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Representatives Roemer, West

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O'Brien, Patterson, Patton, Perales, Plummer, Reineke, Robinson, Rogers, Russo,
Smith, K., Stein, Sykes, Weinstein, Wiggam**

A BILL

To amend sections 127.16, 1561.07, 2925.01, 1
3313.68, 3313.7110, 3313.7113, 3313.721, 2
3319.22, 3319.222, 3319.223, 3319.227, 3701.33, 3
3717.27, 3717.47, 3718.011, 3718.03, 3723.02, 4
3723.03, 3723.04, 3723.05, 3723.06, 3723.07, 5
3723.08, 3723.09, 3723.10, 3723.11, 3723.13, 6
3723.17, 3723.99, 3728.04, 4104.32, 4104.34, 7
4104.36, 4104.37, 4117.103, 4169.02, 4169.03, 8
4169.04, 4169.05, 4169.06, 4701.06, 4701.17, 9
4713.01, 4713.14, 4713.17, 4713.42, 4713.56, 10
4730.11, 4731.04, 4731.15, 4731.16, 4731.171, 11
4731.19, 4731.22, 4731.293, 4731.298, 4731.36, 12
4731.572, 4734.211, 4734.31, 4736.01, 4736.02, 13
4736.03, 4736.05, 4736.06, 4736.08, 4736.09, 14
4736.10, 4736.11, 4736.12, 4736.14, 4736.15, 15
4745.04, 5107.541, and 6111.30; to enact new 16
section 3319.221 and sections 1533.722, 4169.11, 17
and 4762.011; and to repeal sections 3319.221, 18
3319.225, 3319.2210, 3745.14, 4104.33, 4104.35, 19

and 4734.281 of the Revised Code to revise the 20
state's occupational regulations. 21

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

Section 1. That sections 127.16, 1561.07, 2925.01, 22
3313.68, 3313.7110, 3313.7113, 3313.721, 3319.22, 3319.222, 23
3319.223, 3319.227, 3701.33, 3717.27, 3717.47, 3718.011, 24
3718.03, 3723.02, 3723.03, 3723.04, 3723.05, 3723.06, 3723.07, 25
3723.08, 3723.09, 3723.10, 3723.11, 3723.13, 3723.17, 3723.99, 26
3728.04, 4104.32, 4104.34, 4104.36, 4104.37, 4117.103, 4169.02, 27
4169.03, 4169.04, 4169.05, 4169.06, 4701.06, 4701.17, 4713.01, 28
4713.14, 4713.17, 4713.42, 4713.56, 4730.11, 4731.04, 4731.15, 29
4731.16, 4731.171, 4731.19, 4731.22, 4731.293, 4731.298, 30
4731.36, 4731.572, 4734.211, 4734.31, 4736.01, 4736.02, 4736.03, 31
4736.05, 4736.06, 4736.08, 4736.09, 4736.10, 4736.11, 4736.12, 32
4736.14, 4736.15, 4745.04, 5107.541, and 6111.30 be amended and 33
new section 3319.221 and sections 1533.722, 4169.11, and 34
4762.011 of the Revised Code be enacted to read as follows: 35

Sec. 127.16. (A) Upon the request of either a state agency 36
or the director of budget and management and after the 37
controlling board determines that an emergency or a sufficient 38
economic reason exists, the controlling board may approve the 39
making of a purchase without competitive selection as provided 40
in division (B) of this section. 41

(B) Except as otherwise provided in this section, no state 42
agency, using money that has been appropriated to it directly, 43
shall: 44

(1) Make any purchase from a particular supplier, that 45

would amount to fifty thousand dollars or more when combined 46
with both the amount of all disbursements to the supplier during 47
the fiscal year for purchases made by the agency and the amount 48
of all outstanding encumbrances for purchases made by the agency 49
from the supplier, unless the purchase is made by competitive 50
selection or with the approval of the controlling board; 51

(2) Lease real estate from a particular supplier, if the 52
lease would amount to seventy-five thousand dollars or more when 53
combined with both the amount of all disbursements to the 54
supplier during the fiscal year for real estate leases made by 55
the agency and the amount of all outstanding encumbrances for 56
real estate leases made by the agency from the supplier, unless 57
the lease is made by competitive selection or with the approval 58
of the controlling board. 59

(C) Any person who authorizes a purchase in violation of 60
division (B) of this section shall be liable to the state for 61
any state funds spent on the purchase, and the attorney general 62
shall collect the amount from the person. 63

(D) Nothing in division (B) of this section shall be 64
construed as: 65

(1) A limitation upon the authority of the director of 66
transportation as granted in sections 5501.17, 5517.02, and 67
5525.14 of the Revised Code; 68

(2) Applying to medicaid provider agreements under the 69
medicaid program; 70

(3) Applying to the purchase of examinations from a sole 71
supplier by a state licensing board under Title XLVII of the 72
Revised Code; 73

(4) Applying to entertainment contracts for the Ohio state 74

fair entered into by the Ohio expositions commission, provided 75
that the controlling board has given its approval to the 76
commission to enter into such contracts and has approved a total 77
budget amount for such contracts as agreed upon by commission 78
action, and that the commission causes to be kept itemized 79
records of the amounts of money spent under each contract and 80
annually files those records with the clerk of the house of 81
representatives and the clerk of the senate following the close 82
of the fair; 83

(5) Limiting the authority of the chief of the division of 84
mineral resources management to contract for reclamation work 85
with an operator mining adjacent land as provided in section 86
1513.27 of the Revised Code; 87

(6) Applying to investment transactions and procedures of 88
any state agency, except that the agency shall file with the 89
board the name of any person with whom the agency contracts to 90
make, broker, service, or otherwise manage its investments, as 91
well as the commission, rate, or schedule of charges of such 92
person with respect to any investment transactions to be 93
undertaken on behalf of the agency. The filing shall be in a 94
form and at such times as the board considers appropriate. 95

(7) Applying to purchases made with money for the per cent 96
for arts program established by section 3379.10 of the Revised 97
Code; 98

(8) Applying to purchases made by the opportunities for 99
Ohioans with disabilities agency of services, or supplies, that 100
are provided to persons with disabilities, or to purchases made 101
by the agency in connection with the eligibility determinations 102
it makes for applicants of programs administered by the social 103
security administration; 104

(9) Applying to payments by the department of medicaid	105
under section 5164.85 of the Revised Code for group health plan	106
premiums, deductibles, coinsurance, and other cost-sharing	107
expenses;	108
(10) Applying to any agency of the legislative branch of	109
the state government;	110
(11) Applying to agreements or contracts entered into	111
under section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214	112
of the Revised Code;	113
(12) Applying to purchases of services by the adult parole	114
authority under section 2967.14 of the Revised Code or by the	115
department of youth services under section 5139.08 of the	116
Revised Code;	117
(13) Applying to dues or fees paid for membership in an	118
organization or association;	119
(14) Applying to purchases of utility services pursuant to	120
section 9.30 of the Revised Code;	121
(15) Applying to purchases made in accordance with rules	122
adopted by the department of administrative services of motor	123
vehicle, aviation, or watercraft fuel, or emergency repairs of	124
such vehicles;	125
(16) Applying to purchases of tickets for passenger air	126
transportation;	127
(17) Applying to purchases necessary to provide public	128
notifications required by law or to provide notifications of job	129
openings;	130
(18) Applying to the judicial branch of state government;	131

(19) Applying to purchases of liquor for resale by the	132
division of liquor control;	133
(20) Applying to purchases of motor courier and freight	134
services made in accordance with department of administrative	135
services rules;	136
(21) Applying to purchases from the United States postal	137
service and purchases of stamps and postal meter replenishment	138
from vendors at rates established by the United States postal	139
service;	140
(22) Applying to purchases of books, periodicals,	141
pamphlets, newspapers, maintenance subscriptions, and other	142
published materials;	143
(23) Applying to purchases from other state agencies,	144
including state-assisted institutions of higher education or the	145
Ohio history connection;	146
(24) Limiting the authority of the director of	147
environmental protection to enter into contracts under division	148
(D) of section 3745.14 of the Revised Code to conduct compliance	149
reviews, as defined in division (A) of that section;	150
(25) Applying to purchases from a qualified nonprofit	151
agency pursuant to sections 125.60 to 125.6012 or 4115.31 to	152
4115.35 of the Revised Code;	153
(26) <u>(25)</u> Applying to payments by the department of job	154
and family services to the United States department of health	155
and human services for printing and mailing notices pertaining	156
to the tax refund offset program of the internal revenue service	157
of the United States department of the treasury;	158
(27) <u>(26)</u> Applying to contracts entered into by the	159

department of developmental disabilities under section 5123.18	160
of the Revised Code;	161
(28) <u>(27)</u> Applying to payments made by the department of	162
mental health and addiction services under a physician	163
recruitment program authorized by section 5119.185 of the	164
Revised Code;	165
(29) <u>(28)</u> Applying to contracts entered into with persons	166
by the director of commerce for unclaimed funds collection and	167
remittance efforts as provided in division (F) of section 169.03	168
of the Revised Code. The director shall keep an itemized	169
accounting of unclaimed funds collected by those persons and	170
amounts paid to them for their services.	171
(30) <u>(29)</u> Applying to purchases made by a state	172
institution of higher education in accordance with the terms of	173
a contract between the vendor and an inter-university purchasing	174
group comprised of purchasing officers of state institutions of	175
higher education;	176
(31) <u>(30)</u> Applying to the department of medicaid's	177
purchases of health assistance services under the children's	178
health insurance program;	179
(32) <u>(31)</u> Applying to payments by the attorney general	180
from the reparations fund to hospitals and other emergency	181
medical facilities for performing medical examinations to	182
collect physical evidence pursuant to section 2907.28 of the	183
Revised Code;	184
(33) <u>(32)</u> Applying to contracts with a contracting	185
authority or administrative receiver under division (B) of	186
section 5126.056 of the Revised Code;	187
(34) <u>(33)</u> Applying to purchases of goods and services by	188

the department of veterans services in accordance with the terms	189
of contracts entered into by the United States department of	190
veterans affairs;	191
(35) (34) Applying to payments by the superintendent of	192
the bureau of criminal identification and investigation to the	193
federal bureau of investigation for criminal records checks	194
pursuant to section 109.572 of the Revised Code;	195
(36) (35) Applying to contracts entered into by the	196
department of medicaid under section 5164.47 of the Revised	197
Code;	198
(37) (36) Applying to contracts entered into under section	199
5160.12 of the Revised Code;	200
(38) (37) Applying to payments to the Ohio history	201
connection from other state agencies.	202
(E) When determining whether a state agency has reached	203
the cumulative purchase thresholds established in divisions (B)	204
(1) and (2) of this section, all of the following purchases by	205
such agency shall not be considered:	206
(1) Purchases made through competitive selection or with	207
controlling board approval;	208
(2) Purchases listed in division (D) of this section;	209
(3) For the purposes of the threshold of division (B) (1)	210
of this section only, leases of real estate.	211
(F) As used in this section, "competitive selection,"	212
"purchase," "supplies," and "services" have the same meanings as	213
in section 125.01 of the Revised Code.	214
<u>Sec. 1533.722. The chief of the division of wildlife, by</u>	215

rule adopted pursuant to section 1531.08 of the Revised Code, 216
may levy an administrative penalty against any person who 217
violates section 1533.721 of the Revised Code or any division 218
rule regarding wild animal hunting preserves. The chief shall 219
levy the administrative penalty in accordance with procedures 220
and in an amount established by rule. 221

Sec. 1561.07. The mining laws of this state shall extend 222
to and govern the operation of clay mines and clay stripping 223
pits in so far as such laws are applicable thereto. The chief of 224
the division of mineral resources management shall adopt, 225
publish, and enforce specific rules particularly applicable to 226
clay mining operations to safeguard life and property in the 227
clay mining industry and to secure safe and sanitary working 228
conditions in such clay mines and clay stripping pits. 229

Such rules adopted by the chief shall provide that: 230

(A) Distances between break-throughs in clay mines shall 231
not exceed one hundred feet, unless permission in special cases 232
is granted by the chief, after maps have been filed with the 233
chief showing the method of working and ventilating the same, if 234
such distances would add to increased safety. 235

(B) When, in the opinion of the mine foreperson or deputy 236
mine inspector, line brattices or other approved methods of 237
circulation are necessary to deliver sufficient air to the 238
working face, they shall be provided by the owner, operator, or 239
lessee. 240

(C) Not more than a two days' supply of explosives shall 241
be stored in a clay mine at any one time, and not more than one 242
hundred pounds of explosives shall be stored in any one place at 243
any one time. 244

(D) Charges of explosives shall be made up at least one 245
hundred feet away from any storage place for explosives. 246

(E) There shall be no less than two persons in each 247
working place when shots are being lighted. 248

(F) Misfired shots in clay mines shall be posted on the 249
bulletin board or other conspicuous place available for 250
examination by the workers when shots are fired by other than 251
the loaders. 252

(G) The use of electric blasting caps shall be encouraged 253
as a safety measure. 254

The chief, in assigning deputy mine inspectors, shall 255
designate inspectors who have had experience and are especially 256
qualified in clay mining operations, to examine and inspect clay 257
mining operations and enforce the law relating to such 258
operations. 259

~~The A person does not need to be certified by the chief,~~ 260
~~in conducting as a clay mine foreperson to perform the duties~~ 261
~~of a foreperson at a clay mine or clay stripping pits. The chief~~ 262
~~shall not conduct examinations and issuing or issue certificates~~ 263
~~for clay mine forepersons, shall provide by rules adopted under~~ 264
~~section 1561.05 of the Revised Code for the examination of~~ 265
~~applicants for certificates as mine forepersons in a clay mine~~ 266
~~or clay stripping pits to test the applicant on experience and~~ 267
~~fitness on the problems and duties peculiar to the clay mining~~ 268
~~industry. An applicant for a certificate as a clay mine~~ 269
~~foreperson shall have at least three years' experience in mining~~ 270
~~operations.~~ 271

Sec. 2925.01. As used in this chapter: 272

(A) "Administer," "controlled substance," "controlled 273

substance analog," "dispense," "distribute," "hypodermic," 274
"manufacturer," "official written order," "person," 275
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 276
"schedule III," "schedule IV," "schedule V," and "wholesaler" 277
have the same meanings as in section 3719.01 of the Revised 278
Code. 279

(B) "Drug dependent person" and "drug of abuse" have the 280
same meanings as in section 3719.011 of the Revised Code. 281

(C) "Drug," "dangerous drug," "licensed health 282
professional authorized to prescribe drugs," and "prescription" 283
have the same meanings as in section 4729.01 of the Revised 284
Code. 285

(D) "Bulk amount" of a controlled substance means any of 286
the following: 287

(1) For any compound, mixture, preparation, or substance 288
included in schedule I, schedule II, or schedule III, with the 289
exception of any controlled substance analog, marihuana, 290
cocaine, L.S.D., heroin, any fentanyl-related compound, and 291
hashish and except as provided in division (D) (2), (5), or (6) 292
of this section, whichever of the following is applicable: 293

(a) An amount equal to or exceeding ten grams or twenty- 294
five unit doses of a compound, mixture, preparation, or 295
substance that is or contains any amount of a schedule I opiate 296
or opium derivative; 297

(b) An amount equal to or exceeding ten grams of a 298
compound, mixture, preparation, or substance that is or contains 299
any amount of raw or gum opium; 300

(c) An amount equal to or exceeding thirty grams or ten 301
unit doses of a compound, mixture, preparation, or substance 302

that is or contains any amount of a schedule I hallucinogen 303
other than tetrahydrocannabinol or lysergic acid amide, or a 304
schedule I stimulant or depressant; 305

(d) An amount equal to or exceeding twenty grams or five 306
times the maximum daily dose in the usual dose range specified 307
in a standard pharmaceutical reference manual of a compound, 308
mixture, preparation, or substance that is or contains any 309
amount of a schedule II opiate or opium derivative; 310

(e) An amount equal to or exceeding five grams or ten unit 311
doses of a compound, mixture, preparation, or substance that is 312
or contains any amount of phencyclidine; 313

(f) An amount equal to or exceeding one hundred twenty 314
grams or thirty times the maximum daily dose in the usual dose 315
range specified in a standard pharmaceutical reference manual of 316
a compound, mixture, preparation, or substance that is or 317
contains any amount of a schedule II stimulant that is in a 318
final dosage form manufactured by a person authorized by the 319
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 320
U.S.C.A. 301, as amended, and the federal drug abuse control 321
laws, as defined in section 3719.01 of the Revised Code, that is 322
or contains any amount of a schedule II depressant substance or 323
a schedule II hallucinogenic substance; 324

(g) An amount equal to or exceeding three grams of a 325
compound, mixture, preparation, or substance that is or contains 326
any amount of a schedule II stimulant, or any of its salts or 327
isomers, that is not in a final dosage form manufactured by a 328
person authorized by the Federal Food, Drug, and Cosmetic Act 329
and the federal drug abuse control laws. 330

(2) An amount equal to or exceeding one hundred twenty 331

grams or thirty times the maximum daily dose in the usual dose 332
range specified in a standard pharmaceutical reference manual of 333
a compound, mixture, preparation, or substance that is or 334
contains any amount of a schedule III or IV substance other than 335
an anabolic steroid or a schedule III opiate or opium 336
derivative; 337

(3) An amount equal to or exceeding twenty grams or five 338
times the maximum daily dose in the usual dose range specified 339
in a standard pharmaceutical reference manual of a compound, 340
mixture, preparation, or substance that is or contains any 341
amount of a schedule III opiate or opium derivative; 342

(4) An amount equal to or exceeding two hundred fifty 343
milliliters or two hundred fifty grams of a compound, mixture, 344
preparation, or substance that is or contains any amount of a 345
schedule V substance; 346

(5) An amount equal to or exceeding two hundred solid 347
dosage units, sixteen grams, or sixteen milliliters of a 348
compound, mixture, preparation, or substance that is or contains 349
any amount of a schedule III anabolic steroid; 350

(6) For any compound, mixture, preparation, or substance 351
that is a combination of a fentanyl-related compound and any 352
other compound, mixture, preparation, or substance included in 353
schedule III, schedule IV, or schedule V, if the defendant is 354
charged with a violation of section 2925.11 of the Revised Code 355
and the sentencing provisions set forth in divisions (C)(10)(b) 356
and (C)(11) of that section will not apply regarding the 357
defendant and the violation, the bulk amount of the controlled 358
substance for purposes of the violation is the amount specified 359
in division (D)(1), (2), (3), (4), or (5) of this section for 360
the other schedule III, IV, or V controlled substance that is 361

combined with the fentanyl-related compound. 362

(E) "Unit dose" means an amount or unit of a compound, 363
mixture, or preparation containing a controlled substance that 364
is separately identifiable and in a form that indicates that it 365
is the amount or unit by which the controlled substance is 366
separately administered to or taken by an individual. 367

(F) "Cultivate" includes planting, watering, fertilizing, 368
or tilling. 369

(G) "Drug abuse offense" means any of the following: 370

(1) A violation of division (A) of section 2913.02 that 371
constitutes theft of drugs, or a violation of section 2925.02, 372
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 373
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 374
or 2925.37 of the Revised Code; 375

(2) A violation of an existing or former law of this or 376
any other state or of the United States that is substantially 377
equivalent to any section listed in division (G)(1) of this 378
section; 379

(3) An offense under an existing or former law of this or 380
any other state, or of the United States, of which planting, 381
cultivating, harvesting, processing, making, manufacturing, 382
producing, shipping, transporting, delivering, acquiring, 383
possessing, storing, distributing, dispensing, selling, inducing 384
another to use, administering to another, using, or otherwise 385
dealing with a controlled substance is an element; 386

(4) A conspiracy to commit, attempt to commit, or 387
complicity in committing or attempting to commit any offense 388
under division (G)(1), (2), or (3) of this section. 389

(H) "Felony drug abuse offense" means any drug abuse	390
offense that would constitute a felony under the laws of this	391
state, any other state, or the United States.	392
(I) "Harmful intoxicant" does not include beer or	393
intoxicating liquor but means any of the following:	394
(1) Any compound, mixture, preparation, or substance the	395
gas, fumes, or vapor of which when inhaled can induce	396
intoxication, excitement, giddiness, irrational behavior,	397
depression, stupefaction, paralysis, unconsciousness,	398
asphyxiation, or other harmful physiological effects, and	399
includes, but is not limited to, any of the following:	400
(a) Any volatile organic solvent, plastic cement, model	401
cement, fingernail polish remover, lacquer thinner, cleaning	402
fluid, gasoline, or other preparation containing a volatile	403
organic solvent;	404
(b) Any aerosol propellant;	405
(c) Any fluorocarbon refrigerant;	406
(d) Any anesthetic gas.	407
(2) Gamma Butyrolactone;	408
(3) 1,4 Butanediol.	409
(J) "Manufacture" means to plant, cultivate, harvest,	410
process, make, prepare, or otherwise engage in any part of the	411
production of a drug, by propagation, extraction, chemical	412
synthesis, or compounding, or any combination of the same, and	413
includes packaging, repackaging, labeling, and other activities	414
incident to production.	415
(K) "Possess" or "possession" means having control over a	416

thing or substance, but may not be inferred solely from mere 417
access to the thing or substance through ownership or occupation 418
of the premises upon which the thing or substance is found. 419

(L) "Sample drug" means a drug or pharmaceutical 420
preparation that would be hazardous to health or safety if used 421
without the supervision of a licensed health professional 422
authorized to prescribe drugs, or a drug of abuse, and that, at 423
one time, had been placed in a container plainly marked as a 424
sample by a manufacturer. 425

(M) "Standard pharmaceutical reference manual" means the 426
current edition, with cumulative changes if any, of references 427
that are approved by the state board of pharmacy. 428

(N) "Juvenile" means a person under eighteen years of age. 429

(O) "Counterfeit controlled substance" means any of the 430
following: 431

(1) Any drug that bears, or whose container or label 432
bears, a trademark, trade name, or other identifying mark used 433
without authorization of the owner of rights to that trademark, 434
trade name, or identifying mark; 435

(2) Any unmarked or unlabeled substance that is 436
represented to be a controlled substance manufactured, 437
processed, packed, or distributed by a person other than the 438
person that manufactured, processed, packed, or distributed it; 439

(3) Any substance that is represented to be a controlled 440
substance but is not a controlled substance or is a different 441
controlled substance; 442

(4) Any substance other than a controlled substance that a 443
reasonable person would believe to be a controlled substance 444

because of its similarity in shape, size, and color, or its 445
markings, labeling, packaging, distribution, or the price for 446
which it is sold or offered for sale. 447

(P) An offense is "committed in the vicinity of a school" 448
if the offender commits the offense on school premises, in a 449
school building, or within one thousand feet of the boundaries 450
of any school premises, regardless of whether the offender knows 451
the offense is being committed on school premises, in a school 452
building, or within one thousand feet of the boundaries of any 453
school premises. 454

(Q) "School" means any school operated by a board of 455
education, any community school established under Chapter 3314. 456
of the Revised Code, or any nonpublic school for which the state 457
board of education prescribes minimum standards under section 458
3301.07 of the Revised Code, whether or not any instruction, 459
extracurricular activities, or training provided by the school 460
is being conducted at the time a criminal offense is committed. 461

(R) "School premises" means either of the following: 462

(1) The parcel of real property on which any school is 463
situated, whether or not any instruction, extracurricular 464
activities, or training provided by the school is being 465
conducted on the premises at the time a criminal offense is 466
committed; 467

(2) Any other parcel of real property that is owned or 468
leased by a board of education of a school, the governing 469
authority of a community school established under Chapter 3314. 470
of the Revised Code, or the governing body of a nonpublic school 471
for which the state board of education prescribes minimum 472
standards under section 3301.07 of the Revised Code and on which 473

some of the instruction, extracurricular activities, or training 474
of the school is conducted, whether or not any instruction, 475
extracurricular activities, or training provided by the school 476
is being conducted on the parcel of real property at the time a 477
criminal offense is committed. 478

(S) "School building" means any building in which any of 479
the instruction, extracurricular activities, or training 480
provided by a school is conducted, whether or not any 481
instruction, extracurricular activities, or training provided by 482
the school is being conducted in the school building at the time 483
a criminal offense is committed. 484

(T) "Disciplinary counsel" means the disciplinary counsel 485
appointed by the board of commissioners on grievances and 486
discipline of the supreme court under the Rules for the 487
Government of the Bar of Ohio. 488

(U) "Certified grievance committee" means a duly 489
constituted and organized committee of the Ohio state bar 490
association or of one or more local bar associations of the 491
state of Ohio that complies with the criteria set forth in Rule 492
V, section 6 of the Rules for the Government of the Bar of Ohio. 493

(V) "Professional license" means any license, permit, 494
certificate, registration, qualification, admission, temporary 495
license, temporary permit, temporary certificate, or temporary 496
registration that is described in divisions (W) (1) to (37) of 497
this section and that qualifies a person as a professionally 498
licensed person. 499

(W) "Professionally licensed person" means any of the 500
following: 501

(1) A person who has received a certificate or temporary 502

certificate as a certified public accountant or who has	503
registered as a public accountant under Chapter 4701. of the	504
Revised Code and who holds an Ohio permit issued under that	505
chapter;	506
(2) A person who holds a certificate of qualification to	507
practice architecture issued or renewed and registered under	508
Chapter 4703. of the Revised Code;	509
(3) A person who is registered as a landscape architect	510
under Chapter 4703. of the Revised Code or who holds a permit as	511
a landscape architect issued under that chapter;	512
(4) A person licensed under Chapter 4707. of the Revised	513
Code;	514
(5) A person who has been issued a certificate of	515
registration as a registered barber under Chapter 4709. of the	516
Revised Code;	517
(6) A person licensed and regulated to engage in the	518
business of a debt pooling company by a legislative authority,	519
under authority of Chapter 4710. of the Revised Code;	520
(7) A person who has been issued a cosmetologist's	521
license, hair designer's license, manicurist's license,	522
esthetician's license, natural hair stylist's license, advanced	523
cosmetologist's license, advanced hair designer's license,	524
advanced manicurist's license, advanced esthetician's license,	525
advanced natural hair stylist's license, cosmetology	526
instructor's license, hair design instructor's license,	527
manicurist instructor's license, esthetics instructor's license,	528
natural hair style instructor's license, independent	529
contractor's license, or tanning facility permit under Chapter	530
4713. of the Revised Code;	531

(8) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under Chapter 4715. of the Revised Code;	532 533 534 535 536
(9) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the Revised Code;	537 538 539 540 541
(10) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Chapter 4723. of the Revised Code;	542 543 544 545
(11) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;	546 547 548
(12) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	549 550
(13) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	551 552
(14) A person licensed under Chapter 4729. of the Revised Code as a pharmacist or pharmacy intern or registered under that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee;	553 554 555 556
(15) A person licensed under Chapter 4729. of the Revised Code as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal	557 558 559 560

distributor of dangerous drugs;	561
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	562 563
(17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Chapter 4731. of the Revised Code or has been issued a certificate to practice a limited branch of medicine under that chapter;	564 565 566 567 568
(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;	569 570
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	571 572 573
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	574 575
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	576 577
(22) A person registered as a registered sanitarian <u>environmental health specialist</u> under Chapter 4736. of the Revised Code;	578 579 580
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	581 582
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	583 584
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	585 586
(26) A person who has been issued a license or temporary	587

permit to practice veterinary medicine or any of its branches,	588
or who is registered as a graduate animal technician under	589
Chapter 4741. of the Revised Code;	590
(27) A person who has been issued a hearing aid dealer's	591
or fitter's license or trainee permit under Chapter 4747. of the	592
Revised Code;	593
(28) A person who has been issued a class A, class B, or	594
class C license or who has been registered as an investigator or	595
security guard employee under Chapter 4749. of the Revised Code;	596
(29) A person licensed to practice as a nursing home	597
administrator under Chapter 4751. of the Revised Code;	598
(30) A person licensed to practice as a speech-language	599
pathologist or audiologist under Chapter 4753. of the Revised	600
Code;	601
(31) A person issued a license as an occupational	602
therapist or physical therapist under Chapter 4755. of the	603
Revised Code;	604
(32) A person who is licensed as a licensed professional	605
clinical counselor, licensed professional counselor, social	606
worker, independent social worker, independent marriage and	607
family therapist, or marriage and family therapist, or	608
registered as a social work assistant under Chapter 4757. of the	609
Revised Code;	610
(33) A person issued a license to practice dietetics under	611
Chapter 4759. of the Revised Code;	612
(34) A person who has been issued a license or limited	613
permit to practice respiratory therapy under Chapter 4761. of	614
the Revised Code;	615

(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	616 617
(36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code;	618 619
(37) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.	620 621 622
(X) "Cocaine" means any of the following:	623
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	624 625
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;	626 627 628 629
(3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.	630 631 632 633 634 635
(Y) "L.S.D." means lysergic acid diethylamide.	636
(Z) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.	637 638 639
(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish.	640 641 642

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

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

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

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

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

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

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

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

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

accommodation, business, amusement, or resort. 671

(II) "Methamphetamine" means methamphetamine, any salt, 672
isomer, or salt of an isomer of methamphetamine, or any 673
compound, mixture, preparation, or substance containing 674
methamphetamine or any salt, isomer, or salt of an isomer of 675
methamphetamine. 676

(JJ) "Deception" has the same meaning as in section 677
2913.01 of the Revised Code. 678

(KK) "Fentanyl-related compound" means any of the 679
following: 680

(1) Fentanyl; 681

(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta- 682
phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2- 683
phenylethyl)-4-(N-propanilido) piperidine); 684

(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2- 685
thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide); 686

(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4- 687
piperidinyl] -N-phenylpropanamide); 688

(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2- 689
hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N- 690
phenylpropanamide); 691

(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4- 692
piperidyl]-N- phenylpropanamide); 693

(7) 3-methylthiofentanyl (N-[3-methyl-1-[2- 694
(thienyl)ethyl]-4- piperidinyl]-N-phenylpropanamide); 695

(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2- 696
phenethyl)-4- piperidinyl]propanamide; 697

(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide;	698
	699
(10) Alfentanil;	700
(11) Carfentanil;	701
(12) Remifentanil;	702
(13) Sufentanil;	703
(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and	704
	705
(15) Any compound that meets all of the following fentanyl pharmacophore requirements to bind at the mu receptor, as identified by a report from an established forensic laboratory, including acetylfentanyl, furanylfentanyl, valerylfentanyl, butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl:	706
	707
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	710
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	712
(a) A chemical scaffold consisting of both of the following:	713
	714
(i) A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted;	715
	716
(ii) An attached nitrogen to the ring, whether or not that nitrogen is enclosed in a ring structure, including an attached aromatic ring or other lipophilic group to that nitrogen.	717
	718
	719
(b) A polar functional group attached to the chemical scaffold, including but not limited to a hydroxyl, ketone, amide, or ester;	720
	721
	722
(c) An alkyl or aryl substitution off the ring nitrogen of the chemical scaffold; and	723
	724

(d) The compound has not been approved for medical use by 725
the United States food and drug administration. 726

(LL) "First degree felony mandatory prison term" means one 727
of the definite prison terms prescribed in division (A) (1) (b) of 728
section 2929.14 of the Revised Code for a felony of the first 729
degree, except that if the violation for which sentence is being 730
imposed is committed on or after ~~the effective date of this~~ 731
~~amendment~~ March 22, 2019, it means one of the minimum prison 732
terms prescribed in division (A) (1) (a) of that section for a 733
felony of the first degree. 734

(MM) "Second degree felony mandatory prison term" means 735
one of the definite prison terms prescribed in division (A) (2) 736
(b) of section 2929.14 of the Revised Code for a felony of the 737
second degree, except that if the violation for which sentence 738
is being imposed is committed on or after ~~the effective date of~~ 739
~~this amendment~~ March 22, 2019, it means one of the minimum prison 740
terms prescribed in division (A) (2) (a) of that section for a 741
felony of the second degree. 742

(NN) "Maximum first degree felony mandatory prison term" 743
means the maximum definite prison term prescribed in division 744
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 745
the first degree, except that if the violation for which 746
sentence is being imposed is committed on or after ~~the effective~~ 747
~~date of this amendment~~ March 22, 2019, it means the longest 748
minimum prison term prescribed in division (A) (1) (a) of that 749
section for a felony of the first degree. 750

(OO) "Maximum second degree felony mandatory prison term" 751
means the maximum definite prison term prescribed in division 752
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 753
the second degree, except that if the violation for which 754

sentence is being imposed is committed on or after ~~the effective~~ 755
~~date of this amendment~~ March 22, 2019, it means the longest 756
minimum prison term prescribed in division (A)(2)(a) of that 757
section for a felony of the second degree. 758

