency	22875
medical services first responders are authorized by division (C)	22876
of section 4765.35 of the Revised Code to perform, EMTs-basic	22877
are authorized by division (C) of section 4765.37 of the Revised	22878
Code to perform, EMTs-I are authorized by division (B) (5) of	22879
section 4765.38 of the Revised Code to perform, and paramedics	22880
are authorized by division (B) (6) of section 4765.39 of the	22881
Revised Code to perform;	22882
(19) Standards and procedures for implementing the	22883
requirements of section 4765.06 of the Revised Code, including	22884
designations of the persons who are required to report	22885
information to the board and the types of information to be	22886
reported;	22887
(20) Procedures for administering the emergency medical	22888
services grant program established under section 4765.07 of the	22889
Revised Code;	22890
(21) Procedures consistent with Chapter 119. of the	22891
Revised Code for appealing decisions of the board;	22892
(22) Minimum qualifications and peer review and quality	22893
improvement requirements for persons who provide medical	22894
direction to emergency medical service personnel;	22895
(23) The manner in which a patient, or a patient's parent,	22896
guardian, or custodian may consent to the board releasing	22897
identifying information about the patient under division (D) of	22898
section 4765.102 of the Revised Code;	22899
(24) Circumstances under which a training program or	22900
continuing education program, or portion of either type of	22901
program, may be taught by a person who does not hold a	22902
certificate to teach issued under section 4765.23 of the Revised	22903

Code;	22904
(25) Certification cycles for certificates issued under sections 4765.23 and 4765.30 of the Revised Code and certificates issued by the executive director of the state board of emergency medical, fire, and transportation services under section 4765.55 of the Revised Code that establish a common expiration date for all certificates.	22905 22906 22907 22908 22909 22910
(B) The board may adopt, and may amend and rescind, rules in accordance with Chapter 119. of the Revised Code and division (C) of this section that establish the following:	22911 22912 22913
(1) Specifications of information that may be collected under the trauma system registry and incidence reporting system created under section 4765.06 of the Revised Code;	22914 22915 22916
(2) Standards and procedures for implementing any of the recommendations made by any committees of the board or under section 4765.04 of the Revised Code;	22917 22918 22919
(3) Requirements that a person must meet to receive a certificate to practice as a first responder pursuant to division (A)(2) of section 4765.30 of the Revised Code;	22920 22921 22922
(4) Any other rules necessary to implement this chapter.	22923
(C) In developing and administering rules adopted under this chapter, the state board of emergency medical, fire, and transportation services shall consult with regional directors and regional physician advisory boards created by section 4765.05 of the Revised Code and emphasize the special needs of pediatric and geriatric patients.	22924 22925 22926 22927 22928 22929
(D) Except as otherwise provided in this division, before adopting, amending, or rescinding any rule under this chapter,	22930 22931

the board shall submit the proposed rule to the director of 22932  
public safety for review. The director may review the proposed 22933  
rule for not more than sixty days after the date it is 22934  
submitted. If, within this sixty-day period, the director 22935  
approves the proposed rule or does not notify the board that the 22936  
rule is disapproved, the board may adopt, amend, or rescind the 22937  
rule as proposed. If, within this sixty-day period, the director 22938  
notifies the board that the proposed rule is disapproved, the 22939  
board shall not adopt, amend, or rescind the rule as proposed 22940  
unless at least twelve members of the board vote to adopt, 22941  
amend, or rescind it. 22942

This division does not apply to an emergency rule adopted 22943  
in accordance with section 119.03 of the Revised Code. 22944

**Sec. 4765.17.** (A) The state board of emergency medical, 22945  
fire, and transportation services shall issue the appropriate 22946  
certificate of accreditation or certificate of approval to an 22947  
applicant who ~~is of good reputation and~~ meets the requirements 22948  
of section 4765.16 of the Revised Code. The board shall grant or 22949  
deny a certificate of accreditation or certificate of approval 22950  
within one hundred twenty days of receipt of the application. 22951  
The board may issue ~~or renew~~ a certificate of accreditation or 22952  
certificate of approval on a provisional basis to an applicant 22953  
who is ~~of good reputation and is~~ in substantial compliance with 22954  
the requirements of section 4765.16 of the Revised Code or renew 22955  
a certificate of accreditation or certificate of approval on a 22956  
provisional basis to an applicant who is of good reputation and 22957  
is in substantial compliance with the requirements of section 22958  
4765.16 of the Revised Code. The board shall inform an applicant 22959  
receiving such a certificate of the conditions that must be met 22960  
to complete compliance with section 4765.16 of the Revised Code. 22961

(B) Except as provided in division (C) of this section, a certificate of accreditation or certificate of approval is valid for up to five years and may be renewed by the board pursuant to procedures and standards established in rules adopted under section 4765.11 of the Revised Code. An application for renewal shall be accompanied by the appropriate renewal fee established in rules adopted under section 4765.11 of the Revised Code.

(C) A certificate of accreditation or certificate of approval issued on a provisional basis is valid for the length of time established by the board. If the board finds that the holder of such a certificate has met the conditions it specifies under division (A) of this section, the board shall issue the appropriate certificate of accreditation or certificate of approval.

(D) A certificate of accreditation is valid only for the emergency medical services training program or programs for which it is issued. The holder of a certificate of accreditation may apply to operate additional training programs in accordance with rules adopted by the board under section 4765.11 of the Revised Code. Any additional training programs shall expire on the expiration date of the applicant's current certificate. A certificate of approval is valid only for the emergency medical services continuing education program for which it is issued. Neither is transferable.

(E) The holder of a certificate of accreditation or a certificate of approval may offer courses at more than one location in accordance with rules adopted under section 4765.11 of the Revised Code.

**Sec. 4765.301.** (A) An appointing authority may request the superintendent of BCII to conduct a criminal records check with

respect to any person who is under consideration for appointment 22992  
or employment as an emergency medical technician-basic, an 22993  
emergency medical technician-intermediate, or an emergency 22994  
medical technician-paramedic. An appointing authority may refuse 22995  
to appoint a person based on the results of that criminal 22996  
records check if the individual is convicted of or pleads guilty 22997  
to an offense included on the list developed by the state board 22998  
of emergency medical, fire, and transportation services under 22999  
section 9.79 of the Revised Code and performs the evaluation 23000  
described in division (D) of that section. 23001

(B) (1) The appointing authority may request that the 23002  
superintendent of BCII obtain information from the federal 23003  
bureau of investigation as a part of the criminal records check 23004  
requested pursuant to division (A) of this section. 23005

(2) An appointing authority authorized by division (A) of 23006  
this section to request a criminal records check shall provide 23007  
to each person for whom the appointing authority intends to 23008  
request a criminal records check a copy of the form prescribed 23009  
pursuant to division (C) (1) of section 109.578 of the Revised 23010  
Code and a standard impression sheet to obtain fingerprint 23011  
impressions prescribed pursuant to division (C) (2) of section 23012  
109.578 of the Revised Code, obtain the completed form and 23013  
impression sheet from the person, and forward the completed form 23014  
and impression sheet to the superintendent of BCII at the time 23015  
the criminal records check is requested. 23016

(3) Any person subject to a criminal records check who 23017  
receives a copy of the form and a copy of the impression sheet 23018  
pursuant to division (B) (2) of this section and who is requested 23019  
to complete the form and provide a set of fingerprint 23020  
impressions shall complete the form or provide all the 23021

information necessary to complete the form and shall provide the 23022  
impression sheet with the impressions of the person's 23023  
fingerprints. If a person fails to provide the information 23024  
necessary to complete the form or fails to provide impressions 23025  
of the person's fingerprints, the appointing authority shall not 23026  
appoint or employ the person as an emergency medical technician- 23027  
basic, an emergency medical technician-intermediate, or an 23028  
emergency medical technician-paramedic. 23029

~~(C) (1) Except as otherwise provided in division (C) (2) of 23030  
this section, an appointing authority shall not appoint or 23031  
employ a person as an emergency medical technician-basic, an 23032  
emergency medical technician-intermediate, or an emergency 23033  
medical technician-paramedic if the appointing authority has 23034  
requested a criminal records check pursuant to division (A) of 23035  
this section and the criminal records check indicates that the 23036  
person previously has been convicted of or pleaded guilty to any 23037  
of the following: 23038~~

~~(a) A felony; 23039~~

~~(b) A violation of section 2909.03 of the Revised Code; 23040~~

~~(c) A violation of an existing or former law of this 23041  
state, any other state, or the United States that is 23042  
substantially equivalent to any of the offenses described in 23043  
division (C) (1) (a) or (b) of this section. 23044~~

~~(2) Notwithstanding division (C) (1) of this section, an 23045  
appointing authority may appoint or employ a person as an 23046  
emergency medical technician basic, an emergency medical 23047  
technician-intermediate, or an emergency medical technician- 23048  
paramedic if all of the following apply: 23049~~

~~(a) The appointing authority has requested a criminal 23050~~

~~records check pursuant to division (A) of this section.~~ 23051

~~(b) The criminal records check indicates that the person~~ 23052  
~~previously has been convicted of or pleaded guilty to any of the~~ 23053  
~~offenses described in division (C) (1) of this section.~~ 23054

~~(c) The person meets rehabilitation standards established~~ 23055  
~~in rules adopted under division (E) of this section.~~ 23056

~~(3) If an appointing authority requests a criminal records~~ 23057  
~~check pursuant to division (A) of this section, the appointing~~ 23058  
~~authority may appoint or employ a person as an emergency medical~~ 23059  
~~technician-basic, an emergency medical technician-intermediate,~~ 23060  
~~or an emergency medical technician-paramedic conditionally until~~ 23061  
~~the criminal records check is completed and the appointing~~ 23062  
~~authority receives the results. If the results of the criminal~~ 23063  
~~records check indicate that, pursuant to division (C) (1) of this~~ 23064  
~~section, the person subject to the criminal records check is~~ 23065  
~~disqualified from appointment or employment, the appointing~~ 23066  
~~authority shall release the person from appointment or~~ 23067  
~~employment.~~ 23068

(D) The appointing authority shall pay to the bureau of 23069  
criminal identification and investigation the fee prescribed 23070  
pursuant to division (C) (3) of section 109.578 of the Revised 23071  
Code for each criminal records check conducted in accordance 23072  
with that section. The appointing authority may charge the 23073  
applicant who is subject to the criminal records check a fee for 23074  
the costs the appointing authority incurs in obtaining the 23075  
criminal records check. A fee charged under this division shall 23076  
not exceed the amount of fees the appointing authority pays for 23077  
the criminal records check. If a fee is charged under this 23078  
division, the appointing authority shall notify the applicant at 23079  
the time of the applicant's initial application for appointment 23080



or employment of the amount of the fee and that, unless the fee  
is paid, the applicant will not be considered for appointment or  
employment.

(E) The appointing authority shall adopt rules in  
accordance with Chapter 119. of the Revised Code to implement  
this section. ~~The rules shall include rehabilitation standards a  
person who has been convicted of or pleaded guilty to an offense  
listed in division (C)(1) of this section must meet for the  
appointing authority to appoint or employ the person as an  
emergency medical technician-basic, an emergency medical  
technician-intermediate, or an emergency medical technician-  
paramedic.~~

(F) An appointing authority that intends to request a  
criminal records check for an applicant shall inform each  
applicant, at the time of the person's initial application for  
appointment or employment, that the applicant is required to  
provide a set of impressions of the person's fingerprints and  
that the appointing authority requires a criminal records check  
to be conducted and satisfactorily completed in accordance with  
section 109.578 of the Revised Code.

(G) As used in this section:

(1) "Appointing authority" means any person or body that  
has the authority to hire, appoint, or employ emergency medical  
technicians-basic, emergency medical technicians-intermediate,  
or emergency medical technicians-paramedic.

(2) "Criminal records check" has the same meaning as in  
section 109.578 of the Revised Code.

(3) "Superintendent of BCII" has the same meaning as in  
section 2151.86 of the Revised Code.