Sec. 3313.68. (A) The board of education of each city, 759
exempted village, or local school district may appoint one or 760
more school physicians and one or more school dentists. Two or 761
more school districts may unite and employ one such physician 762
and at least one such dentist whose duties shall be such as are 763
prescribed by law. Said school physician shall hold a license to 764
practice medicine in Ohio, and each school dentist shall be 765
licensed to practice in this state. School physicians and 766
dentists may be discharged at any time by the board of 767
education. School physicians and dentists shall serve one year 768
and until their successors are appointed and shall receive such 769
compensation as the board of education determines. The board of 770
education may also employ registered nurses, as defined by 771
section 4723.01 ~~and licensed as school nurses under section~~ 772
~~3319.221~~ of the Revised Code, to aid in such inspection in such 773
ways as are prescribed by it, and to aid in the conduct and 774
coordination of the school health service program. The school 775
dentists shall make such examinations and diagnoses and render 776
such remedial or corrective treatment for the school children as 777
is prescribed by the board of education; provided that all such 778
remedial or corrective treatment shall be limited to the 779
children whose parents cannot otherwise provide for same, and 780
then only with the written consent of the parents or guardians 781
of such children. School dentists may also conduct such oral 782
hygiene educational work as is authorized by the board of 783
education. 784

The board of education may delegate the duties and powers 785

provided for in this section to the board of health or officer 786
performing the functions of a board of health within the school 787
district, if such board or officer is willing to assume the 788
same. Boards of education shall co-operate with boards of health 789
in the prevention and control of epidemics. 790

(B) Notwithstanding any provision of the Revised Code to 791
the contrary, the board of education of each city, exempted 792
village, or local school district may contract with an 793
educational service center for the services of a school nurse, ~~794~~
~~licensed under section 3319.221 of the Revised Code,~~ or of a 795
registered nurse or licensed practical nurse, licensed under 796
Chapter 4723. of the Revised Code, to provide services to 797
students in the district pursuant to section 3313.7112 of the 798
Revised Code. 799

(C) In lieu of appointing or employing a school physician 800
or dentist pursuant to division (A) of this section or entering 801
into a contract for the services of a school nurse pursuant to 802
division (B) of this section, the board of education of each 803
city, exempted village, or local school district may enter into 804
a contract under section 3313.721 of the Revised Code for the 805
purpose of providing health care services to students. 806

Sec. 3313.7110. (A) The board of education of each city, 807
local, exempted village, or joint vocational school district may 808
procure epinephrine autoinjectors for each school operated by 809
the district to have on the school premises for use in emergency 810
situations identified under division (C) (5) of this section by 811
doing one of the following: 812

(1) Having a licensed health professional authorized to 813
prescribe drugs, acting in accordance with section 4723.483, 814
4730.433, or 4731.96 of the Revised Code, personally furnish the 815

epinephrine autoinjectors to the school or school district or 816
issue a prescription for them in the name of the school or 817
district; 818

(2) Having the district's superintendent obtain a 819
prescriber-issued protocol that includes definitive orders for 820
epinephrine autoinjectors and the dosages of epinephrine to be 821
administered through them. 822

A district board that elects to procure epinephrine 823
autoinjectors under this section is encouraged to maintain, at 824
all times, at least two epinephrine ~~injectors~~ autoinjectors at 825
each school operated by the district. 826

(B) A district board that elects to procure epinephrine 827
autoinjectors under this section shall require the district's 828
superintendent to adopt a policy governing their maintenance and 829
use. Before adopting the policy, the superintendent shall 830
consult with a licensed health professional authorized to 831
prescribe drugs. 832

(C) The policy adopted under division (B) of this section 833
shall do all of the following: 834

(1) Identify the one or more locations in each school 835
operated by the district in which an epinephrine autoinjector 836
must be stored; 837

(2) Specify the conditions under which an epinephrine 838
autoinjector must be stored, replaced, and disposed; 839

(3) Specify the individuals employed by or under contract 840
with the district board, in addition to a school nurse ~~licensed~~ 841
~~under section 3319.221 of the Revised Code~~ or an athletic 842
trainer, licensed under Chapter 4755. of the Revised Code, who 843
may access and use an epinephrine autoinjector to provide a 844

dosage of epinephrine to an individual in an emergency situation	845
identified under division (C) (5) of this section;	846
(4) Specify any training that employees or contractors	847
specified under division (C) (3) of this section, other than a	848
school nurse or athletic trainer, must complete before being	849
authorized to access and use an epinephrine autoinjector;	850
(5) Identify the emergency situations, including when an	851
individual exhibits signs and symptoms of anaphylaxis, in which	852
a school nurse, athletic trainer, or other employees or	853
contractors specified under division (C) (3) of this section may	854
access and use an epinephrine autoinjector;	855
(6) Specify that assistance from an emergency medical	856
service provider must be requested immediately after an	857
epinephrine autoinjector is used;	858
(7) Specify the individuals, in addition to students,	859
school employees or contractors, and school visitors, to whom a	860
dosage of epinephrine may be administered through an epinephrine	861
autoinjector in an emergency situation specified under division	862
(C) (5) of this section.	863
(D) (1) The following are not liable in damages in a civil	864
action for injury, death, or loss to person or property that	865
allegedly arises from an act or omission associated with	866
procuring, maintaining, accessing, or using an epinephrine	867
autoinjector under this section, unless the act or omission	868
constitutes willful or wanton misconduct:	869
(a) A school or school district;	870
(b) A member of a district board of education;	871
(c) A district or school employee or contractor;	872

(d) A licensed health professional authorized to prescribe 873
drugs who personally furnishes or prescribes epinephrine 874
autoinjectors, consults with a superintendent, or issues a 875
protocol pursuant to this section. 876

(2) This section does not eliminate, limit, or reduce any 877
other immunity or defense that a school or school district, 878
member of a district board of education, district or school 879
employee or contractor, or licensed health professional may be 880
entitled to under Chapter 2744. or any other provision of the 881
Revised Code or under the common law of this state. 882

(E) A school district board of education may accept 883
donations of epinephrine autoinjectors from a wholesale 884
distributor of dangerous drugs or a manufacturer of dangerous 885
drugs, as defined in section 4729.01 of the Revised Code, and 886
may accept donations of money from any person to purchase 887
epinephrine autoinjectors. 888

(F) A district board that elects to procure epinephrine 889
autoinjectors under this section shall report to the department 890
of education each procurement and occurrence in which an 891
epinephrine autoinjector is used from a school's supply of 892
epinephrine autoinjectors. 893

(G) As used in this section, "licensed health professional 894
authorized to prescribe drugs" and "prescriber" have the same 895
meanings as in section 4729.01 of the Revised Code. 896

Sec. 3313.7113. (A) As used in this section, "inhaler" 897
means a device that delivers medication to alleviate asthmatic 898
symptoms, is manufactured in the form of a metered dose inhaler 899
or dry powdered inhaler, and may include a spacer, holding 900
chamber, or other device that attaches to the inhaler and is 901

used to improve the delivery of the medication. 902

(B) The board of education of each city, local, exempted 903
village, or joint vocational school district may procure 904
inhalers for each school operated by the district to have on the 905
school premises for use in emergency situations identified under 906
division (D) (5) of this section. A district board that elects to 907
procure inhalers under this section is encouraged to maintain, 908
at all times, at least two inhalers at each school operated by 909
the district. 910

(C) A district board that elects to procure inhalers under 911
this section shall require the district's superintendent to 912
adopt a policy governing their maintenance and use. Before 913
adopting the policy, the superintendent shall consult with a 914
licensed health professional authorized to prescribe drugs, as 915
defined in section 4729.01 of the Revised Code. 916

(D) A component of a policy adopted by a superintendent 917
under division (C) of this section shall be a prescriber-issued 918
protocol specifying definitive orders for inhalers, including 919
the dosages of medication to be administered through them, the 920
number of times that each inhaler may be used before disposal, 921
and the methods of disposal. The policy also shall do all of the 922
following: 923

(1) Identify the one or more locations in each school 924
operated by the district in which an inhaler must be stored; 925

(2) Specify the conditions under which an inhaler must be 926
stored, replaced, and disposed; 927

(3) Specify the individuals employed by or under contract 928
with the district board, in addition to a school nurse ~~licensed~~ 929
~~under section 3319.221 of the Revised Code~~ or an athletic 930

trainer, licensed under Chapter 4755. of the Revised Code, who 931
may access and use an inhaler to provide a dosage of medication 932
to an individual in an emergency situation identified under 933
division (D) (5) of this section; 934

(4) Specify any training that employees or contractors 935
specified under division (D) (3) of this section, other than a 936
school nurse or athletic trainer, must complete before being 937
authorized to access and use an inhaler; 938

(5) Identify the emergency situations, including when an 939
individual exhibits signs and symptoms of asthma, in which a 940
school nurse, athletic trainer, or other employees or 941
contractors specified under division (D) (3) of this section may 942
access and use an inhaler; 943

(6) Specify that assistance from an emergency medical 944
service provider must be requested immediately after an employee 945
or contractor, other than a school nurse, athletic trainer, or 946
another licensed health professional, uses an inhaler; 947

(7) Specify the individuals, in addition to students, 948
school employees or contractors, and school visitors, to whom a 949
dosage of medication may be administered through an inhaler in 950
an emergency situation specified under division (D) (5) of this 951
section. 952

(E) A school or school district, a member of a district 953
board of education, or a district or school employee or 954
contractor is not liable in damages in a civil action for 955
injury, death, or loss to person or property that allegedly 956
arises from an act or omission associated with procuring, 957
maintaining, accessing, or using an inhaler under this section, 958
unless the act or omission constitutes willful or wanton 959

misconduct. 960

This section does not eliminate, limit, or reduce any 961
other immunity or defense that a school or school district, 962
member of a district board of education, or district or school 963
employee or contractor may be entitled to under Chapter 2744. or 964
any other provision of the Revised Code or under the common law 965
of this state. 966

(F) A school district board of education may accept 967
donations of inhalers from a wholesale distributor of dangerous 968
drugs or a manufacturer of dangerous drugs, as defined in 969
section 4729.01 of the Revised Code, and may accept donations of 970
money from any person to purchase inhalers. 971

(G) A district board that elects to procure inhalers under 972
this section shall report to the department of education each 973
procurement and occurrence in which an inhaler is used from a 974
school's supply of inhalers. 975

Sec. 3313.721. (A) Notwithstanding anything to the 976
contrary in the Revised Code, the board of education of a school 977
district may enter into a contract with a hospital registered 978
under section 3701.07 of the Revised Code or an appropriately 979
licensed health care provider for the purpose of providing 980
health care services specifically authorized by the Revised Code 981
to students. 982

(B) Notwithstanding anything to the contrary in the 983
Revised Code, the board of education of a school district may 984
enter into a contract with a federally qualified health center 985
or federally qualified health center look-alike for the purpose 986
of providing health care services specifically authorized by the 987
Revised Code to students. 988

(C) If the board enters into a contract with a hospital or health care provider under division (A) of this section or with a federally qualified health center or federally qualified health center look-alike under division (B) of this section, ~~the requirement to obtain a school nurse license or school nurse wellness coordinator license under section 3319.221 of the Revised Code, or any rules related to this requirement, shall not apply to an each employee of the hospital, health care provider, federally qualified health center, or federally qualified health center look-alike who is providing the services of a nurse under that contract. However, at a minimum, the employee shall hold a credential that is equivalent to being licensed as a registered nurse or licensed practical nurse under Chapter 4723. of the Revised Code.~~

(D) As used in this section, "federally qualified health center" and "federally qualified health center look-alike" have the same meanings as in section 3701.047 of the Revised Code.

Sec. 3319.22. (A) (1) The state board of education shall issue the following educator licenses:

(a) A resident educator license, which shall be valid for ~~four~~ two years and shall be renewable for reasons specified by rules adopted by the state board pursuant to division (A) (3) of this section. The state board, on a case-by-case basis, may extend the license's duration as necessary to enable the license holder to complete the Ohio teacher residency program established under section 3319.223 of the Revised Code;

(b) A professional educator license, which shall be valid for five years and shall be renewable;

(c) A senior professional educator license, which shall be

valid for five years and shall be renewable; 1018

(d) A lead professional educator license, which shall be 1019
valid for five years and shall be renewable. 1020

Licenses issued under division (A)(1) of this section on 1021
and after ~~the effective date of this amendment~~ November 2, 2018, 1022
shall specify whether the educator is licensed to teach grades 1023
pre-kindergarten through five, grades four through nine, or 1024
grades seven through twelve. The changes to the grade band 1025
specifications under this amendment shall not apply to a person 1026
who holds a license under division (A)(1) of this section prior 1027
to ~~the effective date of this amendment~~ November 2, 2018. 1028

Further, the changes to the grade band specifications under this 1029
amendment shall not apply to any license issued to teach in the 1030
area of computer information science, bilingual education, 1031
dance, drama or theater, world language, health, library or 1032
media, music, physical education, teaching English to speakers 1033
of other languages, career-technical education, or visual arts 1034
or to any license issued to an intervention specialist, 1035
including a gifted intervention specialist, or to any other 1036
license that does not align to the grade band specifications. 1037

(2) The state board may issue any additional educator 1038
licenses of categories, types, and levels the board elects to 1039
provide. 1040

(3) The state board shall adopt rules establishing the 1041
standards and requirements for obtaining each educator license 1042
issued under this section. The rules shall also include the 1043
reasons for which a resident educator license may be renewed 1044
under division (A)(1)(a) of this section. 1045

(B) The rules adopted under this section shall require at 1046

least the following standards and qualifications for the 1047
educator licenses described in division (A) (1) of this section: 1048

(1) An applicant for a resident educator license shall 1049
hold at least a bachelor's degree from an accredited teacher 1050
preparation program or be a participant in the teach for America 1051
program and meet the qualifications required under section 1052
3319.227 of the Revised Code. 1053

(2) An applicant for a professional educator license 1054
shall: 1055

(a) Hold at least a bachelor's degree from an institution 1056
of higher education accredited by a regional accrediting 1057
organization; 1058

(b) Have successfully completed the Ohio teacher residency 1059
program established under section 3319.223 of the Revised Code, 1060
if the applicant's current or most recently issued license is a 1061
resident educator license issued under this section or an 1062
alternative resident educator license issued under section 1063
3319.26 of the Revised Code. 1064

(3) An applicant for a senior professional educator 1065
license shall: 1066

(a) Hold at least a master's degree from an institution of 1067
higher education accredited by a regional accrediting 1068
organization; 1069

(b) Have previously held a professional educator license 1070
issued under this section or section 3319.222 or under former 1071
section 3319.22 of the Revised Code; 1072

(c) Meet the criteria for the accomplished or 1073
distinguished level of performance, as described in the 1074

standards for teachers adopted by the state board under section 1075
3319.61 of the Revised Code. 1076

(4) An applicant for a lead professional educator license 1077
shall: 1078

(a) Hold at least a master's degree from an institution of 1079
higher education accredited by a regional accrediting 1080
organization; 1081

(b) Have previously held a professional educator license 1082
or a senior professional educator license issued under this 1083
section or a professional educator license issued under section 1084
3319.222 or former section 3319.22 of the Revised Code; 1085

(c) Meet the criteria for the distinguished level of 1086
performance, as described in the standards for teachers adopted 1087
by the state board under section 3319.61 of the Revised Code; 1088

(d) Either hold a valid certificate issued by the national 1089
board for professional teaching standards or meet the criteria 1090
for a master teacher or other criteria for a lead teacher 1091
adopted by the educator standards board under division (F) (4) or 1092
(5) of section 3319.61 of the Revised Code. 1093

(C) The state board shall align the standards and 1094
qualifications for obtaining a principal license with the 1095
standards for principals adopted by the state board under 1096
section 3319.61 of the Revised Code. 1097

(D) If the state board requires any examinations for 1098
educator licensure, the department of education shall provide 1099
the results of such examinations received by the department to 1100
the chancellor of higher education, in the manner and to the 1101
extent permitted by state and federal law. 1102

(E) Any rules the state board of education adopts, amends, 1103
or rescinds for educator licenses under this section, division 1104
(D) of section 3301.07 of the Revised Code, or any other law 1105
shall be adopted, amended, or rescinded under Chapter 119. of 1106
the Revised Code except as follows: 1107

(1) Notwithstanding division (E) of section 119.03 and 1108
division (A)(1) of section 119.04 of the Revised Code, in the 1109
case of the adoption of any rule or the amendment or rescission 1110
of any rule that necessitates institutions' offering preparation 1111
programs for educators and other school personnel that are 1112
approved by the chancellor of higher education under section 1113
3333.048 of the Revised Code to revise the curriculum of those 1114
programs, the effective date shall not be as prescribed in 1115
division (E) of section 119.03 and division (A)(1) of section 1116
119.04 of the Revised Code. Instead, the effective date of such 1117
rules, or the amendment or rescission of such rules, shall be 1118
the date prescribed by section 3333.048 of the Revised Code. 1119

(2) Notwithstanding the authority to adopt, amend, or 1120
rescind emergency rules in division (G) of section 119.03 of the 1121
Revised Code, this authority shall not apply to the state board 1122
of education with regard to rules for educator licenses. 1123

(F)(1) The rules adopted under this section establishing 1124
standards requiring additional coursework for the renewal of any 1125
educator license shall require a school district and a chartered 1126
nonpublic school to establish local professional development 1127
committees. In a nonpublic school, the chief administrative 1128
officer shall establish the committees in any manner acceptable 1129
to such officer. The committees established under this division 1130
shall determine whether coursework that a district or chartered 1131
nonpublic school teacher proposes to complete meets the 1132

requirement of the rules. The department of education shall 1133
provide technical assistance and support to committees as the 1134
committees incorporate the professional development standards 1135
adopted by the state board of education pursuant to section 1136
3319.61 of the Revised Code into their review of coursework that 1137
is appropriate for license renewal. The rules shall establish a 1138
procedure by which a teacher may appeal the decision of a local 1139
professional development committee. 1140

(2) In any school district in which there is no exclusive 1141
representative established under Chapter 4117. of the Revised 1142
Code, the professional development committees shall be 1143
established as described in division (F)(2) of this section. 1144

Not later than the effective date of the rules adopted 1145
under this section, the board of education of each school 1146
district shall establish the structure for one or more local 1147
professional development committees to be operated by such 1148
school district. The committee structure so established by a 1149
district board shall remain in effect unless within thirty days 1150
prior to an anniversary of the date upon which the current 1151
committee structure was established, the board provides notice 1152
to all affected district employees that the committee structure 1153
is to be modified. Professional development committees may have 1154
a district-level or building-level scope of operations, and may 1155
be established with regard to particular grade or age levels for 1156
which an educator license is designated. 1157

Each professional development committee shall consist of 1158
at least three classroom teachers employed by the district, one 1159
principal employed by the district, and one other employee of 1160
the district appointed by the district superintendent. For 1161
committees with a building-level scope, the teacher and 1162

principal members shall be assigned to that building, and the 1163
teacher members shall be elected by majority vote of the 1164
classroom teachers assigned to that building. For committees 1165
with a district-level scope, the teacher members shall be 1166
elected by majority vote of the classroom teachers of the 1167
district, and the principal member shall be elected by a 1168
majority vote of the principals of the district, unless there 1169
are two or fewer principals employed by the district, in which 1170
case the one or two principals employed shall serve on the 1171
committee. If a committee has a particular grade or age level 1172
scope, the teacher members shall be licensed to teach such grade 1173
or age levels, and shall be elected by majority vote of the 1174
classroom teachers holding such a license and the principal 1175
shall be elected by all principals serving in buildings where 1176
any such teachers serve. The district superintendent shall 1177
appoint a replacement to fill any vacancy that occurs on a 1178
professional development committee, except in the case of 1179
vacancies among the elected classroom teacher members, which 1180
shall be filled by vote of the remaining members of the 1181
committee so selected. 1182

Terms of office on professional development committees 1183
shall be prescribed by the district board establishing the 1184
committees. The conduct of elections for members of professional 1185
development committees shall be prescribed by the district board 1186
establishing the committees. A professional development 1187
committee may include additional members, except that the 1188
majority of members on each such committee shall be classroom 1189
teachers employed by the district. Any member appointed to fill 1190
a vacancy occurring prior to the expiration date of the term for 1191
which a predecessor was appointed shall hold office as a member 1192
for the remainder of that term. 1193

The initial meeting of any professional development committee, upon election and appointment of all committee members, shall be called by a member designated by the district superintendent. At this initial meeting, the committee shall select a chairperson and such other officers the committee deems necessary, and shall adopt rules for the conduct of its meetings. Thereafter, the committee shall meet at the call of the chairperson or upon the filing of a petition with the district superintendent signed by a majority of the committee members calling for the committee to meet.

(3) In the case of a school district in which an exclusive representative has been established pursuant to Chapter 4117. of the Revised Code, professional development committees shall be established in accordance with any collective bargaining agreement in effect in the district that includes provisions for such committees.

If the collective bargaining agreement does not specify a different method for the selection of teacher members of the committees, the exclusive representative of the district's teachers shall select the teacher members.

If the collective bargaining agreement does not specify a different structure for the committees, the board of education of the school district shall establish the structure, including the number of committees and the number of teacher and administrative members on each committee; the specific administrative members to be part of each committee; whether the scope of the committees will be district levels, building levels, or by type of grade or age levels for which educator licenses are designated; the lengths of terms for members; the manner of filling vacancies on the committees; and the frequency

and time and place of meetings. However, in all cases, except as 1224
provided in division (F) (4) of this section, there shall be a 1225
majority of teacher members of any professional development 1226
committee, there shall be at least five total members of any 1227
professional development committee, and the exclusive 1228
representative shall designate replacement members in the case 1229
of vacancies among teacher members, unless the collective 1230
bargaining agreement specifies a different method of selecting 1231
such replacements. 1232

(4) Whenever an administrator's coursework plan is being 1233
discussed or voted upon, the local professional development 1234
committee shall, at the request of one of its administrative 1235
members, cause a majority of the committee to consist of 1236
administrative members by reducing the number of teacher members 1237
voting on the plan. 1238

(G) (1) The department of education, educational service 1239
centers, county boards of developmental disabilities, college 1240
and university departments of education, head start programs, 1241
and the Ohio education computer network may establish local 1242
professional development committees to determine whether the 1243
coursework proposed by their employees who are licensed or 1244
certificated under this section or section 3319.222 of the 1245
Revised Code, or under the former version of either section as 1246
it existed prior to October 16, 2009, meet the requirements of 1247
the rules adopted under this section. They may establish local 1248
professional development committees on their own or in 1249
collaboration with a school district or other agency having 1250
authority to establish them. 1251

Local professional development committees established by 1252
county boards of developmental disabilities shall be structured 1253

in a manner comparable to the structures prescribed for school 1254
districts in divisions (F) (2) and (3) of this section, as shall 1255
the committees established by any other entity specified in 1256
division (G) (1) of this section that provides educational 1257
services by employing or contracting for services of classroom 1258
teachers licensed or certificated under this section or section 1259
3319.222 of the Revised Code, or under the former version of 1260
either section as it existed prior to October 16, 2009. All 1261
other entities specified in division (G) (1) of this section 1262
shall structure their committees in accordance with guidelines 1263
which shall be issued by the state board. 1264

(2) Educational service centers may establish local 1265
professional development committees to serve educators who are 1266
not employed in schools in this state, including pupil services 1267
personnel who are licensed under this section. Local 1268
professional development committees shall be structured in a 1269
manner comparable to the structures prescribed for school 1270
districts in divisions (F) (2) and (3) of this section. 1271

These committees may agree to review the coursework, 1272
continuing education units, or other equivalent activities 1273
related to classroom teaching or the area of licensure that is 1274
proposed by an individual who satisfies both of the following 1275
conditions: 1276

(a) The individual is licensed or certificated under this 1277
section or under the former version of this section as it 1278
existed prior to October 16, 2009. 1279

(b) The individual is not currently employed as an 1280
educator or is not currently employed by an entity that operates 1281
a local professional development committee under this section. 1282

Any committee that agrees to work with such an individual 1283
shall work to determine whether the proposed coursework, 1284
continuing education units, or other equivalent activities meet 1285
the requirements of the rules adopted by the state board under 1286
this section. 1287

(3) Any public agency that is not specified in ~~divisions~~ 1288
division (G) (1) or (2) of this section but provides educational 1289
services and employs or contracts for services of classroom 1290
teachers licensed or certificated under this section or section 1291
3319.222 of the Revised Code, or under the former version of 1292
either section as it existed prior to October 16, 2009, may 1293
establish a local professional development committee, subject to 1294
the approval of the department of education. The committee shall 1295
be structured in accordance with guidelines issued by the state 1296
board. 1297

(H) Not later than July 1, 2016, the state board, in 1298
accordance with Chapter 119. of the Revised Code, shall adopt 1299
rules pursuant to division (A) (3) of this section that do both 1300
of the following: 1301

(1) Exempt consistently high-performing teachers from the 1302
requirement to complete any additional coursework for the 1303
renewal of an educator license issued under this section or 1304
section 3319.26 of the Revised Code. The rules also shall 1305
specify that such teachers are exempt from any requirements 1306
prescribed by professional development committees established 1307
under divisions (F) and (G) of this section. 1308

(2) For purposes of division (H) (1) of this section, the 1309
state board shall define the term "consistently high-performing 1310
teacher." 1311

Sec. 3319.221. (A) The state board of education, the 1312
department of education, any city, local, exempted village, and 1313
joint vocational school district board of education, and any 1314
other public school, as defined in section 3301.0711 of the 1315
Revised Code, shall not require a separate pupil services 1316
license issued by the state board as a credential for working in 1317
a public school, on either a permanent basis or a substitute or 1318
other temporary basis, for the following licensed professionals: 1319

(1) A speech-language pathologist who holds a currently 1320
valid license issued under Chapter 4753. of the Revised Code; 1321

(2) An audiologist who holds a currently valid license 1322
issued under Chapter 4753. of the Revised Code; 1323

(3) A registered nurse who holds a bachelor's degree in 1324
nursing and a currently valid license issued under Chapter 4723. 1325
of the Revised Code; 1326

(4) A physical therapist who holds a currently valid 1327
license issued under Chapter 4755. of the Revised Code; 1328

(5) An occupational therapist who holds a currently valid 1329
license issued under Chapter 4755. of the Revised Code; 1330

(6) A physical therapy assistant who holds a currently 1331
valid license issued under Chapter 4755. of the Revised Code; 1332

(7) An occupational therapy assistant who holds a 1333
currently valid license issued under Chapter 4755. of the 1334
Revised Code; 1335

(8) A social worker who holds a currently valid license 1336
issued under Chapter 4757. of the Revised Code. 1337

(B) A person employed by a school district or school for 1338
any of the occupations listed in divisions (A) (1) to (8) of this 1339

section shall be required to apply for and receive a 1340
registration from the department of education. The registration 1341
shall be valid for five years. As a condition of registration 1342
under this section, an individual shall be subject to a criminal 1343
records check as prescribed by section 3319.391 of the Revised 1344
Code. In the manner prescribed by the department, the individual 1345
shall submit the criminal records check to the department. The 1346
department shall use the information submitted to enroll the 1347
individual in the retained applicant fingerprint database, 1348
established under section 109.5721 of the Revised Code, in the 1349
same manner as any teacher licensed under sections 3319.22 to 1350
3319.31 of the Revised Code. 1351

If the department receives notification of the arrest or 1352
conviction of an individual registered under division (B) of 1353
this section, the department shall promptly notify the employing 1354
district and may take any action authorized under sections 1355
3319.31 and 3319.311 of the Revised Code that it considers 1356
appropriate. No district shall employ any individual under 1357
division (A) of this section if the district learns that the 1358
individual has plead guilty to, has been found guilty by a jury 1359
or court of, or has been convicted of any of the offenses listed 1360
in division (C) of section 3319.31 of the Revised Code. 1361

(C) The department shall charge a registration fee of one 1362
hundred fifty dollars each for the initial registration and one 1363
hundred fifty dollars for renewal of the registration. 1364

Sec. 3319.222. (A) Notwithstanding the amendments to and 1365
repeal of statutes by the act that enacted this section, the 1366
state board of education shall accept applications for new, and 1367
renewal and upgrade of, temporary, associate, provisional, and 1368
professional educator licenses, alternative educator licenses, 1369

one-year conditional teaching permits, and school nurse licenses 1370
through December 31, 2010, and issue them on the basis of the 1371
applications received by that date in accordance with the former 1372
statutes in effect immediately prior to amendment or repeal by 1373
the act that enacted this section. 1374

(B) A permanent teacher's certificate issued under former 1375
sections 3319.22 to 3319.31 of the Revised Code prior to October 1376
29, 1996, or under former section 3319.222 of the Revised Code 1377
as it existed prior to ~~the effective date of this section~~ 1378
October 16, 2009, shall be valid for teaching in the subject 1379
areas and grades for which the certificate was issued, except as 1380
the certificate is limited, suspended, or revoked under section 1381
3319.31 of the Revised Code. 1382

(C) The following certificates, permits, or licenses shall 1383
be valid until the certificate, permit, or license expires for 1384
teaching in the subject areas and grades for which the 1385
certificate, permit, or license was issued, except as the 1386
certificate, permit, or license is limited, suspended, or 1387
revoked under section 3319.31 of the Revised Code: 1388

(1) Any professional teacher's certificate issued under 1389
former section 3319.222 of the Revised Code, as it existed prior 1390
to ~~the effective date of this section~~ October 16, 2009; 1391

(2) Any temporary, associate, provisional, or professional 1392
educator license issued under former section 3319.22 of the 1393
Revised Code, as it existed prior to ~~the effective date of this~~ 1394
~~section~~ October 16, 2009, or under division (A) of this section; 1395

(3) Any alternative educator license issued under former 1396
section 3319.26 of the Revised Code, as it existed prior to ~~the~~ 1397
~~effective date of this section~~ October 16, 2009, or under 1398

division (A) of this section; 1399

(4) Any one-year conditional teaching permit issued under 1400
former section 3319.302 or 3319.304 of the Revised Code, as it 1401
existed prior to ~~the effective date of this section~~ October 16, 1402
2009, or under division (A) of this section. 1403

(D) Any school nurse license issued under former section 1404
3319.22 of the Revised Code, as it existed prior to ~~the~~ 1405
~~effective date of this section~~ October 16, 2009, or under 1406
division (A) of this section shall be valid until the license 1407
expires for employment as a school nurse, except as the license 1408
is limited, suspended, or revoked under section 3319.31 of the 1409
Revised Code. 1410

(E) Nothing in this section shall be construed to prohibit 1411
a person from applying to the state board for an educator 1412
license issued under section 3319.22 of the Revised Code, a 1413
school nurse license or a school nurse wellness coordinator 1414
license issued under former section 3319.221 of the Revised 1415
Code, or an alternative resident educator license issued under 1416
section 3319.26 of the Revised Code, as the section exists on 1417
and after ~~the effective date of this section~~ October 16, 2009. 1418

(F) On and after ~~the effective date of this section~~ 1419
October 16, 2009, any reference in the Revised Code to educator 1420
licensing is hereby deemed to refer also to certification or 1421
licensure under divisions (A) to (D) of this section. 1422

Sec. 3319.223. (A) ~~Not later than January 1, 2011, the~~ The 1423
superintendent of public instruction and the chancellor of 1424
higher education jointly shall establish the Ohio teacher 1425
residency program, which shall be a ~~four-year~~ two-year, entry- 1426
level program for classroom teachers. Except as provided in 1427

division (B) of this section, the teacher residency program 1428
shall include at least the following components: 1429

(1) ~~Mentoring by teachers for the first two years of the~~ 1430
~~program;~~ 1431

(2) Counseling, as determined necessary by the school 1432
district or school, to ensure that program participants receive 1433
needed professional development; 1434

(3) Measures of appropriate progression through the 1435
program, which shall include the performance-based assessment 1436
prescribed by the state board of education for resident 1437
educators ~~in the third year of the program.~~ 1438

~~(B)(1) For an individual who is teaching career technical~~ 1439
~~courses under an alternative resident educator license issued~~ 1440
~~under section 3319.26 of the Revised Code or rule of the state~~ 1441
~~board, the Ohio teacher residency program shall include the~~ 1442
~~following components:~~ 1443

~~(a) Conditions that, as of September 29, 2015, were~~ 1444
~~necessary for a participant in the third and fourth year of the~~ 1445
~~program to complete prior to applying for the professional~~ 1446
~~educator license under division (A) (2) of section 3319.22 of the~~ 1447
~~Revised Code, except as provided in division (B) (2) (b) of this~~ 1448
~~section;~~ 1449

~~(b) Four years of successful teaching experience under the~~ 1450
~~alternative resident educator license, as verified by the~~ 1451
~~superintendent of the employing school district;~~ 1452

~~(c) Successful completion of a career technical workforce~~ 1453
~~development teacher preparation program that meets the criteria~~ 1454
~~described in division (C) (1) of section 3319.229 of the Revised~~ 1455
~~Code.~~ 1456

~~(2)~~ No individual who is teaching career-technical courses 1457
under an alternative resident educator license issued under 1458
section 3319.26 of the Revised Code or rule of the state board 1459
shall be required to do either of the following: 1460

~~(a)~~ (1) Complete the conditions of the Ohio teacher 1461
residency program that a participant, as of September 29, 2015, 1462
would have been required to complete during the participant's 1463
first and second year of teaching under an alternative resident 1464
educator license. 1465

~~(b)~~ (2) Take ~~the a~~ performance-based assessment ~~prescribed~~ 1466
~~by the state board for resident educators.~~ 1467

(C) The teacher residency program shall be aligned with 1468
the standards for teachers adopted by the state board under 1469
section 3319.61 of the Revised Code and best practices 1470
identified by the superintendent of public instruction. 1471