**Sec. 4765.55.** (A) The executive director of the state 23110  
board of emergency medical, fire, and transportation services, 23111  
with the advice and counsel of the firefighter and fire safety 23112  
inspector training committee of the state board of emergency 23113  
medical, fire, and transportation services, shall assist in the 23114  
establishment and maintenance by any state agency, or any 23115  
county, township, city, village, school district, or educational 23116  
service center of a fire service training program for the 23117  
training of all persons in positions of any fire training 23118  
certification level approved by the executive director, 23119  
including full-time paid firefighters, part-time paid 23120  
firefighters, volunteer firefighters, and fire safety inspectors 23121  
in this state. The executive director, with the advice and 23122  
counsel of the committee, shall adopt rules to regulate those 23123  
firefighter and fire safety inspector training programs, and 23124  
other training programs approved by the executive director. The 23125  
rules may include, but need not be limited to, training 23126  
curriculum, certification examinations, training schedules, 23127  
minimum hours of instruction, attendance requirements, required 23128  
equipment and facilities, basic physical requirements, and 23129  
methods of training for all persons in positions of any fire 23130  
training certification level approved by the executive director, 23131  
including full-time paid firefighters, part-time paid 23132  
firefighters, volunteer firefighters, and fire safety 23133  
inspectors. The rules adopted to regulate training programs for 23134  
volunteer firefighters shall not require more than thirty-six 23135  
hours of training. 23136

The executive director, with the advice and counsel of the 23137  
committee, shall provide for the classification and chartering 23138  
of fire service training programs in accordance with rules 23139  
adopted under division (B) of this section, and may take action 23140

against any chartered training program or applicant, in 23141  
accordance with rules adopted under divisions (B) (4) and (5) of 23142  
this section, for failure to meet standards set by the adopted 23143  
rules. 23144

(B) The executive director, with the advice and counsel of 23145  
the firefighter and fire safety inspector training committee of 23146  
the state board of emergency medical, fire, and transportation 23147  
services, shall adopt, and may amend or rescind, rules under 23148  
Chapter 119. of the Revised Code that establish all of the 23149  
following: 23150

(1) Requirements for, and procedures for chartering, the 23151  
training programs regulated by this section; 23152

(2) Requirements for, and requirements and procedures for 23153  
obtaining and renewing, an instructor certificate to teach the 23154  
training programs and continuing education classes regulated by 23155  
this section; 23156

(3) Requirements for, and requirements and procedures for 23157  
obtaining and renewing, any of the fire training certificates 23158  
regulated by this section; 23159

(4) Grounds and procedures for suspending, revoking, 23160  
restricting, or refusing to issue or renew any of the 23161  
certificates or charters regulated by this section, which 23162  
grounds shall be limited to one of the following: 23163

(a) Failure to satisfy the education or training 23164  
requirements of this section; 23165

(b) Conviction of a felony offense; 23166

(c) Conviction of a misdemeanor involving moral turpitude; 23167

(d) Conviction of a misdemeanor committed in the course of 23168

practice;	23169
(e) In the case of a chartered training program or	23170
applicant, failure to meet standards set by the rules adopted	23171
under this division.	23172
(5) Grounds and procedures for imposing and collecting	23173
finer, not to exceed one thousand dollars, in relation to	23174
actions taken under division (B) (4) of this section against	23175
persons holding certificates and charters regulated by this	23176
section, the fines to be deposited into the trauma and emergency	23177
medical services fund established under section 4513.263 of the	23178
Revised Code;	23179
(6) Continuing education requirements for certificate	23180
holders, including a requirement that credit shall be granted	23181
for in-service training programs conducted by local entities;	23182
(7) Procedures for considering the granting of an	23183
extension or exemption of fire service continuing education	23184
requirements;	23185
(8) Certification cycles for which the certificates and	23186
charters regulated by this section are valid.	23187
(C) The executive director, with the advice and counsel of	23188
the firefighter and fire safety inspector training committee of	23189
the state board of emergency medical, fire, and transportation	23190
services, shall issue or renew an instructor certificate to	23191
teach the training programs and continuing education classes	23192
regulated by this section to any applicant that the executive	23193
director determines meets the qualifications established in	23194
rules adopted under division (B) of this section, and may take	23195
disciplinary action against an instructor certificate holder or	23196
applicant in accordance with rules adopted under division (B) of	23197

this section. The executive director, with the advice and 23198  
counsel of the committee, shall charter or renew the charter of 23199  
any training program that the executive director determines 23200  
meets the qualifications established in rules adopted under 23201  
division (B) of this section, and may take disciplinary action 23202  
against the holder of a charter in accordance with rules adopted 23203  
under division (B) of this section. 23204

(D) The executive director shall issue or renew a fire 23205  
training certificate for a firefighter, a fire safety inspector, 23206  
or another position of any fire training certification level 23207  
approved by the executive director, to any applicant that the 23208  
executive director determines meets the qualifications 23209  
established in rules adopted under division (B) of this section 23210  
and may take disciplinary actions against a certificate holder 23211  
or applicant in accordance with rules adopted under division (B) 23212  
of this section. 23213

(E) Certificates issued under this section shall be on a 23214  
form prescribed by the executive director, with the advice and 23215  
counsel of the firefighter and fire safety inspector training 23216  
committee of the state board of emergency medical, fire, and 23217  
transportation services. 23218

(F) (1) The executive director, with the advice and counsel 23219  
of the firefighter and fire safety inspector training committee 23220  
of the state board of emergency medical, fire, and 23221  
transportation services, shall establish criteria for evaluating 23222  
the standards maintained by other states and the branches of the 23223  
United States military for firefighter, fire safety inspector, 23224  
and fire instructor training programs, and other training 23225  
programs recognized by the executive director, to determine 23226  
whether the standards are equivalent to those established under 23227

this section and shall establish requirements and procedures for 23228  
issuing a certificate to each person who presents proof to the 23229  
executive director of having satisfactorily completed a training 23230  
program that meets those standards. 23231

(2) The executive director, with the committee's advice 23232  
and counsel, shall adopt rules establishing requirements and 23233  
procedures for issuing a fire training certificate in lieu of 23234  
completing a chartered training program. 23235

(G) Nothing in this section invalidates any other section 23236  
of the Revised Code relating to the fire training academy. 23237  
Section 4765.11 of the Revised Code does not affect any powers 23238  
and duties granted to the executive director under this section. 23239

(H) Notwithstanding any provision of division (B) (4) of 23240  
this section to the contrary, the executive director shall not 23241  
adopt rules for refusing to issue any of the certificates or 23242  
charters regulated by this section to an applicant because of a 23243  
criminal conviction unless the rules establishing grounds and 23244  
procedures for refusal are in accordance with section 9.79 of 23245  
the Revised Code. 23246

**Sec. 4771.18.** (A) The Ohio athletic commission may, except 23247  
as provided in division (B) of this section, refuse to grant or 23248  
renew a registration, or may suspend or revoke a registration of 23249  
an athlete agent upon proof satisfactory to the commission that 23250  
the athlete agent or an employee or representative of the 23251  
athlete agent has done any of the following: 23252

(1) Made false or misleading statements of a material 23253  
nature in an application for registration as an athlete agent; 23254

(2) Been convicted of or pleaded guilty to an offense in 23255  
connection with the person's service as an athlete agent in this 23256

or another state;	23257
(3) Been convicted of or pleaded guilty to an offense involving illegal gambling;	23258 23259
(4) Engaged in conduct that has a significant adverse impact on the applicant's credibility, integrity, or competence to serve in a fiduciary capacity;	23260 23261 23262
(5) Misappropriated funds or engaged in other specific conduct that would render the applicant unfit to serve in a fiduciary capacity, including being convicted of or pleading guilty to offenses involving embezzlement, theft, or fraud;	23263 23264 23265 23266
(6) Violated a provision of this chapter or a rule adopted under this chapter.	23267 23268
(B) <u>The commission shall not refuse to issue a registration to an applicant because of a conviction of or plea of guilty to an offense unless the refusal is in accordance with section 9.79 of the Revised Code.</u>	23269 23270 23271 23272
(C) Upon receiving a complaint of a violation of this chapter or a rule adopted under it, the commission shall conduct an investigation of the complaint. If the commission finds reasonable cause to believe a violation occurred, the commission shall conduct a hearing in accordance with Chapter 119. of the Revised Code to determine if a violation occurred. If the commission finds a violation occurred, the commission may suspend or revoke, or refuse to issue or renew, the registration of an athlete agent for such period of time as the commission finds appropriate.	23273 23274 23275 23276 23277 23278 23279 23280 23281 23282
Upon completion of an investigation, if the commission finds no reasonable grounds to believe a violation occurred, the commission shall certify without a hearing that no violation	23283 23284 23285

occurred. The commission shall serve the certification on all 23286  
parties addressed in the complaint by certified mail, return 23287  
receipt requested. The certification shall be considered a final 23288  
resolution of the matter if no objection to the certification is 23289  
filed. A party involved in the complaint may file an objection 23290  
to the certification with the commission within ten days after 23291  
the date the certification is mailed. If a party files an 23292  
objection to the certification within the prescribed period, the 23293  
commission, within its discretion, may conduct a hearing in 23294  
accordance with Chapter 119. of the Revised Code to determine if 23295  
a violation occurred. 23296

**Sec. 4773.03.** (A) Each individual seeking a license to 23297  
practice as a general x-ray machine operator, radiographer, 23298  
radiation therapy technologist, or nuclear medicine technologist 23299  
shall apply to the department of health on a form the department 23300  
shall prescribe and provide. The application shall be 23301  
accompanied by the appropriate license application fee 23302  
established in rules adopted under section 4773.08 of the 23303  
Revised Code. 23304

(B) The department shall review all applications received 23305  
and issue the appropriate general x-ray machine operator, 23306  
radiographer, radiation therapy technologist, or nuclear 23307  
medicine technologist license to each applicant who meets all of 23308  
the following requirements: 23309

(1) Is eighteen years of age or older; 23310

(2) ~~Is of good moral character;~~ 23311

~~(3)~~ Except as provided in division (C) of this section, 23312  
passes the examination administered under section 4773.04 of the 23313  
Revised Code for the applicant's area of practice; 23314



<del>(4)</del> (3) Complies with any other licensing standards	23315
established in rules adopted under section 4773.08 of the	23316
Revised Code.	23317
(C) An applicant is not required to take a licensing	23318
examination if one of the following applies to the applicant:	23319
(1) The individual is applying for a license as a general	23320
x-ray machine operator and holds certification in that area of	23321
practice from the American registry of radiologic technologists	23322
or the American chiropractic registry of radiologic	23323
technologists.	23324
(2) The individual is applying for a license as a	23325
radiographer and holds certification in that area of practice	23326
from the American registry of radiologic technologists.	23327
(3) The individual is applying for a license as a	23328
radiation therapy technologist and holds certification in that	23329
area of practice from the American registry of radiologic	23330
technologists.	23331
(4) The individual is applying for a license as a nuclear	23332
medicine technologist and holds certification in that area of	23333
practice from the American registry of radiologic technologists	23334
or the nuclear medicine technology certification board.	23335
(5) The individual holds a conditional license issued	23336
under section 4773.05 of the Revised Code and has completed the	23337
continuing education requirements established in rules adopted	23338
under section 4773.08 of the Revised Code.	23339
(6) The individual holds a license, certificate, or other	23340
credential issued by another state that the department	23341
determines uses standards for radiologic professions that are at	23342
least equal to those established under this chapter.	23343

(D) A license issued under this section expires biennially 23344  
on the license holder's birthday, except for an initial license 23345  
which expires on the license holder's birthday following two 23346  
years after it is issued. For an initial license, the fee 23347  
established in rules adopted under section 4773.08 of the 23348  
Revised Code may be increased in proportion to the amount of 23349  
time beyond two years that the license may be valid. 23350

A license may be renewed. To be eligible for renewal, the 23351  
license holder must complete the continuing education 23352  
requirements specified in rules adopted by the department under 23353  
section 4773.08 of the Revised Code. Applications for license 23354  
renewal shall be accompanied by the appropriate renewal fee 23355  
established in rules adopted under section 4773.08 of the 23356  
Revised Code. Renewals shall be made in accordance with the 23357  
standard renewal procedure established under Chapter 4745. of 23358  
the Revised Code. 23359

(E) (1) A license that has lapsed or otherwise become 23360  
inactive may be reinstated. An individual seeking reinstatement 23361  
of a license shall apply to the department on a form the 23362  
department shall prescribe and provide. The application shall be 23363  
accompanied by the appropriate reinstatement fee established in 23364  
rules adopted under section 4773.08 of the Revised Code. 23365

(2) To be eligible for reinstatement, both of the 23366  
following apply: 23367

(a) An applicant must continue to meet the conditions for 23368  
receiving an initial license, including the examination or 23369  
certification requirements specified in division (B) or (C) of 23370  
this section. In the case of an applicant seeking reinstatement 23371  
based on having passed an examination administered under section 23372  
4773.04 of the Revised Code, the length of time that has elapsed 23373

since the examination was passed is not a consideration in 23374  
determining whether the applicant is eligible for reinstatement. 23375

(b) The applicant must complete the continuing education 23376  
requirements for reinstatement established in rules adopted 23377  
under section 4773.08 of the Revised Code. 23378

(F) The department shall refuse to issue, renew, or 23379  
reinstate and may suspend or revoke a general x-ray machine 23380  
operator, radiographer, radiation therapy technologist, or 23381  
nuclear medicine technologist license if the applicant or 23382  
license holder does not comply with the applicable requirements 23383  
of this chapter or rules adopted under it. 23384

**Sec. 4774.03.** (A) An individual seeking a certificate to 23385  
practice as a radiologist assistant shall file with the state 23386  
medical board a written application on a form prescribed and 23387  
supplied by the board. The application shall include all the 23388  
information the board considers necessary to process the 23389  
application, including evidence satisfactory to the board that 23390  
the applicant meets the requirements specified in division (B) 23391  
of this section. 23392

At the time an application is submitted, the applicant 23393  
shall pay the board the application fee specified by the board 23394  
in rules adopted under section 4774.11 of the Revised Code. No 23395  
part of the fee shall be returned. 23396

(B) To be eligible to receive a certificate to practice as 23397  
a radiologist assistant, an applicant shall meet all of the 23398  
following requirements: 23399

(1) Be at least eighteen years of age ~~and of good moral~~ 23400  
~~character;~~ 23401

(2) Hold a current, valid license as a radiographer under 23402

Chapter 4773. of the Revised Code;	23403
(3) Have attained a baccalaureate degree or	23404
postbaccalaureate certificate from an advanced academic program	23405
encompassing a nationally recognized radiologist assistant	23406
curriculum that includes a radiologist-directed clinical	23407
preceptorship;	23408
(4) Hold current certification as a registered radiologist	23409
assistant from the American registry of radiologic technologists	23410
and have attained the certification by meeting the standard	23411
certification requirements established by the registry,	23412
including the registry's requirements for documenting clinical	23413
education in the form of a clinical portfolio and passing an	23414
examination to determine competence to practice;	23415
(5) Hold current certification in advanced cardiac life	23416
support.	23417
(C) The board shall review all applications received under	23418
this section. Not later than sixty days after receiving an	23419
application the board considers to be complete, the board shall	23420
determine whether the applicant meets the requirements to	23421
receive a certificate to practice as a radiologist assistant.	23422
The affirmative vote of not fewer than six members of the board	23423
is required to determine that the applicant meets the	23424
requirements for a certificate to practice as a radiologist	23425
assistant.	23426
<b>Sec. 4774.031.</b> In addition to any other eligibility	23427
requirement set forth in this chapter, each applicant for a	23428
certificate to practice as a radiologist assistant shall comply	23429
with sections 4776.01 to 4776.04 of the Revised Code. <del>The state</del>	23430
<del>medical board shall not grant to an applicant a certificate to</del>	23431

~~practice as a radiologist assistant unless the board, in its  
discretion, decides that the results of the criminal records  
check do not make the applicant ineligible for a certificate  
issued pursuant to section 4774.04 of the Revised Code.~~

**Sec. 4774.13.** (A) The state medical board, by an  
affirmative vote of not fewer than six members, may revoke or  
may refuse to grant a certificate to practice as a radiologist  
assistant to an individual found by the board to have committed  
fraud, misrepresentation, or deception in applying for or  
securing the certificate.

(B) The board, by an affirmative vote of not fewer than  
six members, shall, except as provided in division (C) of this  
section, and to the extent permitted by law, limit, revoke, or  
suspend an individual's certificate to practice as a radiologist  
assistant, refuse to issue a certificate to an applicant, refuse  
to renew a certificate, refuse to reinstate a certificate, or  
reprimand or place on probation the holder of a certificate for  
any of the following reasons:

(1) Permitting the holder's name or certificate to be used  
by another person;

(2) Failure to comply with the requirements of this  
chapter, Chapter 4731. of the Revised Code, or any rules adopted  
by the board;

(3) Violating or attempting to violate, directly or  
indirectly, or assisting in or abetting the violation of, or  
conspiring to violate, any provision of this chapter, Chapter  
4731. of the Revised Code, or the rules adopted by the board;

(4) A departure from, or failure to conform to, minimal  
standards of care of similar practitioners under the same or

similar circumstances whether or not actual injury to the patient is established; 23461  
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(5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills; 23463  
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(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice; 23467  
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(7) Willfully betraying a professional confidence; 23471

(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a certificate to practice as a radiologist assistant. 23472  
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As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived. 23475  
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(9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice; 23483  
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(10) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony; 23486  
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(11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	23489 23490 23491
(12) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;	23492 23493 23494 23495
(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;	23496 23497 23498
(14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	23499 23500 23501
(15) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	23502 23503 23504
(16) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs;	23505 23506 23507 23508 23509
(17) Any of the following actions taken by the state agency responsible for regulating the practice of radiologist assistants in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;	23510 23511 23512 23513 23514 23515 23516 23517

(18) Violation of the conditions placed by the board on a certificate to practice as a radiologist assistant;	23518 23519
(19) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;	23520 23521 23522
(20) Failure to cooperate in an investigation conducted by the board under section 4774.14 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;	23523 23524 23525 23526 23527 23528 23529 23530 23531 23532
(21) Failure to maintain a license as a radiographer under Chapter 4773. of the Revised Code;	23533 23534
(22) Failure to maintain certification as a registered radiologist assistant from the American registry of radiologic technologists, including revocation by the registry of the assistant's certification or failure by the assistant to meet the registry's requirements for annual registration, or failure to notify the board that the certification as a registered radiologist assistant has not been maintained;	23535 23536 23537 23538 23539 23540 23541
(23) Failure to comply with any of the rules of ethics included in the standards of ethics established by the American registry of radiologic technologists, as those rules apply to an individual who holds the registry's certification as a registered radiologist assistant.	23542 23543 23544 23545 23546



(C) The board shall not refuse to issue a certificate to an applicant because of a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for an offense unless the refusal is in accordance with section 9.79 of the Revised Code. 23547  
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(D) Disciplinary actions taken by the board under 23552  
divisions (A) and (B) of this section shall be taken pursuant to 23553  
an adjudication under Chapter 119. of the Revised Code, except 23554  
that in lieu of an adjudication, the board may enter into a 23555  
consent agreement with a radiologist assistant or applicant to 23556  
resolve an allegation of a violation of this chapter or any rule 23557  
adopted under it. A consent agreement, when ratified by an 23558  
affirmative vote of not fewer than six members of the board, 23559  
shall constitute the findings and order of the board with 23560  
respect to the matter addressed in the agreement. If the board 23561  
refuses to ratify a consent agreement, the admissions and 23562  
findings contained in the consent agreement shall be of no force 23563  
or effect. 23564

~~(D)~~(E) For purposes of divisions (B) (11), (14), and (15) 23565  
of this section, the commission of the act may be established by 23566  
a finding by the board, pursuant to an adjudication under 23567  
Chapter 119. of the Revised Code, that the applicant or 23568  
certificate holder committed the act in question. The board 23569  
shall have no jurisdiction under these divisions in cases where 23570  
the trial court renders a final judgment in the certificate 23571  
holder's favor and that judgment is based upon an adjudication 23572  
on the merits. The board shall have jurisdiction under these 23573  
divisions in cases where the trial court issues an order of 23574  
dismissal on technical or procedural grounds. 23575

~~(E)~~(F) The sealing of conviction records by any court 23576

shall have no effect on a prior board order entered under the 23577  
provisions of this section or on the board's jurisdiction to 23578  
take action under the provisions of this section if, based upon 23579  
a plea of guilty, a judicial finding of guilt, or a judicial 23580  
finding of eligibility for intervention in lieu of conviction, 23581  
the board issued a notice of opportunity for a hearing prior to 23582  
the court's order to seal the records. The board shall not be 23583  
required to seal, destroy, redact, or otherwise modify its 23584  
records to reflect the court's sealing of conviction records. 23585

~~(F)~~(G) For purposes of this division, any individual who 23586  
holds a certificate to practice as a radiologist assistant 23587  
issued under this chapter, or applies for a certificate to 23588  
practice, shall be deemed to have given consent to submit to a 23589  
mental or physical examination when directed to do so in writing 23590  
by the board and to have waived all objections to the 23591  
admissibility of testimony or examination reports that 23592  
constitute a privileged communication. 23593

(1) In enforcing division (B) (5) of this section, the 23594  
board, on a showing of a possible violation, may compel any 23595  
individual who holds a certificate to practice as a radiologist 23596  
assistant issued under this chapter or who has applied for a 23597  
certificate to practice to submit to a mental or physical 23598  
examination, or both. A physical examination may include an HIV 23599  
test. The expense of the examination is the responsibility of 23600  
the individual compelled to be examined. Failure to submit to a 23601  
mental or physical examination or consent to an HIV test ordered 23602  
by the board constitutes an admission of the allegations against 23603  
the individual unless the failure is due to circumstances beyond 23604  
the individual's control, and a default and final order may be 23605  
entered without the taking of testimony or presentation of 23606  
evidence. If the board finds a radiologist assistant unable to 23607

practice because of the reasons set forth in division (B) (5) of 23608  
this section, the board shall require the radiologist assistant 23609  
to submit to care, counseling, or treatment by physicians 23610  
approved or designated by the board, as a condition for an 23611  
initial, continued, reinstated, or renewed certificate to 23612  
practice. An individual affected by this division shall be 23613  
afforded an opportunity to demonstrate to the board the ability 23614  
to resume practicing in compliance with acceptable and 23615  
prevailing standards of care. 23616

(2) For purposes of division (B) (6) of this section, if 23617  
the board has reason to believe that any individual who holds a 23618  
certificate to practice as a radiologist assistant issued under 23619  
this chapter or any applicant for a certificate to practice 23620  
suffers such impairment, the board may compel the individual to 23621  
submit to a mental or physical examination, or both. The expense 23622  
of the examination is the responsibility of the individual 23623  
compelled to be examined. Any mental or physical examination 23624  
required under this division shall be undertaken by a treatment 23625  
provider or physician qualified to conduct such examination and 23626  
chosen by the board. 23627

Failure to submit to a mental or physical examination 23628  
ordered by the board constitutes an admission of the allegations 23629  
against the individual unless the failure is due to 23630  
circumstances beyond the individual's control, and a default and 23631  
final order may be entered without the taking of testimony or 23632  
presentation of evidence. If the board determines that the 23633  
individual's ability to practice is impaired, the board shall 23634  
suspend the individual's certificate or deny the individual's 23635  
application and shall require the individual, as a condition for 23636  
an initial, continued, reinstated, or renewed certificate to 23637  
practice, to submit to treatment. 23638

Before being eligible to apply for reinstatement of a certificate suspended under this division, the radiologist assistant shall demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards of care. The demonstration shall include the following:

(a) Certification from a treatment provider approved under section 4731.25 of the Revised Code that the individual has successfully completed any required inpatient treatment;

(b) Evidence of continuing full compliance with an aftercare contract or consent agreement;

(c) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making such assessments and shall describe the basis for their determination.

The board may reinstate a certificate suspended under this division after such demonstration and after the individual has entered into a written consent agreement.

When the impaired radiologist assistant resumes practice, the board shall require continued monitoring of the radiologist assistant. The monitoring shall include monitoring of compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, on termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of falsification stating whether the radiologist assistant has maintained sobriety.

~~(G)~~ (H) If the secretary and supervising member determine 23668  
that there is clear and convincing evidence that a radiologist 23669  
assistant has violated division (B) of this section and that the 23670  
individual's continued practice presents a danger of immediate 23671  
and serious harm to the public, they may recommend that the 23672  
board suspend the individual's certificate to practice without a 23673  
prior hearing. Written allegations shall be prepared for 23674  
consideration by the board. 23675

The board, on review of the allegations and by an 23676  
affirmative vote of not fewer than six of its members, excluding 23677  
the secretary and supervising member, may suspend a certificate 23678  
without a prior hearing. A telephone conference call may be 23679  
utilized for reviewing the allegations and taking the vote on 23680  
the summary suspension. 23681

The board shall issue a written order of suspension by 23682  
certified mail or in person in accordance with section 119.07 of 23683  
the Revised Code. The order shall not be subject to suspension 23684  
by the court during pendency of any appeal filed under section 23685  
119.12 of the Revised Code. If the radiologist assistant 23686  
requests an adjudicatory hearing by the board, the date set for 23687  
the hearing shall be within fifteen days, but not earlier than 23688  
seven days, after the radiologist assistant requests the 23689  
hearing, unless otherwise agreed to by both the board and the 23690  
certificate holder. 23691

A summary suspension imposed under this division shall 23692  
remain in effect, unless reversed on appeal, until a final 23693  
adjudicative order issued by the board pursuant to this section 23694  
and Chapter 119. of the Revised Code becomes effective. The 23695  
board shall issue its final adjudicative order within sixty days 23696  
after completion of its hearing. Failure to issue the order 23697

within sixty days shall result in dissolution of the summary 23698  
suspension order, but shall not invalidate any subsequent, final 23699  
adjudicative order. 23700

~~(H)~~(I) If the board takes action under division (B) (10), 23701  
(12), or (13) of this section, and the judicial finding of 23702  
guilt, guilty plea, or judicial finding of eligibility for 23703  
intervention in lieu of conviction is overturned on appeal, on 23704  
exhaustion of the criminal appeal, a petition for 23705  
reconsideration of the order may be filed with the board along 23706  
with appropriate court documents. On receipt of a petition and 23707  
supporting court documents, the board shall reinstate the 23708  
certificate to practice as a radiologist assistant. The board 23709  
may then hold an adjudication under Chapter 119. of the Revised 23710  
Code to determine whether the individual committed the act in 23711  
question. Notice of opportunity for hearing shall be given in 23712  
accordance with Chapter 119. of the Revised Code. If the board 23713  
finds, pursuant to an adjudication held under this division, 23714  
that the individual committed the act, or if no hearing is 23715  
requested, it may order any of the sanctions specified in 23716  
division (B) of this section. 23717

~~(I)~~(J) The certificate to practice of a radiologist 23718  
assistant and the assistant's practice in this state are 23719  
automatically suspended as of the date the radiologist assistant 23720  
pleads guilty to, is found by a judge or jury to be guilty of, 23721  
or is subject to a judicial finding of eligibility for 23722  
intervention in lieu of conviction in this state or treatment of 23723  
intervention in lieu of conviction in another jurisdiction for 23724  
any of the following criminal offenses in this state or a 23725  
substantially equivalent criminal offense in another 23726  
jurisdiction: aggravated murder, murder, voluntary manslaughter, 23727  
felonious assault, kidnapping, rape, sexual battery, gross 23728

sexual imposition, aggravated arson, aggravated robbery, or 23729  
aggravated burglary. Continued practice after the suspension 23730  
shall be considered practicing without a certificate. 23731

The board shall notify the individual subject to the 23732  
suspension by certified mail or in person in accordance with 23733  
section 119.07 of the Revised Code. If an individual whose 23734  
certificate is suspended under this division fails to make a 23735  
timely request for an adjudication under Chapter 119. of the 23736  
Revised Code, the board shall enter a final order permanently 23737  
revoking the individual's certificate to practice. 23738