(D) Each person who holds a resident educator license 1472
issued under section 3319.22 or 3319.227 of the Revised Code or 1473
an alternative resident educator license issued under section 1474
3319.26 of the Revised Code shall participate in the teacher 1475
residency program. Successful completion of the program shall be 1476
required to qualify any such person for a professional educator 1477
license issued under section 3319.22 of the Revised Code. 1478

Sec. 3319.227. (A) Notwithstanding any other provision of 1479
the Revised Code or any rule adopted by the state board of 1480
education to the contrary, the state board shall issue a 1481
resident educator license under section 3319.22 of the Revised 1482
Code to each person who is assigned to teach in this state as a 1483
participant in the teach for America program and who satisfies 1484
the following conditions for the duration of the program: 1485

(1) Holds a bachelor's degree from an accredited institution of higher education;	1486 1487
(2) Maintained a cumulative undergraduate grade point average of at least 2.5 out of 4.0, or its equivalent;	1488 1489
(3) Has passed an examination prescribed by the state board in the subject area to be taught;	1490 1491
(4) Has successfully completed the summer training institute operated by teach for America;	1492 1493
(5) Remains an active member of the teach for America two-year support program.	1494 1495
(B) The state board shall issue a resident educator license under this section for teaching in any grade level or subject area for which a person may obtain a resident educator license under section 3319.22 of the Revised Code. The state board shall not adopt rules establishing any additional qualifications for the license beyond those specified in this section.	1496 1497 1498 1499 1500 1501 1502
(C) Notwithstanding any other provision of the Revised Code or any rule adopted by the state board to the contrary, the state board shall issue a resident educator license under section 3319.22 of the Revised Code to any applicant who has completed at least two years of teaching in another state as a participant in the teach for America program and meets all of the conditions of divisions (A) (1) to (4) of this section. The state board shall credit an applicant under this division as having completed two years of the teacher residency program under section 3319.223 of the Revised Code.	1503 1504 1505 1506 1507 1508 1509 1510 1511 1512
(D) In order to place teachers in this state, the teach for America program shall enter into an agreement with one or	1513 1514

more accredited four-year public or private institutions of 1515
higher education in the state to provide optional training of 1516
teach for America participants for the purpose of enabling those 1517
participants to complete an optional master's degree or an 1518
equivalent amount of coursework. Nothing in this division shall 1519
require any teach for America participant to complete a master's 1520
degree as a condition of holding a license issued under this 1521
section. 1522

(E) The state board shall revoke a resident educator 1523
license issued to a participant in the teach for America program 1524
who is assigned to teach in this state if the participant 1525
resigns or is dismissed from the program prior to completion of 1526
the two-year teach for America support program. 1527

Sec. 3701.33. (A) There is hereby created the Ohio public 1528
health advisory board. The board shall consist of the following 1529
members: 1530

(1) The following members appointed by the director of 1531
health from among individuals who are not employed by the state 1532
and are recommended by statewide trade or professional 1533
organizations that represent interests in public health: 1534

(a) One individual authorized under Chapter 4731. of the 1535
Revised Code to practice medicine and surgery or osteopathic 1536
medicine and surgery; 1537

(b) One individual authorized under Chapter 4723. of the 1538
Revised Code to practice nursing as a registered nurse; 1539

(c) Three members of the public, two of whom are 1540
representatives of entities licensed by the department of health 1541
or boards of health. 1542

(2) One representative of the association of Ohio health 1543

commissioners, appointed by the association; 1544

(3) One representative of the Ohio public health 1545
association, appointed by the association; 1546

(4) One representative of the Ohio environmental health 1547
association, appointed by the association, who is registered as 1548
~~a sanitarian~~ an environmental health specialist under Chapter 1549
4736. of the Revised Code; 1550

(5) One representative of the Ohio association of boards 1551
of health, appointed by the association; 1552

(6) One representative of the Ohio society for public 1553
health education, appointed by the society; 1554

(7) One representative of the Ohio hospital association, 1555
appointed by the association. 1556

The director of health or the director's designee shall 1557
serve as an ex officio, nonvoting member of the board. 1558

(B) Not later than thirty days after ~~the effective date of~~ 1559
~~this section~~ September 10, 2012, initial appointments shall be 1560
made to the board. Of the initial appointments, the members 1561
specified in divisions (A) (5), (6), and (7) and division (A) (1) 1562
(c) of this section representing entities licensed by the 1563
department of health or boards of health shall serve terms 1564
ending June 30, 2014, and the members specified in divisions (A) 1565
(1) (a) and (b), divisions (A) (2), (3), and (4), and division (A) 1566
(1) (c) of this section not representing entities licensed by the 1567
department or boards of health shall serve terms ending June 30, 1568
2015. Thereafter, terms of office for all members shall be three 1569
years, with each term ending on the same day of the same month 1570
as the term it succeeds. Each member shall hold office from the 1571
date of appointment until the end of the term for which the 1572

member was appointed. Members may be reappointed, except that no 1573
member who has served two consecutive terms may be reappointed 1574
until three years have elapsed since the member's last term 1575
ended. 1576

Each member shall hold office from the date of appointment 1577
until the end of the term for which the member was appointed. 1578
Vacancies shall be filled in the same manner as original 1579
appointments. 1580

Any member appointed to fill a vacancy occurring prior to 1581
the expiration of the term for which the member's predecessor 1582
was appointed shall hold office for the remainder of that term. 1583
A member shall continue in office subsequent to the expiration 1584
date of the member's term until the member's successor takes 1585
office or until a period of ninety days has elapsed, whichever 1586
occurs first. 1587

(C) The board shall annually select from among its members 1588
a chairperson and vice-chairperson. The director shall designate 1589
an officer or employee of the department to act as the board's 1590
secretary. The secretary shall be a nonvoting board member. 1591

The board may adopt by laws governing its operation. The 1592
chairperson may appoint subcommittees as the chairperson 1593
considers necessary. 1594

(D) The board shall meet at the call of the chairperson, 1595
but not less than four times per year. A majority of the members 1596
of the board constitutes a quorum. Special meetings may be 1597
called by the chairperson and shall be called by the chairperson 1598
at the request of the director. In a request for a special 1599
meeting, the director shall specify the purpose of the meeting 1600
and the date and place the meeting is to be held. No other 1601

business shall be considered at a special meeting except by a 1602
unanimous vote of members present at the meeting. 1603

In conducting any meeting, the board and its subcommittees 1604
may use an interactive video teleconferencing system. If 1605
provisions are made that allow public attendance at a designated 1606
location with respect to a meeting using such a system, the 1607
board members who attend the meeting by video teleconference 1608
shall be counted for purposes of determining whether a quorum is 1609
present and shall be permitted to vote. 1610

Members shall be expected to attend a majority of meetings 1611
of the board. Unexcused absence from three consecutive meetings 1612
shall be considered notice of a member's intent to resign from 1613
the board. 1614

(E) (1) The department shall provide meeting space and 1615
staff and other administrative support for the board to carry 1616
out its duties. 1617

(2) To facilitate the board's review of proposed rules 1618
under division (A) (1) of section 3701.34 of the Revised Code, 1619
the department shall establish and maintain an electronic web- 1620
based database of board meeting agendas, board meeting minutes, 1621
proposed rules, public comments, and other documents relevant to 1622
the work of the board. 1623

(F) Notice of meetings shall be provided to members 1624
through the board's mailing list, the department's web site, or 1625
any other means available to the board. 1626

The minutes of previous meetings, the next meeting's 1627
agenda, and information on any matters to be presented to the 1628
board at any regular or special meeting shall be provided to the 1629
board in an electronic format. 1630

(G) Members shall attend annual ethics training provided 1631
by the Ohio ethics commission. 1632

(H) Members shall serve without compensation, but may be 1633
reimbursed for actual and necessary expenses incurred in the 1634
performance of their official duties. 1635

(I) Sections 101.82 to 101.87 of the Revised Code do not 1636
apply to the Ohio public health advisory board. 1637

Sec. 3717.27. (A) All inspections of retail food 1638
establishments conducted by a licensor under this chapter shall 1639
be conducted according to the procedures and schedule of 1640
frequency specified in rules adopted under section 3717.33 of 1641
the Revised Code. An inspection may be ~~performed~~performed only 1642
by an individual registered as a ~~sanitarian~~an environmental 1643
health specialist or ~~sanitarian-in-training~~environmental health 1644
specialist in training under Chapter 4736. of the Revised Code. 1645
Each inspection shall be recorded on a form prescribed and 1646
furnished by the director of agriculture or a form approved by 1647
the director that has been prescribed by a board of health 1648
acting as licensor. With the assistance of the director, a board 1649
acting as licensor, to the extent practicable, shall computerize 1650
the inspection process and standardize the manner in which its 1651
inspections are conducted. 1652

(B) A person or government entity holding a retail food 1653
establishment license shall permit the licensor to inspect the 1654
retail food establishment for purposes of determining compliance 1655
with this chapter and the rules adopted under it or 1656
investigating a complaint concerning the establishment. On 1657
request of the licensor, the license holder shall permit the 1658
licensor to examine the records of the retail food establishment 1659
to obtain information about the purchase, receipt, or use of 1660

food, supplies, and equipment. 1661

A licensor may inspect any mobile retail food 1662
establishment being operated within the licensor's district. If 1663
an inspection of a mobile retail food establishment is conducted 1664
by a licensor other than the licensor that issued the license 1665
for the establishment, a report of the inspection shall be sent 1666
to the issuing licensor. The issuing licensor may use the 1667
inspection report to suspend or revoke the license under section 1668
3717.29 or 3717.30 of the Revised Code. 1669

(C) An inspection may include the following: 1670

(1) An investigation to determine the identity and source 1671
of a particular food; 1672

(2) Removal from use of any equipment, utensils, hand 1673
tools, or parts of facilities found to be maintained in a 1674
condition that presents a clear and present danger to the public 1675
health. 1676

Sec. 3717.47. (A) All inspections of food service 1677
operations conducted by a licensor under this chapter shall be 1678
conducted according to the procedures and schedule of frequency 1679
specified in rules adopted under section 3717.51 of the Revised 1680
Code. An inspection may be performed only by an individual 1681
registered as ~~a sanitarian~~ an environmental health specialist or 1682
~~sanitarian-in-training~~ environmental health specialist in 1683
training under Chapter 4736. of the Revised Code. Each 1684
inspection shall be recorded on a form prescribed and furnished 1685
by the director of health or a form approved by the director 1686
that has been prescribed by a board of health acting as 1687
licensor. With the assistance of the director, a board acting as 1688
licensor, to the extent practicable, shall computerize the 1689

inspection process and shall standardize the manner in which its inspections are conducted.

(B) A person or government entity holding a food service operation license shall permit the licensor to inspect the food service operation for purposes of determining compliance with this chapter and the rules adopted under it or investigating a complaint regarding foodborne disease. On request of the licensor, the license holder shall permit the licensor to examine the records of the food service operation to obtain information about the purchase, receipt, or use of food, supplies, and equipment.

A licensor may inspect any mobile food service operation or catering food service operation being operated within the licensor's district. If an inspection of a mobile or catering food service operation is conducted by a licensor other than the licensor that issued the license for the operation, a report of the inspection shall be sent to the issuing licensor. The issuing licensor may use the inspection report to suspend or revoke the license under section 3717.49 of the Revised Code.

(C) An inspection may include an investigation to determine the identity and source of a particular food.

Sec. 3718.011. (A) For purposes of this chapter, a sewage treatment system is causing a public health nuisance if any of the following situations occurs and, after notice by a board of health to the applicable property owner, timely repairs are not made to that system to eliminate the situation:

(1) The sewage treatment system is not operating properly due to a missing component, incorrect settings, or a mechanical or electrical failure.

(2) There is a blockage in a known sewage treatment system 1719
component or pipe that causes a backup of sewage or effluent 1720
affecting the treatment process or inhibiting proper plumbing 1721
drainage. 1722

(3) An inspection conducted by, or under the supervision 1723
of, the environmental protection agency or ~~a sanitarian~~ an 1724
environmental health specialist registered under Chapter 4736. 1725
of the Revised Code documents that there is ponding of liquid or 1726
bleeding of liquid onto the surface of the ground or into 1727
surface water and the liquid has a distinct sewage odor, a black 1728
or gray coloration, or the presence of organic matter and any of 1729
the following: 1730

(a) The presence of sewage effluent identified through a 1731
dye test; 1732

(b) The presence of fecal coliform at a level that is 1733
equal to or greater than five thousand colonies per one hundred 1734
milliliters of liquid as determined in two or more samples of 1735
the liquid when five or fewer samples are collected or in more 1736
than twenty per cent of the samples when more than five samples 1737
of the liquid are collected; 1738

(c) Water samples that exceed one thousand thirty e. coli 1739
counts per one hundred milliliters in two or more samples when 1740
five or fewer samples are collected or in more than twenty per 1741
cent of the samples when more than five samples are collected. 1742

(4) With respect to a discharging system for which an 1743
NPDES permit has been issued under Chapter 6111. of the Revised 1744
Code and rules adopted under it, the system routinely exceeds 1745
the effluent discharge limitations specified in the permit. 1746

(B) With respect to divisions (A) (1) and (2) of this 1747

section, a property owner may request a test to be conducted by 1748
a board of health to verify that the sewage treatment system is 1749
causing a public health nuisance. The property owner is 1750
responsible for the costs of the test. 1751

Sec. 3718.03. (A) There is hereby created the sewage 1752
treatment system technical advisory committee consisting of the 1753
director of health or the director's designee and thirteen 1754
members who are knowledgeable about sewage treatment systems and 1755
technologies. The director or the director's designee shall 1756
serve as committee secretary and may vote on actions taken by 1757
the committee. Of the thirteen members, five shall be appointed 1758
by the governor, four shall be appointed by the president of the 1759
senate, and four shall be appointed by the speaker of the house 1760
of representatives. 1761

(1) Of the members appointed by the governor, one shall 1762
represent academia and shall be active in teaching or research 1763
in the area of on-site wastewater treatment, one shall be a 1764
representative of the public who is not employed by the state or 1765
any of its political subdivisions and who does not have a 1766
pecuniary interest in sewage treatment systems, one shall be a 1767
registered professional engineer employed by the environmental 1768
protection agency, one shall be selected from among soil 1769
scientists in the division of soil and water conservation in the 1770
department of agriculture, and one shall be a representative of 1771
a statewide organization representing townships. 1772

(2) Of the members appointed by the president of the 1773
senate, one shall be a health commissioner who is a member of 1774
and recommended by the association of Ohio health commissioners, 1775
one shall represent the interests of manufacturers of sewage 1776
treatment systems, one shall represent installers and service 1777

providers, and one shall be a person with demonstrated 1778
experience in the design of sewage treatment systems. 1779

(3) Of the members appointed by the speaker of the house 1780
of representatives, one shall be a health commissioner who is a 1781
member of and recommended by the association of Ohio health 1782
commissioners, one shall represent the interests of 1783
manufacturers of sewage treatment systems, one shall be a 1784
~~sanitarian~~an environmental health specialist who is registered 1785
under Chapter 4736. of the Revised Code and who is a member of 1786
the Ohio environmental health association, and one shall be a 1787
registered professional engineer with experience in sewage 1788
treatment systems. 1789

(B) Terms of members appointed to the committee shall be 1790
for three years, with each term ending on the same day of the 1791
same month as did the term that it succeeds. Each member shall 1792
serve from the date of appointment until the end of the term for 1793
which the member was appointed. 1794

Members may be reappointed. Vacancies shall be filled in 1795
the same manner as provided for original appointments. Any 1796
member appointed to fill a vacancy occurring prior to the 1797
expiration date of the term for which the member was appointed 1798
shall hold office for the remainder of that term. A member shall 1799
continue to serve after the expiration date of the member's term 1800
until the member's successor is appointed or until a period of 1801
sixty days has elapsed, whichever occurs first. The applicable 1802
appointing authority may remove a member from the committee for 1803
failure to attend two consecutive meetings without showing good 1804
cause for the absences. 1805

(C) The technical advisory committee annually shall select 1806
from among its members a chairperson and a vice-chairperson. The 1807

secretary shall keep a record of its proceedings. A majority 1808
vote of the members of the full committee is necessary to take 1809
action on any matter. The committee may adopt bylaws governing 1810
its operation, including bylaws that establish the frequency of 1811
meetings. 1812

(D) Serving as a member of the sewage treatment system 1813
technical advisory committee does not constitute holding a 1814
public office or position of employment under the laws of this 1815
state and does not constitute grounds for removal of public 1816
officers or employees from their offices or positions of 1817
employment. Members of the committee shall serve without 1818
compensation for attending committee meetings. 1819

(E) A member of the committee shall not have a conflict of 1820
interest with the position. For the purposes of this division, 1821
"conflict of interest" means the taking of any action that 1822
violates any provision of Chapter 102. or 2921. of the Revised 1823
Code. 1824

(F) The sewage treatment system technical advisory 1825
committee shall do all of the following: 1826

(1) Develop with the department of health standards, 1827
guidelines, and protocols for approving or disapproving a sewage 1828
treatment system or components of a system under section 3718.04 1829
of the Revised Code. Any guideline requiring the submission of 1830
scientific information or testing data shall specify, in 1831
writing, the protocol and format to be used in submitting the 1832
information or data. 1833

(2) Develop with the department an application form to be 1834
submitted to the director by an applicant for approval or 1835
disapproval of a sewage treatment system or components of a 1836

system and specify the information that must be included with an application form;

(3) Make recommendations to the director regarding the approval or disapproval of an application sent to the director under section 3718.04 of the Revised Code requesting approval of a sewage treatment system or components of a system;

(4) Pursue and recruit in an active manner the research, development, introduction, and timely approval of innovative and cost-effective sewage treatment systems and components of a system for use in this state, which shall include conducting pilot projects to assess the effectiveness of a system or components of a system.

(G) The chairperson of the committee shall prepare and submit an annual report concerning the activities of the committee to the general assembly not later than ninety days after the end of the calendar year. The report shall discuss the number of applications submitted under section 3718.04 of the Revised Code for the approval of a new sewage treatment system or a component of a system, the number of such systems and components that were approved, any information that the committee considers beneficial to the general assembly, and any other information that the chairperson determines is beneficial to the general assembly. If other members of the committee determine that certain information should be included in the report, they shall submit the information to the chairperson not later than thirty days after the end of the calendar year.

(H) The department shall provide meeting space for the committee. The committee shall be assisted in its duties by the staff of the department.

(I) Sections 101.82 to 101.87 of the Revised Code do not 1866
apply to the sewage treatment system technical advisory 1867
committee. 1868

Sec. 3723.02. (A) Except as ~~otherwise~~ provided in division 1869
(B) of this section, no individual shall do any of the following 1870
without a valid radon mitigation specialist license: 1871

(1) ~~No individual shall perform~~ Perform radon testing, or 1872
~~hold himself self~~ out as performing radon testing, ~~without a~~ 1873
~~valid radon tester or mitigation specialist license.;~~ 1874

(2) ~~No individual shall provide~~ Provide professional or 1875
expert advice on radon testing, radon exposure, or health risks 1876
related to radon exposure, ~~or hold himself self~~ out as providing 1877
such advice, ~~without a radon tester or mitigation specialist~~ 1878
~~license.;~~ 1879

(3) ~~No individual shall provide~~ Provide on-site 1880
supervision of radon mitigation, ~~or hold himself self~~ out as 1881
providing such supervision, ~~without a radon mitigation~~ 1882
~~specialist license.;~~ 1883

(4) ~~No individual shall provide~~ Provide professional or 1884
expert advice on radon mitigation or radon entry routes, ~~or hold~~ 1885
~~himselfself~~ out as providing such advice, ~~without a radon~~ 1886
~~mitigation specialist license.~~ 1887

~~(5) No business entity or government entity shall perform~~ 1888
~~or authorize any individual employed by it to perform radon~~ 1889
~~mitigation, or hold itself out as performing radon mitigation,~~ 1890
~~without a valid radon mitigation contractor license.~~ 1891

(B) Division (A) of this section does not apply to any of 1892
the following: 1893

(1) An individual, ~~business entity, or government entity~~ using techniques during new construction designed to prevent or reduce radon infiltration in the new construction; 1894
1895
1896

(2) An individual, ~~business entity, or government entity~~ performing radon tests or mitigation on a building or real property that the individual, business entity, or government entity owns or leases; 1897
1898
1899
1900

(3) An individual, ~~business entity, or government entity~~ practicing in accordance with section 3723.03 of the Revised Code as a radon ~~tester, mitigation specialist, or mitigation contractor~~ under a license issued by another state; 1901
1902
1903
1904

(4) An individual, business entity, or government entity conducting research regarding radon testing or mitigation in accordance with section 3723.04 of the Revised Code. 1905
1906
1907

~~(C) Division (A) (5) of this section does not apply to an employee of a licensed radon mitigation contractor, or a general contractor that subcontracts for radon mitigation to be performed by a licensed radon mitigation contractor.~~ 1908
1909
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Sec. 3723.03. Pursuant to division (B) (3) of section 3723.02 of the Revised Code, an individual, ~~business entity, or government entity that~~ who holds a valid license issued by another state authorizing practice as a radon ~~tester, mitigation specialist, or mitigation contractor~~ under the laws of that state may practice in this state without a license issued under this chapter for not more than ninety days in any calendar year as a radon ~~tester, mitigation specialist, or mitigation contractor~~, if the director of health finds that the requirements for licensure in that state are comparable to the requirements for licensure under this chapter and the rules 1912
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adopted under it and the individual, ~~business entity, or~~ 1923
~~government entity~~ provides notice to the director of health, in 1924
accordance with rules adopted under section 3723.09 of the 1925
Revised Code, prior to commencing practice in this state. 1926

Sec. 3723.04. (A) Pursuant to division (B) (4) of section 1927
3723.02 of the Revised Code, an individual, business entity, or 1928
government entity conducting research regarding radon testing or 1929
mitigation may perform radon testing ~~or mitigation~~ without a 1930
license, if the owner or occupant of the building or real 1931
property where the research is to be conducted consents after 1932
being informed in writing of all of the following: 1933

(1) That the individual, business entity, or government 1934
entity is not licensed to perform radon testing ~~or mitigation~~; 1935

(2) That the results of any testing are not valid for use 1936
in any contract or legal document as evidence of the presence or 1937
absence of radon in the building or real property; 1938

(3) That any mitigation methods used are experimental and 1939
may not be successful. 1940

(B) Radon test results obtained pursuant to this section 1941
are not valid for use in any contract or legal document as 1942
evidence of the presence or absence of radon in the building or 1943
real property tested. 1944

(C) No licensed radon mitigation specialist shall provide 1945
advice regarding radon mitigation on the basis of any radon test 1946
performed pursuant to this section. 1947

~~(D) No licensed radon mitigation contractor shall perform~~ 1948
~~radon mitigation on the basis of any radon test performed~~ 1949
~~pursuant to this section.~~ 1950

Sec. 3723.05. (A) No licensed radon ~~tester~~mitigation specialist shall use the services of a radon laboratory that has not been approved under section 3723.07 of the Revised Code. 1951
1952
1953

(B) ~~No licensed radon mitigation contractor shall do any of the following:~~ 1954
1955

~~(1) Perform radon mitigation without the direct on-site supervision of a licensed radon mitigation specialist;~~ 1956
1957

~~(2) Provide radon testing services other than through the employment of a licensed radon tester or mitigation specialist;~~ 1958
1959

~~(3) Provide advice regarding radon testing, radon exposure, or health risks associated with radon exposure other than through the employment of a licensed radon tester or mitigation specialist;~~ 1960
1961
1962
1963

~~(4) Provide advice regarding radon mitigation or radon entry routes other than through the employment of a licensed radon mitigation specialist.~~ 1964
1965
1966

~~(C) No licensed radon tester, licensed radon mitigation specialist, or licensed radon mitigation contractor~~ involved in the testing of a particular building, or in the provision of advice with respect to a particular building, shall be involved in the performance of mitigation on that building unless the contract for mitigation is in writing and clearly and conspicuously states both of the following: 1967
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1969
1970
1971
1972
1973

(1) That the radon ~~tester, mitigation specialist, or mitigation contractor~~ was involved in the testing or provision of advice that led to the mitigation contract; 1974
1975
1976

(2) The advantages of long-term testing and the value of a second opinion as ways to verify test results and to assure that 1977
1978

the proposed mitigation is appropriate, especially when the 1979
mitigation is to be performed by the ~~tester~~, mitigation 1980
specialist, ~~or mitigation contractor~~ that was involved in the 1981
testing or provision of advice that led to the mitigation 1982
contract. 1983

~~(D)~~ (C) No licensed radon ~~tester~~, licensed radon 1984
mitigation specialist, ~~or licensed radon mitigation contractor~~ 1985
shall perform radon testing ~~or mitigation~~ or provide any advice 1986
related to radon, radon testing, or radon mitigation unless ~~it~~ 1987
the testing is performed or the advice is provided in accordance 1988
with the requirements of this chapter and the rules adopted 1989
under it. 1990

~~(E)~~ (D) No licensed radon ~~tester~~, licensed radon 1991
mitigation specialist, ~~or licensed radon mitigation contractor~~ 1992
shall violate any requirement of this chapter or any rule 1993
adopted under it. 1994

Sec. 3723.06. (A) The director of health shall license 1995
radon ~~testers~~, mitigation specialists, ~~and mitigation~~ 1996
~~contractors~~. Each applicant for a license shall submit a 1997
completed application to the director on a form the director 1998
shall prescribe and furnish. 1999

(B) In accordance with rules adopted under section 3723.09 2000
of the Revised Code, the director shall issue the ~~appropriate~~ 2001
license to each applicant ~~that~~ who pays the license fee 2002
~~prescribed by the director~~ of one hundred dollars, meets the 2003
licensing criteria established by the director, and complies 2004
with any other licensing and training requirements established 2005
by the director. ~~An individual, business entity, or government~~ 2006
~~entity may hold more than one license issued under this section,~~ 2007
~~but a separate application is required for each license.~~ 2008

~~(C) Notwithstanding division (B) of this section, the director shall issue a radon mitigation contractor license on request to the holder of a radon mitigation specialist license if the license holder is the owner or chief stockholder of a business entity for which the license holder is the only individual who will work as a radon mitigation specialist. The licensing criteria and any other licensing and training requirements the individual was required to meet to qualify for the radon mitigation specialist license are hereby deemed to satisfy any and all criteria and requirements for a radon mitigation contractor license. A license issued under this division shall expire at the same time as the individual's radon mitigation specialist license. No license fee shall be imposed for a license issued under this division.~~

~~(D)~~ A license issued under this section expires biennially five years after the date of issuance and may be renewed by the director in accordance if the applicant complies with all of the following:

(1) Pays a license renewal fee of one hundred dollars;

(2) Has successfully completed during the five-year licensing period six hours of continuing education that has been approved by the director in accordance with rules adopted under section 3723.09 of the Revised Code;

(3) Complies with any other criteria and procedures established in rules adopted under section 3723.09 of the Revised Code ~~and on payment of the license renewal fee prescribed in those rules.~~

~~(E)~~ (D) In accordance with Chapter 119. of the Revised Code, the director may do either of the following:

(1) Refuse to issue a license to an individual,~~business~~ 2038
~~entity, or government entity that~~ who does not meet the 2039
requirements of this chapter or the rules adopted under it or 2040
has been in violation of those requirements; 2041

(2) Suspend, revoke, or refuse to renew the license of an 2042
individual,~~business entity, or government entity that~~ who is or 2043
has been in violation of the requirements of this chapter or the 2044
rules adopted under it. 2045

Sec. 3723.07. The director of health shall approve ~~all~~ 2046
both of the following: 2047

(A) Licensure training courses for radon ~~testers and~~ 2048
mitigation specialists; 2049

(B) ~~Training courses for employees of mitigation~~ 2050
~~contractors;~~ 2051

~~(C)~~ Radon laboratories. 2052

Each applicant for approval shall submit a completed 2053
application to the director on a form the director shall 2054
prescribe and furnish. 2055

In accordance with rules adopted under section 3723.09 of 2056
the Revised Code, the director shall issue the appropriate 2057
approval to each applicant that pays the approval fee prescribed 2058
by the director and meets the criteria for approval established 2059
by the director. 2060

In accordance with Chapter 119. of the Revised Code, the 2061
director may refuse to issue an approval and may revoke or 2062
suspend an approval issued under this section if the operator of 2063
the course or laboratory fails to meet the criteria established 2064
by the director. 2065

Sec. 3723.08. (A) The director of health shall do all of	2066
the following:	2067
(1) Administer the radon licensing program established by	2068
this chapter and enforce the requirements of this chapter and	2069
the rules adopted under it;	2070
(2) Examine records of radon testers, mitigation	2071
specialists, mitigation contractors, and operators of radon	2072
laboratories and training courses approved under section 3723.07	2073
of the Revised Code as he <u>the director</u> considers necessary to	2074
determine whether they are in compliance with the requirements	2075
of this chapter and the rules adopted under it;	2076
(3) Coordinate the radon licensing program with any radon	2077
programs in schools;	2078
(4) Collect and disseminate information relating to radon	2079
in this state;	2080
(5) Conduct research on indoor radon contamination, which	2081
may include a statewide survey.	2082
(B) The director of health may do any of the following:	2083
(1) Employ individuals with training necessary to	2084
implement the requirements of this chapter and the rules adopted	2085
under it, and pay the license fee or license renewal fee	2086
established under section 3723.09 of the Revised Code for any	2087
such employee who is required to be licensed under this chapter;	2088
(2) Conduct inspections as he <u>the director</u> considers	2089
necessary to determine whether the requirements of this chapter	2090
and the rules adopted under it have been met;	2091
(3) Conduct training programs and establish and collect	2092
fees to cover the cost of conducting them;	2093

(4) Advise, consult with, cooperate with, and enter into 2094
contracts or grant agreements with any individual, business 2095
entity, government entity, interstate agency, or the federal 2096
government as ~~he~~ the director considers appropriate to fulfill 2097
the requirements of this chapter and the rules adopted under it; 2098

(5) Consult with and seek recommendations from the 2099
radiation advisory council established under section 3748.20 of 2100
the Revised Code with respect to the implementation of this 2101
chapter; 2102

(6) Delegate ~~his~~ the director's authority and duties under 2103
this chapter to any division, bureau, agency, or employee of the 2104
department of health; 2105

(7) Collect information required to be reported to ~~him~~ the 2106
director under any rules adopted under section 3723.09 of the 2107
Revised Code. 2108

Sec. 3723.09. (A) To protect the health of individuals 2109
inhabiting, occupying, or frequenting buildings, the director of 2110
health shall adopt rules to implement the requirements of this 2111
chapter. All rules adopted under this section shall be adopted 2112
in accordance with Chapter 119. of the Revised Code. 2113

(B) The director shall adopt rules establishing criteria 2114
and procedures for issuing and renewing licenses under section 2115
3723.06 of the Revised Code to radon ~~testers,~~ mitigation 2116
specialists, ~~and mitigation contractors.~~ The rules may require 2117
that all applicants for licensure as a radon ~~tester or~~ 2118
mitigation specialist pass an examination. If an examination is 2119
required, the rules may require applicants to pass an 2120
examination conducted by the department or an appropriate 2121
examination conducted by the United States environmental 2122

protection agency. 2123

(C) The director shall adopt rules establishing criteria 2124
and procedures for approving continuing education for license 2125
renewal under section 3723.06 of the Revised Code. 2126

(D) The director shall adopt rules establishing criteria 2127
and procedures for approving training courses under section 2128
3723.07 of the Revised Code. The rules may require that 2129
participants in training courses pass an examination conducted 2130
by the operator of the course and may require that the 2131
examinations be approved by the director. 2132

~~(D)~~ (E) The director shall adopt rules establishing 2133
criteria and procedures for approving radon laboratories under 2134
section 3723.07 of the Revised Code. 2135

~~(E)~~ (F) The director shall adopt rules establishing 2136
reasonable fees for ~~licenses, license renewals,~~ radon laboratory 2137
approvals, and training course approvals. 2138

~~(F)~~ (G) The director shall adopt rules establishing 2139
standards to be followed by licensed radon ~~testers,~~ mitigation 2140
specialists, ~~and mitigation contractors~~ for the prevention of 2141
hazards to the public health, including standards for worker 2142
protection, and record keeping, ~~and training of employees of~~ 2143
~~licensed radon mitigation contractors.~~ 2144

~~(G)~~ (H) The director shall adopt rules establishing 2145
procedures to be followed by any individual, ~~business entity, or~~ 2146
~~government entity~~ licensed by another state to practice as a 2147
radon ~~tester,~~ mitigation specialist, ~~or mitigation contractor~~ in 2148
providing notice to the director of health prior to commencing 2149
practice in this state pursuant to section 3723.03 of the 2150
Revised Code. 2151

~~(H)~~ (I) The director may adopt rules that require licensed 2152
radon ~~testers and~~ mitigation specialists to report to the 2153
director, by street address, radon test results that indicate 2154
the presence of radon at a level considered to be dangerous as 2155
determined by the director. The rules may require the reporting 2156
of screening measurements, follow-up measurements, post- 2157
mitigation measurements, and, if it is known that radon 2158
mitigation has been performed, the methods of mitigation that 2159
were used. Any information required to be reported to the 2160
director under these rules is not a public record under section 2161
149.43 of the Revised Code, and shall not be released except in 2162
aggregate statistical form. 2163