~~(J)~~ (K) In any instance in which the board is required by 23739  
Chapter 119. of the Revised Code to give notice of opportunity 23740  
for hearing and the individual subject to the notice does not 23741  
timely request a hearing in accordance with section 119.07 of 23742  
the Revised Code, the board is not required to hold a hearing, 23743  
but may adopt, by an affirmative vote of not fewer than six of 23744  
its members, a final order that contains the board's findings. 23745  
In the final order, the board may order any of the sanctions 23746  
identified under division (A) or (B) of this section. 23747

~~(K)~~ (L) Any action taken by the board under division (B) of 23748  
this section resulting in a suspension shall be accompanied by a 23749  
written statement of the conditions under which the radiologist 23750  
assistant's certificate may be reinstated. The board shall adopt 23751  
rules in accordance with Chapter 119. of the Revised Code 23752  
governing conditions to be imposed for reinstatement. 23753  
Reinstatement of a certificate suspended pursuant to division 23754  
(B) of this section requires an affirmative vote of not fewer 23755  
than six members of the board. 23756

~~(L)~~ (M) When the board refuses to grant or issue a 23757  
certificate to practice as a radiologist assistant to an 23758

applicant, revokes an individual's certificate, refuses to renew 23759  
an individual's certificate, or refuses to reinstate an 23760  
individual's certificate, the board may specify that its action 23761  
is permanent. An individual subject to a permanent action taken 23762  
by the board is forever thereafter ineligible to hold a 23763  
certificate to practice as a radiologist assistant and the board 23764  
shall not accept an application for reinstatement of the 23765  
certificate or for issuance of a new certificate. 23766

~~(M)~~ (N) Notwithstanding any other provision of the Revised 23767  
Code, all of the following apply: 23768

(1) The surrender of a certificate to practice as a 23769  
radiologist assistant issued under this chapter is not effective 23770  
unless or until accepted by the board. Reinstatement of a 23771  
certificate surrendered to the board requires an affirmative 23772  
vote of not fewer than six members of the board. 23773

(2) An application made under this chapter for a 23774  
certificate to practice may not be withdrawn without approval of 23775  
the board. 23776

(3) Failure by an individual to renew a certificate to 23777  
practice in accordance with section 4774.06 of the Revised Code 23778  
shall not remove or limit the board's jurisdiction to take 23779  
disciplinary action under this section against the individual. 23780

**Sec. 4776.04.** The results of any criminal records check 23781  
conducted pursuant to a request made under this chapter and any 23782  
report containing those results, including any information the 23783  
federal bureau of investigation provides, are not public records 23784  
for purposes of section 149.43 of the Revised Code and shall not 23785  
be made available to any person or for any purpose other than as 23786  
follows: 23787



(A) If the request for the criminal records check was 23788  
submitted by an applicant for an initial license or restored 23789  
license, as follows: 23790

(1) The superintendent of the bureau of criminal 23791  
identification and investigation shall make the results 23792  
available to the licensing agency for use in determining, under 23793  
the agency's authorizing chapter of the Revised Code and section 23794  
9.79 of the Revised Code, whether the applicant who is the 23795  
subject of the criminal records check should be granted a 23796  
license under that chapter and that section. 23797

(2) The licensing agency shall make the results available 23798  
to the applicant who is the subject of the criminal records 23799  
check. 23800

(B) If the request for the criminal records check was 23801  
submitted by a person seeking to satisfy the requirements to be 23802  
an employee of a pain management clinic as specified in section 23803  
4729.552 of the Revised Code or a person seeking to satisfy the 23804  
requirements to be an employee of a facility, clinic, or other 23805  
location that is subject to licensure as a category III terminal 23806  
distributor of dangerous drugs with an office-based opioid 23807  
treatment classification, the superintendent of the bureau of 23808  
criminal identification and investigation shall make the results 23809  
available in accordance with the following: 23810

(1) The superintendent shall make the results of the 23811  
criminal records check, including any information the federal 23812  
bureau of investigation provides, available to the person who 23813  
submitted the request and is the subject of the criminal records 23814  
check. 23815

(2) The superintendent shall make the results of the 23816

portion of the criminal records check performed by the bureau of 23817  
criminal identification and investigation under division (B) (1) 23818  
of section 109.572 of the Revised Code available to the employer 23819  
or potential employer specified in the request of the person who 23820  
submitted the request and shall send a letter of the type 23821  
described in division (B) (2) of section 4776.02 of the Revised 23822  
Code to that employer or potential employer regarding the 23823  
information provided by the federal bureau of investigation that 23824  
contains one of the types of statements described in that 23825  
division. 23826

(C) If the request for the criminal records check was 23827  
submitted by an applicant for a trainee license under section 23828  
4776.021 of the Revised Code, as follows: 23829

(1) The superintendent of the bureau of criminal 23830  
identification and investigation shall make the results 23831  
available to the licensing agency or other agency identified in 23832  
division (B) of section 4776.021 of the Revised Code for use in 23833  
determining, under the agency's authorizing chapter of the 23834  
Revised Code ~~and~~, division (D) of section 4776.021 of the 23835  
Revised Code, and section 9.79 of the Revised Code, whether the 23836  
applicant who is the subject of the criminal records check 23837  
should be granted a trainee license under that chapter ~~and~~, that 23838  
division, and that section. 23839

(2) The licensing agency or other agency identified in 23840  
division (B) of section 4776.021 of the Revised Code shall make 23841  
the results available to the applicant who is the subject of the 23842  
criminal records check. 23843

**Sec. 4778.02.** (A) (1) Except as provided in division (B) of 23844  
this section, no person shall practice as a genetic counselor 23845  
unless the person holds a current, valid license to practice as 23846

a genetic counselor issued under this chapter. 23847

(2) No person shall use the title "genetic counselor," or 23848  
otherwise hold the person out as a genetic counselor, unless the 23849  
person holds a current, valid license to practice as a genetic 23850  
counselor issued under this chapter. 23851

(B) Division (A) (1) of this section does not apply to 23852  
either of the following: 23853

(1) A student performing an activity as part of a genetic 23854  
counseling graduate program described in division (B) ~~(1) (b)~~ (2) 23855  
of section 4778.03 of the Revised Code; 23856

(2) A person who is authorized pursuant to another 23857  
provision of the Revised Code to perform any of the activities 23858  
that a genetic counselor is authorized to perform. 23859

**Sec. 4778.03.** (A) An individual seeking a license to 23860  
practice as a genetic counselor shall file with the state 23861  
medical board an application in a manner prescribed by the 23862  
board. The application shall include all the information the 23863  
board considers necessary to process the application, including 23864  
evidence satisfactory to the board that the applicant meets the 23865  
requirements specified in division (B) of this section. 23866

At the time an application is submitted, the applicant 23867  
shall pay the board an application fee of two hundred dollars. 23868  
No part of the fee shall be returned to the applicant or 23869  
transferred for purposes of another application. 23870

(B) ~~(1)~~ To be eligible to receive a license to practice as 23871  
a genetic counselor, an applicant shall demonstrate to the board 23872  
that the applicant meets all of the following requirements: 23873

~~(a) (1)~~ (1) Is at least eighteen years of age ~~and of good~~ 23874

~~moral character;~~ 23875

~~(b) Except as provided in division (B) (2) of this section,~~ 23876  
~~has~~ (2) Has attained a master's degree or higher degree from a 23877  
genetic counseling graduate program accredited by the American 23878  
board of genetic counseling, inc.;; 23879

~~(c)~~ (3) Is a certified genetic counselor; 23880

~~(d)~~ (4) Has satisfied any other requirements established 23881  
by the board in rules adopted under section 4778.12 of the 23882  
Revised Code. 23883

~~(2) In the case of an applicant who files an application~~ 23884  
~~not later than December 31, 2013, and meets all eligibility~~ 23885  
~~requirements other than the requirement specified in division~~ 23886  
~~(B) (1) (b) of this section, the applicant is eligible for a~~ 23887  
~~license to practice as a genetic counselor if the applicant has~~ 23888  
~~attained a master's or higher degree in education or in a field~~ 23889  
~~that the state medical board considers to be closely related to~~ 23890  
~~genetic counseling.~~ 23891

(C) The board shall review all applications received under 23892  
this section. Not later than sixty days after receiving an 23893  
application it considers complete, the board shall determine 23894  
whether the applicant meets the requirements for a license to 23895  
practice as a genetic counselor. The affirmative vote of not 23896  
fewer than six members of the board is required to determine 23897  
that the applicant meets the requirements for the license. 23898

**Sec. 4778.04.** In addition to any other eligibility 23899  
requirement set forth in this chapter, each applicant for a 23900  
license to practice as a genetic counselor shall comply with 23901  
sections 4776.01 to 4776.04 of the Revised Code. ~~The state~~ 23902  
~~medical board shall not grant to an applicant a license to~~ 23903

~~practice as a genetic counselor unless the board, in its~~ 23904  
~~discretion, decides that the results of the criminal records~~ 23905  
~~check do not make the applicant ineligible for a license issued~~ 23906  
~~pursuant to section 4778.05 of the Revised Code.~~ 23907

**Sec. 4778.14.** (A) The state medical board, by an 23908  
affirmative vote of not fewer than six members, may revoke or 23909  
may refuse to grant a license to practice as a genetic counselor 23910  
to an individual found by the board to have committed fraud, 23911  
misrepresentation, or deception in applying for or securing the 23912  
license. 23913

(B) The board, by an affirmative vote of not fewer than 23914  
six members, shall, except as provided in division (C) of this 23915  
section, and to the extent permitted by law, limit, revoke, or 23916  
suspend an individual's license to practice as a genetic 23917  
counselor, refuse to issue a license to an applicant, refuse to 23918  
renew a license, refuse to reinstate a license, or reprimand or 23919  
place on probation the holder of a license for any of the 23920  
following reasons: 23921

(1) Permitting the holder's name or license to be used by 23922  
another person; 23923

(2) Failure to comply with the requirements of this 23924  
chapter, Chapter 4731. of the Revised Code, or any rules adopted 23925  
by the board; 23926

(3) Violating or attempting to violate, directly or 23927  
indirectly, or assisting in or abetting the violation of, or 23928  
conspiring to violate, any provision of this chapter, Chapter 23929  
4731. of the Revised Code, or the rules adopted by the board; 23930

(4) A departure from, or failure to conform to, minimal 23931  
standards of care of similar practitioners under the same or 23932

similar circumstances whether or not actual injury to the patient is established;	23933 23934
(5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;	23935 23936 23937 23938
(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;	23939 23940 23941 23942
(7) Willfully betraying a professional confidence;	23943
(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a license to practice as a genetic counselor.	23944 23945 23946
As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.	23947 23948 23949 23950 23951 23952 23953 23954
(9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;	23955 23956 23957
(10) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;	23958 23959 23960

- (11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed; 23961  
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- (12) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice; 23964  
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- (13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude; 23968  
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- (14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 23971  
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- (15) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 23974  
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- (16) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs; 23977  
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- (17) Any of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; 23982  
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imposition of probation; or issuance of an order of censure or  
other reprimand; 23990  
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(18) Violation of the conditions placed by the board on a  
license to practice as a genetic counselor; 23992  
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(19) Failure to cooperate in an investigation conducted by  
the board under section 4778.18 of the Revised Code, including 23994  
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failure to comply with a subpoena or order issued by the board 23996  
or failure to answer truthfully a question presented by the 23997  
board at a deposition or in written interrogatories, except that 23998  
failure to cooperate with an investigation shall not constitute 23999  
grounds for discipline under this section if a court of 24000  
competent jurisdiction has issued an order that either quashes a 24001  
subpoena or permits the individual to withhold the testimony or 24002  
evidence in issue; 24003

(20) Failure to maintain the individual's status as a  
certified genetic counselor; 24004  
24005

(21) Failure to comply with the code of ethics established  
by the national society of genetic counselors. 24006  
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(C) The board shall not refuse to issue a license to an  
applicant because of a plea of guilty to, a judicial finding of  
guilt of, or a judicial finding of eligibility for intervention  
in lieu of conviction for an offense unless the refusal is in  
accordance with section 9.79 of the Revised Code. 24008  
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(D) Disciplinary actions taken by the board under 24013  
divisions (A) and (B) of this section shall be taken pursuant to 24014  
an adjudication under Chapter 119. of the Revised Code, except 24015  
that in lieu of an adjudication, the board may enter into a 24016  
consent agreement with a genetic counselor or applicant to 24017  
resolve an allegation of a violation of this chapter or any rule 24018



adopted under it. A consent agreement, when ratified by an 24019  
affirmative vote of not fewer than six members of the board, 24020  
shall constitute the findings and order of the board with 24021  
respect to the matter addressed in the agreement. If the board 24022  
refuses to ratify a consent agreement, the admissions and 24023  
findings contained in the consent agreement shall be of no force 24024  
or effect. 24025

A telephone conference call may be utilized for 24026  
ratification of a consent agreement that revokes or suspends an 24027  
individual's license. The telephone conference call shall be 24028  
considered a special meeting under division (F) of section 24029  
121.22 of the Revised Code. 24030