Sec. 3723.10. Any individual, business entity, or 2164
government entity may file a complaint with the director of 2165
health concerning any radon ~~tester, mitigation specialist,~~ 2166
~~mitigation contractor,~~ or operator of a radon laboratory or a 2167
training course approved under section 3723.07 of the Revised 2168
Code. The complainant's name shall be confidential and shall not 2169
be released without ~~his~~ the complainant's written consent. 2170

The director may investigate complaints and take action 2171
under section 3723.06, 3723.07, or division (A) (1) of section 2172
3723.08 of the Revised Code as ~~he~~ the director considers 2173
necessary and appropriate. 2174

Sec. 3723.11. The director of health shall maintain a list 2175
of all licensed radon ~~testers, mitigation specialists, and~~ 2176
~~mitigation contractors.~~ On request, the director shall provide a 2177
copy of all or part of the list to any individual, business 2178
entity, or government entity. The director shall not impose a 2179
charge for providing the copy that exceeds the actual and 2180
necessary expense of copying it. 2181

Sec. 3723.13. If the director of health requests to 2182
examine such records, no licensed radon ~~tester,~~ mitigation 2183
specialist, ~~mitigation contractor,~~ or operator of a radon 2184
laboratory or a training course approved under section 3723.07 2185
of the Revised Code shall fail to make available to the director 2186
any records pertinent to the activities regulated by this 2187
chapter and the rules adopted under it. 2188

Sec. 3723.17. (A) If radon testing ~~or mitigation~~ is 2189
performed or any related advice is provided in accordance with 2190
any procedures established under federal law or the Revised 2191
Code, the liability of a licensed radon ~~tester,~~ mitigation 2192
specialist, ~~or mitigation contractor~~ for injury, death, or loss 2193
to person or property allegedly caused by or otherwise related 2194
to radon testing ~~or mitigation~~ or related advice is limited to 2195
liability for actions or omissions that are established, by a 2196
preponderance of the evidence, to have been negligent. 2197
Establishment by a preponderance of the evidence that actions or 2198
omissions relating to radon testing ~~or mitigation~~ or related 2199
advice were at the time of occurrence in accordance both with 2200
generally accepted practice and with any procedures established 2201
under federal law or the Revised Code creates a rebuttable 2202
presumption that the actions or omissions were not negligent. 2203

(B) The liability of an individual or business entity, 2204
other than the owner or occupant of the affected building or 2205
real property, contracting with a licensed radon ~~tester,~~ 2206
mitigation specialist, ~~or mitigation contractor~~ for injury, 2207
death, or loss to person or property allegedly caused by the 2208
radon ~~tester,~~ mitigation specialist, ~~or mitigation contractor~~ is 2209
limited to actions or omissions that the individual or business 2210
entity knew, or reasonably should have known, were not, at the 2211
time of occurrence, in accordance with generally accepted 2212

practice or with any procedures established under federal law or 2213
the Revised Code. 2214

(C) This section governs all claims for injury, death, or 2215
loss to person or property arising from radon testing ~~or~~ 2216
~~mitigation~~ or the provision of any related advice. 2217

Sec. 3723.99. Whoever violates division (A) of section 2218
3723.02, division (C) ~~or (D)~~ of section 3723.04, section 2219
3723.05, or section 3723.13 of the Revised Code is guilty of a 2220
misdemeanor of the first degree. Each day of violation is a 2221
separate offense. 2222

Sec. 3728.04. (A) The anaphylaxis training required by 2223
section 3728.03 of the Revised Code may be any of the following: 2224

(1) Training conducted by a nationally recognized 2225
organization that has experience in providing training in 2226
emergency health care to individuals who are not health care 2227
professionals; 2228

(2) Training by individuals or organizations approved by 2229
the department of health under section 3728.11 of the Revised 2230
Code; 2231

(3) Classes approved by the department under section 2232
3728.11 of the Revised Code. 2233

(B) Training may be completed in person or through an 2234
online system. The training must cover all of the following and 2235
may include any other material the organization or individual 2236
conducting it or the department considers appropriate: 2237

(1) Ways of recognizing the signs and symptoms of severe 2238
allergic reactions, including anaphylaxis; 2239

(2) Standards and procedures for administration of 2240

epinephrine and storage of epinephrine autoinjectors;	2241
(3) Emergency follow-up procedures.	2242
(C) An individual must successfully complete training	2243
before being authorized to administer epinephrine under section	2244
3728.03 of the Revised Code and every two years thereafter . A	2245
qualified entity may authorize an individual to administer	2246
epinephrine only if the individual provides the entity with a	2247
certificate issued by the organization or individual conducting	2248
the training attesting to successful completion. The certificate	2249
must be on a form developed by the department of health under	2250
section 3728.11 of the Revised Code.	2251
Sec. 4104.32. Except as provided pursuant to section	2252
4104.37 of the Revised Code, no person shall operate a	2253
historical boiler in this state in a place that is open to the	2254
public unless both of the following requirements are satisfied:	2255
(A) The person operating the boiler is licensed under	2256
section 4104.35 of the Revised Code.	2257
(B) The <u>the</u> owner of the boiler holds a current valid	2258
certificate of operation for the historical boiler pursuant to	2259
section 4104.36 of the Revised Code.	2260
Sec. 4104.34. The historical boilers licensing board	2261
<u>division of industrial compliance in the department of commerce</u>	2262
shall do all of the following:	2263
(A) Adopt rules concerning all of the following:	2264
(1) Criteria that inspectors of historical boilers shall	2265
utilize in determining the safe operation of historical boilers;	2266
(2) Procedures for the inspection of historical boilers;	2267

(3) The standards for riveted or welded repairs or alterations made to historical boilers;	2268 2269
(4) Standards and procedures for the revocation of a historical boiler operator's license, which shall include an opportunity for appeal and hearing in accordance with Chapter 119. of the Revised Code;	2270 2271 2272 2273
(5) Standards for requalifying for a license after revocation of a license;	2274 2275
(6) Standards and procedures for conducting hydrostatic tests, and requirements for reporting the results of those tests to the <u>board division</u>, as required under division (F) of section 4104.36 of the Revised Code;	2276 2277 2278 2279
(7)-(5) Standards for the public display and operation of historical boilers in this state by historical boiler operators who reside outside of this state.	2280 2281 2282
(B) Issue triennial certificates of operation for historical boilers that pass the inspection required under section 4104.36 of the Revised Code;	2283 2284 2285
(C) Conduct hearings in accordance with Chapter 119. of the Revised Code for any person who appeals a decision made by an inspector regarding whether the person should be denied a certificate of operation for the person's historical boiler;	2286 2287 2288 2289
(D) Establish a fee for the inspection of historical boilers conducted pursuant to division (B) of section 4104.36 of the Revised Code in an amount sufficient to reimburse the department of commerce for the cost of conducting those inspections;	2290 2291 2292 2293 2294
(E) Reimburse the department of commerce for the cost of	2295

inspections performed by the division of boiler inspection-	2296
pursuant to section 4104.36 of the Revised Code;	2297
(F) Issue licenses to operate historical boilers in public-	2298
to persons who meet the requirements of section 4104.35 of the-	2299
Revised Code;	2300
(G) Grant approval of historical boiler operator's courses-	2301
as the board determines appropriate;	2302
(H) Grant approval of written or verbal examinations that-	2303
are developed to test competence in operating historical-	2304
boilers;	2305
(I) For purposes of section 4104.37 of the Revised Code,	2306
determine the smallest size of historical boilers that are	2307
subject to sections 4104.32 to 4104.36 of the Revised Code;	2308
(J)-(F) For purposes of inspection criteria adopted by the	2309
board division pursuant to division (A) (1) of this section,	2310
establish the criteria based upon the manufacturing standards	2311
for safe operation that are established by the various	2312
manufacturers of historical boilers;	2313
(K)-(G) Appoint safety committees to conduct the	2314
hydrostatic tests required under division (F) of section 4104.36	2315
of the Revised Code;	2316
(L)-(H) Establish requirements for the minimum amount of	2317
liability insurance that an owner of historical boilers shall	2318
carry on each historical boiler operated in public that the	2319
owner owns, if the board division determines that a minimum	2320
amount should be established.	2321
Sec. 4104.36. (A) The owner of a historical boiler that is	2322
operated in public shall maintain a current valid certificate of	2323

operation for the historical boiler in accordance with the 2324
requirements of this section. 2325

(B) At least once every three years, inspectors designated 2326
by the ~~chief of the division of boiler inspection in the~~ 2327
~~department of commerce~~ superintendent of industrial compliance 2328
shall inspect thoroughly, internally and externally, and under 2329
operating conditions, all historical boilers that are operated 2330
in public and their appurtenances. Inspectors shall examine the 2331
smoke box, barrel, wrapped sheet, dome, water column and water 2332
glass, firebox, external plumbing, fusible plug, pressure relief 2333
valve, and pressure ~~gag~~gauge. 2334

(C) After conducting the inspection required under 2335
division (B) of this section, the inspector shall evaluate 2336
whether the historical boiler is in safe operating condition 2337
according to rules adopted by the ~~historical boiler licensing-~~ 2338
~~board~~ division of industrial compliance pursuant to division (A) 2339
(1) of section 4104.34 of the Revised Code. If the inspector 2340
finds that the historical boiler is in safe operating condition, 2341
the inspector shall recommend that the ~~board~~ division issue a 2342
certificate of operation for the historical boiler. If the ~~board-~~ 2343
division concurs with the recommendation of the inspector, the 2344
~~board~~ division shall issue a certificate of operation for the 2345
historical boiler inspected by that inspector. A certificate of 2346
operation is valid for a period of three years after the date of 2347
issuance. 2348

(D) If an inspector does not recommend the issuance of a 2349
certificate of operation for the historical boiler or if the 2350
~~board~~ division decides not to issue a certificate of operation, 2351
the owner of the historical boiler may file an appeal with the 2352
~~board~~ division, and the ~~board~~ division shall conduct a hearing in 2353

accordance with Chapter 119. of the Revised Code. 2354

(E) The owner of a historical boiler that is operated in 2355
public shall display the certificate of operation in a prominent 2356
place on the historical boiler during its operation. 2357

(F) At least once every three years, a safety committee 2358
appointed by the ~~board~~ division pursuant to division ~~(K)~~ (G) of 2359
section 4104.34 of the Revised Code shall conduct a hydrostatic 2360
test at one and one-quarter of the maximum allowable working 2361
pressure on all publicly operated historical boilers that are 2362
assigned by the ~~board~~ division for testing by that safety 2363
committee. The safety committee shall submit the results of each 2364
hydrostatic test to the ~~board~~ division in accordance with rules 2365
adopted by the ~~board~~ division pursuant to division ~~(A)(6)~~ (A)(4) 2366
of section 4104.34 of the Revised Code. 2367

Sec. 4104.37. Sections 4104.32 to 4104.36 of the Revised 2368
Code do not apply to historical boilers that are smaller than 2369
the size determined by the ~~historical boilers licensing board~~ 2370
division of industrial compliance pursuant to division ~~(I)~~ (E) 2371
of section 4104.34 of the Revised Code. 2372

Sec. 4117.103. Notwithstanding any provision of section 2373
4117.08 or 4117.10 of the Revised Code to the contrary, no 2374
agreement entered into under this chapter on or after ~~the~~ 2375
~~effective date of this section~~ September 29, 2005, shall 2376
prohibit a school district board of education from utilizing 2377
volunteers to assist the district and its schools in performing 2378
any of their functions, other than functions for which a 2379
license, permit, or certificate issued by the state board of 2380
education under ~~section 3301.074~~ or Chapter 3319. of the Revised 2381
Code or a certificate issued under division (A) or (B) of 2382
section 3327.10 of the Revised Code is required. 2383

Sec. 4169.02. (A) ~~For the purposes of~~ The division of 2384
industrial compliance in the department of commerce shall be 2385
responsible for regulating the construction, maintenance, 2386
mechanical operation, and inspection of passenger tramways that 2387
are associated with ski areas and ~~of~~ for registering operators 2388
of passenger tramways in this state, ~~there is hereby established~~ 2389
~~in the division of industrial compliance in the department of~~ 2390
~~commerce a ski tramway board to be appointed by the governor,~~ 2391
~~with the advice and consent of the senate. The board shall~~ 2392
~~consist of three members, one of whom shall be a public member~~ 2393
~~who is an experienced skier and familiar with ski areas in this~~ 2394
~~state, one of whom shall be a ski area operator actively engaged~~ 2395
~~in the business of recreational skiing in this state, and one of~~ 2396
~~whom shall be a professional engineer who is knowledgeable in~~ 2397
~~the design or operation of passenger tramways.~~ 2398

~~Of the initial appointments, one member shall be appointed~~ 2399
~~for a term of one year, one for a term of two years, and one for~~ 2400
~~a term of three years. The member appointed to the term~~ 2401
~~beginning on July 1, 1996, shall be appointed to a term ending~~ 2402
~~on June 30, 1997; the member appointed to a term beginning on~~ 2403
~~July 1, 1997, shall be appointed to a term ending on June 30,~~ 2404
~~1999; and the member appointed to a term beginning on July 1,~~ 2405
~~1998, shall be appointed to a term ending on June 30, 2001.~~ 2406
~~Thereafter, each of the members shall be appointed for a term of~~ 2407
~~six years. Each member shall hold office from the date of~~ 2408
~~appointment until the end of the term for which the member was~~ 2409
~~appointed. In the event of a vacancy, the governor, with the~~ 2410
~~advice and consent of the senate, shall appoint a successor who~~ 2411
~~shall hold office for the remainder of the term for which the~~ 2412
~~successor's predecessor was appointed. A member shall continue~~ 2413
~~in office subsequent to the expiration date of the member's term~~ 2414

~~until the member's successor takes office or until a period of~~ 2415
~~sixty days has elapsed, whichever occurs first. The board shall~~ 2416
~~elect a chairperson from its members.~~ 2417

~~The governor may remove any member of the board at any~~ 2418
~~time for misfeasance, nonfeasance, or malfeasance in office~~ 2419
~~after giving the member a copy of the charges against the member~~ 2420
~~and an opportunity to be heard publicly in person or by counsel~~ 2421
~~in the member's defense. Any such act of removal by the governor~~ 2422
~~is final. A statement of the findings of the governor, the~~ 2423
~~reason for the governor's action, and the answer, if any, of the~~ 2424
~~member shall be filed by the governor with the secretary of~~ 2425
~~state and shall be open to public inspection.~~ 2426

~~Members of the board shall be paid two hundred fifty~~ 2427
~~dollars for each meeting that the member attends, except that no~~ 2428
~~member shall be paid or receive more than seven hundred fifty~~ 2429
~~dollars for attending meetings during any calendar year. Each~~ 2430
~~member shall be reimbursed for the member's actual and necessary~~ 2431
~~expenses incurred in the performance of official board duties.~~ 2432
~~The chairperson shall be paid two hundred fifty dollars annually~~ 2433
~~in addition to any compensation the chairperson receives under~~ 2434
~~this division for attending meetings and any other compensation~~ 2435
~~the chairperson receives for serving on the board.~~ 2436

~~The division shall provide the board with such offices and~~ 2437
~~such clerical, professional, and other assistance as may be~~ 2438
~~reasonably necessary for the board to carry on its work. The~~ 2439
~~division shall maintain accurate copies of the board's rules as~~ 2440
~~promulgated in accordance with division (B) of this section and~~ 2441
~~shall keep all of the board's records, including business~~ 2442
~~records, and inspection reports as well as its own records and~~ 2443
~~reports. The cost of administering the board and conducting~~ 2444

~~inspections shall be included in the budget of the division-~~ 2445
~~based on revenues generated by the registration fees established-~~ 2446
~~under section 4169.03 of the Revised Code.~~ 2447

(B) In accordance with Chapter 119. of the Revised Code, 2448
the ~~board~~division shall adopt and may amend or rescind rules 2449
relating to public safety in the construction, maintenance, 2450
mechanical operation, and inspection of passenger tramways. The 2451
rules shall be in accordance with established standards in the 2452
business of ski area operation, if any, and shall not 2453
discriminate in their application to ski area operators. 2454

No person shall violate the rules of the ~~board~~division. 2455

(C) The authority of the ~~board~~division shall not extend 2456
to any matter relative to the operation of a ski area other than 2457
the construction, maintenance, mechanical operation, and 2458
inspection of passenger tramways. 2459

~~(D) A majority of the board constitutes a quorum and may-~~ 2460
~~perform and exercise all the duties and powers devolving upon-~~ 2461
~~the board.~~ 2462

Sec. 4169.03. (A) Before a passenger tramway operator may 2463
operate any passenger tramway in the state, the operator shall 2464
apply to the ~~ski tramway board~~division of industrial compliance 2465
in the department of commerce, on forms prepared by it, for 2466
registration by the ~~board~~division. The application shall 2467
contain an inventory of the passenger tramways that the 2468
applicant intends to operate and other information as the ~~board-~~ 2469
division may reasonably require and shall be accompanied by the 2470
following annual fees: 2471

(1) Each aerial passenger tramway, five hundred dollars; 2472

(2) Each skimobile, two hundred dollars; 2473

(3) Each chair lift, two hundred dollars;	2474
(4) Each J bar, T bar, or platter pull, one hundred dollars;	2475 2476
(5) Each rope tow, fifty dollars;	2477
(6) Each wire rope tow, seventy-five dollars;	2478
(7) Each conveyor, one hundred dollars.	2479
When an operator operates an aerial passenger tramway, a skimobile, or a chair lift during both a winter and summer season, the annual fee shall be one and one-half the above amount for the respective passenger tramway.	2480 2481 2482 2483
(B) Upon payment of the appropriate annual fees in accordance with division (A) of this section <u>and successful completion of the inspection described in section 4169.04 of the Revised Code</u> , the board <u>division</u> shall issue a registration certificate to the operator. Each certificate shall remain in force until the thirtieth day of September next ensuing. The board <u>division</u> shall renew an operator's certificate in accordance with the standard renewal procedure in Chapter 4745. of the Revised Code upon payment of the appropriate annual fees.	2484 2485 2486 2487 2488 2489 2490 2491 2492
(C) Money received from the registration fees and from the fines collected pursuant to section 4169.99 of the Revised Code shall be paid into the state treasury to the credit of the industrial compliance operating fund created in section 121.084 of the Revised Code.	2493 2494 2495 2496 2497
(D) No person shall operate a passenger tramway in this state unless the person has been registered by the board <u>division</u> .	2498 2499 2500
Sec. 4169.04. (A) The division of industrial compliance in	2501

the department of commerce shall ~~make such require~~ inspection of 2502
the construction, maintenance, and mechanical operation of 2503
passenger tramways ~~as the ski tramway board annually or more~~ 2504
often as the division may reasonably require. The division may 2505
~~contract with other qualified engineers to make such~~ Each 2506
inspection ~~or may accept the inspection report by any shall be~~ 2507
performed by a qualified inspector of an insurance company 2508
authorized to insure passenger tramways in this state. 2509

(B) If, as the result of an inspection, an employee of the 2510
division or other agent with whom the division has contracted 2511
finds that a violation of the ~~board's~~ division's rules exists or 2512
a condition in passenger tramway construction, maintenance, or 2513
mechanical operation exists that endangers public safety, the 2514
employee or agent shall make an immediate report to the ~~board~~ 2515
division for appropriate investigation and order. 2516

Sec. 4169.05. Any person may make a written complaint to 2517
the ~~ski tramway board~~ division of industrial compliance in the 2518
department of commerce setting forth an alleged violation of the 2519
~~board's~~ division's rules by a registered passenger tramway 2520
operator or a condition in passenger tramway construction, 2521
maintenance, or mechanical operation that allegedly endangers 2522
public safety. The ~~board~~ division shall forward a copy of the 2523
complaint to the operator named in it and may accompany it with 2524
an order that requires the operator to answer the complaint in 2525
writing within a specified period of time. The ~~board~~ division 2526
may investigate the complaint if it determines that there are 2527
reasonable grounds for such an investigation. 2528

Sec. 4169.06. (A) When facts are presented to ~~any member~~ 2529
~~of the ski tramway board~~ division of industrial compliance in 2530
the department of commerce that indicate that immediate danger 2531

exists in the continued operation of a passenger tramway, ~~any~~ 2532
~~member of the board~~the division, after such verification of the 2533
facts as is practical under the circumstances and consistent 2534
with immediate public safety, may by an emergency written order 2535
require the operator of the tramway to cease using the tramway 2536
immediately for the transportation of passengers. Any person may 2537
serve notice on the operator or the operator's agent who is in 2538
immediate control of the tramway by delivering a true and 2539
attested copy of the order, and the operator or the operator's 2540
agent shall furnish proof of receipt of such notice by signing 2541
an affidavit on the back of the copy of the order. The emergency 2542
order shall be effective for a period not to exceed forty-eight 2543
hours from the time of notification. 2544

(B) Immediately after the issuance of an emergency order 2545
pursuant to this section, the ~~board~~division shall investigate 2546
the facts of the case. If the ~~board~~division finds that a 2547
violation of any of its rules exists or that a condition in 2548
passenger tramway construction, maintenance, or mechanical 2549
operation exists that endangers public safety, it shall issue a 2550
written order setting forth its findings and the corrective 2551
action to be taken and fixing a reasonable time for compliance. 2552

(C) After an investigation pursuant to division (B) of 2553
this section, if the ~~board~~division determines that danger to 2554
public safety exists in the continued operation of a passenger 2555
tramway, it shall so state in the order, describe in detail the 2556
basis for its findings, and in the order may require the 2557
operator not to operate the tramway until the operator has taken 2558
the corrective action ordered pursuant to this section. If the 2559
operator continues to use the tramway following receipt of such 2560
order, the ~~board~~division may request the court of common pleas 2561
having jurisdiction in the county where the tramway is located 2562

to issue an injunction forbidding operation of the tramway. 2563

(D) An operator of a passenger tramway may request a 2564
hearing by the ~~board~~ division on any order issued pursuant to 2565
this chapter and may appeal the results of such a hearing in 2566
accordance with Chapter 119. of the Revised Code. An operator 2567
may appeal an order suspending the operation of the operator's 2568
tramway without first requesting a hearing. 2569

(E) If an operator fails to comply with an order of the 2570
~~board~~ division issued pursuant to this chapter within the 2571
specified time, the ~~board~~ division may suspend the registration 2572
certificate of the operator for such time as it considers 2573
necessary to gain compliance with its order. 2574

No operator shall operate a passenger tramway while the 2575
operator's registration certificate is under suspension by the 2576
~~board~~ division. 2577

Sec. 4169.11. A ski area operator shall maintain liability 2578
insurance in an amount determined by the superintendent of 2579
industrial compliance. 2580

Sec. 4701.06. (A) The accountancy board shall grant the 2581
certificate of "certified public accountant" to any person who 2582
satisfies the following requirements: 2583

~~(A)~~ (1) The person is a resident of this state or has a 2584
place of business in this state or, as an employee, is regularly 2585
employed in this state. The board may determine by rule 2586
circumstances under which the residency requirement may be 2587
waived. 2588

~~(B)~~ (2) The person has attained the age of eighteen years. 2589

~~(C)~~ (3) The person is of good moral character. 2590

~~(D)(4)~~ The person meets the following requirements of 2591
education and experience: 2592

~~(1)(a) Prior to January 1, 2000, graduation with a 2593
baccalaureate degree conferred by a college or university 2594
recognized by the board, with a concentration in accounting that 2595
includes related courses in other areas of business 2596
administration, or what the board determines to be substantially 2597
the equivalent of the foregoing; 2598~~

~~(b) On and after January 1, 2000, graduation (a) 2599
Graduation with a baccalaureate or higher degree that includes 2600
successful completion of one hundred fifty semester hours of 2601
undergraduate or graduate education. The board by rule shall 2602
specify graduate degrees that satisfy this requirement and also 2603
by rule shall require any subjects that it considers 2604
appropriate. The total educational program shall include an 2605
accounting concentration with related courses in other areas of 2606
business administration, as defined by board rule. 2607~~

~~(2)(a) The experience requirement for candidates meeting 2608
the educational requirements set forth in division (D)(1)(a) or 2609
(b) of this section is (b) Acquisition of one year of experience 2610
satisfactory to the board in any of the following: 2611~~

(i) A public accounting firm; 2612

(ii) Government; 2613

(iii) Business; 2614

(iv) Academia. 2615

~~(b) Except as provided in division (D)(2)(c) of this 2616
section, the experience requirement for any candidate who, on 2617
and after January 1, 2000, does not meet the educational 2618~~

~~requirement set forth in division (D) (1) (b) of this section is 2619
four years of experience described in division (D) (2) (a) of this 2620
section. The experience requirement for any candidate who, prior 2621
to January 1, 2000, does not meet the educational requirement 2622
set forth in division (D) (1) (a) of this section is two years of 2623
experience described in division (D) (2) (a) of this section. 2624~~

~~(e) On and after January 1, 2000, the experience 2625
requirement for any candidate who, subsequent to obtaining a 2626
baccalaureate or higher degree, other than a baccalaureate or 2627
higher degree described in division (D) (1) (b) of this section, 2628
successfully completes coursework that meets the educational 2629
requirement set forth in division (D) (1) (b) of this section is 2630
two years of experience described in division (D) (2) (a) of this 2631
section. 2632~~

~~(E) (5) The person has passed an examination that is 2633
administered in the manner and that covers the subjects that the 2634
board prescribes by rule. In adopting the relevant rules, the 2635
board shall ensure to the extent possible that the examination, 2636
the examination process, and the examination's passing standard 2637
are uniform with the examinations, examination processes, and 2638
examination passing standards of all other states and may 2639
provide for the use of all or parts of the uniform certified 2640
public accountant examination and advisory grading service of 2641
the American institute of certified public accountants. The 2642
board may contract with third parties to perform administrative 2643
services that relate to the examination and that the board 2644
determines are appropriate in order to assist the board in 2645
performing its duties in relation to the examination. 2646~~

~~None of the educational requirements specified in division 2647
(D) of this section apply to a candidate who has a PA 2648~~

~~registration, but the~~ (B) (1) The experience requirement for ~~the a~~ 2649
candidate who does not meet ~~those~~ the educational requirements 2650
under division (A) (4) (a) of this section because the board has 2651
waived them under division (B) (2) of this section is four years 2652
of the experience described in division ~~(D) (2) (a)~~ (A) (4) (b) of 2653
this section. 2654

~~Prior to January 1, 2000, the board shall waive the~~ 2655
~~educational requirement set forth in division (D) (1) (a) of this~~ 2656
~~section for any candidate if it finds that the candidate has~~ 2657
~~attained the equivalent education by attendance at a business~~ 2658
~~school, by self study, or otherwise, and if it is satisfied from~~ 2659
~~the results of special examinations that the board gives the~~ 2660
~~candidate to test the candidate's educational qualifications~~ 2661
~~that the candidate is as well equipped, educationally, as if the~~ 2662
~~candidate met the applicable educational requirement specified~~ 2663
~~in division (D) (1) (a) of this section.~~ 2664

~~On and after January 1, 2000, the~~ (2) The board shall 2665
waive the educational requirement set forth in division ~~(D) (1)~~ 2666
~~(b)~~ (A) (4) (a) of this section for any candidate if the board 2667
finds that the candidate has obtained from an accredited college 2668
or university approved by the board, either an associate degree 2669
or a baccalaureate degree, other than a baccalaureate degree 2670
described in division ~~(D) (1) (b)~~ (A) (4) (a) of this section, with 2671
a concentration in accounting that includes related courses in 2672
other areas of business administration, and if the board is 2673
satisfied from the results of special examinations that the 2674
board gives the candidate to test the candidate's educational 2675
qualification that the candidate is as well equipped, 2676
educationally, as if the candidate met the applicable 2677
educational requirement specified in division ~~(D) (1) (b)~~ (A) (4) 2678
(a) of this section. 2679

The board shall provide by rule for the general scope of any special examinations for a waiver of the educational requirements under division ~~(D) (1) (a) or (b)~~ (A) (4) (a) of this section and may obtain any advice and assistance that it considers appropriate to assist it in preparing and grading those special examinations. The board may use any existing examinations or may prepare any number of new examinations to assist in determining the equivalent training of a candidate. The board by rule shall prescribe any special examinations for a waiver of the educational requirements under division ~~(D) (1) (a) or (b)~~ (A) (4) (a) of this section and the passing score required for each examination.