~~(D)~~ (E) For purposes of divisions (B) (11), (14), and (15) 24031  
of this section, the commission of the act may be established by 24032  
a finding by the board, pursuant to an adjudication under 24033  
Chapter 119. of the Revised Code, that the applicant or license 24034  
holder committed the act in question. The board shall have no 24035  
jurisdiction under these divisions in cases where the trial 24036  
court renders a final judgment in the license holder's favor and 24037  
that judgment is based upon an adjudication on the merits. The 24038  
board shall have jurisdiction under these divisions in cases 24039  
where the trial court issues an order of dismissal on technical 24040  
or procedural grounds. 24041

~~(E)~~ (F) The sealing of conviction records by any court 24042  
shall have no effect on a prior board order entered under the 24043  
provisions of this section or on the board's jurisdiction to 24044  
take action under the provisions of this section if, based upon 24045  
a plea of guilty, a judicial finding of guilt, or a judicial 24046  
finding of eligibility for intervention in lieu of conviction, 24047  
the board issued a notice of opportunity for a hearing or took 24048

other formal action under Chapter 119. of the Revised Code prior 24049  
to the court's order to seal the records. The board shall not be 24050  
required to seal, destroy, redact, or otherwise modify its 24051  
records to reflect the court's sealing of conviction records. 24052

~~(F)~~(G) For purposes of this division, any individual who 24053  
holds a license to practice as a genetic counselor, or applies 24054  
for a license, shall be deemed to have given consent to submit 24055  
to a mental or physical examination when directed to do so in 24056  
writing by the board and to have waived all objections to the 24057  
admissibility of testimony or examination reports that 24058  
constitute a privileged communication. 24059

(1) In enforcing division (B) (5) of this section, the 24060  
board, on a showing of a possible violation, may compel any 24061  
individual who holds a license to practice as a genetic 24062  
counselor or who has applied for a license to practice as a 24063  
genetic counselor to submit to a mental or physical examination, 24064  
or both. A physical examination may include an HIV test. The 24065  
expense of the examination is the responsibility of the 24066  
individual compelled to be examined. Failure to submit to a 24067  
mental or physical examination or consent to an HIV test ordered 24068  
by the board constitutes an admission of the allegations against 24069  
the individual unless the failure is due to circumstances beyond 24070  
the individual's control, and a default and final order may be 24071  
entered without the taking of testimony or presentation of 24072  
evidence. If the board finds a genetic counselor unable to 24073  
practice because of the reasons set forth in division (B) (5) of 24074  
this section, the board shall require the genetic counselor to 24075  
submit to care, counseling, or treatment by physicians approved 24076  
or designated by the board, as a condition for an initial, 24077  
continued, reinstated, or renewed license to practice. An 24078  
individual affected by this division shall be afforded an 24079

opportunity to demonstrate to the board the ability to resume 24080  
practicing in compliance with acceptable and prevailing 24081  
standards of care. 24082

(2) For purposes of division (B)(6) of this section, if 24083  
the board has reason to believe that any individual who holds a 24084  
license to practice as a genetic counselor or any applicant for 24085  
a license suffers such impairment, the board may compel the 24086  
individual to submit to a mental or physical examination, or 24087  
both. The expense of the examination is the responsibility of 24088  
the individual compelled to be examined. Any mental or physical 24089  
examination required under this division shall be undertaken by 24090  
a treatment provider or physician qualified to conduct such 24091  
examination and chosen by the board. 24092

Failure to submit to a mental or physical examination 24093  
ordered by the board constitutes an admission of the allegations 24094  
against the individual unless the failure is due to 24095  
circumstances beyond the individual's control, and a default and 24096  
final order may be entered without the taking of testimony or 24097  
presentation of evidence. If the board determines that the 24098  
individual's ability to practice is impaired, the board shall 24099  
suspend the individual's license or deny the individual's 24100  
application and shall require the individual, as a condition for 24101  
an initial, continued, reinstated, or renewed license, to submit 24102  
to treatment. 24103

Before being eligible to apply for reinstatement of a 24104  
license suspended under this division, the genetic counselor 24105  
shall demonstrate to the board the ability to resume practice in 24106  
compliance with acceptable and prevailing standards of care. The 24107  
demonstration shall include the following: 24108

(a) Certification from a treatment provider approved under 24109

section 4731.25 of the Revised Code that the individual has 24110  
successfully completed any required inpatient treatment; 24111

(b) Evidence of continuing full compliance with an 24112  
aftercare contract or consent agreement; 24113

(c) Two written reports indicating that the individual's 24114  
ability to practice has been assessed and that the individual 24115  
has been found capable of practicing according to acceptable and 24116  
prevailing standards of care. The reports shall be made by 24117  
individuals or providers approved by the board for making such 24118  
assessments and shall describe the basis for their 24119  
determination. 24120

The board may reinstate a license suspended under this 24121  
division after such demonstration and after the individual has 24122  
entered into a written consent agreement. 24123

When the impaired genetic counselor resumes practice, the 24124  
board shall require continued monitoring of the genetic 24125  
counselor. The monitoring shall include monitoring of compliance 24126  
with the written consent agreement entered into before 24127  
reinstatement or with conditions imposed by board order after a 24128  
hearing, and, on termination of the consent agreement, 24129  
submission to the board for at least two years of annual written 24130  
progress reports made under penalty of falsification stating 24131  
whether the genetic counselor has maintained sobriety. 24132

~~(G)~~(H) If the secretary and supervising member determine 24133  
both of the following, they may recommend that the board suspend 24134  
an individual's license to practice without a prior hearing: 24135

(1) That there is clear and convincing evidence that a 24136  
genetic counselor has violated division (B) of this section; 24137

(2) That the individual's continued practice presents a 24138

danger of immediate and serious harm to the public. 24139

Written allegations shall be prepared for consideration by 24140  
the board. The board, on review of the allegations and by an 24141  
affirmative vote of not fewer than six of its members, excluding 24142  
the secretary and supervising member, may suspend a license 24143  
without a prior hearing. A telephone conference call may be 24144  
utilized for reviewing the allegations and taking the vote on 24145  
the summary suspension. 24146

The board shall issue a written order of suspension by 24147  
certified mail or in person in accordance with section 119.07 of 24148  
the Revised Code. The order shall not be subject to suspension 24149  
by the court during pendency of any appeal filed under section 24150  
119.12 of the Revised Code. If the genetic counselor requests an 24151  
adjudicatory hearing by the board, the date set for the hearing 24152  
shall be within fifteen days, but not earlier than seven days, 24153  
after the genetic counselor requests the hearing, unless 24154  
otherwise agreed to by both the board and the genetic counselor. 24155

A summary suspension imposed under this division shall 24156  
remain in effect, unless reversed on appeal, until a final 24157  
adjudicative order issued by the board pursuant to this section 24158  
and Chapter 119. of the Revised Code becomes effective. The 24159  
board shall issue its final adjudicative order within sixty days 24160  
after completion of its hearing. Failure to issue the order 24161  
within sixty days shall result in dissolution of the summary 24162  
suspension order, but shall not invalidate any subsequent, final 24163  
adjudicative order. 24164

~~(H)~~(I) If the board takes action under division (B) (10), 24165  
(12), or (13) of this section, and the judicial finding of 24166  
guilt, guilty plea, or judicial finding of eligibility for 24167  
intervention in lieu of conviction is overturned on appeal, on 24168

exhaustion of the criminal appeal, a petition for 24169  
reconsideration of the order may be filed with the board along 24170  
with appropriate court documents. On receipt of a petition and 24171  
supporting court documents, the board shall reinstate the 24172  
license to practice as a genetic counselor. The board may then 24173  
hold an adjudication under Chapter 119. of the Revised Code to 24174  
determine whether the individual committed the act in question. 24175  
Notice of opportunity for hearing shall be given in accordance 24176  
with Chapter 119. of the Revised Code. If the board finds, 24177  
pursuant to an adjudication held under this division, that the 24178  
individual committed the act, or if no hearing is requested, it 24179  
may order any of the sanctions specified in division (B) of this 24180  
section. 24181

~~(I)~~(J) The license to practice as a genetic counselor and 24182  
the counselor's practice in this state are automatically 24183  
suspended as of the date the genetic counselor pleads guilty to, 24184  
is found by a judge or jury to be guilty of, or is subject to a 24185  
judicial finding of eligibility for intervention in lieu of 24186  
conviction in this state or treatment of intervention in lieu of 24187  
conviction in another jurisdiction for any of the following 24188  
criminal offenses in this state or a substantially equivalent 24189  
criminal offense in another jurisdiction: aggravated murder, 24190  
murder, voluntary manslaughter, felonious assault, kidnapping, 24191  
rape, sexual battery, gross sexual imposition, aggravated arson, 24192  
aggravated robbery, or aggravated burglary. Continued practice 24193  
after the suspension shall be considered practicing without a 24194  
license. 24195

The board shall notify the individual subject to the 24196  
suspension by certified mail or in person in accordance with 24197  
section 119.07 of the Revised Code. If an individual whose 24198  
license is suspended under this division fails to make a timely 24199

request for an adjudication under Chapter 119. of the Revised 24200  
Code, the board shall enter a final order permanently revoking 24201  
the individual's license to practice. 24202

~~(J)~~(K) In any instance in which the board is required by 24203  
Chapter 119. of the Revised Code to give notice of opportunity 24204  
for hearing and the individual subject to the notice does not 24205  
timely request a hearing in accordance with section 119.07 of 24206  
the Revised Code, the board is not required to hold a hearing, 24207  
but may adopt, by an affirmative vote of not fewer than six of 24208  
its members, a final order that contains the board's findings. 24209  
In the final order, the board may order any of the sanctions 24210  
identified under division (A) or (B) of this section. 24211

~~(K)~~(L) Any action taken by the board under division (B) of 24212  
this section resulting in a suspension shall be accompanied by a 24213  
written statement of the conditions under which the license of 24214  
the genetic counselor may be reinstated. The board shall adopt 24215  
rules in accordance with Chapter 119. of the Revised Code 24216  
governing conditions to be imposed for reinstatement. 24217  
Reinstatement of a license suspended pursuant to division (B) of 24218  
this section requires an affirmative vote of not fewer than six 24219  
members of the board. 24220

~~(L)~~(M) When the board refuses to grant or issue a license 24221  
to practice as a genetic counselor to an applicant, revokes an 24222  
individual's license, refuses to renew an individual's license, 24223  
or refuses to reinstate an individual's license, the board may 24224  
specify that its action is permanent. An individual subject to a 24225  
permanent action taken by the board is forever thereafter 24226  
ineligible to hold a license to practice as a genetic counselor 24227  
and the board shall not accept an application for reinstatement 24228  
of the license or for issuance of a new license. 24229

<del>(M)</del> (N) Notwithstanding any other provision of the Revised Code, all of the following apply:	24230 24231
(1) The surrender of a license to practice as a genetic counselor is not effective unless or until accepted by the board. A telephone conference call may be utilized for acceptance of the surrender of an individual's license. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code. Reinstatement of a license surrendered to the board requires an affirmative vote of not fewer than six members of the board.	24232 24233 24234 24235 24236 24237 24238 24239
(2) An application made under this chapter for a license to practice may not be withdrawn without approval of the board.	24240 24241
(3) Failure by an individual to renew a license in accordance with section 4778.06 of the Revised Code shall not remove or limit the board's jurisdiction to take disciplinary action under this section against the individual.	24242 24243 24244 24245
<b>Sec. 4779.09.</b> An applicant for a license to practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics shall apply to the Ohio occupational therapy, physical therapy, and athletic trainers board in accordance with rules adopted under section 4779.08 of the Revised Code and pay the application fee specified in the rules. The board shall issue a license to an applicant who is eighteen years of age or older, <del>of good moral character,</del> and meets either the requirements of divisions (A) and (B) of this section or the requirements of section 4779.17 of the Revised Code.	24246 24247 24248 24249 24250 24251 24252 24253 24254 24255
(A) The applicant must pass an examination conducted pursuant to section 4779.15 of the Revised Code;	24256 24257
(B) The applicant must meet the requirements of one of the	24258



following:	24259
(1) In the case of an applicant for a license to practice orthotics, the requirements of section 4779.10 of the Revised Code;	24260 24261 24262
(2) In the case of an applicant for a license to practice prosthetics, the requirements of section 4779.11 of the Revised Code;	24263 24264 24265
(3) In the case of an applicant for a license to practice orthotics and prosthetics, the requirements of section 4779.12 of the Revised Code;	24266 24267 24268
(4) In the case of an applicant for a license to practice pedorthics, the requirements of section 4779.13 of the Revised Code.	24269 24270 24271
<b>Sec. 4779.091.</b> (A) As used in this section, "license" and "applicant for an initial license" have the same meanings as in section 4776.01 of the Revised Code, except that "license" as used in both of those terms refers to the types of authorizations otherwise issued or conferred under this chapter.	24272 24273 24274 24275 24276
(B) In addition to any other eligibility requirement set forth in this chapter, each applicant for an initial license shall comply with sections 4776.01 to 4776.04 of the Revised Code. The Ohio occupational therapy, physical therapy, and athletic trainers board shall not grant a license to an applicant for an initial license unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code <del>and the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4779.09, 4779.17, or 4779.18 of the Revised Code.</del>	24277 24278 24279 24280 24281 24282 24283 24284 24285 24286 24287