~~The board shall hold the examination referred to in division (E) of this section and the special examinations for a waiver of the educational requirements under division (D) (1) (a) or (b) of this section as often as the board determines to be desirable, but the examination referred to in division (E) of this section shall be held not less frequently than once each year. The board by rule may provide for granting credit to a candidate for satisfactory completion of an examination that a licensing authority of another state gave in one or more of the subjects referred to in division (E) of this section.~~

(C) ~~A candidate who has met the educational requirements, or with respect to whom they either do not apply or have been waived,~~ graduated with a baccalaureate degree or its equivalent or a higher degree that includes successful completion of at least one hundred twenty semester hours of undergraduate or graduate education is eligible to take the examination referred to in division ~~(E)~~ (A) (5) of this section without waiting until the candidate meets the education or experience requirements, provided the candidate also meets the requirements of divisions

(A) (1) and ~~(C)~~ (3) of this section. The board by rule shall 2711
specify degrees that make a candidate eligible under this 2712
division and by rule shall require any subjects that it 2713
considers appropriate. 2714

(D) A candidate for the certificate of certified public 2715
accountant who has successfully completed the examination under 2716
division ~~(E)~~ (A) (5) of this section has no status as a certified 2717
public accountant, unless and until the candidate has the 2718
requisite education and experience and has received a 2719
certificate as a certified public accountant. The board shall 2720
determine and charge a fee for issuing the certificate that is 2721
adequate to cover the expense. 2722

(E) The board by rule may prescribe the terms and 2723
conditions under which a candidate who passes part but not all 2724
of the examination may retake the examination. It also may 2725
provide by rule for a reasonable waiting period for a 2726
candidate's reexamination. 2727

The applicable educational and experience requirements 2728
under ~~division (D)~~ divisions (A) (4), (B), and (C) of this section 2729
shall be those in effect on the date on which the candidate 2730
first sits for the examination. 2731

(F) The board shall charge a candidate a reasonable fee, 2732
to be determined by the board, that is adequate to cover all 2733
rentals, compensation for proctors, and other administrative 2734
expenses of the board related to examination or reexamination, 2735
including the expenses of procuring and grading the examination 2736
provided for in division ~~(E)~~ (A) (5) of this section and for any 2737
special examinations for a waiver of the educational 2738
requirements under division ~~(D) (1) (a) or (b)~~ (A) (4) (a) of this 2739
section. Fees for reexamination under division (E) of this 2740

section shall be charged by the board in amounts determined by 2741
it. The applicable fees shall be paid by the candidate at the 2742
time the candidate applies for examination or reexamination. 2743

(G) Any person who has received from the board a 2744
certificate as a certified public accountant and who holds an 2745
Ohio permit shall be styled and known as a "certified public 2746
accountant" and also may use the abbreviation "CPA." The board 2747
shall maintain a list of certified public accountants. Any 2748
certified public accountant also may be known as a "public 2749
accountant." 2750

(H) Persons who, on the effective date of an amendment of 2751
this section, held certified public accountant certificates 2752
previously issued under the laws of this state shall not be 2753
required to obtain additional certificates under this section 2754
but shall otherwise be subject to all provisions of this 2755
section, and those previously issued certificates, for all 2756
purposes, shall be considered certificates issued under this 2757
section and subject to its provisions. 2758

(I) The board may waive the examination under division ~~(E)~~ 2759
(A) (5) of this section and, upon payment of a fee determined by 2760
it, may issue a certificate as a "certified public accountant" 2761
to any person who possesses the qualifications specified in 2762
divisions (A) (1), ~~(B)~~ (2), and ~~(C)~~ (3) of this section and what 2763
the board determines to be substantially the equivalent of the 2764
applicable qualifications under division ~~(D)~~ (A) (4) of this 2765
section and who is the holder of a certificate as a certified 2766
public accountant, then in full force and effect, issued under 2767
the laws of any state, or is the holder of a certificate, 2768
license, or degree in a foreign country that constitutes a 2769
recognized qualification for the practice of public accounting 2770

in that country, that is comparable to that of a certified 2771
public accountant of this state, and that is then in full force 2772
and effect. 2773

Sec. 4701.17. Upon application in writing and after 2774
hearing pursuant to notice, the accountancy board may reissue or 2775
reinstate a certificate to a certified public accountant whose 2776
certificate has been revoked or suspended or reregister anyone 2777
whose registration has been revoked or suspended. 2778

The board may require a reasonable waiting period, 2779
commensurate with the offense, before a certificate holder or 2780
registrant whose certificate or registration has been revoked or 2781
suspended may apply to have the certificate or registration 2782
reissued or reinstated. The board may require compliance with 2783
any or all requirements of section 4701.06 of the Revised Code, 2784
including the taking of any examination described in division 2785
~~(E)~~ (A) (5) of that section as a prerequisite for recertification. 2786
The board may require compliance with any or all of the 2787
requirements of section 4701.07 of the Revised Code, including 2788
the taking of any examination described in division (E) of that 2789
section as a prerequisite for reregistration. 2790

Sec. 4713.01. As used in this chapter: 2791

"Apprentice instructor" means an individual holding a 2792
practicing license issued by the state cosmetology and barber 2793
board who is engaged in learning or acquiring knowledge of the 2794
occupation of an instructor of a branch of cosmetology at a 2795
school of cosmetology. 2796

"Beauty salon" means a salon in which an individual is 2797
authorized to engage in all branches of cosmetology. 2798

"Biennial licensing period" means the two-year period 2799

beginning on the first day of February of an odd-numbered year 2800
and ending on the last day of January of the next odd-numbered 2801
year. 2802

"Boutique salon" means a salon in which an individual 2803
engages in boutique services and no other branch of cosmetology. 2804

"Boutique services" means braiding, threading, shampooing, 2805
and makeup artistry. 2806

"Braiding" means intertwining the hair in a systematic 2807
motion to create patterns in a three-dimensional form, inverting 2808
the hair against the scalp along part of a straight or curved 2809
row of intertwined hair, or twisting the hair in a systematic 2810
motion, and includes extending the hair with natural or 2811
synthetic hair fibers. 2812

"Branch of cosmetology" means the practice of cosmetology, 2813
practice of esthetics, practice of hair design, practice of 2814
manicuring, practice of natural hair styling, or practice of 2815
boutique services. 2816

"Cosmetic therapy" ~~has the same meaning as in section~~ 2817
4731.15 of the Revised Code means the permanent removal of hair 2818
from the human body through the use of electric modalities and 2819
may include the systematic friction, stroking, slapping, and 2820
kneading or tapping of the face, neck, scalp, or shoulders. 2821

"Cosmetologist" means an individual authorized to engage 2822
in all branches of cosmetology in a licensed facility. 2823

"Cosmetology" means the art or practice of embellishment, 2824
cleansing, beautification, and styling of hair, wigs, postiches, 2825
face, body, or nails. 2826

"Cosmetology instructor" means an individual authorized to 2827

teach the theory and practice of all branches of cosmetology at	2828
a school of cosmetology.	2829
"Esthetician" means an individual who engages in the	2830
practice of esthetics but no other branch of cosmetology in a	2831
licensed facility.	2832
"Esthetics instructor" means an individual who teaches the	2833
theory and practice of esthetics, but no other branch of	2834
cosmetology, at a school of cosmetology.	2835
"Esthetics salon" means a salon in which an individual	2836
engages in the practice of esthetics but no other branch of	2837
cosmetology.	2838
"Eye lash extensions" include temporary and semi-permanent	2839
enhancements designed to add length, thickness, and fullness to	2840
natural eyelashes.	2841
"Hair designer" means an individual who engages in the	2842
practice of hair design but no other branch of cosmetology in a	2843
licensed facility.	2844
"Hair design instructor" means an individual who teaches	2845
the theory and practice of hair design, but no other branch of	2846
cosmetology, at a school of cosmetology.	2847
"Hair design salon" means a salon in which an individual	2848
engages in the practice of hair design but no other branch of	2849
cosmetology.	2850
"Hair removal" includes tweezing, waxing, sugaring, and	2851
threading. "Hair removal" does not include electrolysis.	2852
"Independent contractor" means an individual who is not an	2853
employee of a salon but practices a branch of cosmetology within	2854
a salon in a licensed facility.	2855

"Instructor license" means a license to teach the theory 2856
and practice of a branch of cosmetology at a school of 2857
cosmetology. 2858

"Licensed facility" means any premises, building, or part 2859
of a building licensed under section 4713.41 of the Revised Code 2860
in which cosmetology services are authorized by the state 2861
cosmetology and barber board to be performed. 2862

"Advanced cosmetologist" means an individual authorized to 2863
work in a beauty salon and engage in all branches of 2864
cosmetology. 2865

"Advanced esthetician" means an individual authorized to 2866
work in an esthetics salon, but no other type of salon, and 2867
engage in the practice of esthetics, but no other branch of 2868
cosmetology. 2869

"Advanced hair designer" means an individual authorized to 2870
work in a hair design salon, but no other type of salon, and 2871
engage in the practice of hair design, but no other branch of 2872
cosmetology. 2873

"Advanced license" means a license to work in a salon and 2874
practice the branch of cosmetology practiced at the salon. 2875

"Advanced manicurist" means an individual authorized to 2876
work in a nail salon, but no other type of salon, and engage in 2877
the practice of manicuring, but no other branch of cosmetology. 2878

"Advanced natural hair stylist" means an individual 2879
authorized to work in a natural hair style salon, but no other 2880
type of salon, and engage in the practice of natural hair 2881
styling, but no other branch of cosmetology. 2882

"Makeup artistry" means the application of cosmetics for 2883

the purpose of skin beautification. "Makeup artistry" does not 2884
include any other services described in the practice of any 2885
other branch of cosmetology. 2886

"Manicurist" means an individual who engages in the 2887
practice of manicuring but no other branch of cosmetology in a 2888
licensed facility. 2889

"Manicurist instructor" means an individual who teaches 2890
the theory and practice of manicuring, but no other branch of 2891
cosmetology, at a school of cosmetology. 2892

"Nail salon" means a salon in which an individual engages 2893
in the practice of manicuring but no other branch of 2894
cosmetology. 2895

"Natural hair stylist" means an individual who engages in 2896
the practice of natural hair styling but no other branch of 2897
cosmetology in a licensed facility. 2898

"Natural hair style instructor" means an individual who 2899
teaches the theory and practice of natural hair styling, but no 2900
other branch of cosmetology, at a school of cosmetology. 2901

"Natural hair style salon" means a salon in which an 2902
individual engages in the practice of natural hair styling but 2903
no other branch of cosmetology. 2904

"Practice of braiding" means utilizing the technique of 2905
intertwining hair in a systematic motion to create patterns in a 2906
three-dimensional form, including patterns that are inverted, 2907
upright, or singled against the scalp that follow along straight 2908
or curved partings. It may include twisting or locking the hair 2909
while adding bulk or length with human hair, synthetic hair, or 2910
both and using simple devices such as clips, combs, and 2911
hairpins. "Practice of braiding" does not include application of 2912

weaving, bonding, and fusion of individual strands or wefts; 2913
application of dyes, reactive chemicals, or other preparations 2914
to alter the color or straighten, curl, or alter the structure 2915
of hair; embellishing or beautifying hair by cutting or 2916
singeing, except as needed to finish the ends of synthetic 2917
fibers used to add bulk to or lengthen hair. 2918

"Practice of cosmetology" means the practice of all 2919
branches of cosmetology. 2920

"Practice of esthetics" means the application of 2921
cosmetics, tonics, antiseptics, creams, lotions, or other 2922
preparations for the purpose of skin beautification and includes 2923
preparation of the skin by manual massage techniques or by use 2924
of electrical, mechanical, or other apparatus; enhancement of 2925
the skin by skin care, facials, body treatments, hair removal, 2926
and other treatments; and eye lash extension services. 2927

"Practice of hair design" means embellishing or 2928
beautifying hair, wigs, or hairpieces by arranging, dressing, 2929
pressing, curling, waving, permanent waving, cleansing, cutting, 2930
singeing, bleaching, coloring, braiding, weaving, or similar 2931
work. "Practice of hair design" includes utilizing techniques 2932
performed by hand that result in tension on hair roots such as 2933
twisting, wrapping, weaving, extending, locking, or braiding of 2934
the hair. 2935

"Practice of manicuring" means cleaning, trimming, shaping 2936
the free edge of, or applying polish to the nails of any 2937
individual; applying nail enhancements and embellishments to any 2938
individual; massaging the hands and lower arms up to the elbow 2939
of any individual; massaging the feet and lower legs up to the 2940
knee of any individual; using lotions or softeners on the hands 2941
and feet of any individual; or any combination of these types of 2942

services. 2943

"Practice of natural hair styling" means utilizing 2944
techniques performed by hand that result in tension on hair 2945
roots such as twisting, wrapping, weaving, extending, locking, 2946
or braiding of the hair. "Practice of natural hair styling" does 2947
not include the application of dyes, reactive chemicals, or 2948
other preparations to alter the color or to straighten, curl, or 2949
alter the structure of the hair. "Practice of natural hair 2950
styling" also does not include embellishing or beautifying hair 2951
by cutting or singeing, except as needed to finish off the end 2952
of a braid, or by dressing, pressing, curling, waving, permanent 2953
waving, or similar work. 2954

"Practicing license" means a license to practice a branch 2955
of cosmetology in a licensed facility. 2956

"Salon" means a licensed facility on any premises, 2957
building, or part of a building in which an individual engages 2958
in the practice of one or more branches of cosmetology. "Salon" 2959
does not include a barber shop licensed under Chapter 4709. of 2960
the Revised Code. "Salon" does not mean a tanning facility, 2961
although a tanning facility may be located in a salon. 2962

"School of cosmetology" means any premises, building, or 2963
part of a building in which students are instructed in the 2964
theories and practices of one or more branches of cosmetology. 2965

"Shampooing" means the act of cleansing and conditioning 2966
an individual's hair under the supervision of an individual 2967
licensed under this chapter and in preparation to immediately 2968
receive a service from a licensee. 2969

"Student" means an individual, other than an apprentice 2970
instructor, who is engaged in learning or acquiring knowledge of 2971

the practice of a branch of cosmetology at a school of 2972
cosmetology. 2973

"Tanning facility" means any premises, building, or part 2974
of a building that contains one or more rooms or booths with any 2975
of the following: 2976

(A) Equipment or beds used for tanning human skin by the 2977
use of fluorescent sun lamps using ultraviolet or other 2978
artificial radiation; 2979

(B) Equipment or booths that use chemicals applied to 2980
human skin, including chemical applications commonly referred to 2981
as spray-on, mist-on, or sunless tans; 2982

(C) Equipment or beds that use visible light for cosmetic 2983
purposes. 2984

"Threading" includes a service that results in the removal 2985
of hair from its follicle from around the eyebrows and from 2986
other parts of the face with the use of a single strand of 2987
thread and an astringent, if the service does not use chemicals 2988
of any kind, wax, or any implements, instruments, or tools to 2989
remove hair. 2990

Sec. 4713.14. No individual shall do any of the following: 2991

(A) Use fraud or deceit in making application for a 2992
license, permit, or registration; 2993

(B) Aid or abet any individual or entity in any of the 2994
following: 2995

(1) Violating this chapter or a rule adopted under it; 2996

(2) Obtaining a license, permit, or registration 2997
fraudulently; 2998

(3) Falsely pretending to hold a current, valid license or permit.	2999 3000
(C) Practice a branch of cosmetology, for pay, free, or otherwise, without one of the following authorizing the practice of that branch of cosmetology:	3001 3002 3003
(1) A current, valid license under section 4713.28, 4713.30, or 4713.34 of the Revised Code;	3004 3005
(2) A current, valid temporary pre-examination work permit issued under section 4713.22 of the Revised Code;	3006 3007
(3) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code;	3008 3009
(4) A current, valid temporary work permit issued under rules adopted by the board pursuant to section 4713.08 of the Revised Code;	3010 3011 3012
(5) A current, valid registration under section 4713.69 of the Revised Code.	3013 3014
(D) Employ an individual to practice a branch of cosmetology if the individual does not hold one of the following authorizing the practice of that branch of cosmetology:	3015 3016 3017
(1) A current, valid license under section 4713.28, 4713.30, or 4713.34 of the Revised Code;	3018 3019
(2) A current, valid temporary pre-examination work permit issued under section 4713.22 of the Revised Code;	3020 3021
(3) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code;	3022 3023
(4) A current, valid temporary work permit issued under rules adopted by the board pursuant to section 4713.08 of the	3024 3025

Revised Code;	3026
(5) A current, valid registration under section 4713.69 of the Revised Code.	3027 3028
(E) Except for apprentice instructors and as provided in section 4713.45 of the Revised Code, teach the theory or practice of a branch of cosmetology at a school of cosmetology without either of the following authorizing the teaching of that branch of cosmetology:	3029 3030 3031 3032 3033
(1) A current, valid license under section 4713.31 or 4713.34 of the Revised Code;	3034 3035
(2) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code.	3036 3037
(F) Advertise or operate a glamour photography service in which a branch of cosmetology is practiced unless the individual practicing the branch of cosmetology holds either of the following authorizing the practice of that branch of cosmetology:	3038 3039 3040 3041 3042
(1) A current, valid license under section 4713.28, 4713.30, or 4713.34 of the Revised Code;	3043 3044
(2) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code.	3045 3046
(G) Advertise or operate a glamour photography service in which a branch of cosmetology is practiced at a location not specified by rules adopted under section 4713.08 of the Revised Code;	3047 3048 3049 3050
(H) Practice a branch of cosmetology at a salon as an independent contractor without a current, valid independent contractor license issued under section 4713.39 of the Revised	3051 3052 3053

Code;	3054
(I) Operate a salon without a current, valid license under section 4713.41 of the Revised Code;	3055 3056
(J) Provide cosmetic therapy or massage therapy <u>any of the following</u> at a salon for pay, free, or otherwise without ;	3057 3058
(1) <u>Massage therapy, unless the individual has a current, valid license issued by the state medical board under section 4731.15 of the Revised Code</u> or provide any ;	3059 3060 3061
(2) <u>Any other professional service</u> at a salon for pay, free, or otherwise without , unless the individual has a current, valid license or certificate issued by the professional regulatory board of this state that regulates the profession;	3062 3063 3064 3065
(3) <u>Cosmetic therapy, unless the individual is authorized by rules adopted under section 4713.08 of the Revised Code.</u>	3066 3067
(K) Teach a branch of cosmetology at a salon, unless the individual receiving the instruction holds either of the following authorizing the practice of that branch of cosmetology:	3068 3069 3070 3071
(1) A current, valid license under section 4713.28, 4713.30, or 4713.34 of the Revised Code;	3072 3073
(2) A current, valid temporary pre-examination work permit issued under section 4713.22 of the Revised Code.	3074 3075
(L) Operate a school of cosmetology without a current, valid license under section 4713.44 of the Revised Code;	3076 3077
(M) At a salon or school of cosmetology, do any of the following:	3078 3079
(1) Use or possess a cosmetic product containing an	3080

ingredient that the United States food and drug administration	3081
has prohibited by regulation;	3082
(2) Use a cosmetic product in a manner inconsistent with a	3083
restriction established by the United States food and drug	3084
administration by regulation;	3085
(3) Use or possess a liquid nail monomer containing any	3086
trace of methyl methacrylate (MMA).	3087
(N) While in charge of a salon or school of cosmetology,	3088
permit any individual to sleep in, or use for residential	3089
purposes, any room used wholly or in part as the salon or school	3090
of cosmetology;	3091
(O) Maintain, as an established place of business for the	3092
practice of one or more of the branches of cosmetology, a room	3093
used wholly or in part for sleeping or residential purposes;	3094
(P) Operate a tanning facility that is offered to the	3095
public for a fee or other compensation without a current, valid	3096
permit under section 4713.48 of the Revised Code;	3097
(Q) Practice a branch of cosmetology in a location other	3098
than a licensed facility unless otherwise exempted under section	3099
4713.16 or 4713.17 of the Revised Code;	3100
(R) Use any of the services or arts that are part of	3101
cosmetology to treat or attempt to cure a physical or mental	3102
disease or ailment.	3103
Sec. 4713.17. (A) The following persons are exempt from	3104
the provisions of this chapter, except, as applicable, section	3105
4713.42 of the Revised Code:	3106
(1) All individuals authorized to practice medicine,	3107
surgery, dentistry, and nursing or any of its branches in this	3108

state;	3109
(2) Commissioned surgical and medical officers of the United States army, navy, air force, or marine hospital service when engaged in the actual performance of their official duties, and attendants attached to same;	3110 3111 3112 3113
(3) Funeral directors, embalmers, and apprentices licensed or registered under Chapter 4717. of the Revised Code;	3114 3115
(4) Persons who are engaged in the retail sale, cleaning, or beautification of wigs and hairpieces but who do not engage in any other act constituting the practice of a branch of cosmetology;	3116 3117 3118 3119
(5) Volunteers of hospitals, and homes as defined in section 3721.01 of the Revised Code, who render service to registered patients and inpatients who reside in such hospitals or homes. Such volunteers shall not use or work with any chemical products such as permanent wave, hair dye, or chemical hair relaxer, which without proper training would pose a health or safety problem to the patient.	3120 3121 3122 3123 3124 3125 3126
(6) Nurse aides and other employees of hospitals and homes as defined in section 3721.01 of the Revised Code, who practice a branch of cosmetology on registered patients only as part of general patient care services and who do not charge patients directly on a fee for service basis;	3127 3128 3129 3130 3131
(7) Cosmetic therapists and massage <u>Massage</u> therapists who hold current, valid licenses to practice cosmetic or massage therapy issued by the state medical board under section 4731.15 of the Revised Code, to the extent their actions are authorized by their licenses;	3132 3133 3134 3135 3136
(8) Inmates who provide services related to a branch of	3137

cosmetology to other inmates, except when those services are 3138
provided in a licensed school of cosmetology within a state 3139
correctional institution for females. 3140

(B) The director of rehabilitation and correction shall 3141
oversee the services described in division (A)(8) of this 3142
section with respect to sanitation and adopt rules governing 3143
those types of services provided by inmates. 3144

Sec. 4713.42. An individual holding a current, valid 3145
license issued under section 4731.15 of the Revised Code to 3146
provide ~~cosmetic therapy or~~ massage therapy may provide ~~cosmetic-~~ 3147
~~therapy or~~ massage therapy, ~~as appropriate,~~ in a salon. An 3148
individual holding a current, valid license or certificate 3149
issued by a professional regulatory board of this state may 3150
practice the individual's profession in a salon if the 3151
individual's profession is authorized by rules adopted under 3152
section 4713.08 of the Revised Code to practice in a salon. An 3153
individual may provide cosmetic therapy in a salon if authorized 3154
by rules adopted under section 4713.08 of the Revised Code to 3155
practice in a salon. 3156

An individual providing cosmetic therapy, massage therapy, 3157
or other professional service in a salon pursuant to this 3158
section shall satisfy the standards established by rules adopted 3159
under section 4713.08 of the Revised Code. 3160

Sec. 4713.56. Every holder of a practicing license, 3161
instructor license, independent contractor license, or boutique 3162
service registration issued by the state cosmetology and barber 3163
board shall maintain the board-issued, wallet-sized license or 3164
electronically generated license certification or registration 3165
and a current government-issued photo identification that can be 3166
produced upon inspection or request. 3167

Every holder of a license to operate a salon issued by the board shall display the license in a public and conspicuous place in the salon.

Every holder of a license to operate a school of cosmetology issued by the board shall display the license in a public and conspicuous place in the school.

Every individual who provides ~~cosmetic therapy~~, massage therapy, or other professional service in a salon under section 4713.42 of the Revised Code shall maintain the individual's professional license or certificate or electronically generated license certification or registration and a state of Ohio issued photo identification that can be produced upon inspection or request.

Sec. 4730.11. (A) To be eligible to receive a license to practice as a physician assistant, all of the following apply to an applicant:

(1) The applicant shall be at least eighteen years of age.

(2) The applicant shall be of good moral character.

(3) The applicant shall hold current certification by the national commission on certification of physician assistants or a successor organization that is recognized by the state medical board.

(4) The applicant shall meet either of the following requirements:

(a) The educational requirements specified in division (B) (1) or (2) of this section;

(b) The educational or other applicable requirements specified in division (C) (1), (2), or (3) of this section.

(B) For purposes of division (A) (4) (a) of this section, an applicant shall meet either of the following educational requirements:

(1) The applicant shall hold a master's or higher degree obtained from a program accredited by ~~the accreditation review commission on education for the physician assistant or a predecessor or successor~~ an organization recognized by the board.

(2) The applicant shall hold both of the following degrees:

(a) A degree other than a master's or higher degree obtained from a program accredited by ~~the accreditation review commission on education for the physician assistant or a predecessor or successor~~ an organization recognized by the board;

(b) A master's or higher degree in a course of study with clinical relevance to the practice of physician assistants and obtained from a program accredited by a regional or specialized and professional accrediting agency recognized by the ~~council~~ for higher education accreditation board.

(C) For purposes of division (A) (4) (b) of this section, an applicant shall present evidence satisfactory to the board of meeting one of the following requirements in lieu of meeting the educational requirements specified in division (B) (1) or (2) of this section:

(1) The applicant shall hold a current, valid license or other form of authority to practice as a physician assistant issued by another jurisdiction and either have been in active practice in any jurisdiction throughout the two-year period

immediately preceding the date of application or have met one or 3225
more of the following requirements as specified by the board: 3226

(a) Passed an oral or written examination or assessment, 3227
or both types of examination or assessment, that determined the 3228
applicant's present fitness to resume practice; 3229

(b) Obtained additional training and passed an examination 3230
or assessment on completion of the training; 3231

(c) Agreed to limitations on the applicant's extent, 3232
scope, or type of practice. 3233

(2) The applicant shall hold a degree obtained as a result 3234
of being enrolled on January 1, 2008, in a program in this state 3235
that was accredited by the accreditation review commission on 3236
education for the physician assistant but did not grant a 3237
master's or higher degree to individuals enrolled in the program 3238
on that date, and completing the program on or before December 3239
31, 2009. 3240

(3) The applicant shall hold a degree obtained from a 3241
~~program accredited by the accreditation review commission on~~ 3242
~~education for the physician assistant~~ an organization recognized 3243
by the board and meet either of the following experience 3244
requirements: 3245

(a) Either have experience practicing as a physician 3246
assistant for at least two consecutive years immediately 3247
preceding the date of application while on active duty, with 3248
evidence of service under honorable conditions, in any of the 3249
armed forces of the United States or the national guard of any 3250
state, including any experience attained while practicing as a 3251
physician assistant at a health care facility or clinic operated 3252
by the United States department of veterans affairs or have met 3253

one or more of the following requirements as specified by the 3254
board: 3255

(i) Passed an oral or written examination or assessment, 3256
or both types of examination or assessment, that determined the 3257
applicant's present fitness to resume practice; 3258

(ii) Obtained additional training and passed an 3259
examination or assessment on completion of the training; 3260

(iii) Agreed to limitations on the applicant's extent, 3261
scope, or type of practice; 3262

(b) Either have experience practicing as a physician 3263
assistant for at least two consecutive years immediately 3264
preceding the date of application while on active duty in the 3265
United States public health service commissioned corps or have 3266
met one or more of the following requirements as specified by 3267
the board: 3268

(i) Passed an oral or written examination or assessment, 3269
or both types of examination or assessment, that determined the 3270
applicant's present fitness to resume practice; 3271

(ii) Obtained additional training and passed an 3272
examination or assessment on completion of the training; 3273

(iii) Agreed to limitations on the applicant's extent, 3274
scope, or type of practice. 3275

(D) This section does not require an individual to obtain 3276
a master's or higher degree as a condition of retaining or 3277
renewing a license to practice as a physician assistant if the 3278
individual received the license without holding a master's or 3279
higher degree as provided in either of the following: 3280

(1) Before the educational requirements specified in 3281

division (B) (1) or (2) of this section became effective January 3282
1, 2008; 3283

(2) By meeting the educational or other applicable 3284
requirements specified in division (C) (1), (2), or (3) of this 3285
section. 3286

Sec. 4731.04. As used in this chapter: 3287

~~(A) "Cosmetic therapy" means the permanent removal of hair 3288
from the human body through the use of electric modalities 3289
approved by the state medical board for use in cosmetic therapy 3290
and may include the systematic friction, stroking, slapping, and 3291
kneading or tapping of the face, neck, scalp, or shoulders. 3292~~

~~(B)~~ "Fifth pathway training" means supervised clinical 3293
training obtained in the United States as a substitute for the 3294
internship or social service requirements of a foreign medical 3295
school. 3296

~~(C)~~ (B) "Graduate medical education" means education 3297
received through any of the following: 3298

(1) An internship, residency, or clinical fellowship 3299
program conducted in the United States and accredited by either 3300
the accreditation council for graduate medical education of the 3301
American medical association or the American osteopathic 3302
association; 3303

(2) A clinical fellowship program that is not accredited 3304
as described in division ~~(C) (1)~~ (B) (1) of this section, but is 3305
conducted in the United States at an institution with a 3306
residency program that is accredited as described in that 3307
division and is in a clinical field the same as or related to 3308
the clinical field of the fellowship program; 3309

(3) An internship program conducted in Canada and 3310
accredited by the committee on accreditation of preregistration 3311
physician training programs of the federation of provincial 3312
medical licensing authorities of Canada; 3313

(4) A residency program conducted in Canada and accredited 3314
by either the royal college of physicians and surgeons of Canada 3315
or the college of family physicians of Canada. 3316

~~(D)~~ (C) "Massage therapy" means the treatment of disorders 3317
of the human body by the manipulation of soft tissue through the 3318
systematic external application of massage techniques including 3319
touch, stroking, friction, vibration, percussion, kneading, 3320
stretching, compression, and joint movements within the normal 3321
physiologic range of motion; and adjunctive thereto, the 3322
external application of water, heat, cold, topical preparations, 3323
and mechanical devices. 3324

Sec. 4731.15. (A) The state medical board also shall 3325
regulate the following limited branches of medicine: massage 3326
therapy ~~and cosmetic therapy~~, and to the extent specified in 3327
section 4731.151 of the Revised Code, naprapathy and 3328
mechanotherapy. The board shall adopt rules governing the 3329
limited branches of medicine under its jurisdiction. The rules 3330
shall be adopted in accordance with Chapter 119. of the Revised 3331
Code. 3332

(B) A license to practice a limited branch of medicine 3333
issued by the state medical board is valid for a two-year period 3334
unless revoked or suspended and expires on the date that is two 3335
years after the date of issuance. The license may be renewed for 3336
additional two-year periods in accordance with division (C) of 3337
this section. 3338

(C) Both of the following apply with respect to the 3339
renewal of licenses to practice a limited branch of medicine: 3340

(1) Each person seeking to renew a license to practice a 3341
limited branch of medicine shall apply for biennial renewal with 3342
the state medical board in a manner prescribed by the board. An 3343
applicant for renewal shall pay a biennial renewal fee of one 3344
hundred dollars. 3345

(2) At least one month before a license expires, the board 3346
shall provide a renewal notice to the license holder. 3347

(D) All persons who hold a license to practice a limited 3348
branch of medicine issued by the state medical board shall 3349
provide the board notice of any change of address. The notice 3350
shall be submitted to the board not later than thirty days after 3351
the change of address. 3352

(E) A license to practice a limited branch of medicine 3353
shall be automatically suspended if the license holder fails to 3354
renew the license in accordance with division (C) of this 3355
section. Continued practice after the suspension of the license 3356
to practice shall be considered as practicing in violation of 3357
sections 4731.34 and 4731.41 of the Revised Code. 3358

If a license has been suspended pursuant to this division 3359
for two years or less, it may be reinstated. The board shall 3360
reinstated the license upon an applicant's submission of a 3361
renewal application and payment of a reinstatement fee of one 3362
hundred twenty-five dollars. ~~With regard to reinstatement of a~~ 3363
~~license to practice cosmetic therapy, the applicant also shall~~ 3364
~~submit with the application a certification that the number of~~ 3365
~~hours of continuing education necessary to have a suspended~~ 3366
~~license reinstated have been completed, as specified in rules~~ 3367

~~the board shall adopt in accordance with Chapter 119. of the~~ 3368
~~Revised Code.~~ 3369

If a license has been suspended pursuant to this division 3370
for more than two years, it may be restored. Subject to section 3371
4731.222 of the Revised Code, the board may restore the license 3372
upon an applicant's submission of a restoration application and 3373
a restoration fee of one hundred fifty dollars and compliance 3374
with sections 4776.01 to 4776.04 of the Revised Code. The board 3375
shall not restore to an applicant a license to practice unless 3376
the board, in its discretion, decides that the results of the 3377
criminal records check do not make the applicant ineligible for 3378
a license issued pursuant to section 4731.17 of the Revised 3379
Code. 3380

Sec. 4731.16. (A) The state medical board shall determine 3381
the standing of the schools, colleges, or institutions giving 3382
instruction in the limited ~~branches~~branch of medicine of 3383
massage therapy ~~and cosmetic therapy~~. 3384

(B) The board may administer an examination of competency 3385
to practice a limited branch of medicine. If it administers an 3386
examination, the board shall establish by rule a fee to cover 3387
the cost of administering the examination. 3388

If it does not administer an examination, the board shall 3389
adopt rules under section 4731.05 of the Revised Code that 3390
specify both of the following: 3391

(1) An examination acceptable to the board as an 3392
examination of competency to practice a limited branch of 3393
medicine; 3394

(2) The score that constitutes evidence of passing the 3395
examination. 3396

Sec. 4731.171. In addition to any other eligibility 3397
requirement set forth in this chapter, each applicant for a 3398
license to practice massage therapy ~~or cosmetic therapy~~ shall 3399
comply with sections 4776.01 to 4776.04 of the Revised Code. The 3400
state medical board shall not grant to an applicant a license to 3401
practice massage therapy ~~or cosmetic therapy~~ unless the board, 3402
in its discretion, decides that the results of the criminal 3403
records check do not make the applicant ineligible for a license 3404
issued pursuant to section 4731.17 of the Revised Code. 3405

Sec. 4731.19. (A) A person seeking a license to practice a 3406
limited branch of medicine shall file with the state medical 3407
board an application in a manner prescribed by the board. The 3408
application shall include or be accompanied by all of the 3409
following: 3410

(1) Evidence that the applicant is at least eighteen years 3411
of age and of good moral character; 3412

(2) Evidence that the applicant has attained high school 3413
graduation or its equivalent; 3414

(3) Evidence that the applicant holds one of the 3415
following: 3416

(a) A diploma or certificate from a school, college, or 3417
institution in good standing as determined by the board, showing 3418
the completion of the following required courses of instruction: 3419

(i) Two hundred seventy-five hours in anatomy and 3420
physiology and pathology; 3421

(ii) Two hundred seventy-five hours in massage theory and 3422
practical, including hygiene; 3423

(iii) Twenty-five hours in ethics; 3424

<u>(iv) Twenty-five hours in business and law.</u>	3425
(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 <u>the requirements of division (A) (3) (a) of this section and any other course</u> requirements determined by the board through rules adopted under section 4731.05 of the Revised Code;	3426 3427 3428 3429 3430 3431
(c) During the five-year period immediately preceding the date of application, a current license, registration, or certificate in good standing in another state for massage therapy or cosmetic therapy .	3432 3433 3434 3435
(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;	3436 3437 3438 3439
(5) An attestation that the information submitted under this section is accurate and truthful and that the applicant consents to release of information;	3440 3441 3442
(6) Any other information the board requires.	3443
(B) An applicant for a license to practice a limited branch of medicine shall comply with the requirements of section 4731.171 of the Revised Code.	3444 3445 3446
(C) At the time of making application for a license 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.	3447 3448 3449 3450 3451
(D) The board may investigate the application materials	3452

received under this section and contact any agency or 3453
organization for recommendations or other information about the 3454
applicant. 3455

Sec. 4731.22. (A) The state medical board, by an 3456
affirmative vote of not fewer than six of its members, may 3457
limit, revoke, or suspend a license or certificate to practice 3458
or certificate to recommend, refuse to grant a license or 3459
certificate, refuse to renew a license or certificate, refuse to 3460
reinstate a license or certificate, or reprimand or place on 3461
probation the holder of a license or certificate if the 3462
individual applying for or holding the license or certificate is 3463
found by the board to have committed fraud during the 3464
administration of the examination for a license or certificate 3465
to practice or to have committed fraud, misrepresentation, or 3466
deception in applying for, renewing, or securing any license or 3467
certificate to practice or certificate to recommend issued by 3468
the board. 3469

(B) The board, by an affirmative vote of not fewer than 3470
six members, shall, to the extent permitted by law, limit, 3471
revoke, or suspend a license or certificate to practice or 3472
certificate to recommend, refuse to issue a license or 3473
certificate, refuse to renew a license or certificate, refuse to 3474
reinstate a license or certificate, or reprimand or place on 3475
probation the holder of a license or certificate for one or more 3476
of the following reasons: 3477

(1) Permitting one's name or one's license or certificate 3478
to practice to be used by a person, group, or corporation when 3479
the individual concerned is not actually directing the treatment 3480
given; 3481

(2) Failure to maintain minimal standards applicable to 3482

the selection or administration of drugs, or failure to employ 3483
acceptable scientific methods in the selection of drugs or other 3484
modalities for treatment of disease; 3485

(3) Except as provided in section 4731.97 of the Revised 3486
Code, selling, giving away, personally furnishing, prescribing, 3487
or administering drugs for other than legal and legitimate 3488
therapeutic purposes or a plea of guilty to, a judicial finding 3489
of guilt of, or a judicial finding of eligibility for 3490
intervention in lieu of conviction of, a violation of any 3491
federal or state law regulating the possession, distribution, or 3492
use of any drug; 3493