<b>Sec. 4779.18.</b> (A) The Ohio occupational therapy, physical	24288
therapy, and athletic trainers board shall issue a temporary	24289
license to an individual who meets all of the following	24290
requirements:	24291
(1) Applies to the board in accordance with rules adopted	24292
under section 4779.08 of the Revised Code and pays the	24293
application fee specified in the rules;	24294
(2) Is eighteen years of age or older;	24295
(3) <del>Is of good moral character;</del>	24296
<del>(4)</del> One of the following applies:	24297
(a) In the case of an applicant for a license to practice	24298
orthotics, the applicant meets the requirements in divisions (B)	24299
and (C) of section 4779.10 of the Revised Code.	24300
(b) In the case of an applicant for a license to practice	24301
prosthetics, the applicant meets the requirements in divisions	24302
(B) and (C) of section 4779.11 of the Revised Code.	24303
(c) In the case of an applicant for a license to practice	24304
orthotics and prosthetics, the applicant meets the requirements	24305
in divisions (B) and (C) of section 4779.12 of the Revised Code.	24306
(d) In the case of an applicant for a license to practice	24307
pedorthics, the applicant meets the requirements in divisions	24308
(B) and (C) of section 4779.13 of the Revised Code.	24309
(B) A temporary license issued under this section is valid	24310
for one year and may be renewed once in accordance with rules	24311
adopted by the board under section 4779.08 of the Revised Code.	24312
An individual who holds a temporary license may practice	24313
orthotics, prosthetics, orthotics and prosthetics, or pedorthics	24314

only under the supervision of an individual who holds a license 24315  
issued under section 4779.09 of the Revised Code in the same 24316  
area of practice. 24317

(C) All fees received by the board under this section 24318  
shall be deposited in the state treasury to the credit of the 24319  
occupational licensing and regulatory fund established in 24320  
section 4743.05 of the Revised Code. 24321

**Sec. 4779.28.** (A) The Ohio occupational therapy, physical 24322  
therapy, and athletic trainers board may, pursuant to an 24323  
adjudication under Chapter 119. of the Revised Code, and except 24324  
as provided in division (B) of this section, limit, revoke, or 24325  
suspend a license issued under this chapter, refuse to issue a 24326  
license to an applicant, or reprimand or place on probation a 24327  
license holder for any of the following reasons: 24328

(1) Conviction of, or a plea of guilty to, a misdemeanor 24329  
or felony involving moral turpitude; 24330

(2) Any violation of this chapter; 24331

(3) Committing fraud, misrepresentation, or deception in 24332  
applying for or securing a license issued under this chapter; 24333

(4) Habitual use of drugs or intoxicants to the extent 24334  
that it renders the person unfit to practice; 24335

(5) Violation of any rule adopted by the board under 24336  
section 4779.08 of the Revised Code; 24337

(6) A departure from, or failure to conform to, minimal 24338  
standards of care of similar orthotists, prosthetists, 24339  
orthotists-prosthetists, or pedorthists under the same or 24340  
similar circumstances, regardless of whether actual injury to a 24341  
patient is established; 24342

(7) Obtaining or attempting to obtain money or anything of value by fraudulent misrepresentation in the course of practice; 24343  
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(8) Publishing a false, fraudulent, deceptive, or misleading statement; 24345  
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(9) Waiving the payment of all or part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan, would otherwise be required to pay, if the waiver is used as an enticement to a patient or group of patients to receive health care services from a person who holds a license issued under this chapter; 24347  
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(10) Advertising that a person who holds a license issued under this chapter will waive the payment of all or part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan, that covers the person's services, would otherwise be required to pay. 24353  
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(B) The board shall not refuse to issue a license to an applicant because of a conviction of or plea of guilty to an offense unless the refusal is in accordance with section 9.79 of the Revised Code. 24358  
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(C) For the purpose of investigating whether a person is engaging or has engaged in conduct described in division (A) of this section, the board may administer oaths, order the taking of depositions, issue subpoenas, examine witnesses, and compel the attendance of witnesses and production of books, accounts, papers, records, documents, and testimony. 24362  
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**Sec. 4781.09.** (A) The division of industrial compliance may, except as provided in division (B) of this section, deny, suspend, revoke, or refuse to renew the license of any manufactured home installer for any of the following reasons: 24368  
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(1) Failure to satisfy the requirements of section 4781.08 or 4781.10 of the Revised Code;	24372 24373
(2) Violation of this chapter or any rule adopted pursuant to it;	24374 24375
(3) Making a material misstatement in an application for a license;	24376 24377
(4) Installing manufactured housing without a license or without being under the supervision of a licensed manufactured housing installer;	24378 24379 24380
(5) Failure to appear for a hearing before the division or to comply with any final adjudication order of the division issued pursuant to this chapter;	24381 24382 24383
(6) Conviction of a felony or a crime involving moral turpitude;	24384 24385
(7) Having had a license revoked, suspended, or denied by the division during the preceding two years;	24386 24387
(8) Having had a license revoked, suspended, or denied by another state or jurisdiction during the preceding two years;	24388 24389
(9) Engaging in conduct in another state or jurisdiction that would violate this chapter if committed in this state.	24390 24391
(10) Failing to provide written notification of an installation pursuant to division (D) of section 4781.11 of the Revised Code to a county treasurer or county auditor.	24392 24393 24394
<u>(B) The division shall not refuse to issue a license to an applicant because of a criminal conviction unless the refusal is in accordance with section 9.79 of the Revised Code.</u>	24395 24396 24397
<u>(C)</u> (1) Any person whose license or license application is	24398

revoked, suspended, denied, or not renewed or upon whom a civil 24399  
penalty is imposed may request an adjudication hearing on the 24400  
matter within thirty days after receipt of the notice of the 24401  
action. The hearing shall be held in accordance with Chapter 24402  
119. of the Revised Code. 24403

(2) Any licensee or applicant may appeal an order made 24404  
pursuant to an adjudication hearing in the manner provided in 24405  
section 119.12 of the Revised Code. 24406

~~(C)~~ (D) A person whose license is suspended, revoked, or 24407  
not renewed may apply for a new license two years after the date 24408  
on which the license was suspended, revoked, or not renewed. 24409

**Sec. 4781.18.** (A) The division of real estate shall deny 24410  
the application of any person for a license as a manufactured 24411  
housing dealer or manufactured housing broker and refuse to 24412  
issue the license if the division finds that any of the 24413  
following is true of the applicant: 24414

(1) The applicant has made any false statement of a 24415  
material fact in the application. 24416

(2) The applicant has not complied with this chapter or 24417  
the rules adopted by the division of real estate under this 24418  
chapter. 24419

(3) The applicant ~~is of bad business reputation or~~ has 24420  
habitually defaulted on financial obligations. 24421

(4) The applicant has been guilty of a fraudulent act in 24422  
connection with selling or otherwise dealing in manufactured 24423  
housing or in connection with brokering manufactured housing. 24424

(5) The applicant has entered into or is about to enter 24425  
into a contract or agreement with a manufacturer or distributor 24426

of manufactured homes that is contrary to the requirements of	24427
this chapter.	24428
(6) The applicant is insolvent.	24429
(7) The applicant is of insufficient responsibility to	24430
ensure the prompt payment of any final judgments that might	24431
reasonably be entered against the applicant because of the	24432
transaction of business as a manufactured housing dealer or	24433
manufactured housing broker during the period of the license	24434
applied for, or has failed to satisfy any such judgment.	24435
(8) The applicant has no established place of business	24436
that, where applicable, is used or will be used for the purpose	24437
of selling, displaying, offering for sale or dealing in	24438
manufactured housing at the location for which application is	24439
made.	24440
(9) Within less than twelve months prior to making	24441
application, the applicant has been denied a manufactured	24442
housing dealer's license or manufactured housing broker's	24443
license, or has any such license revoked.	24444
(B) The division of real estate shall deny the application	24445
of any person for a license as a salesperson and refuse to issue	24446
the license if the division finds that any of the following is	24447
true of the applicant:	24448
(1) The applicant has made any false statement of a	24449
material fact in the application.	24450
(2) The applicant has not complied with this chapter or	24451
the rules adopted by the division of real estate under this	24452
chapter.	24453
(3) The applicant <del>is of bad business repute or has</del>	24454

habitually defaulted on financial obligations. 24455

(4) The applicant has been guilty of a fraudulent act in 24456  
connection with selling or otherwise dealing in manufactured 24457  
housing. 24458

(5) The applicant has not been designated to act as 24459  
salesperson for a manufactured housing dealer or manufactured 24460  
housing broker licensed to do business in this state under this 24461  
chapter, or intends to act as salesperson for more than one 24462  
licensed manufactured housing dealer or manufactured housing 24463  
broker at the same time, unless the licensed dealership is owned 24464  
or operated by the same corporation, regardless of the county in 24465  
which the dealership's facility is located. 24466

(6) The applicant holds a current manufactured housing 24467  
dealer's or manufactured housing broker's license issued under 24468  
this chapter, and intends to act as salesperson for another 24469  
licensed manufactured housing dealer or manufactured housing 24470  
broker. 24471

(7) Within less than twelve months prior to making 24472  
application, the applicant has been denied a salesperson's 24473  
license or had a salesperson's license revoked. 24474

(8) The applicant was salesperson for, or in the employ 24475  
of, a manufactured housing dealer or manufactured housing broker 24476  
at the time the dealer's or broker's license was revoked. 24477

(C) If an applicant for a manufactured housing dealer or 24478  
manufactured housing broker's license is a corporation or 24479  
partnership, the division of real estate may refuse to issue a 24480  
license if any officer, director, or partner of the applicant 24481  
has been guilty of any act or omission that would be cause for 24482  
refusing or revoking a license issued to such officer, director, 24483



or partner as an individual. The division's finding may be based 24484  
upon facts contained in the application or upon any other 24485  
information the division of real estate may have. 24486

(D) Notwithstanding division (A)(4) of this section, the 24487  
division of real estate shall not deny the application of any 24488  
person and refuse to issue a license if the division finds that 24489  
the applicant is engaged or will engage in the business of 24490  
selling at retail any new manufactured homes and demonstrates 24491  
that the applicant has posted a bond, surety, or certificate of 24492  
deposit with the division of real estate in an amount not less 24493  
than one hundred thousand dollars for the protection and benefit 24494  
of the applicant's customers. 24495

(E) A decision made by the division of real estate under 24496  
this section may be based upon any statement contained in the 24497  
application or upon any facts within the division's knowledge. 24498

(F) Immediately upon denying an application for any of the 24499  
reasons in this section, the division of real estate shall enter 24500  
a final order together with the division's findings. If the 24501  
application is denied by the division of real estate, the 24502  
division of real estate shall enter a final order and shall 24503  
issue to the applicant a written notice of refusal to grant a 24504  
license that shall disclose the reason for refusal. 24505

**Sec. 4783.04.** (A) An individual seeking a certificate to 24506  
practice as a certified Ohio behavior analyst shall file with 24507  
the state board of psychology a written application on a form 24508  
prescribed and supplied by the board. To be eligible for a 24509  
certificate, the individual shall do all of the following: 24510

(1) Demonstrate that the applicant ~~is of good moral~~ 24511  
~~character and~~ conducts the applicant's professional activities 24512

in accordance with accepted professional and ethical standards; 24513

(2) Comply with sections 4776.01 to 4776.04 of the Revised 24514  
Code; 24515

(3) Demonstrate an understanding of the law regarding 24516  
behavioral health practice; 24517

(4) Demonstrate current certification as a board certified 24518  
behavior analyst by the behavior analyst certification board or 24519  
its successor organization or demonstrate completion of 24520  
equivalent requirements and passage of a psychometrically valid 24521  
examination administered by a nationally accredited 24522  
credentialing organization; 24523

(5) Pay the fee established by the state board of 24524  
psychology. 24525

(B) The state board of psychology shall review all 24526  
applications received under this section. The state board of 24527  
psychology shall not grant a certificate to an applicant for an 24528  
initial certificate unless the applicant complies with sections 24529  
4776.01 to 4776.04 of the Revised Code ~~and the state board of~~ 24530  
~~psychology, in its discretion, decides that the results of the~~ 24531  
~~criminal records check do not make the applicant ineligible for~~ 24532  
~~a certificate issued pursuant to section 4783.09 of the Revised~~ 24533  
~~Code.~~ If the state board of psychology determines that an 24534  
applicant satisfies the requirements for a certificate to 24535  
practice as a certified Ohio behavior analyst, the state board 24536  
of psychology shall issue the applicant a certificate. 24537

**Sec. 4783.09.** (A) The state board of psychology may,  24538  
except as provided in division (B) of this section, refuse to 24539  
issue a certificate to any applicant, may issue a reprimand, or 24540  
suspend or revoke the certificate of any certified Ohio behavior 24541

analyst, on any of the following grounds:	24542
(1) Conviction of a felony, or of any offense involving moral turpitude, in a court of this or any other state or in a federal court;	24543 24544 24545
(2) Using fraud or deceit in the procurement of the certificate to practice applied behavior analysis or knowingly assisting another in the procurement of such a certificate through fraud or deceit;	24546 24547 24548 24549
(3) Accepting commissions or rebates or other forms of remuneration for referring persons to other professionals;	24550 24551
(4) Willful, unauthorized communication of information received in professional confidence;	24552 24553
(5) Being negligent in the practice of applied behavior analysis;	24554 24555
(6) Using any controlled substance or alcoholic beverage to an extent that such use impairs the person's ability to perform the work of a certified Ohio behavior analyst with safety to the public;	24556 24557 24558 24559
(7) Violating any rule of professional conduct promulgated by the board;	24560 24561
(8) Practicing in an area of applied behavior analysis for which the person is clearly untrained or incompetent;	24562 24563
(9) An adjudication by a court, as provided in section 5122.301 of the Revised Code, that the person is incompetent for the purpose of holding the certificate;	24564 24565 24566
(10) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health	24567 24568

insurance or health care policy, contract, or plan that covers 24569  
applied behavior analysis services, would otherwise be required 24570  
to pay if the waiver is used as an enticement to a patient or 24571  
group of patients to receive health care services from that 24572  
provider; 24573

(11) Advertising that the person will waive the payment of 24574  
all or any part of a deductible or copayment that a patient, 24575  
pursuant to a health insurance or health care policy, contract, 24576  
or plan that covers applied behavior analysis services, would 24577  
otherwise be required to pay. 24578

(B) The board shall not refuse to issue a certificate to 24579  
an applicant because of a criminal conviction unless the refusal 24580  
is in accordance with section 9.79 of the Revised Code. 24581

(C) For purposes of division (A) (9) of this section, a 24582  
person may have the person's certificate issued or restored only 24583  
upon determination by a court that the person is competent for 24584  
the purpose of holding the certificate and upon the decision by 24585  
the board that the certificate be issued or restored. The board 24586  
may require an examination prior to such issuance or 24587  
restoration. 24588

~~(C)~~ (D) Notwithstanding divisions (A) (10) and (11) of this 24589  
section, sanctions shall not be imposed against any certificate 24590  
holder who waives deductibles and copayments: 24591

(1) In compliance with the health benefit plan that 24592  
expressly allows such a practice. Waiver of the deductibles or 24593  
copays shall be made only with the full knowledge and consent of 24594  
the plan purchaser, payer, and third-party administrator. Such 24595  
consent shall be made available to the board upon request. 24596

(2) For professional services rendered to any other person 24597

holding a certificate issued pursuant to this chapter to the extent allowed by this chapter and the rules of the board.