(4) Willfully betraying a professional confidence. 3494

For purposes of this division, "willfully betraying a 3495
professional confidence" does not include providing any 3496
information, documents, or reports under sections 307.621 to 3497
307.629 of the Revised Code to a child fatality review board; 3498
does not include providing any information, documents, or 3499
reports to the director of health pursuant to guidelines 3500
established under section 3701.70 of the Revised Code; does not 3501
include written notice to a mental health professional under 3502
section 4731.62 of the Revised Code; and does not include the 3503
making of a report of an employee's use of a drug of abuse, or a 3504
report of a condition of an employee other than one involving 3505
the use of a drug of abuse, to the employer of the employee as 3506
described in division (B) of section 2305.33 of the Revised 3507
Code. Nothing in this division affects the immunity from civil 3508
liability conferred by section 2305.33 or 4731.62 of the Revised 3509
Code upon a physician who makes a report in accordance with 3510
section 2305.33 or notifies a mental health professional in 3511
accordance with section 4731.62 of the Revised Code. As used in 3512

this division, "employee," "employer," and "physician" have the 3513
same meanings as in section 2305.33 of the Revised Code. 3514

(5) Making a false, fraudulent, deceptive, or misleading 3515
statement in the solicitation of or advertising for patients; in 3516
relation to the practice of medicine and surgery, osteopathic 3517
medicine and surgery, podiatric medicine and surgery, or a 3518
limited branch of medicine; or in securing or attempting to 3519
secure any license or certificate to practice issued by the 3520
board. 3521

As used in this division, "false, fraudulent, deceptive, 3522
or misleading statement" means a statement that includes a 3523
misrepresentation of fact, is likely to mislead or deceive 3524
because of a failure to disclose material facts, is intended or 3525
is likely to create false or unjustified expectations of 3526
favorable results, or includes representations or implications 3527
that in reasonable probability will cause an ordinarily prudent 3528
person to misunderstand or be deceived. 3529

(6) A departure from, or the failure to conform to, 3530
minimal standards of care of similar practitioners under the 3531
same or similar circumstances, whether or not actual injury to a 3532
patient is established; 3533

(7) Representing, with the purpose of obtaining 3534
compensation or other advantage as personal gain or for any 3535
other person, that an incurable disease or injury, or other 3536
incurable condition, can be permanently cured; 3537

(8) The obtaining of, or attempting to obtain, money or 3538
anything of value by fraudulent misrepresentations in the course 3539
of practice; 3540

(9) A plea of guilty to, a judicial finding of guilt of, 3541

or a judicial finding of eligibility for intervention in lieu of 3542
conviction for, a felony; 3543

(10) Commission of an act that constitutes a felony in 3544
this state, regardless of the jurisdiction in which the act was 3545
committed; 3546

(11) A plea of guilty to, a judicial finding of guilt of, 3547
or a judicial finding of eligibility for intervention in lieu of 3548
conviction for, a misdemeanor committed in the course of 3549
practice; 3550

(12) Commission of an act in the course of practice that 3551
constitutes a misdemeanor in this state, regardless of the 3552
jurisdiction in which the act was committed; 3553

(13) A plea of guilty to, a judicial finding of guilt of, 3554
or a judicial finding of eligibility for intervention in lieu of 3555
conviction for, a misdemeanor involving moral turpitude; 3556

(14) Commission of an act involving moral turpitude that 3557
constitutes a misdemeanor in this state, regardless of the 3558
jurisdiction in which the act was committed; 3559

(15) Violation of the conditions of limitation placed by 3560
the board upon a license or certificate to practice; 3561

(16) Failure to pay license renewal fees specified in this 3562
chapter; 3563

(17) Except as authorized in section 4731.31 of the 3564
Revised Code, engaging in the division of fees for referral of 3565
patients, or the receiving of a thing of value in return for a 3566
specific referral of a patient to utilize a particular service 3567
or business; 3568

(18) Subject to section 4731.226 of the Revised Code, 3569

violation of any provision of a code of ethics of the American 3570
medical association, the American osteopathic association, the 3571
American podiatric medical association, or any other national 3572
professional organizations that the board specifies by rule. The 3573
state medical board shall obtain and keep on file current copies 3574
of the codes of ethics of the various national professional 3575
organizations. The individual whose license or certificate is 3576
being suspended or revoked shall not be found to have violated 3577
any provision of a code of ethics of an organization not 3578
appropriate to the individual's profession. 3579

For purposes of this division, a "provision of a code of 3580
ethics of a national professional organization" does not include 3581
any provision that would preclude the making of a report by a 3582
physician of an employee's use of a drug of abuse, or of a 3583
condition of an employee other than one involving the use of a 3584
drug of abuse, to the employer of the employee as described in 3585
division (B) of section 2305.33 of the Revised Code. Nothing in 3586
this division affects the immunity from civil liability 3587
conferred by that section upon a physician who makes either type 3588
of report in accordance with division (B) of that section. As 3589
used in this division, "employee," "employer," and "physician" 3590
have the same meanings as in section 2305.33 of the Revised 3591
Code. 3592

(19) Inability to practice according to acceptable and 3593
prevailing standards of care by reason of mental illness or 3594
physical illness, including, but not limited to, physical 3595
deterioration that adversely affects cognitive, motor, or 3596
perceptive skills. 3597

In enforcing this division, the board, upon a showing of a 3598
possible violation, may compel any individual authorized to 3599

practice by this chapter or who has submitted an application 3600
pursuant to this chapter to submit to a mental examination, 3601
physical examination, including an HIV test, or both a mental 3602
and a physical examination. The expense of the examination is 3603
the responsibility of the individual compelled to be examined. 3604
Failure to submit to a mental or physical examination or consent 3605
to an HIV test ordered by the board constitutes an admission of 3606
the allegations against the individual unless the failure is due 3607
to circumstances beyond the individual's control, and a default 3608
and final order may be entered without the taking of testimony 3609
or presentation of evidence. If the board finds an individual 3610
unable to practice because of the reasons set forth in this 3611
division, the board shall require the individual to submit to 3612
care, counseling, or treatment by physicians approved or 3613
designated by the board, as a condition for initial, continued, 3614
reinstated, or renewed authority to practice. An individual 3615
affected under this division shall be afforded an opportunity to 3616
demonstrate to the board the ability to resume practice in 3617
compliance with acceptable and prevailing standards under the 3618
provisions of the individual's license or certificate. For the 3619
purpose of this division, any individual who applies for or 3620
receives a license or certificate to practice under this chapter 3621
accepts the privilege of practicing in this state and, by so 3622
doing, shall be deemed to have given consent to submit to a 3623
mental or physical examination when directed to do so in writing 3624
by the board, and to have waived all objections to the 3625
admissibility of testimony or examination reports that 3626
constitute a privileged communication. 3627

(20) Except as provided in division (F)(1)(b) of section 3628
4731.282 of the Revised Code or when civil penalties are imposed 3629
under section 4731.225 of the Revised Code, and subject to 3630

section 4731.226 of the Revised Code, violating or attempting to 3631
violate, directly or indirectly, or assisting in or abetting the 3632
violation of, or conspiring to violate, any provisions of this 3633
chapter or any rule promulgated by the board. 3634

This division does not apply to a violation or attempted 3635
violation of, assisting in or abetting the violation of, or a 3636
conspiracy to violate, any provision of this chapter or any rule 3637
adopted by the board that would preclude the making of a report 3638
by a physician of an employee's use of a drug of abuse, or of a 3639
condition of an employee other than one involving the use of a 3640
drug of abuse, to the employer of the employee as described in 3641
division (B) of section 2305.33 of the Revised Code. Nothing in 3642
this division affects the immunity from civil liability 3643
conferred by that section upon a physician who makes either type 3644
of report in accordance with division (B) of that section. As 3645
used in this division, "employee," "employer," and "physician" 3646
have the same meanings as in section 2305.33 of the Revised 3647
Code. 3648

(21) The violation of section 3701.79 of the Revised Code 3649
or of any abortion rule adopted by the director of health 3650
pursuant to section 3701.341 of the Revised Code; 3651

(22) Any of the following actions taken by an agency 3652
responsible for authorizing, certifying, or regulating an 3653
individual to practice a health care occupation or provide 3654
health care services in this state or another jurisdiction, for 3655
any reason other than the nonpayment of fees: the limitation, 3656
revocation, or suspension of an individual's license to 3657
practice; acceptance of an individual's license surrender; 3658
denial of a license; refusal to renew or reinstate a license; 3659
imposition of probation; or issuance of an order of censure or 3660

other reprimand; 3661

(23) The violation of section 2919.12 of the Revised Code 3662
or the performance or inducement of an abortion upon a pregnant 3663
woman with actual knowledge that the conditions specified in 3664
division (B) of section 2317.56 of the Revised Code have not 3665
been satisfied or with a heedless indifference as to whether 3666
those conditions have been satisfied, unless an affirmative 3667
defense as specified in division (H) (2) of that section would 3668
apply in a civil action authorized by division (H) (1) of that 3669
section; 3670

(24) The revocation, suspension, restriction, reduction, 3671
or termination of clinical privileges by the United States 3672
department of defense or department of veterans affairs or the 3673
termination or suspension of a certificate of registration to 3674
prescribe drugs by the drug enforcement administration of the 3675
United States department of justice; 3676

(25) Termination or suspension from participation in the 3677
medicare or medicaid programs by the department of health and 3678
human services or other responsible agency; 3679

(26) Impairment of ability to practice according to 3680
acceptable and prevailing standards of care because of habitual 3681
or excessive use or abuse of drugs, alcohol, or other substances 3682
that impair ability to practice. 3683

For the purposes of this division, any individual 3684
authorized to practice by this chapter accepts the privilege of 3685
practicing in this state subject to supervision by the board. By 3686
filing an application for or holding a license or certificate to 3687
practice under this chapter, an individual shall be deemed to 3688
have given consent to submit to a mental or physical examination 3689

when ordered to do so by the board in writing, and to have 3690
waived all objections to the admissibility of testimony or 3691
examination reports that constitute privileged communications. 3692

If it has reason to believe that any individual authorized 3693
to practice by this chapter or any applicant for licensure or 3694
certification to practice suffers such impairment, the board may 3695
compel the individual to submit to a mental or physical 3696
examination, or both. The expense of the examination is the 3697
responsibility of the individual compelled to be examined. Any 3698
mental or physical examination required under this division 3699
shall be undertaken by a treatment provider or physician who is 3700
qualified to conduct the examination and who is chosen by the 3701
board. 3702

Failure to submit to a mental or physical examination 3703
ordered by the board constitutes an admission of the allegations 3704
against the individual unless the failure is due to 3705
circumstances beyond the individual's control, and a default and 3706
final order may be entered without the taking of testimony or 3707
presentation of evidence. If the board determines that the 3708
individual's ability to practice is impaired, the board shall 3709
suspend the individual's license or certificate or deny the 3710
individual's application and shall require the individual, as a 3711
condition for initial, continued, reinstated, or renewed 3712
licensure or certification to practice, to submit to treatment. 3713

Before being eligible to apply for reinstatement of a 3714
license or certificate suspended under this division, the 3715
impaired practitioner shall demonstrate to the board the ability 3716
to resume practice in compliance with acceptable and prevailing 3717
standards of care under the provisions of the practitioner's 3718
license or certificate. The demonstration shall include, but 3719

shall not be limited to, the following: 3720

(a) Certification from a treatment provider approved under 3721
section 4731.25 of the Revised Code that the individual has 3722
successfully completed any required inpatient treatment; 3723

(b) Evidence of continuing full compliance with an 3724
aftercare contract or consent agreement; 3725

(c) Two written reports indicating that the individual's 3726
ability to practice has been assessed and that the individual 3727
has been found capable of practicing according to acceptable and 3728
prevailing standards of care. The reports shall be made by 3729
individuals or providers approved by the board for making the 3730
assessments and shall describe the basis for their 3731
determination. 3732

The board may reinstate a license or certificate suspended 3733
under this division after that demonstration and after the 3734
individual has entered into a written consent agreement. 3735

When the impaired practitioner resumes practice, the board 3736
shall require continued monitoring of the individual. The 3737
monitoring shall include, but not be limited to, compliance with 3738
the written consent agreement entered into before reinstatement 3739
or with conditions imposed by board order after a hearing, and, 3740
upon termination of the consent agreement, submission to the 3741
board for at least two years of annual written progress reports 3742
made under penalty of perjury stating whether the individual has 3743
maintained sobriety. 3744

(27) A second or subsequent violation of section 4731.66 3745
or 4731.69 of the Revised Code; 3746

(28) Except as provided in division (N) of this section: 3747

(a) Waiving the payment of all or any part of a deductible	3748
or copayment that a patient, pursuant to a health insurance or	3749
health care policy, contract, or plan that covers the	3750
individual's services, otherwise would be required to pay if the	3751
waiver is used as an enticement to a patient or group of	3752
patients to receive health care services from that individual;	3753
(b) Advertising that the individual will waive the payment	3754
of all or any part of a deductible or copayment that a patient,	3755
pursuant to a health insurance or health care policy, contract,	3756
or plan that covers the individual's services, otherwise would	3757
be required to pay.	3758
(29) Failure to use universal blood and body fluid	3759
precautions established by rules adopted under section 4731.051	3760
of the Revised Code;	3761
(30) Failure to provide notice to, and receive	3762
acknowledgment of the notice from, a patient when required by	3763
section 4731.143 of the Revised Code prior to providing	3764
nonemergency professional services, or failure to maintain that	3765
notice in the patient's medical record;	3766
(31) Failure of a physician supervising a physician	3767
assistant to maintain supervision in accordance with the	3768
requirements of Chapter 4730. of the Revised Code and the rules	3769
adopted under that chapter;	3770
(32) Failure of a physician or podiatrist to enter into a	3771
standard care arrangement with a clinical nurse specialist,	3772
certified nurse-midwife, or certified nurse practitioner with	3773
whom the physician or podiatrist is in collaboration pursuant to	3774
section 4731.27 of the Revised Code or failure to fulfill the	3775
responsibilities of collaboration after entering into a standard	3776

care arrangement;	3777
(33) Failure to comply with the terms of a consult	3778
agreement entered into with a pharmacist pursuant to section	3779
4729.39 of the Revised Code;	3780
(34) Failure to cooperate in an investigation conducted by	3781
the board under division (F) of this section, including failure	3782
to comply with a subpoena or order issued by the board or	3783
failure to answer truthfully a question presented by the board	3784
in an investigative interview, an investigative office	3785
conference, at a deposition, or in written interrogatories,	3786
except that failure to cooperate with an investigation shall not	3787
constitute grounds for discipline under this section if a court	3788
of competent jurisdiction has issued an order that either	3789
quashes a subpoena or permits the individual to withhold the	3790
testimony or evidence in issue;	3791
(35) Failure to supervise an oriental medicine	3792
practitioner or acupuncturist in accordance with Chapter 4762.	3793
of the Revised Code and the board's rules for providing that	3794
supervision;	3795
(36) Failure to supervise an anesthesiologist assistant in	3796
accordance with Chapter 4760. of the Revised Code and the	3797
board's rules for supervision of an anesthesiologist assistant;	3798
(37) Assisting suicide, as defined in section 3795.01 of	3799
the Revised Code;	3800
(38) Failure to comply with the requirements of section	3801
2317.561 of the Revised Code;	3802
(39) Failure to supervise a radiologist assistant in	3803
accordance with Chapter 4774. of the Revised Code and the	3804
board's rules for supervision of radiologist assistants;	3805

(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;	3806 3807 3808 3809
(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;	3810 3811 3812 3813
(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;	3814 3815 3816 3817
(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;	3818 3819 3820 3821
(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;	3822 3823 3824 3825 3826
(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;	3827 3828 3829 3830 3831
(46) Owning a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the facility is licensed	3832 3833 3834

with the classification;	3835
(47) Failure to comply with any of the requirements	3836
regarding making or maintaining medical records or documents	3837
described in division (A) of section 2919.192, division (C) of	3838
section 2919.193, division (B) of section 2919.195, or division	3839
(A) of section 2919.196 of the Revised Code;	3840
(48) Failure to comply with the requirements in section	3841
3719.061 of the Revised Code before issuing for a minor a	3842
prescription for an opioid analgesic, as defined in section	3843
3719.01 of the Revised Code;	3844
(49) Failure to comply with the requirements of section	3845
4731.30 of the Revised Code or rules adopted under section	3846
4731.301 of the Revised Code when recommending treatment with	3847
medical marijuana;	3848
(50) Practicing at a facility, clinic, or other location	3849
that is subject to licensure as a category III terminal	3850
distributor of dangerous drugs with an office-based opioid	3851
treatment classification unless the person operating that place	3852
has obtained and maintains the license with the classification;	3853
(51) Owning a facility, clinic, or other location that is	3854
subject to licensure as a category III terminal distributor of	3855
dangerous drugs with an office-based opioid treatment	3856
classification unless that place is licensed with the	3857
classification;	3858
(52) A pattern of continuous or repeated violations of	3859
division (E) (2) or (3) of section 3963.02 of the Revised Code.	3860
(C) Disciplinary actions taken by the board under	3861
divisions (A) and (B) of this section shall be taken pursuant to	3862
an adjudication under Chapter 119. of the Revised Code, except	3863

that in lieu of an adjudication, the board may enter into a 3864
consent agreement with an individual to resolve an allegation of 3865
a violation of this chapter or any rule adopted under it. A 3866
consent agreement, when ratified by an affirmative vote of not 3867
fewer than six members of the board, shall constitute the 3868
findings and order of the board with respect to the matter 3869
addressed in the agreement. If the board refuses to ratify a 3870
consent agreement, the admissions and findings contained in the 3871
consent agreement shall be of no force or effect. 3872

A telephone conference call may be utilized for 3873
ratification of a consent agreement that revokes or suspends an 3874
individual's license or certificate to practice or certificate 3875
to recommend. The telephone conference call shall be considered 3876
a special meeting under division (F) of section 121.22 of the 3877
Revised Code. 3878

If the board takes disciplinary action against an 3879
individual under division (B) of this section for a second or 3880
subsequent plea of guilty to, or judicial finding of guilt of, a 3881
violation of section 2919.123 of the Revised Code, the 3882
disciplinary action shall consist of a suspension of the 3883
individual's license or certificate to practice for a period of 3884
at least one year or, if determined appropriate by the board, a 3885
more serious sanction involving the individual's license or 3886
certificate to practice. Any consent agreement entered into 3887
under this division with an individual that pertains to a second 3888
or subsequent plea of guilty to, or judicial finding of guilt 3889
of, a violation of that section shall provide for a suspension 3890
of the individual's license or certificate to practice for a 3891
period of at least one year or, if determined appropriate by the 3892
board, a more serious sanction involving the individual's 3893
license or certificate to practice. 3894

(D) For purposes of divisions (B) (10), (12), and (14) of 3895
this section, the commission of the act may be established by a 3896
finding by the board, pursuant to an adjudication under Chapter 3897
119. of the Revised Code, that the individual committed the act. 3898
The board does not have jurisdiction under those divisions if 3899
the trial court renders a final judgment in the individual's 3900
favor and that judgment is based upon an adjudication on the 3901
merits. The board has jurisdiction under those divisions if the 3902
trial court issues an order of dismissal upon technical or 3903
procedural grounds. 3904

(E) The sealing of conviction records by any court shall 3905
have no effect upon a prior board order entered under this 3906
section or upon the board's jurisdiction to take action under 3907
this section if, based upon a plea of guilty, a judicial finding 3908
of guilt, or a judicial finding of eligibility for intervention 3909
in lieu of conviction, the board issued a notice of opportunity 3910
for a hearing prior to the court's order to seal the records. 3911
The board shall not be required to seal, destroy, redact, or 3912
otherwise modify its records to reflect the court's sealing of 3913
conviction records. 3914

(F) (1) The board shall investigate evidence that appears 3915
to show that a person has violated any provision of this chapter 3916
or any rule adopted under it. Any person may report to the board 3917
in a signed writing any information that the person may have 3918
that appears to show a violation of any provision of this 3919
chapter or any rule adopted under it. In the absence of bad 3920
faith, any person who reports information of that nature or who 3921
testifies before the board in any adjudication conducted under 3922
Chapter 119. of the Revised Code shall not be liable in damages 3923
in a civil action as a result of the report or testimony. Each 3924
complaint or allegation of a violation received by the board 3925

shall be assigned a case number and shall be recorded by the board. 3926
3927

(2) Investigations of alleged violations of this chapter or any rule adopted under it shall be supervised by the supervising member elected by the board in accordance with section 4731.02 of the Revised Code and by the secretary as provided in section 4731.39 of the Revised Code. The president may designate another member of the board to supervise the investigation in place of the supervising member. No member of the board who supervises the investigation of a case shall participate in further adjudication of the case. 3928
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(3) In investigating a possible violation of this chapter or any rule adopted under this chapter, or in conducting an inspection under division (E) of section 4731.054 of the Revised Code, the board may question witnesses, conduct interviews, administer oaths, order the taking of depositions, inspect and copy any books, accounts, papers, records, or documents, issue subpoenas, and compel the attendance of witnesses and production of books, accounts, papers, records, documents, and testimony, except that a subpoena for patient record information shall not be issued without consultation with the attorney general's office and approval of the secretary and supervising member of the board. 3937
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(a) Before issuance of a subpoena for patient record information, the secretary and supervising member shall determine whether there is probable cause to believe that the complaint filed alleges a violation of this chapter or any rule adopted under it and that the records sought are relevant to the alleged violation and material to the investigation. The subpoena may apply only to records that cover a reasonable 3949
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period of time surrounding the alleged violation. 3956

(b) On failure to comply with any subpoena issued by the 3957
board and after reasonable notice to the person being 3958
subpoenaed, the board may move for an order compelling the 3959
production of persons or records pursuant to the Rules of Civil 3960
Procedure. 3961

(c) A subpoena issued by the board may be served by a 3962
sheriff, the sheriff's deputy, or a board employee or agent 3963
designated by the board. Service of a subpoena issued by the 3964
board may be made by delivering a copy of the subpoena to the 3965
person named therein, reading it to the person, or leaving it at 3966
the person's usual place of residence, usual place of business, 3967
or address on file with the board. When serving a subpoena to an 3968
applicant for or the holder of a license or certificate issued 3969
under this chapter, service of the subpoena may be made by 3970
certified mail, return receipt requested, and the subpoena shall 3971
be deemed served on the date delivery is made or the date the 3972
person refuses to accept delivery. If the person being served 3973
refuses to accept the subpoena or is not located, service may be 3974
made to an attorney who notifies the board that the attorney is 3975
representing the person. 3976

(d) A sheriff's deputy who serves a subpoena shall receive 3977
the same fees as a sheriff. Each witness who appears before the 3978
board in obedience to a subpoena shall receive the fees and 3979
mileage provided for under section 119.094 of the Revised Code. 3980

(4) All hearings, investigations, and inspections of the 3981
board shall be considered civil actions for the purposes of 3982
section 2305.252 of the Revised Code. 3983

(5) A report required to be submitted to the board under 3984

this chapter, a complaint, or information received by the board 3985
pursuant to an investigation or pursuant to an inspection under 3986
division (E) of section 4731.054 of the Revised Code is 3987
confidential and not subject to discovery in any civil action. 3988

The board shall conduct all investigations or inspections 3989
and proceedings in a manner that protects the confidentiality of 3990
patients and persons who file complaints with the board. The 3991
board shall not make public the names or any other identifying 3992
information about patients or complainants unless proper consent 3993
is given or, in the case of a patient, a waiver of the patient 3994
privilege exists under division (B) of section 2317.02 of the 3995
Revised Code, except that consent or a waiver of that nature is 3996
not required if the board possesses reliable and substantial 3997
evidence that no bona fide physician-patient relationship 3998
exists. 3999

The board may share any information it receives pursuant 4000
to an investigation or inspection, including patient records and 4001
patient record information, with law enforcement agencies, other 4002
licensing boards, and other governmental agencies that are 4003
prosecuting, adjudicating, or investigating alleged violations 4004
of statutes or administrative rules. An agency or board that 4005
receives the information shall comply with the same requirements 4006
regarding confidentiality as those with which the state medical 4007
board must comply, notwithstanding any conflicting provision of 4008
the Revised Code or procedure of the agency or board that 4009
applies when it is dealing with other information in its 4010
possession. In a judicial proceeding, the information may be 4011
admitted into evidence only in accordance with the Rules of 4012
Evidence, but the court shall require that appropriate measures 4013
are taken to ensure that confidentiality is maintained with 4014
respect to any part of the information that contains names or 4015

other identifying information about patients or complainants 4016
whose confidentiality was protected by the state medical board 4017
when the information was in the board's possession. Measures to 4018
ensure confidentiality that may be taken by the court include 4019
sealing its records or deleting specific information from its 4020
records. 4021

(6) On a quarterly basis, the board shall prepare a report 4022
that documents the disposition of all cases during the preceding 4023
three months. The report shall contain the following information 4024
for each case with which the board has completed its activities: 4025

(a) The case number assigned to the complaint or alleged 4026
violation; 4027

(b) The type of license or certificate to practice, if 4028
any, held by the individual against whom the complaint is 4029
directed; 4030

(c) A description of the allegations contained in the 4031
complaint; 4032

(d) The disposition of the case. 4033

The report shall state how many cases are still pending 4034
and shall be prepared in a manner that protects the identity of 4035
each person involved in each case. The report shall be a public 4036
record under section 149.43 of the Revised Code. 4037

(G) If the secretary and supervising member determine both 4038
of the following, they may recommend that the board suspend an 4039
individual's license or certificate to practice or certificate 4040
to recommend without a prior hearing: 4041

(1) That there is clear and convincing evidence that an 4042
individual has violated division (B) of this section; 4043

(2) That the individual's continued practice presents a 4044
danger of immediate and serious harm to the public. 4045

Written allegations shall be prepared for consideration by 4046
the board. The board, upon review of those allegations and by an 4047
affirmative vote of not fewer than six of its members, excluding 4048
the secretary and supervising member, may suspend a license or 4049
certificate without a prior hearing. A telephone conference call 4050
may be utilized for reviewing the allegations and taking the 4051
vote on the summary suspension. 4052

The board shall issue a written order of suspension by 4053
certified mail or in person in accordance with section 119.07 of 4054
the Revised Code. The order shall not be subject to suspension 4055
by the court during pendency of any appeal filed under section 4056
119.12 of the Revised Code. If the individual subject to the 4057
summary suspension requests an adjudicatory hearing by the 4058
board, the date set for the hearing shall be within fifteen 4059
days, but not earlier than seven days, after the individual 4060
requests the hearing, unless otherwise agreed to by both the 4061
board and the individual. 4062

Any summary suspension imposed under this division shall 4063
remain in effect, unless reversed on appeal, until a final 4064
adjudicative order issued by the board pursuant to this section 4065
and Chapter 119. of the Revised Code becomes effective. The 4066
board shall issue its final adjudicative order within seventy- 4067
five days after completion of its hearing. A failure to issue 4068
the order within seventy-five days shall result in dissolution 4069
of the summary suspension order but shall not invalidate any 4070
subsequent, final adjudicative order. 4071

(H) If the board takes action under division (B) (9), (11), 4072
or (13) of this section and the judicial finding of guilt, 4073

guilty plea, or judicial finding of eligibility for intervention 4074
in lieu of conviction is overturned on appeal, upon exhaustion 4075
of the criminal appeal, a petition for reconsideration of the 4076
order may be filed with the board along with appropriate court 4077
documents. Upon receipt of a petition of that nature and 4078
supporting court documents, the board shall reinstate the 4079
individual's license or certificate to practice. The board may 4080
then hold an adjudication under Chapter 119. of the Revised Code 4081
to determine whether the individual committed the act in 4082
question. Notice of an opportunity for a hearing shall be given 4083
in accordance with Chapter 119. of the Revised Code. If the 4084
board finds, pursuant to an adjudication held under this 4085
division, that the individual committed the act or if no hearing 4086
is requested, the board may order any of the sanctions 4087
identified under division (B) of this section. 4088

(I) The license or certificate to practice issued to an 4089
individual under this chapter and the individual's practice in 4090
this state are automatically suspended as of the date of the 4091
individual's second or subsequent plea of guilty to, or judicial 4092
finding of guilt of, a violation of section 2919.123 of the 4093
Revised Code. In addition, the license or certificate to 4094
practice or certificate to recommend issued to an individual 4095
under this chapter and the individual's practice in this state 4096
are automatically suspended as of the date the individual pleads 4097
guilty to, is found by a judge or jury to be guilty of, or is 4098
subject to a judicial finding of eligibility for intervention in 4099
lieu of conviction in this state or treatment or intervention in 4100
lieu of conviction in another jurisdiction for any of the 4101
following criminal offenses in this state or a substantially 4102
equivalent criminal offense in another jurisdiction: aggravated 4103
murder, murder, voluntary manslaughter, felonious assault, 4104

kidnapping, rape, sexual battery, gross sexual imposition, 4105
aggravated arson, aggravated robbery, or aggravated burglary. 4106
Continued practice after suspension shall be considered 4107
practicing without a license or certificate. 4108

The board shall notify the individual subject to the 4109
suspension by certified mail or in person in accordance with 4110
section 119.07 of the Revised Code. If an individual whose 4111
license or certificate is automatically suspended under this 4112
division fails to make a timely request for an adjudication 4113
under Chapter 119. of the Revised Code, the board shall do 4114
whichever of the following is applicable: 4115

(1) If the automatic suspension under this division is for 4116
a second or subsequent plea of guilty to, or judicial finding of 4117
guilt of, a violation of section 2919.123 of the Revised Code, 4118
the board shall enter an order suspending the individual's 4119
license or certificate to practice for a period of at least one 4120
year or, if determined appropriate by the board, imposing a more 4121
serious sanction involving the individual's license or 4122
certificate to practice. 4123

(2) In all circumstances in which division (I)(1) of this 4124
section does not apply, enter a final order permanently revoking 4125
the individual's license or certificate to practice. 4126

(J) If the board is required by Chapter 119. of the 4127
Revised Code to give notice of an opportunity for a hearing and 4128
if the individual subject to the notice does not timely request 4129
a hearing in accordance with section 119.07 of the Revised Code, 4130
the board is not required to hold a hearing, but may adopt, by 4131
an affirmative vote of not fewer than six of its members, a 4132
final order that contains the board's findings. In that final 4133
order, the board may order any of the sanctions identified under 4134

division (A) or (B) of this section. 4135

(K) Any action taken by the board under division (B) of 4136
this section resulting in a suspension from practice shall be 4137
accompanied by a written statement of the conditions under which 4138
the individual's license or certificate to practice may be 4139
reinstated. The board shall adopt rules governing conditions to 4140
be imposed for reinstatement. Reinstatement of a license or 4141
certificate suspended pursuant to division (B) of this section 4142
requires an affirmative vote of not fewer than six members of 4143
the board. 4144

(L) When the board refuses to grant or issue a license or 4145
certificate to practice to an applicant, revokes an individual's 4146
license or certificate to practice, refuses to renew an 4147
individual's license or certificate to practice, or refuses to 4148
reinstate an individual's license or certificate to practice, 4149
the board may specify that its action is permanent. An 4150
individual subject to a permanent action taken by the board is 4151
forever thereafter ineligible to hold a license or certificate 4152
to practice and the board shall not accept an application for 4153
reinstatement of the license or certificate or for issuance of a 4154
new license or certificate. 4155

(M) Notwithstanding any other provision of the Revised 4156
Code, all of the following apply: 4157

(1) The surrender of a license or certificate issued under 4158
this chapter shall not be effective unless or until accepted by 4159
the board. A telephone conference call may be utilized for 4160
acceptance of the surrender of an individual's license or 4161
certificate to practice. The telephone conference call shall be 4162
considered a special meeting under division (F) of section 4163
121.22 of the Revised Code. Reinstatement of a license or 4164

certificate surrendered to the board requires an affirmative 4165
vote of not fewer than six members of the board. 4166

(2) An application for a license or certificate made under 4167
the provisions of this chapter may not be withdrawn without 4168
approval of the board. 4169

(3) Failure by an individual to renew a license or 4170
certificate to practice in accordance with this chapter or a 4171
certificate to recommend in accordance with rules adopted under 4172
section 4731.301 of the Revised Code shall not remove or limit 4173
the board's jurisdiction to take any disciplinary action under 4174
this section against the individual. 4175

(4) At the request of the board, a license or certificate 4176
holder shall immediately surrender to the board a license or 4177
certificate that the board has suspended, revoked, or 4178
permanently revoked. 4179

(N) Sanctions shall not be imposed under division (B) (28) 4180
of this section against any person who waives deductibles and 4181
copayments as follows: 4182

(1) In compliance with the health benefit plan that 4183
expressly allows such a practice. Waiver of the deductibles or 4184
copayments shall be made only with the full knowledge and 4185
consent of the plan purchaser, payer, and third-party 4186
administrator. Documentation of the consent shall be made 4187
available to the board upon request. 4188

(2) For professional services rendered to any other person 4189
authorized to practice pursuant to this chapter, to the extent 4190
allowed by this chapter and rules adopted by the board. 4191

(O) Under the board's investigative duties described in 4192
this section and subject to division (F) of this section, the 4193

board shall develop and implement a quality intervention program 4194
designed to improve through remedial education the clinical and 4195
communication skills of individuals authorized under this 4196
chapter to practice medicine and surgery, osteopathic medicine 4197
and surgery, and podiatric medicine and surgery. In developing 4198
and implementing the quality intervention program, the board may 4199
do all of the following: 4200