~~(D)~~(E) Except as provided in section 4783.10 of the Revised Code, before the board may deny, suspend, or revoke a certificate under this section, or otherwise discipline the holder of a certificate, written charges shall be filed with the board by the secretary and a hearing shall be had thereon in accordance with Chapter 119. of the Revised Code.

**Sec. 5120.55.** (A) As used in this section, "licensed health professional" means any or all of the following:

(1) A dentist who holds a current, valid license issued under Chapter 4715. of the Revised Code to practice dentistry;

(2) A licensed practical nurse who holds a current, valid license issued under Chapter 4723. of the Revised Code that authorizes the practice of nursing as a licensed practical nurse;

(3) An optometrist who holds a current, valid certificate of licensure issued under Chapter 4725. of the Revised Code that authorizes the holder to engage in the practice of optometry;

(4) A physician who is authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;

(5) A psychologist who holds a current, valid license issued under Chapter 4732. of the Revised Code that authorizes the practice of psychology as a licensed psychologist;

(6) A registered nurse who holds a current, valid license issued under Chapter 4723. of the Revised Code that authorizes the practice of nursing as a registered nurse, including such a

nurse who is also licensed to practice as an advanced practice 24626  
registered nurse as defined in section 4723.01 of the Revised 24627  
Code. 24628

(B) (1) The department of rehabilitation and correction may 24629  
establish a recruitment program under which the department, by 24630  
means of a contract entered into under division (C) of this 24631  
section, agrees to repay all or part of the principal and 24632  
interest of a government or other educational loan incurred by a 24633  
licensed health professional who agrees to provide services to 24634  
inmates of correctional institutions under the department's 24635  
administration. 24636

(2) (a) For a physician to be eligible to participate in 24637  
the program, the physician must have attended a school that was, 24638  
during the time of attendance, a medical school or osteopathic 24639  
medical school in this country accredited by the liaison 24640  
committee on medical education or the American osteopathic 24641  
association, a college of podiatry in this country in good 24642  
standing with the state medical board, or a medical school, 24643  
osteopathic medical school, or college of podiatry located 24644  
outside this country that was acknowledged by the world health 24645  
organization and verified by a member state of that organization 24646  
as operating within that state's jurisdiction. 24647

(b) For a nurse to be eligible to participate in the 24648  
program, the nurse must have attended a school that was, during 24649  
the time of attendance, a nursing school in this country 24650  
accredited by the commission on collegiate nursing education or 24651  
the national league for nursing accrediting commission or a 24652  
nursing school located outside this country that was 24653  
acknowledged by the world health organization and verified by a 24654  
member state of that organization as operating within that 24655

state's jurisdiction. 24656

(c) For a dentist to be eligible to participate in the 24657  
program, the dentist must have attended a school that was, 24658  
during the time of attendance, a dental college that enabled the 24659  
dentist to meet the requirements specified in section 4715.10 of 24660  
the Revised Code to be granted a license to practice dentistry. 24661

(d) For an optometrist to be eligible to participate in 24662  
the program, the optometrist must have attended a school of 24663  
optometry that was, during the time of attendance, approved by 24664  
the state vision professionals board. 24665

(e) For a psychologist to be eligible to participate in 24666  
the program, the psychologist must have attended an educational 24667  
institution that, during the time of attendance, maintained a 24668  
specific degree program recognized by the state board of 24669  
psychology as acceptable for fulfilling the requirement of 24670  
division (B) ~~(3)~~ (2) of section 4732.10 of the Revised Code. 24671

(C) The department shall enter into a contract with each 24672  
licensed health professional it recruits under this section. 24673  
Each contract shall include at least the following terms: 24674

(1) The licensed health professional agrees to provide a 24675  
specified scope of medical, osteopathic medical, podiatric, 24676  
optometric, psychological, nursing, or dental services to 24677  
inmates of one or more specified state correctional institutions 24678  
for a specified number of hours per week for a specified number 24679  
of years. 24680

(2) The department agrees to repay all or a specified 24681  
portion of the principal and interest of a government or other 24682  
educational loan taken by the licensed health professional for 24683  
the following expenses to attend, for up to a maximum of four 24684

years, a school that qualifies the licensed health professional 24685  
to participate in the program: 24686

(a) Tuition; 24687

(b) Other educational expenses for specific purposes, 24688  
including fees, books, and laboratory expenses, in amounts 24689  
determined to be reasonable in accordance with rules adopted 24690  
under division (D) of this section; 24691

(c) Room and board, in an amount determined to be 24692  
reasonable in accordance with rules adopted under division (D) 24693  
of this section. 24694

(3) The licensed health professional agrees to pay the 24695  
department a specified amount, which shall be no less than the 24696  
amount already paid by the department pursuant to its agreement, 24697  
as damages if the licensed health professional fails to complete 24698  
the service obligation agreed to or fails to comply with other 24699  
specified terms of the contract. The contract may vary the 24700  
amount of damages based on the portion of the service obligation 24701  
that remains uncompleted. 24702

(4) Other terms agreed upon by the parties. 24703

The licensed health professional's lending institution or 24704  
the department of higher education may be a party to the 24705  
contract. The contract may include an assignment to the 24706  
department of rehabilitation and correction of the licensed 24707  
health professional's duty to repay the principal and interest 24708  
of the loan. 24709

(D) If the department of rehabilitation and correction 24710  
elects to implement the recruitment program, it shall adopt 24711  
rules in accordance with Chapter 119. of the Revised Code that 24712  
establish all of the following: 24713



(1) Criteria for designating institutions for which licensed health professionals will be recruited;	24714 24715
(2) Criteria for selecting licensed health professionals for participation in the program;	24716 24717
(3) Criteria for determining the portion of a loan which the department will agree to repay;	24718 24719
(4) Criteria for determining reasonable amounts of the expenses described in divisions (C) (2) (b) and (c) of this section;	24720 24721 24722
(5) Procedures for monitoring compliance by a licensed health professional with the terms of the contract the licensed health professional enters into under this section;	24723 24724 24725
(6) Any other criteria or procedures necessary to implement the program.	24726 24727
<b>Sec. 5123.169.</b> (A) <u>(1) The director of developmental disabilities shall not refuse to issue a supported living certificate to an applicant unless either of the following applies:</u>	24728 24729 24730 24731
<u>(a) The applicant fails to comply with division (C) (2) of this section;</u>	24732 24733
<u>(b) The applicant is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense and the director complies with section 9.79 of the Revised Code.</u>	24734 24735 24736 24737 24738
<u>(2) The director of developmental disabilities shall not issue a supported living certificate to an applicant or renew an applicant's supported living certificate if either of the</u>	24739 24740 24741

following applies: 24742

~~(1)~~(a) The applicant for renewal fails to comply with 24743  
division (C) (2) of this section; 24744

~~(2)~~(b) Except as provided in rules adopted under section 24745  
5123.1611 of the Revised Code, the applicant for renewal is 24746  
found by a criminal records check required by this section to 24747  
have been convicted of, pleaded guilty to, or been found 24748  
eligible for intervention in lieu of conviction for a 24749  
disqualifying offense. 24750

(B) Before issuing a supported living certificate to an 24751  
applicant or renewing an applicant's supported living 24752  
certificate, the director shall require the applicant to submit 24753  
a statement with the applicant's signature attesting ~~that as to~~ 24754  
whether the applicant has ~~not~~ been convicted of, pleaded guilty 24755  
to, or been found eligible for intervention in lieu of 24756  
conviction for a disqualifying offense. The director also shall 24757  
require the applicant to sign an agreement under which the 24758  
applicant agrees to notify the director within fourteen calendar 24759  
days if, while holding a supported living certificate, the 24760  
applicant is formally charged with, is convicted of, pleads 24761  
guilty to, or is found eligible for intervention in lieu of 24762  
conviction for a disqualifying offense. The agreement shall 24763  
provide that the applicant's failure to provide the notification 24764  
may result in action being taken by the director against the 24765  
applicant under section 5123.166 of the Revised Code. 24766

(C) (1) As a condition of receiving a supported living 24767  
certificate or having a supported living certificate renewed, an 24768  
applicant shall request the superintendent of the bureau of 24769  
criminal identification and investigation to conduct a criminal 24770  
records check of the applicant. If an applicant does not present 24771

proof to the director that the applicant has been a resident of 24772  
this state for the five-year period immediately prior to the 24773  
date that the applicant applies for issuance or renewal of the 24774  
supported living certificate, the director shall require the 24775  
applicant to request that the superintendent obtain information 24776  
from the federal bureau of investigation as a part of the 24777  
criminal records check. If the applicant presents proof to the 24778  
director that the applicant has been a resident of this state 24779  
for that five-year period, the director may require the 24780  
applicant to request that the superintendent include information 24781  
from the federal bureau of investigation in the criminal records 24782  
check. For purposes of this division, an applicant may provide 24783  
proof of residency in this state by presenting, with a notarized 24784  
statement asserting that the applicant has been a resident of 24785  
this state for that five-year period, a valid driver's license, 24786  
notification of registration as an elector, a copy of an 24787  
officially filed federal or state tax form identifying the 24788  
applicant's permanent residence, or any other document the 24789  
director considers acceptable. 24790

(2) Each applicant shall do all of the following: 24791

(a) Obtain a copy of the form prescribed pursuant to 24792  
division (C) (1) of section 109.572 of the Revised Code and a 24793  
standard impression sheet prescribed pursuant to division (C) (2) 24794  
of section 109.572 of the Revised Code; 24795

(b) Complete the form and provide the applicant's 24796  
fingerprint impressions on the standard impression sheet; 24797

(c) Forward the completed form and standard impression 24798  
sheet to the superintendent at the time the criminal records 24799  
check is requested; 24800

(d) Instruct the superintendent to submit the completed report of the criminal records check directly to the director; 24801  
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(e) Pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check of the applicant requested and conducted pursuant to this section. 24803  
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(D) The director may request any other state or federal agency to supply the director with a written report regarding the criminal record of an applicant. The director may consider the reports when determining whether to issue a supported living certificate to the applicant or to renew an applicant's supported living certificate. 24808  
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(E) An applicant who seeks to be an independent provider or is an independent provider seeking renewal of the applicant's supported living certificate shall obtain the applicant's driving record from the bureau of motor vehicles and provide a copy of the record to the director if the supported living that the applicant will provide involves transporting individuals with developmental disabilities. The director may consider the applicant's driving record when determining whether to issue the applicant a supported living certificate or to renew the applicant's supported living certificate. 24814  
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(F) (1) A report obtained pursuant to this section is not a public record for purposes of section 149.43 of the Revised Code and shall not be made available to any person, other than the following: 24824  
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(a) The applicant who is the subject of the report or the applicant's representative; 24828  
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(b) The director or the director's representative;	24830
(c) Any court, hearing officer, or other necessary individual involved in a case dealing with any of the following:	24831 24832
(i) The denial of a supported living certificate or refusal to renew a supported living certificate;	24833 24834
(ii) The denial, suspension, or revocation of a certificate under section 5123.45 of the Revised Code;	24835 24836
(iii) A civil or criminal action regarding the medicaid program.	24837 24838
(2) An applicant for whom the director has obtained reports under this section may submit a written request to the director to have copies of the reports sent to any person or state or local government entity. The applicant shall specify in the request the person or entities to which the copies are to be sent. On receiving the request, the director shall send copies of the reports to the persons or entities specified.	24839 24840 24841 24842 24843 24844 24845
(3) The director may request that a person or state or local government entity send copies to the director of any report regarding a records check or criminal records check that the person or entity possesses, if the director obtains the written consent of the individual who is the subject of the report.	24846 24847 24848 24849 24850 24851
(4) The director shall provide each applicant with a copy of any report obtained about the applicant under this section.	24852 24853
<b>Sec. 5123.1611.</b> The director of developmental disabilities shall adopt rules under Chapter 119. of the Revised Code establishing all of the following:	24854 24855 24856
(A) The extent to which a county board of developmental	24857

disabilities may provide supported living; 24858

(B) The application process for obtaining a supported living certificate under section 5123.161 of the Revised Code; 24859  
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(C) The certification standards a person or government entity must meet to obtain a supported living certificate to provide supported living; 24861  
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(D) The certification fee for a supported living certificate, which shall be deposited into the program fee fund created under section 5123.033 of the Revised Code; 24864  
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(E) The period of time a supported living certificate is valid; 24867  
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(F) The process for renewing a supported living certificate under section 5123.164 of the Revised Code; 24869  
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(G) The renewal fee for a supported living certificate, which shall be deposited into the program fee fund created under section 5123.033 of the Revised Code; 24871  
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(H) Procedures for conducting surveys under section 5123.162 of the Revised Code; 24874  
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(I) Procedures for determining whether there is good cause to take action under section 5123.166 of the Revised Code against a person or government entity seeking or holding a supported living certificate; 24876  
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(J) Circumstances under which the director may ~~issue a supported living certificate to an applicant or renew an applicant's supported living certificate if the applicant is found by a criminal records check required by section 5123.169 of the Revised Code to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of~~ 24880  
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conviction for a disqualifying offense but meets standards in regard to rehabilitation set by the director.	24886 24887
<b>Sec. 5123.452.</b> (A) If good cause exists as specified in division (B) of this section and determined in accordance with procedures established in rules adopted under section 5123.46 of the Revised Code, the director of developmental disabilities may issue an adjudication order requiring that one of the following actions be taken against a person seeking or holding a certificate issued under section 5123.45 of the Revised Code:	24888 24889 24890 24891 24892 24893 24894
(1) Refusal to issue or renew a certificate;	24895
(2) Revocation of a certificate;	24896
(3) Suspension of a certificate.	24897
(B) The following constitute good cause for taking action under division (A) of this section against a certificate holder:	24898 24899
(1) The certificate holder violates sections 5123.41 to 5123.45 of the Revised Code or rules adopted under those sections;	24900 24901 24902
(2) Confirmed abuse or neglect;	24903
(3) The certificate holder has been convicted of or pleaded guilty to a disqualifying offense, as defined in section 5123.081 of the Revised Code;	24904 24905 24906
(4) Misfeasance;	24907
(5) Malfeasance;	24908
(6) Nonfeasance;	24909
(7) In the case of a certificate holder who is a registered nurse, the board of nursing has taken disciplinary action against the certificate holder under Chapter 4723. of the	24910 24911 24912

Revised Code; 24913

(8) Other conduct the director determines is or would be 24914  
injurious to individuals. 24915

(C) The director shall issue an adjudication order under 24916  
division (A) of this section in accordance with Chapter 119. of 24917  
the Revised Code. 24918

(D) Notwithstanding any provision of divisions (A) and (B) 24919  
of this section to the contrary, the director shall not refuse 24920  
to issue a certificate to an applicant because of a conviction 24921  
of or plea of guilty to an offense unless the refusal is in 24922  
accordance with section 9.79 of the Revised Code. 24923

**Sec. 5502.011.** (A) As used in this section, "department of 24924  
public safety" and "department" include all divisions within the 24925  
department of public safety. 24926

(B) The director of public safety is the chief executive 24927  
and administrative officer of the department. The director may 24928  
establish policies governing the department, the performance of 24929  
its employees and officers, the conduct of its business, and the 24930  
custody, use, and preservation of departmental records, papers, 24931  
books, documents, and property. The director also may authorize 24932  
and approve investigations to be conducted by any of the 24933  
department's divisions. Whenever the Revised Code imposes a duty 24934  
upon or requires an action of the department, the director may 24935  
perform the action or duty in the name of the department or 24936  
direct such performance to be performed by the director's 24937  
designee. 24938

(C) In addition to any other duties enumerated in the 24939  
Revised Code, the director or the director's designee shall do 24940  
all of the following: 24941



- (1) Administer and direct the performance of the duties of the department; 24942  
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- (2) Pursuant to Chapter 119. of the Revised Code, approve, adopt, and prescribe such forms and rules as are necessary to carry out the duties of the department; 24944  
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- (3) On behalf of the department and in addition to any authority the Revised Code otherwise grants to the department, have the authority and responsibility for approving and entering into contracts, agreements, and other business arrangements; 24947  
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- (4) Make appointments for the department as needed to comply with requirements of the Revised Code; 24951  
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- (5) Approve employment actions of the department, including appointments, promotions, discipline, investigations, and terminations; 24953  
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- (6) Accept, hold, and use, for the benefit of the department, any gift, donation, bequest, or devise, and may agree to and perform all conditions of the gift, donation, bequest, or devise, that are not contrary to law; 24956  
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- (7) Apply for, allocate, disburse, and account for grants made available under federal law or from other federal, state, or private sources; 24960  
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- (8) Develop a list of disqualifying offenses for licensure as a private investigator or a security guard provider pursuant to sections 9.79, 4749.03, 4749.04, 4749.10, and 4776.10 of the Revised Code; 24963  
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- (9) Do all other acts necessary or desirable to carry out this chapter. 24967  
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- (D) (1) The director of public safety may assess a 24969

reasonable fee, plus the amount of any charge or fee passed on 24970  
from a financial institution, on a drawer or indorser for each 24971  
of the following: 24972

(a) A check, draft, or money order that is returned or 24973  
dishonored; 24974

(b) An automatic bank transfer that is declined, due to 24975  
insufficient funds or for any other reason; 24976

(c) Any financial transaction device that is returned or 24977  
dishonored for any reason. 24978

(2) The director shall deposit any fee collected under 24979  
this division in an appropriate fund as determined by the 24980  
director based on the tax, fee, or fine being paid. 24981

(3) As used in this division, "financial transaction 24982  
device" has the same meaning as in section 113.40 of the Revised 24983  
Code. 24984

(E) The director shall establish a homeland security 24985  
advisory council to advise the director on homeland security, 24986  
including homeland security funding efforts. The advisory 24987  
council shall include, but not be limited to, state and local 24988  
government officials who have homeland security or emergency 24989  
management responsibilities and who represent first responders. 24990  
The director shall appoint the members of the council, who shall 24991  
serve without compensation. 24992

**Section 2.** That existing sections 101.721, 101.921, 24993  
109.572, 121.22, 121.621, 147.01, 147.011, 147.05, 169.16, 24994  
169.17, 173.381, 173.391, 903.05, 921.23, 926.05, 935.06, 24995  
943.03, 943.031, 943.05, 956.03, 956.15, 1119.05, 1119.08, 24996  
1315.04, 1315.101, 1315.23, 1321.04, 1321.37, 1321.53, 1321.64, 24997  
1321.74, 1322.10, 1322.21, 1322.24, 1533.342, 1533.631, 1546.16, 24998

1561.12, 1561.23, 1571.012, 1707.19, 1716.05, 1716.07, 1751.05,	24999
2915.081, 2915.082, 3304.31, 3310.43, 3319.088, 3319.225,	25000
3319.30, 3319.31, 3319.39, 3327.10, 3332.05, 3332.09, 3332.11,	25001
3332.12, 3710.06, 3721.07, 3734.42, 3734.44, 3743.03, 3743.16,	25002
3743.70, 3743.99, 3770.05, 3770.073, 3772.01, 3772.07, 3772.10,	25003
3773.42, 3783.03, 3796.03, 3796.04, 3796.09, 3796.10, 3905.06,	25004
3905.062, 3905.07, 3905.14, 3905.15, 3905.72, 3905.85, 3916.15,	25005
3931.11, 3951.04, 4104.09, 4104.19, 4508.03, 4508.04, 4511.76,	25006
4513.34, 4517.04, 4517.09, 4517.12, 4517.13, 4517.14, 4517.171,	25007
4701.01, 4701.06, 4701.07, 4701.08, 4701.09, 4701.17, 4703.07,	25008
4703.10, 4703.34, 4707.02, 4707.07, 4707.09, 4707.15, 4707.19,	25009
4707.22, 4709.07, 4709.08, 4709.10, 4709.13, 4713.28, 4713.30,	25010
4713.31, 4713.34, 4713.69, 4715.10, 4715.101, 4715.21, 4715.27,	25011
4715.30, 4717.05, 4717.051, 4717.061, 4717.14, 4719.03, 4723.09,	25012
4723.092, 4723.28, 4723.651, 4723.75, 4723.76, 4723.84, 4725.12,	25013
4725.121, 4725.18, 4725.19, 4725.44, 4725.48, 4725.501, 4725.52,	25014
4725.53, 4727.03, 4728.03, 4729.071, 4729.08, 4729.09, 4729.16,	25015
4729.90, 4729.92, 4729.96, 4730.10, 4730.101, 4730.11, 4730.25,	25016
4731.08, 4731.09, 4731.171, 4731.19, 4731.22, 4731.291,	25017
4731.292, 4731.296, 4731.299, 4731.52, 4731.531, 4731.573,	25018
4732.091, 4732.10, 4732.17, 4733.11, 4733.20, 4734.20, 4734.202,	25019
4734.23, 4734.27, 4734.31, 4735.07, 4735.09, 4735.10, 4735.13,	25020
4735.27, 4735.28, 4736.08, 4738.04, 4738.07, 4740.05, 4740.06,	25021
4740.061, 4740.10, 4741.10, 4741.12, 4741.22, 4747.04, 4747.05,	25022
4747.051, 4747.10, 4747.12, 4749.03, 4751.04, 4751.05, 4752.09,	25023
4753.061, 4753.10, 4755.06, 4755.07, 4755.08, 4755.11, 4755.47,	25024
4755.62, 4755.64, 4755.70, 4757.10, 4757.101, 4757.22, 4757.23,	25025
4757.27, 4757.28, 4757.29, 4757.36, 4758.20, 4758.24, 4758.30,	25026
4759.02, 4759.051, 4759.06, 4759.061, 4759.07, 4760.03,	25027
4760.032, 4760.13, 4761.04, 4761.05, 4761.051, 4761.06, 4761.07,	25028
4761.09, 4762.03, 4762.031, 4762.13, 4763.05, 4764.05, 4764.06,	25029
4764.13, 4764.14, 4765.11, 4765.17, 4765.301, 4765.55, 4771.18,	25030

4773.03, 4774.03, 4774.031, 4774.13, 4776.04, 4778.02, 4778.03, 25031  
4778.04, 4778.14, 4779.09, 4779.091, 4779.18, 4779.28, 4781.09, 25032  
4781.18, 4783.04, 4783.09, 5120.55, 5123.169, 5123.1611, 25033  
5123.452, and 5502.011 of the Revised Code are hereby repealed. 25034

**Section 3.** That section 4743.06 of the Revised Code is 25035  
hereby repealed. 25036

**Section 4.** Sections 1, 2, and 3 of this act, except for 25037  
the enactment of section 9.79 of the Revised Code in Section 1 25038  
of this act, take effect one hundred eighty days after the 25039  
effective date of this act. 25040

**Section 5.** This act shall be known as the "Fresh Start Act 25041  
of 2019." 25042

**Section 6.** The General Assembly, applying the principle 25043  
stated in division (B) of section 1.52 of the Revised Code that 25044  
amendments are to be harmonized if reasonably capable of 25045  
simultaneous operation, finds that the following sections, 25046  
presented in this act as composites of the sections as amended 25047  
by the acts indicated, are the resulting versions of the 25048  
sections in effect prior to the effective date of the sections 25049  
as presented in this act: 25050

Section 109.572 of the Revised Code as amended by Am. Sub. 25051  
H.B. 49, Sub. H.B. 199, Sub. H.B. 213, Am. Sub. S.B. 51, Sub. 25052  
S.B. 229, Am. Sub. S.B. 255, and Sub. S.B. 263, all of the 132nd 25053  
General Assembly. 25054

Section 1321.53 of the Revised Code as amended by both 25055  
Sub. H.B. 199 and Sub. S.B. 24 of the 132nd General Assembly. 25056

Section 4707.02 of the Revised Code as amended by both Am. 25057  
Sub. H.B. 64 and Am. Sub. H.B. 131 of the 131st General 25058  
Assembly. 25059

Section 4723.651 of the Revised Code as amended by both 25060  
Sub. H.B. 113 and Am. Sub. H.B. 483 of the 131st General 25061  
Assembly. 25062

Section 4730.25 of the Revised Code as amended by Am. Sub. 25063  
H.B. 64 and Sub. S.B. 110 of the 131st General Assembly and Am. 25064  
Sub. H.B. 394 and Am. Sub. S.B. 276 of the 130th General 25065  
Assembly. 25066

Section 4731.22 of the Revised Code as amended by both Am. 25067  
Sub. H.B. 111 and Sub. H.B. 156 of the 132nd General Assembly. 25068

Section 4735.09 of the Revised Code as amended by both 25069  
Sub. H.B. 113 and Am. H.B. 532 of the 131st General Assembly. 25070

Section 4740.06 of the Revised Code as amended by both Am. 25071  
Sub. H.B. 486 and Sub. S.B. 78 of the 130th General Assembly. 25072