(1) Offer in appropriate cases as determined by the board 4201
an educational and assessment program pursuant to an 4202
investigation the board conducts under this section; 4203

(2) Select providers of educational and assessment 4204
services, including a quality intervention program panel of case 4205
reviewers; 4206

(3) Make referrals to educational and assessment service 4207
providers and approve individual educational programs 4208
recommended by those providers. The board shall monitor the 4209
progress of each individual undertaking a recommended individual 4210
educational program. 4211

(4) Determine what constitutes successful completion of an 4212
individual educational program and require further monitoring of 4213
the individual who completed the program or other action that 4214
the board determines to be appropriate; 4215

(5) Adopt rules in accordance with Chapter 119. of the 4216
Revised Code to further implement the quality intervention 4217
program. 4218

An individual who participates in an individual 4219
educational program pursuant to this division shall pay the 4220
financial obligations arising from that educational program. 4221

Sec. 4731.293. (A) The state medical board ~~may~~ shall 4222

issue, without examination, a clinical research faculty 4223
certificate to practice medicine and surgery, osteopathic 4224
medicine and surgery, or podiatric medicine and surgery to any 4225
person who applies for the certificate and provides to the board 4226
all satisfactory evidence of both of the following: 4227

~~(1) Evidence satisfactory to the board of all of the~~ 4228
~~following:—~~ 4229

~~(a) That the applicant holds a current, unrestricted~~ 4230
~~license to practice medicine and surgery, osteopathic medicine~~ 4231
~~and surgery, or podiatric medicine and surgery issued by another~~ 4232
~~state or country;~~ 4233

~~(b) (2) That the applicant has been appointed to serve in~~ 4234
~~this state on the academic staff of a medical school accredited~~ 4235
~~by the liaison committee on medical education, an osteopathic~~ 4236
~~medical school accredited by the American osteopathic~~ 4237
~~association, or a college of podiatric medicine and surgery in~~ 4238
~~good standing with the board;—~~ 4239

~~(c) That the applicant is an international medical~~ 4240
~~graduate who holds a medical degree from an educational~~ 4241
~~institution listed in the international medical education~~ 4242
~~directory.~~ 4243

~~(2) An affidavit and supporting documentation from the~~ 4244
~~dean of the school or college, or the department director or~~ 4245
~~chairperson of a teaching hospital affiliated with the school or~~ 4246
~~college, that the applicant is qualified to perform teaching and~~ 4247
~~research activities and will be permitted to work only under the~~ 4248
~~authority of the department director or chairperson of a~~ 4249
~~teaching hospital affiliated with the school or college where~~ 4250
~~the applicant's teaching and research activities will occur;—~~ 4251

~~(3) A description from the school, college, or teaching hospital of the scope of practice in which the applicant will be involved, including the types of teaching, research, and procedures in which the applicant will be engaged;~~ 4252
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~~(4) A description from the school, college, or teaching hospital of the type and amount of patient contact that will occur in connection with the applicant's teaching and research activities.~~ 4256
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~~(B) An applicant for an initial clinical research faculty certificate shall pay a fee of three hundred seventy-five dollars.~~ 4260
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~~(C)~~ The holder of a clinical research faculty certificate may do one of the following, as applicable: 4263
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(1) Practice medicine and surgery or osteopathic medicine and surgery only as is incidental to the certificate holder's teaching or research duties at the medical school or a teaching hospital affiliated with the school; 4265
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(2) Practice podiatric medicine and surgery only as is incidental to the certificate holder's teaching or research duties at the college of podiatric medicine and surgery or a teaching hospital affiliated with the college. 4269
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~~(D)~~ (C) The board may revoke a certificate 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 certificate holder under section 4731.22 of the Revised Code. 4273
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~~(E)~~ (D) A clinical research faculty certificate is valid for three years, except that the certificate ceases to be valid if the holder's academic staff appointment described in division 4278
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~~(A) (1) (b)~~ (A) (2) of this section is no longer valid or the 4281
certificate is revoked pursuant to division ~~(D)~~ (C) of this 4282
section. 4283

~~(F) (1)~~ (E) (1) The board shall provide a renewal notice to 4284
the certificate holder at least one month before the certificate 4285
expires. Failure of a certificate holder to receive a notice of 4286
renewal from the board shall not excuse the certificate holder 4287
from the requirements contained in this section. The notice 4288
shall inform the certificate holder of the renewal procedure. 4289
The notice also shall inform the certificate holder of the 4290
reporting requirement established by division (H) of section 4291
3701.79 of the Revised Code. At the discretion of the board, the 4292
information may be included on the application for renewal or on 4293
an accompanying page. 4294

(2) A clinical research faculty certificate may be renewed 4295
for an additional three-year period. There is no limit on the 4296
number of times a certificate may be renewed. A person seeking 4297
renewal of a certificate shall apply to the board. The board 4298
shall provide the application for renewal in a form determined 4299
by the board. 4300

(3) An applicant is eligible for renewal if the applicant 4301
does all of the following: 4302

(a) ~~Pays a renewal fee of three hundred seventy five~~ 4303
~~dollars;~~ 4304

~~(b)~~ Reports any criminal offense to which the applicant 4305
has pleaded guilty, of which the applicant has been found 4306
guilty, or for which the applicant has been found eligible for 4307
intervention in lieu of conviction, since last filing an 4308
application for a clinical research faculty certificate; 4309

~~(c) Provides to the board an affidavit and supporting documentation from the dean of the school or college, or the department director or chairperson of a teaching hospital affiliated with the school or college, that the applicant is in compliance with the applicant's current clinical research faculty certificate;~~ 4310
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~~(d)~~ (b) Provides evidence satisfactory to the board of ~~all~~ both of the following: 4316
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(i) That the applicant continues to maintain a current, 4318
unrestricted license to practice medicine and surgery, 4319
osteopathic medicine and surgery, or podiatric medicine and 4320
surgery issued by another state or country; 4321

(ii) That the applicant's initial appointment to serve in 4322
this state on the academic staff of a school or college is still 4323
valid or has been renewed; 4324

~~(iii) That the applicant has completed seventy five hours of continuing medical education that meet the requirements set forth in section 4731.282 of the Revised Code.~~ 4325
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(4) Regardless of whether the certificate has expired, a 4328
person who was granted a visiting medical faculty certificate 4329
under this section as it existed immediately prior to June 6, 4330
2012, may apply for a clinical research faculty certificate as a 4331
renewal. The board may issue the clinical research faculty 4332
certificate if the applicant meets the requirements of division 4333
~~(F) (3)~~ (E) (3) of this section. The board may not issue a 4334
clinical research faculty certificate if the visiting medical 4335
faculty certificate was revoked. 4336

~~(G)~~ (F) The board may adopt any rules it considers 4337
necessary to implement this section. The rules shall be adopted 4338

in accordance with Chapter 119. of the Revised Code. 4339

Sec. 4731.298. (A) The state medical board shall issue, 4340
without examination, to an applicant who meets the requirements 4341
of this section a visiting clinical professional development 4342
certificate authorizing the practice of medicine and surgery or 4343
osteopathic medicine and surgery as part of the applicant's 4344
participation in a clinical professional development program. 4345

(B) To be eligible for a visiting clinical professional 4346
development certificate, an applicant shall provide to the board 4347
~~both of the following:~~ 4348

~~(1) Documentation satisfactory to the board of all of the~~ 4349
~~following:~~ 4350

~~(a) Verification from the school or hospital conducting~~ 4351
~~the program that the applicant has sufficient financial~~ 4352
~~resources to support the applicant and any dependents based on~~ 4353
~~the cost of living in the geographic area of the school or~~ 4354
~~hospital conducting the program, including room, board,~~ 4355
~~transportation, and related living expenses;~~ 4356

~~(b) Valid health and evacuation insurance for the duration~~ 4357
~~of the applicant's stay in the United States;~~ 4358

~~(c) Professional liability insurance provided by the~~ 4359
~~program or the school or hospital conducting the program for the~~ 4360
~~duration of the applicant's participation in the program;~~ 4361

~~(d) Proficiency in spoken English as demonstrated by~~ 4362
~~passing the examination described in section 4731.142 of the~~ 4363
~~Revised Code;~~ 4364

~~(e) A description from the school or hospital conducting~~ 4365
~~the program of the scope of medical or surgical activities~~ 4366

permitted during the applicant's participation in the program	4367
that includes all of the following:	4368
(i) The type of practice in which the applicant will be involved;	4369
	4370
(ii) The type of patient contact that will occur;	4371
(iii) The type of supervision the applicant will experience;	4372
	4373
(iv) A list of procedures the applicant will learn;	4374
(v) A list of any patient based research projects in which the applicant will be involved;	4375
	4376
(vi) Whether the applicant will act as a consultant to a person who holds a license to practice medicine and surgery or osteopathic medicine and surgery issued under this chapter;	4377
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	4379
(vii) Any other details of the applicant's participation in the program.	4380
	4381
(f) A statement from the school or hospital conducting the program regarding why the applicant needs advanced training and the benefits to the applicant's home country of the applicant receiving the training.	4382
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	4385
(2) Evidence satisfactory to the board <u>evidence</u> that the applicant meets all <u>both</u> of the following requirements:	4386
	4387
(a) <u>(1)</u> Has been accepted for participation in a clinical professional development program of a medical school or osteopathic medical school in this state that is accredited by the liaison committee on medical education or the American osteopathic association or of a teaching hospital affiliated with such a medical school;	4388
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~~(b) Is an international medical graduate who holds a
medical degree from an educational institution listed in the
international medical education directory;~~ 4394
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~~(c) Has practiced medicine and surgery or osteopathic
medicine and surgery for at least five years after completing
graduate medical education, including postgraduate residency and
advanced training;~~ 4397
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~~(d) Has credentials that are primary source verified by
the educational commission for foreign medical graduates or the
federation credentials verification service;~~ 4401
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~~(e) (2) Holds a current, unrestricted license to practice
medicine and surgery or osteopathic medicine and surgery issued
in another country;~~ 4404
4405
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~~(f) Agrees to comply with all state and federal laws
regarding health, health care, and patient privacy;~~ 4407
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~~(g) Agrees to return to the applicant's home state or
country at the conclusion of the clinical professional
development program.~~ 4409
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~~(C) The applicant shall pay a fee of three hundred
seventy five dollars. The board shall maintain a register of all
persons who hold visiting clinical professional development
certificates.~~ 4412
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~~(D) The holder of a visiting clinical professional
development certificate may practice medicine and surgery or
osteopathic medicine and surgery only as part of the clinical
professional development program in which the certificate holder
participates. The certificate holder's practice must be under
the direct supervision of a qualified faculty member of the
medical school, osteopathic medical school, or teaching hospital~~ 4416
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conducting the program who holds a license to practice medicine 4423
and surgery or osteopathic medicine and surgery issued under 4424
this chapter. 4425

The program in which the certificate holder participates 4426
shall ensure that the certificate holder does not do any of the 4427
following: 4428

(1) Write orders or prescribe medication; 4429

(2) Bill for services performed; 4430

(3) Occupy a residency or fellowship position approved by 4431
the accreditation council for graduate medical education; 4432

(4) Attempt to have participation in a clinical 4433
professional development program pursuant to this section 4434
counted toward meeting the graduate medical education 4435
requirements specified in section 4731.09 of the Revised Code. 4436

(E) The board may revoke a certificate issued under this 4437
section on receiving proof satisfactory to the board that the 4438
certificate holder has engaged in practice in this state outside 4439
the scope of the certificate or that there are grounds for 4440
action against the certificate holder under section 4731.22 of 4441
the Revised Code. 4442

(F) A visiting clinical professional development 4443
certificate is valid for the shorter of one year or the duration 4444
of the program in which the holder is participating. The 4445
certificate ceases to be valid if the holder resigns or is 4446
otherwise terminated from the program. The certificate may not 4447
be extended. 4448

(G) The program in which a certificate holder participates 4449
shall obtain from each patient or patient's parent or legal 4450

guardian written consent to any medical or surgical procedure or 4451
course of procedures in which the certificate holder 4452
participates. 4453

(H) The board may adopt any rules it considers necessary 4454
to implement this section. The rules shall be adopted in 4455
accordance with Chapter 119. of the Revised Code. 4456

Sec. 4731.36. (A) Sections 4731.01 to 4731.47 of the 4457
Revised Code shall not prohibit service in case of emergency, 4458
domestic administration of family remedies, or provision of 4459
assistance to another individual who is self-administering 4460
drugs. 4461

Sections 4731.01 to 4731.47 of the Revised Code shall not 4462
apply to any of the following: 4463

(1) A commissioned medical officer of the armed forces of 4464
the United States or an employee of the veterans administration 4465
of the United States or the United States public health service 4466
in the discharge of the officer's or employee's professional 4467
duties; 4468

(2) A dentist authorized under Chapter 4715. of the 4469
Revised Code to practice dentistry when engaged exclusively in 4470
the practice of dentistry or when administering anesthetics in 4471
the practice of dentistry; 4472

(3) A physician or surgeon in another state or territory 4473
who is a legal practitioner of medicine or surgery therein when 4474
providing consultation to an individual holding a license to 4475
practice issued under this chapter who is responsible for the 4476
examination, diagnosis, and treatment of the patient who is the 4477
subject of the consultation, if one of the following applies: 4478

(a) The physician or surgeon does not provide consultation 4479

in this state on a regular or frequent basis. 4480

(b) The physician or surgeon provides the consultation 4481
without compensation of any kind, direct or indirect, for the 4482
consultation. 4483

(c) The consultation is part of the curriculum of a 4484
medical school or osteopathic medical school of this state or a 4485
program described in division (A) (2) of section 4731.291 of the 4486
Revised Code. 4487

(4) A physician or surgeon in another state or territory 4488
who is a legal practitioner of medicine or surgery therein and 4489
provided services to a patient in that state or territory, when 4490
providing, not later than one year after the last date services 4491
were provided in another state or territory, follow-up services 4492
in person or through the use of any communication, including 4493
oral, written, or electronic communication, in this state to the 4494
patient for the same condition; 4495

(5) A physician or surgeon residing on the border of a 4496
contiguous state and authorized under the laws thereof to 4497
practice medicine and surgery therein, whose practice extends 4498
within the limits of this state. Such practitioner shall not 4499
either in person or through the use of any communication, 4500
including oral, written, or electronic communication, open an 4501
office or appoint a place to see patients or receive calls 4502
within the limits of this state. 4503

(6) A board, committee, or corporation engaged in the 4504
conduct described in division (A) of section 2305.251 of the 4505
Revised Code when acting within the scope of the functions of 4506
the board, committee, or corporation; 4507

(7) The conduct of an independent review organization 4508

accredited by the superintendent of insurance under section 4509
3922.13 of the Revised Code for the purpose of external reviews 4510
conducted under Chapter 3922. of the Revised Code. 4511

As used in division (A)(1) of this section, "armed forces 4512
of the United States" means the army, air force, navy, marine 4513
corps, coast guard, and any other military service branch that 4514
is designated by congress as a part of the armed forces of the 4515
United States. 4516

(B)(1) Subject to division (B)(2) of this section, this 4517
chapter does not apply to a person who holds a current, 4518
unrestricted license to practice medicine and surgery or 4519
osteopathic medicine and surgery in another state when the 4520
person, pursuant to a written agreement with an athletic team 4521
located in the state in which the person holds the license, 4522
provides medical services to any of the following while the team 4523
is traveling to or from or participating in a sporting event in 4524
this state: 4525

(a) A member of the athletic team; 4526

(b) A member of the athletic team's coaching, 4527
communications, equipment, or sports medicine staff; 4528

(c) A member of a band or cheerleading squad accompanying 4529
the athletic team; 4530

(d) The athletic team's mascot. 4531

(2) In providing medical services pursuant to division (B) 4532
(1) of this section, the person shall not provide medical 4533
services at a health care facility, including a hospital, an 4534
ambulatory surgical facility, or any other facility in which 4535
medical care, diagnosis, or treatment is provided on an 4536
inpatient or outpatient basis. 4537

(C) Sections 4731.51 to 4731.61 of the Revised Code do not 4538
apply to any graduate of a podiatric school or college while 4539
performing those acts that may be prescribed by or incidental to 4540
participation in an accredited podiatric internship, residency, 4541
or fellowship program situated in this state approved by the 4542
state medical board. 4543

(D) This chapter does not apply to an individual engaged 4544
in the practice of oriental medicine practitioner, or to an 4545
acupuncturist who complies with Chapter 4762. of the Revised 4546
Code. 4547

(E) This chapter does not prohibit the administration of 4548
drugs by any of the following: 4549

(1) An individual who is licensed or otherwise 4550
specifically authorized by the Revised Code to administer drugs; 4551

(2) An individual who is not licensed or otherwise 4552
specifically authorized by the Revised Code to administer drugs, 4553
but is acting pursuant to the rules for delegation of medical 4554
tasks adopted under section 4731.053 of the Revised Code; 4555

(3) An individual specifically authorized to administer 4556
drugs pursuant to a rule adopted under the Revised Code that is 4557
in effect on April 10, 2001, as long as the rule remains in 4558
effect, specifically authorizing an individual to administer 4559
drugs. 4560

(F) The exemptions described in divisions (A) (3), (4), and 4561
(5) of this section do not apply to a physician or surgeon whose 4562
license to practice issued under this chapter is under 4563
suspension or has been revoked or permanently revoked by action 4564
of the state medical board. 4565

Sec. 4731.572. (A) The state medical board ~~may~~ shall 4566

issue, without examination, a visiting podiatric faculty 4567
certificate to any person who holds a current, unrestricted 4568
license to practice podiatric medicine and surgery issued by 4569
another state or country and has been appointed to serve in this 4570
state on the academic staff of an approved college of podiatric 4571
medicine and surgery in good standing, as determined by the 4572
board. 4573

(B) An applicant for a visiting podiatric faculty 4574
certificate shall submit evidence satisfactory to the board that 4575
the applicant meets the requirements of division (A) of this 4576
section. ~~The applicant shall pay a fee of one hundred twenty-~~ 4577
~~five dollars.~~ 4578

(C) The holder of a visiting podiatric faculty certificate 4579
may practice podiatric medicine and surgery only as is 4580
incidental to the certificate holder's teaching duties at the 4581
college or the teaching hospitals affiliated with the college. 4582
The board may revoke a certificate on receiving proof 4583
satisfactory to the board that the holder of the certificate has 4584
engaged in practice in this state outside the scope of the 4585
certificate or that there are grounds for action against the 4586
certificate holder under section 4731.22 of the Revised Code. 4587

(D) A visiting podiatric faculty certificate is valid for 4588
the shorter of one year or the duration of the holder's 4589
appointment to the academic staff of the college. The 4590
certificate may not be renewed. 4591

Sec. 4734.211. (A) In consultation with the state medical 4592
board, the state chiropractic board shall approve courses of 4593
study in acupuncture that prepare a chiropractor licensed under 4594
this chapter to receive a certificate to practice acupuncture 4595
issued under section ~~4732.283~~ 4734.283 of the Revised Code. 4596

(B) To be approved, a course of study must require the 4597
successful completion of at least three hundred hours of 4598
instruction. Of the three hundred hours of instruction, at least 4599
two hundred hours must consist of direct clinical instruction 4600
that covers all of the following: 4601

(1) Application of acupuncture techniques; 4602

(2) An introduction to traditional Chinese acupuncture; 4603

(3) Acupuncture points; 4604

(4) Applications of acupuncture in modern western 4605
medicine; 4606

(5) Guidelines on safety in acupuncture; 4607

(6) Treatment techniques. 4608

(C) In determining whether to approve a course of study, 4609
the state chiropractic board shall take into consideration the 4610
qualifications of the entity that administers the course of 4611
study. The board may approve a course of study that is 4612
administered by any of the following: 4613

(1) A school or college of chiropractic that has been 4614
approved by a national entity acceptable to the board; 4615

(2) An institution with an acupuncture program that is 4616
accredited by the accreditation commission for acupuncture and 4617
oriental medicine; 4618

(3) A school or college of medicine and surgery, 4619
osteopathic medicine and surgery, or podiatric medicine and 4620
surgery; 4621

(4) A hospital; 4622

(5) An institution that holds a certificate of 4623

authorization from the board of regents; 4624

(6) An institution that holds program authorization from 4625
the state board of career colleges and schools under section 4626
3332.05 of the Revised Code. 4627

Sec. 4734.31. (A) The state chiropractic board may take 4628
any of the actions specified in division (B) of this section 4629
against an individual who has applied for or holds a license to 4630
practice chiropractic in this state if any of the reasons 4631
specified in division (C) of this section for taking action 4632
against an individual are applicable. Except as provided in 4633
division (D) of this section, actions taken against an 4634
individual shall be taken in accordance with Chapter 119. of the 4635
Revised Code. The board may specify that any action it takes is 4636
a permanent action. The board's authority to take action against 4637
an individual is not removed or limited by the individual's 4638
failure to renew a license. 4639

(B) In its imposition of sanctions against an individual, 4640
the board may do any of the following: 4641

(1) Refuse to issue, renew, restore, or reinstate a 4642
license to practice chiropractic or a certificate to practice 4643
acupuncture; 4644

(2) Reprimand or censure a license holder; 4645

(3) Place limits, restrictions, or probationary conditions 4646
on a license holder's practice; 4647

(4) Impose a civil fine of not more than five thousand 4648
dollars according to a schedule of fines specified in rules that 4649
the board shall adopt in accordance with Chapter 119. of the 4650
Revised Code. 4651

(5) Suspend a license to practice chiropractic or a certificate to practice acupuncture for a limited or indefinite period; 4652
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(6) Revoke a license to practice chiropractic or a certificate to practice acupuncture. 4655
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(C) The board may take the actions specified in division (B) of this section for any of the following reasons: 4657
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(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; 4659
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(2) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed; 4664
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(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; 4667
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(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; 4672
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(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; 4675
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(6) Commission of an act in the course of practice that 4680
constitutes a misdemeanor in this state, regardless of the 4681
jurisdiction in which the act was committed; 4682

(7) A violation or attempted violation of this chapter or 4683
the rules adopted under it governing the practice of 4684
chiropractic and the practice of acupuncture by a chiropractor 4685
licensed under this chapter; 4686

(8) Failure to cooperate in an investigation conducted by 4687
the board, including failure to comply with a subpoena or order 4688
issued by the board or failure to answer truthfully a question 4689
presented by the board at a deposition or in written 4690
interrogatories, except that failure to cooperate with an 4691
investigation shall not constitute grounds for discipline under 4692
this section if the board or a court of competent jurisdiction 4693
has issued an order that either quashes a subpoena or permits 4694
the individual to withhold the testimony or evidence in issue; 4695

(9) Engaging in an ongoing professional relationship with 4696
a person or entity that violates any provision of this chapter 4697
or the rules adopted under it, unless the chiropractor makes a 4698
good faith effort to have the person or entity comply with the 4699
provisions; 4700

(10) Retaliating against a chiropractor for the 4701
chiropractor's reporting to the board or any other agency with 4702
jurisdiction any violation of the law or for cooperating with 4703
the board of another agency in the investigation of any 4704
violation of the law; 4705

(11) Aiding, abetting, assisting, counseling, or 4706
conspiring with any person in that person's violation of any 4707
provision of this chapter or the rules adopted under it, 4708

including the practice of chiropractic without a license, the 4709
practice of acupuncture without a certificate, or aiding, 4710
abetting, assisting, counseling, or conspiring with any person 4711
in that person's unlicensed practice of any other health care 4712
profession that has licensing requirements; 4713

(12) With respect to a report or record that is made, 4714
filed, or signed in connection with the practice of chiropractic 4715
or acupuncture, knowingly making or filing a report or record 4716
that is false, intentionally or negligently failing to file a 4717
report or record required by federal, state, or local law or 4718
willfully impeding or obstructing the required filing, or 4719
inducing another person to engage in any such acts; 4720

(13) Making a false, fraudulent, or deceitful statement to 4721
the board or any agent of the board during any investigation or 4722
other official proceeding conducted by the board under this 4723
chapter or in any filing that must be submitted to the board; 4724

(14) Attempting to secure a license to practice 4725
chiropractic or certificate to practice acupuncture or to 4726
corrupt the outcome of an official board proceeding through 4727
bribery or any other improper means; 4728

(15) Willfully obstructing or hindering the board or any 4729
agent of the board in the discharge of the board's duties; 4730

(16) Habitually using drugs or intoxicants to the extent 4731
that the person is rendered unfit for the practice of 4732
chiropractic or acupuncture; 4733

(17) Inability to practice chiropractic or acupuncture 4734
according to acceptable and prevailing standards of care by 4735
reason of chemical dependency, mental illness, or physical 4736
illness, including conditions in which physical deterioration 4737

has adversely affected the person's cognitive, motor, or 4738
perceptive skills and conditions in which a chiropractor's 4739
continued practice may pose a danger to the chiropractor or the 4740
public; 4741

(18) Any act constituting gross immorality relative to the 4742
person's practice of chiropractic or acupuncture, including acts 4743
involving sexual abuse, sexual misconduct, or sexual 4744
exploitation; 4745

(19) Exploiting a patient for personal or financial gain; 4746

(20) Failing to maintain proper, accurate, and legible 4747
records in the English language documenting each patient's care, 4748
including, as appropriate, records of the following: dates of 4749
treatment, services rendered, examinations, tests, x-ray 4750
reports, referrals, and the diagnosis or clinical impression and 4751
clinical treatment plan provided to the patient; 4752

(21) Except as otherwise required by the board or by law, 4753
disclosing patient information gained during the chiropractor's 4754
professional relationship with a patient without obtaining the 4755
patient's authorization for the disclosure; 4756

(22) Commission of willful or gross malpractice, or 4757
willful or gross neglect, in the practice of chiropractic or 4758
acupuncture; 4759

(23) Failing to perform or negligently performing an act 4760
recognized by the board as a general duty or the exercise of due 4761
care in the practice of chiropractic or acupuncture, regardless 4762
of whether injury results to a patient from the failure to 4763
perform or negligent performance of the act; 4764

(24) Engaging in any conduct or practice that impairs or 4765
may impair the ability to practice chiropractic or acupuncture 4766

safely and skillfully; 4767

(25) Practicing, or claiming to be capable of practicing, 4768
beyond the scope of the practice of chiropractic or acupuncture 4769
as established under this chapter and the rules adopted under 4770
this chapter; 4771

(26) Accepting and performing professional 4772
responsibilities as a chiropractor or chiropractor with a 4773
certificate to practice acupuncture when not qualified to 4774
perform those responsibilities, if the person knew or had reason 4775
to know that the person was not qualified to perform them; 4776

(27) Delegating any of the professional responsibilities 4777
of a chiropractor or chiropractor with a certificate to practice 4778
acupuncture to an employee or other individual when the 4779
delegating chiropractor knows or had reason to know that the 4780
employee or other individual is not qualified by training, 4781
experience, or professional licensure to perform the 4782
responsibilities; 4783

(28) Delegating any of the professional responsibilities 4784
of a chiropractor or chiropractor with a certificate to practice 4785
acupuncture to an employee or other individual in a negligent 4786
manner or failing to provide proper supervision of the employee 4787
or other individual to whom the responsibilities are delegated; 4788

(29) Failing to refer a patient to another health care 4789
practitioner for consultation or treatment when the chiropractor 4790
knows or has reason to know that the referral is in the best 4791
interest of the patient; 4792

(30) Obtaining or attempting to obtain any fee or other 4793
advantage by fraud or misrepresentation; 4794

(31) Making misleading, deceptive, false, or fraudulent 4795

representations in the practice of chiropractic or acupuncture;	4796
(32) Being guilty of false, fraudulent, deceptive, or	4797
misleading advertising or other solicitations for patients or	4798
knowingly having professional connection with any person that	4799
advertises or solicits for patients in such a manner;	4800
(33) Violation of a provision of any code of ethics	4801
established or adopted by the board under section 4734.16 of the	4802
Revised Code;	4803
(34) Failing to meet the examination requirements for	4804
receipt of a license specified under section 4734.20 of the	4805
Revised Code;	4806
(35) Actions taken for any reason, other than nonpayment	4807
of fees, by the chiropractic or acupuncture licensing authority	4808
of another state or country;	4809
(36) Failing to maintain clean and sanitary conditions at	4810
the clinic, office, or other place in which chiropractic	4811
services or acupuncture services are provided;	4812
(37) Except as provided in division (G) of this section:	4813
(a) Waiving the payment of all or any part of a deductible	4814
or copayment that a patient, pursuant to a health insurance or	4815
health care policy, contract, or plan that covers the	4816
chiropractor's services, otherwise would be required to pay if	4817
the waiver is used as an enticement to a patient or group of	4818
patients to receive health care services from that chiropractor;	4819
(b) Advertising that the chiropractor will waive the	4820
payment of all or any part of a deductible or copayment that a	4821
patient, pursuant to a health insurance or health care policy,	4822
contract, or plan that covers the chiropractor's services,	4823

otherwise would be required to pay. 4824

(38) Failure to supervise ~~an oriental medicine~~ 4825
~~practitioner performing acupuncture or an acupuncturist~~ in 4826
accordance with the provisions of section 4762.11 of the Revised 4827
Code that are applicable to a supervising chiropractor. 4828

(D) The adjudication requirements of Chapter 119. of the 4829
Revised Code apply to the board when taking actions against an 4830
individual under this section, except as follows: 4831

(1) An applicant is not entitled to an adjudication for 4832
failing to meet the conditions specified under section 4734.20 4833
of the Revised Code for receipt of a license that involve the 4834
board's examination on jurisprudence or the examinations of the 4835
national board of chiropractic examiners. 4836

(2) A person is not entitled to an adjudication if the 4837
person fails to make a timely request for a hearing, in 4838
accordance with Chapter 119. of the Revised Code. 4839

(3) In lieu of an adjudication, the board may accept the 4840
surrender of a license to practice chiropractic or certificate 4841
to practice acupuncture from a chiropractor. 4842

(4) In lieu of an adjudication, the board may enter into a 4843
consent agreement with an individual to resolve an allegation of 4844
a violation of this chapter or any rule adopted under it. A 4845
consent agreement, when ratified by the board, shall constitute 4846
the findings and order of the board with respect to the matter 4847
addressed in the agreement. If the board refuses to ratify a 4848
consent agreement, the admissions and findings contained in the 4849
consent agreement shall be of no force or effect. 4850

(E) This section does not require the board to hire, 4851
contract with, or retain the services of an expert witness when 4852

the board takes action against a chiropractor concerning 4853
compliance with acceptable and prevailing standards of care in 4854
the practice of chiropractic or acupuncture. As part of an 4855
action taken concerning compliance with acceptable and 4856
prevailing standards of care, the board may rely on the 4857
knowledge of its members for purposes of making a determination 4858
of compliance, notwithstanding any expert testimony presented by 4859
the chiropractor that contradicts the knowledge and opinions of 4860
the members of the board. 4861

(F) The sealing of conviction records by a court shall 4862
have no effect on a prior board order entered under this section 4863
or on the board's jurisdiction to take action under this section 4864
if, based on a plea of guilty, a judicial finding of guilt, or a 4865
judicial finding of eligibility for intervention in lieu of 4866
conviction, the board issued a notice of opportunity for a 4867
hearing prior to the court's order to seal the records. The 4868
board shall not be required to seal, destroy, redact, or 4869
otherwise modify its records to reflect the court's sealing of 4870
conviction records. 4871

(G) Actions shall not be taken pursuant to division (C) 4872
(37) of this section against any chiropractor who waives 4873
deductibles and copayments as follows: 4874

(1) In compliance with the health benefit plan that 4875
expressly allows a practice of that nature. Waiver of the 4876
deductibles or copayments shall be made only with the full 4877
knowledge and consent of the plan purchaser, payer, and third- 4878
party administrator. Documentation of the consent shall be made 4879
available to the board upon request. 4880

(2) For professional services rendered to any other person 4881
licensed pursuant to this chapter, to the extent allowed by this 4882

chapter and the rules of the board. 4883

Sec. 4736.01. As used in this chapter: 4884

(A) "Environmental health science" means the aspect of 4885
public health science that includes, but is not limited to, the 4886
following bodies of knowledge: air quality, food quality and 4887
protection, hazardous and toxic substances, consumer product 4888
safety, housing, institutional health and safety, community 4889
noise control, radiation protection, recreational facilities, 4890
solid and liquid waste management, vector control, drinking 4891
water quality, milk sanitation, and rabies control. 4892

(B) ~~"Sanitarian"~~ "Environmental health specialist" means a 4893
person who performs for compensation educational, 4894
investigational, technical, or administrative duties requiring 4895
specialized knowledge and skills in the field of environmental 4896
health science. 4897

(C) ~~"Registered sanitarian"~~ "Registered environmental 4898
health specialist" means a person who is registered as a 4899
~~sanitarian~~ an environmental health specialist in accordance with 4900
this chapter. 4901

(D) ~~"Sanitarian-in-training"~~ "Environmental health 4902
specialist in training" means a person who is registered as a 4903
~~sanitarian-in-training~~ an environmental health specialist in 4904
training in accordance with this chapter. 4905

(E) "Practice of environmental health" means consultation, 4906
instruction, investigation, inspection, or evaluation by an 4907
employee of a city health district, a general health district, 4908
the environmental protection agency, the department of health, 4909
or the department of agriculture requiring specialized 4910
knowledge, training, and experience in the field of 4911

environmental health science, with the primary purpose of 4912
improving or conducting administration or enforcement under any 4913
of the following: 4914

(1) Chapter 911., 913., 917., 3717., 3718., 3721., 3729., 4915
or 3733. of the Revised Code; 4916

(2) Chapter 3734. of the Revised Code as it pertains to 4917
solid waste; 4918

(3) Section 955.26, 3701.344, 3707.01, or 3707.03, 4919
sections 3707.38 to 3707.99, or section 3715.21 of the Revised 4920
Code; 4921

(4) Rules adopted under former section 3701.34 of the 4922
Revised Code pertaining to rabies control or swimming pools; 4923

(5) Rules adopted under section 3701.935 of the Revised 4924
Code for school health and safety network inspections and rules 4925
adopted under section 3707.26 of the Revised Code for sanitary 4926
inspections. 4927

"Practice of environmental health" does not include 4928
sampling, testing, controlling of vectors, reporting of 4929
observations, or other duties that do not require application of 4930
specialized knowledge and skills in environmental health science 4931
performed under the supervision of a registered 4932
~~sanitarian~~environmental health specialist. 4933

The director of health may further define environmental 4934
health science in relation to specific functions in the practice 4935
of environmental health through rules adopted by the director 4936
under Chapter 119. of the Revised Code. 4937

Sec. 4736.02. There is hereby created the ~~sanitarian~~ 4938
environmental health specialist advisory board consisting of 4939

seven members appointed by the director of health with the 4940
advice and consent of the senate for terms established in 4941
accordance with rules adopted by the director under section 4942
4736.03 of the Revised Code. The advisory board shall advise the 4943
director regarding the registration of ~~sanitarians in training~~ 4944
environmental health specialists in training and 4945
~~sanitarians~~environmental health specialists, continuing 4946
education requirements for ~~sanitarians~~environmental health 4947
specialists, the ~~administration of examinations prescribed~~ 4948
manner in which the passage of an examination required by 4949
section 4736.09 of the Revised Code is verified, the education 4950
criteria required under section 4736.08 of the Revised Code, and 4951
any other matters as may be of assistance to the director in the 4952
regulation of ~~sanitarians~~environmental health specialists and 4953
~~sanitarians in training~~environmental health specialists in 4954
training. 4955

Each member appointed by the director shall be a 4956
registered ~~sanitarian~~environmental health specialist who meets 4957
the education and experience requirements of section 4736.08 of 4958
the Revised Code for registration as a ~~sanitarian~~an 4959
environmental health specialist. At least one and not more than 4960
two of the members shall be employees of a general health 4961
district; at least one and not more than two shall be employees 4962
of a city health district; and at least one and not more than 4963
two shall be employed in private industry. Not more than one 4964
member may be employed by a university and not more than one 4965
member may be employed by an agency or department of the state. 4966

Within ninety days of ~~the effective date of this amendment~~ 4967
September 29, 2017, the director shall make initial appointments 4968
to the advisory board. 4969

Sec. 4736.03. The director of health shall adopt and may 4970
amend or rescind rules in accordance with Chapter 119. of the 4971
Revised Code governing the ~~administration of the examinations~~ 4972
~~prescribed manner in which the passage of an examination~~ 4973
required by section 4736.09 of the Revised Code is verified, 4974
prescribing the form for application, establishing criteria for 4975
determining what courses may be included toward fulfillment of 4976
the science course requirements of section 4736.08 of the 4977
Revised Code, determining the continuing education program 4978
requirements of section 4736.11 of the Revised Code, and for the 4979
administration and enforcement of this chapter. 4980

The director shall adopt, in accordance with Chapter 119. 4981
of the Revised Code, rules establishing terms of office for 4982
members of the ~~sanitarian-environmental health specialist~~ 4983
advisory board created in section 4736.02 of the Revised Code. 4984

Sec. 4736.05. The director of health shall review and 4985
evaluate ~~applications each application for registration as~~ 4986
~~sanitarians an environmental health specialist registration and~~ 4987
~~sanitarians in training, conduct examinations, environmental~~ 4988
health specialists in training registration. The director also 4989
shall review and approve expenses, prepare and approve reports, 4990
and transact all other business as may be necessary to 4991
administer and enforce Chapter 4736. of the Revised Code. 4992

Sec. 4736.06. All receipts of the department of health 4993
that are associated with ~~sanitarian-environmental health~~ 4994
specialist and ~~sanitarian-in-training-environmental health~~ 4995
specialist in training registration and renewal fees shall be 4996
deposited in the state treasury to the credit of the general 4997
operations fund created in section 3701.83 of the Revised Code. 4998

Sec. 4736.08. ~~An application for registration~~ A person 4999

~~seeking to register as a sanitarian~~ an environmental health 5000
specialist shall be made submit an application to the director 5001
of health on a form prescribed by the director ~~and accompanied~~ 5002
~~by the~~. Along with the application, the person shall submit the 5003
application fee prescribed in section 4736.12 of the Revised 5004
Code. The director shall register an applicant if the applicant 5005
~~is of good moral character, passes an examination conducted by~~ 5006
~~the director in accordance with~~ complies with the examination 5007
requirements specified under section 4736.09 of the Revised 5008
Code, and meets the education and experience requirements of 5009
division (A), (B), or (C) of this section: 5010

(A) Graduated from an accredited college or university 5011
with at least a baccalaureate degree, including at least forty- 5012
five quarter units or thirty semester units of science courses 5013
approved by the director; and completed at least two years of 5014
full-time employment as ~~a sanitarian~~ an environmental health 5015
specialist; 5016

(B) Graduated from an accredited college or university 5017
with at least a baccalaureate degree, completed a major in 5018
environmental health science which included an internship 5019
program approved by the director; and completed at least one 5020
year of full-time employment as ~~a sanitarian~~ an environmental 5021
health specialist; 5022

(C) Graduated from an accredited college or university 5023
with a degree higher than a baccalaureate degree, including at 5024
least forty-five quarter units or thirty semester units of 5025
science courses approved by the director; and completed at least 5026
one year of full-time employment as ~~a sanitarian~~ an environmental 5027
health specialist. 5028

Sec. 4736.09. ~~Examinations required by section 4736.08 of~~ 5029

~~the Revised Code shall be conducted not less than once each~~ 5030
~~calendar year at such times and places as the director of health~~ 5031
~~prescribes. Such examinations shall be written and shall include~~ 5032
~~applicable subjects in the field of environmental health science~~ 5033
~~and such other subjects as the director may prescribe. The~~ 5034
~~examination shall be objective and practical. Any examination~~ 5035
~~papers shall not disclose the name of the applicant, but shall~~ 5036
~~be identified by a number assigned by the director. The~~ 5037
~~preparation of the examination shall be the responsibility of~~ 5038
~~the director; however, the director may use material prepared by~~ 5039
~~recognized examination agencies~~ 5040
Prior to applying for an initial 5041
environmental health specialist registration, a person shall
take the credentialed national environmental health association 5042
examination administered by the department of health. 5043

~~No person shall be registered~~ 5044
The director of health shall 5045
not register the person if the person fails to meet the minimum 5046
grade ~~requirements~~ requirement for the examination specified by 5047
the ~~director~~ national environmental health association. An 5048
~~applicant who fails to meet such minimum grade requirements in~~ 5049
~~the applicant's first examination may be reexamined at any time~~ 5050
~~and place specified by the director, upon resubmission of an~~ 5051
~~application and payment of the fee prescribed in section 4736.12~~ 5052
~~of the Revised Code.~~ An applicant for registration who meets the 5053
minimum grade requirement shall verify the grade with the
director on a form and in a manner prescribed by the director. 5054

Sec. 4736.10. Any person who meets the educational 5055
qualifications of division (A), (B), or (C) of section 4736.08 5056
of the Revised Code, but does not meet the experience 5057
requirement of such division may make application to the 5058
director of health on a form prescribed by the director for 5059
registration as ~~a sanitarian in training~~ an environmental health 5060

specialist in training. The director shall register ~~such the~~ 5061
~~person as a sanitarian in training an environmental health~~ 5062
specialist in training upon payment of the fee required by 5063
section 4736.12 of the Revised Code, if the person ~~passes any~~ 5064
meets the minimum grade requirement of the credential 5065
~~examination which the director may require for registration as a~~ 5066
~~sanitarian in training~~conducted by the national environmental 5067
health association as required by section 4736.09 of the Revised 5068
Code. Any such examination shall be conducted in the same manner 5069
~~as the examination required for registration as a sanitarian~~ 5070
~~under section 4736.09 of the Revised Code.~~ 5071

~~A sanitarian in training~~ An environmental health 5072
specialist in training shall apply for registration as a ~~a~~ 5073
~~sanitarian an environmental health specialist~~ within three years 5074
after registration as ~~a sanitarian in training an environmental~~ 5075
health specialist in training. The director may extend the 5076
registration of any ~~sanitarian in training environmental health~~ 5077
specialist in training who furnishes, in writing, sufficient 5078
cause for not applying for registration as ~~a sanitarian an~~ 5079
environmental health specialist within the three-year period. 5080
However, the director shall not extend the registration more 5081
than an additional two years beyond the three-year period. 5082

Sec. 4736.11. (A) The director of health shall issue a 5083
certificate of registration to any applicant whom it registers 5084
as ~~a sanitarian an environmental health specialist or a~~ 5085
~~sanitarian in training an environmental health specialist in~~ 5086
training. Such certificate shall bear: 5087

~~(A)~~ (1) The name of the person; 5088

~~(B)~~ (2) The date of issue; 5089

~~(C)~~ (3) A serial number, designated by the director; 5090

~~(D)~~ (4) The signature of the director; 5091

~~(E)~~ (5) The designation "~~registered sanitarian~~" 5092
"registered environmental health specialist" or "sanitarian-in- 5093
training." "environmental health specialist in training." 5094

(B) Certificates of registration ~~shall expire annually~~ 5095
biennially on the date fixed by the director and become invalid 5096
on that date unless renewed pursuant to this section. All 5097
registered ~~sanitarians shall be~~ environmental health specialists 5098
are required annually biennially to complete a continuing 5099
education program in subjects relating to practices of the 5100
profession as a ~~sanitarian to the end~~ an environmental health 5101
specialist. The purpose of the program is that the utilization 5102
and application of new techniques, scientific advancements, and 5103
research findings will assure comprehensive service to the 5104
public. ~~The~~ 5105

(C) ~~The~~ director shall prescribe by rule a continuing 5106
education program for registered ~~sanitarians~~ environmental 5107
health specialists to meet this requirement. ~~The length of study~~ 5108
~~for this program~~ Under the program, an environmental health 5109
specialist shall be determined by the director but shall be not- 5110
less than six nor more than twenty five complete twenty-four 5111
hours of continuing education during the ~~calendar year~~ biennial 5112
period. At least once annually the director shall provide to 5113
each registered ~~sanitarian~~ environmental health specialist a 5114
list of courses approved by the director as satisfying the 5115
program prescribed by rule. Upon the request of a registered 5116
~~sanitarian~~ environmental health specialist, the director shall 5117
supply a list of applicable courses that the director has 5118
approved. ~~A~~ 5119

(D) A certificate may be renewed for a period of ~~one year~~ 5120
~~two years~~ at any time prior to the date of expiration upon 5121
payment of the renewal fee prescribed by section 4736.12 of the 5122
Revised Code and upon showing proof of having complied with the 5123
continuing education requirements of this section. The director 5124
may waive the continuing education requirement in cases of 5125
certified illness or disability which prevents the attendance at 5126
any qualified educational seminars during the ~~twelve~~twenty-four 5127
months immediately preceding the ~~annual~~biennial certificate of 5128
registration renewal date. Certificates ~~which~~that expire may be 5129
reinstated under rules adopted by the director. 5130

(E) An environmental health specialist shall not be 5131
required to pass an examination for purposes of renewal. 5132

Sec. 4736.12. (A) The director of health shall charge the 5133
following fees: 5134

(1) To apply as ~~a sanitarian in training~~an environmental 5135
health specialist in training, eighty ~~fifty~~ dollars; 5136

(2) For ~~sanitarians in training~~an environmental health 5137
specialist in training to apply for registration as 5138
~~sanitarians~~an environmental health specialist, eighty ~~fifty~~ 5139
dollars. ~~The applicant shall pay this fee only once regardless~~ 5140
~~of the number of times the applicant takes an examination~~ 5141
~~required under section 4736.08 of the Revised Code.~~ 5142

(3) For persons other than ~~sanitarians in training~~ 5143
environmental health specialists in training to apply for 5144
registration as ~~sanitarians~~environmental health specialists, one 5145
hundred ~~sixty~~ dollars. ~~The applicant shall pay this fee only~~ 5146
~~once regardless of the number of times the applicant takes an~~ 5147
~~examination required under section 4736.08 of the Revised Code.~~ 5148

- (4) The renewal fee for a registered sanitarians shall be 5149
ninety environmental health specialist is seventy-five 5150
dollars.
- (5) The renewal fee for sanitarians in training shall be 5151
ninety a registered environmental health specialist in training 5152
is thirty-five 5153
dollars.
- (6) For late application for renewal, an additional 5154
seventy-five dollars. 5155
- The director, with the approval of the controlling board, 5156
may establish fees in excess of the amounts provided in this 5157
section, provided that such fees do not exceed the amounts 5158
permitted by this section by more than fifty per cent. 5159
- (B) The director shall charge separate fees a fee for 5160
examinations as the examination required by section 4736.08 of 5161
the Revised Code, provided that the fees are fee is not in 5162
excess of the actual cost to the department of health of 5163
conducting the examinations. 5164
- (C) The director may adopt rules establishing fees for all 5165
of the following: 5166
- (1) Application for the registration of a training agency 5167
approved under rules adopted by the director pursuant to section 5168
4736.11 of the Revised Code and for the annual registration 5169
renewal of an approved training agency; 5170
- (2) Application for the review of continuing education 5171
hours submitted for the director's approval by approved training 5172
agencies or by registered sanitarians environmental health 5173
specialists or sanitarians in training environmental health 5174
specialists in training; 5175
- (3) Additional copies of pocket identification cards and 5176

wall certificates. 5177

Sec. 4736.14. The director of health may, upon application 5178
and proof of valid registration, issue a certificate of 5179
registration to any person who is or has been registered as a- 5180
~~sanitarian~~an environmental health specialist by any other 5181
state, if the requirements of that state at the time of such 5182
registration are determined by the director to be at least 5183
equivalent to the requirements of this chapter. 5184

Sec. 4736.15. No person shall engage in, or offer to 5185
engage in, the practice of environmental health without being 5186
registered in accordance with sections 4736.01 to 4736.15 of the 5187
Revised Code. ~~A sanitarian-in-training~~An environmental health 5188
specialist in training may engage in the practice of 5189
environmental health for a period not to exceed five years, 5190
provided the ~~sanitarian-in-training~~environmental health 5191
specialist in training is supervised by a registered 5192
~~sanitarian~~environmental health specialist. No person except a 5193
registered ~~sanitarian~~environmental health specialist shall use 5194
the title "~~registered sanitarian~~" "registered environmental 5195
health specialist" or the abbreviation "~~R.S.~~" "R.E.H.S." after 5196
the person's name, or represent self as a registered 5197
~~sanitarian~~environmental health specialist. Whoever violates this 5198
section is guilty of a misdemeanor of the fourth degree. 5199

Sec. 4745.04. (A) As used in this section: 5200

(1) "Indigent and uninsured person" and "volunteer" have 5201
the same meanings as in section 2305.234 of the Revised Code. 5202

(2) "Licensing agency that licenses health care 5203
professionals" means all of the following: 5204

(a) The state dental board established under Chapter 4715. 5205

of the Revised Code;	5206
(b) The board of nursing established under Chapter 4723.	5207
of the Revised Code;	5208
(c) The state vision professionals board established under	5209
Chapter 4725. of the Revised Code;	5210
(d) The state board of pharmacy established under Chapter	5211
4729. of the Revised Code;	5212
(e) The state medical board established under Chapter	5213
4731. of the Revised Code;	5214
(f) The state board of psychology established under	5215
Chapter 4732. of the Revised Code;	5216
(g) The state chiropractic board established under Chapter	5217
4734. of the Revised Code;	5218
(h) The Ohio occupational therapy, physical therapy, and	5219
athletic trainers board established under Chapter 4755. of the	5220
Revised Code;	5221
(i) The counselor, social worker, and marriage and family	5222
therapist board established under Chapter 4757. of the Revised	5223
Code;	5224
(j) The chemical dependency professionals board	5225
established under Chapter 4758. of the Revised Code;	5226
(k) The state board of emergency medical services	5227
established under Chapter 4765. of the Revised Code;	5228
(l) The state speech and hearing professionals board	5229
established under Chapter 4744. of the Revised Code;	5230
(m) Any other licensing agency that considers its	5231
licensees to be health care professionals.	5232

(B) Notwithstanding any provision of the Revised Code to 5233
the contrary, a licensing agency that licenses health care 5234
professionals shall apply toward the satisfaction of a portion 5235
of a licensee's continuing education requirement the provision 5236
of health care services if all of the following apply: 5237

(1) The licensing agency that licenses health care 5238
professionals requires a licensee to complete continuing 5239
education as a condition of having a license renewed by the 5240
agency. 5241

(2) The licensee provides the health care services to an 5242
indigent and uninsured person. 5243

(3) The licensee provides the health care services as a 5244
volunteer. 5245

(4) The licensee satisfies the requirements of section 5246
2305.234 of the Revised Code to qualify for the immunity from 5247
liability granted under that section. 5248

(5) The health care services provided are within the scope 5249
of authority of the licensee renewing the license. 5250

(C) (1) Except as provided in division (C) (2) of this 5251
section, a licensing agency that licenses health care 5252
professionals shall permit a licensee to satisfy up to one-third 5253
of the licensee's continuing education requirement by providing 5254
health care services as a volunteer. A licensing agency that 5255
licenses health care professionals shall permit a licensee to 5256
earn continuing education credits at the rate of one credit hour 5257
for each sixty minutes spent providing health care services as a 5258
volunteer. 5259

(2) In the case of a person holding a license to practice 5260
medicine and surgery, osteopathic medicine and surgery, or 5261

podiatric medicine and surgery, the state medical board shall 5262
permit the person to satisfy not more than ~~three~~ten hours of 5263
the person's continuing education requirement by providing 5264
health care services as a volunteer. The board shall permit a 5265
licensee to earn continuing education credits at the rate of one 5266
credit hour for every five hours spent providing health care 5267
services as a volunteer. 5268

(D) A licensing agency that licenses health care 5269
professionals shall adopt rules as necessary to implement this 5270
section. The rules shall be adopted in accordance with Chapter 5271
119. of the Revised Code. 5272

(E) Continuing education credit received under this 5273
section for providing health care services is not compensation 5274
or any other form of remuneration for purposes of section 5275
2305.234 of the Revised Code and does not make the provider of 5276
those services ineligible for the immunity from liability 5277
granted under that section. 5278

Sec. 4762.011. On and after the effective date of this 5279
section, this chapter no longer applies to oriental medicine 5280
practitioners. 5281

Sec. 5107.541. A county department of job and family 5282
services may contract with the chief administrator of a 5283
nonpublic school or with any school district board of education 5284
that has adopted a resolution under section 3319.089 of the 5285
Revised Code to provide for a participant of the work experience 5286
program who has a minor child enrolled in the nonpublic school 5287
or a public school in the district to be assigned under the work 5288
experience program to volunteer or work for compensation at the 5289
school in which the child is enrolled. Unless it is not possible 5290
or practical, a contract shall provide for a participant to 5291

volunteer or work at the school as a classroom aide. If that is 5292
impossible or impractical, the contract may provide for the 5293
participant to volunteer to work in another position at the 5294
school. A contract may provide for the nonpublic school or board 5295
of education to receive funding to pay for coordinating, 5296
training, and supervising participants volunteering or working 5297
in schools. 5298

~~Notwithstanding section 3319.088 of the Revised Code, a A 5299
participant volunteering or working as a classroom aide under 5300
this section is not required to obtain an educational aide- 5301
permit or paraprofessional license. The participant shall not be 5302
considered an employee of a political subdivision for purposes 5303
of Chapter 2744. of the Revised Code and is not entitled to any 5304
immunity or defense available under that chapter, the common law 5305
of this state, or section 9.86 of the Revised Code. 5306~~

An assignment under this section shall include attending 5307
academic home enrichment classes that provide instruction for 5308
parents in creating a home environment that prepares and enables 5309
children to learn at school. 5310

Sec. 6111.30. (A) Applications for a section 401 water 5311
quality certification required under division (O) of section 5312
6111.03 of the Revised Code shall be submitted on forms provided 5313
by the director of environmental protection and shall include 5314
all information required on those forms as well as all of the 5315
following: 5316

(1) A copy of a letter from the United States army corps 5317
of engineers documenting its jurisdiction over the wetlands, 5318
streams, or other waters of the state that are the subject of 5319
the section 401 water quality certification application; 5320

(2) If the project involves impacts to a wetland, a wetland characterization analysis consistent with the Ohio rapid assessment method;	5321 5322 5323
(3) If the project involves a stream for which a specific aquatic life use designation has not been made, data sufficient to determine the existing aquatic life use;	5324 5325 5326
(4) A specific and detailed mitigation proposal, including the location and proposed real estate instrument or other available mechanism for protecting the property long term;	5327 5328 5329
(5) Applicable fees;	5330
(6) Site photographs;	5331
(7) Adequate documentation confirming that the applicant has requested comments from the department of natural resources and the United States fish and wildlife service regarding threatened and endangered species, including the presence or absence of critical habitat;	5332 5333 5334 5335 5336
(8) Descriptions, schematics, and appropriate economic information concerning the applicant's preferred alternative, nondegradation alternatives, and minimum degradation alternatives for the design and operation of the project;	5337 5338 5339 5340
(9) The applicant's investigation report of the waters of the United States in support of a section 404 permit application concerning the project;	5341 5342 5343
(10) A copy of the United States army corps of engineers' public notice regarding the section 404 permit application concerning the project.	5344 5345 5346
(B) Not later than fifteen business days after the receipt of an application for a section 401 water quality certification,	5347 5348

the director shall review the application to determine if it is 5349
complete and shall notify the applicant in writing as to whether 5350
the application is complete. If the director fails to notify the 5351
applicant within fifteen business days regarding the 5352
completeness of the application, the application is considered 5353
complete. If the director determines that the application is not 5354
complete, the director shall include with the written 5355
notification an itemized list of the information or materials 5356
that are necessary to complete the application. If the applicant 5357
fails to provide the information or materials within sixty days 5358
after the director's receipt of the application, the director 5359
may return the incomplete application to the applicant and take 5360
no further action on the application. If the application is 5361
returned to the applicant because it is incomplete, the director 5362
shall return the review fee levied under division (A) (1), (2), 5363
or (3) of section 3745.114 of the Revised Code to the applicant, 5364
but shall retain the application fee levied under that section. 5365

(C) Not later than twenty-one days after a determination 5366
that an application is complete under division (B) of this 5367
section, the applicant shall publish public notice of the 5368
director's receipt of the complete application in a newspaper of 5369
general circulation in the county in which the project that is 5370
the subject of the application is located. The public notice 5371
shall be in a form acceptable to the director. The applicant 5372
shall promptly provide the director with proof of publication. 5373
The applicant may choose, subject to review by and approval of 5374
the director, to include in the public notice an advertisement 5375
for an antidegradation public hearing on the application 5376
pursuant to section 6111.12 of the Revised Code. There shall be 5377
a public comment period of thirty days following the publication 5378
of the public notice. 5379

(D) If the director determines that there is significant public interest in a public hearing as evidenced by the public comments received concerning the application and by other requests for a public hearing on the application, the director or the director's representative shall conduct a public hearing concerning the application. Notice of the public hearing shall be published by the applicant, subject to review and approval by the director, at least thirty days prior to the date of the hearing in a newspaper of general circulation in the county in which the project that is the subject of the application is to take place. If a public hearing is requested concerning an application, the director shall accept comments concerning the application until five business days after the public hearing. A public hearing conducted under this division shall take place not later than one hundred days after the application is determined to be complete.

(E) The director shall forward all public comments concerning an application submitted under this section that are received through the public involvement process required by rules adopted under this chapter to the applicant not later than five business days after receipt of the comments by the director.

(F) The applicant shall respond in writing to written comments or to deficiencies identified by the director during the course of reviewing the application not later than fifteen days after receiving or being notified of them.

(G) The director shall issue or deny a section 401 water quality certification not later than one hundred eighty days after the complete application for the certification is received. The director shall provide an applicant for a section

401 water quality certification with an opportunity to review 5410
the certification prior to its issuance. ~~However, when a~~ 5411
~~certified water quality professional conducts a stream or~~ 5412
~~wetland assessment to support an application and the application~~ 5413
~~does not require or necessitate a public hearing, the director~~ 5414
~~shall issue or deny a section 401 water quality certification~~ 5415
~~not later than ninety days after the complete application for~~ 5416
~~the certification is received.~~ 5417

(H) The director shall maintain an accessible database 5418
that includes environmentally beneficial water restoration and 5419
protection projects that may serve as potential mitigation 5420
projects for projects in the state for which a section 401 water 5421
quality certification is required. A project's inclusion in the 5422
database does not constitute an approval of the project. 5423

(I) Mitigation required by a section 401 water quality 5424
certification may be accomplished by any of the following: 5425

(1) Purchasing credits at a mitigation bank approved in 5426
accordance with 33 C.F.R. 332.8; 5427

(2) Participating in an in-lieu fee mitigation program 5428
approved in accordance with 33 C.F.R. 332.8; 5429

(3) Constructing individual mitigation projects. 5430

Notwithstanding the mitigation hierarchy specified in 5431
section 3745-1-54 of the Administrative Code, mitigation 5432
projects shall be approved in accordance with the hierarchy 5433
specified in 33 C.F.R. 332.3 unless the director determines that 5434
the size or quality of the impacted resource necessitates 5435
reasonably identifiable, available, and practicable mitigation 5436
conducted by the applicant. The director shall adopt rules in 5437
accordance with Chapter 119. of the Revised Code consistent with 5438

the mitigation hierarchy specified in 33 C.F.R. 332.3. 5439

~~(J) The director shall establish a program and adopt rules in accordance with Chapter 119. of the Revised Code for the purpose of certifying water quality professionals to assess streams to determine existing aquatic life use and to categorize wetlands in support of applications for section 401 water quality certification under divisions (A) (2) and (3) of this section and isolated wetland permits under sections 6111.022 to 6111.024 of the Revised Code. The director shall establish a multi-sector work group to assist in the development of rules adopted under this division. The director shall use information submitted by certified water quality professionals in the review of those applications.~~ 5440
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~~Rules adopted under this division shall do all of the following:~~ 5452
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~~(1) Provide for the certification of water quality professionals to conduct activities in support of applications for section 401 water quality certification and isolated wetland permits, including work necessary to determine existing aquatic life use of streams and categorize wetlands. Rules adopted under division (J) (1) of this section shall do at least all of the following:~~ 5454
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~~(a) Authorize the director to require an applicant for water quality professional certification to submit information considered necessary by the director to assess a water quality professional's experience in conducting stream assessments and wetlands categorizations;~~ 5461
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~~(b) Authorize the director to establish experience requirements and to use tests to determine the competency of~~ 5466
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~~applicants for water quality professional certification;~~ 5468

~~(c) Authorize the director to approve applicants for water quality professional certification who comply with the requirements established in rules and deny applicants that do not comply with those requirements;~~ 5469
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~~(d) Require the director to revoke the certification of a water quality professional if the director finds that the professional falsified any information on the professional's application for certification regarding the professional's credentials;~~ 5473
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~~(e) Require periodic renewal of a water quality professional's certification and establish continuing education requirements for purposes of that renewal.~~ 5478
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~~(2) Establish an annual fee to be paid by water quality professionals certified under rules adopted under division (J) (1) of this section in an amount calculated to defray the costs incurred by the environmental protection agency for reviewing applications for water quality professional certification and for issuing those certifications;~~ 5481
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~~(3) Authorize the director to suspend or revoke the certification of a water quality professional if the director finds that the professional's performance has resulted in submission of documentation that is inconsistent with standards established in rules adopted under division (J) (7) of this section;~~ 5487
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~~(4) Authorize the director to review documentation submitted by a certified water quality professional to ensure compliance with requirements established in rules adopted under division (J) (7) of this section;~~ 5493
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(5) Require a certified water quality professional to	5497
submit any documentation developed in support of an application	5498
for a section 401 water quality certification or an isolated	5499
wetland permit upon the request of the director;	5500
(6) Authorize audits by the director of documentation	5501
developed or submitted by certified water quality professionals	5502
to ensure compliance with requirements established in rules	5503
adopted under division (J) (7) of this section;	5504
(7) Establish technical standards to be used by certified	5505
water quality professionals in conducting stream assessments and	5506
wetlands categorizations;	5507
(8) Authorize the director to require public disclosure,	5508
including publication on the environmental protection agency's	5509
web site, of all of the following information for each certified	5510
water quality professional:	5511
(a) Name;	5512
(b) Qualifications and credentials;	5513
(c) Status of the professional's certifications;	5514
(d) Documents and reports submitted by the certified water	5515
quality professional;	5516
(e) Documentation and results of agency audits of the	5517
certified water quality professional's work;	5518
(f) Any final disciplinary action related to the certified	5519
water quality professional's performance.	5520
(K) Nothing in this section requires an applicant for a	5521
section 401 water quality certification or a permit for impacts	5522
to an isolated wetland under this chapter to use the services of	5523

~~a certified water quality professional.~~ 5524

~~(I)~~ (J) As used in this section and section 6111.31 of the 5525
Revised Code, "section 401 water quality certification" means 5526
certification pursuant to section 401 of the Federal Water 5527
Pollution Control Act and this chapter and rules adopted under 5528
it that any discharge, as set forth in section 401, will comply 5529
with sections 301, 302, 303, 306, and 307 of the Federal Water 5530
Pollution Control Act. 5531

Section 2. That existing sections 127.16, 1561.07, 5532
2925.01, 3313.68, 3313.7110, 3313.7113, 3313.721, 3319.22, 5533
3319.222, 3319.223, 3319.227, 3701.33, 3717.27, 3717.47, 5534
3718.011, 3718.03, 3723.02, 3723.03, 3723.04, 3723.05, 3723.06, 5535
3723.07, 3723.08, 3723.09, 3723.10, 3723.11, 3723.13, 3723.17, 5536
3723.99, 3728.04, 4104.32, 4104.34, 4104.36, 4104.37, 4117.103, 5537
4169.02, 4169.03, 4169.04, 4169.05, 4169.06, 4701.06, 4701.17, 5538
4713.01, 4713.14, 4713.17, 4713.42, 4713.56, 4730.11, 4731.04, 5539
4731.15, 4731.16, 4731.171, 4731.19, 4731.22, 4731.293, 5540
4731.298, 4731.36, 4731.572, 4734.211, 4734.31, 4736.01, 5541
4736.02, 4736.03, 4736.05, 4736.06, 4736.08, 4736.09, 4736.10, 5542
4736.11, 4736.12, 4736.14, 4736.15, 4745.04, 5107.541, and 5543
6111.30 of the Revised Code are hereby repealed. 5544

Section 3. That sections 3319.221, 3319.225, 3319.2210, 5545
3745.14, 4104.33, 4104.35, and 4734.281 of the Revised Code are 5546
hereby repealed. 5547

Section 4. Sections 3319.22, 3319.223, and 3319.227 of the 5548
Revised Code take effect two years after the effective date of 5549
this section. During that two-year period, the State Board of 5550
Education shall determine a method to condense the four-year 5551
Teacher Residency program under section 3319.223 of the Revised 5552
Code into a two-year program, including a timeframe by which 5553

individuals enrolled in the program before the effective date of 5554
section 3319.223 of the Revised Code, as amended by this act, 5555
shall complete the program. 5556

Section 5. The Director of Health may do any of the 5557
following for purposes of converting the licensure of radon 5558
mitigation specialists under Chapter 3723. of the Revised Code 5559
from a two-year license renewal period to a five-year license 5560
renewal period, as provided in section 3742.06 of the Revised 5561
Code, as amended by this act: 5562

(A) Extend the expiration date that applies to a license 5563
issued or renewed prior to the effective date of this section; 5564

(B) Adjust the hours of continuing education that must be 5565
completed for license renewal; 5566

(C) Take any other action the Director considers 5567
necessary. 5568

Section 6. A sanitarian or sanitarian-in-training 5569
registration that is valid on the effective date of this section 5570
remains valid as a biennial environmental health specialist or 5571
environmental health specialist in training registration, as 5572
applicable, until the date that is two calendar years from the 5573
date the registration was issued. 5574

Section 7. Notwithstanding any provision of law to the 5575
contrary, on the effective date of this section, the Ski Tramway 5576
Board in the Division of Industrial Compliance in the Department 5577
of Commerce is hereby abolished. All of the authority, 5578
functions, assets, and liabilities of the Ski Tramway Board are 5579
transferred to the Division of Industrial Compliance. The 5580
Division is thereupon and thereafter successor to, and assumes 5581
the obligations, duties, authorities, and responsibilities of, 5582

the Board. Any registration that was issued by the Board that is 5583
current and valid on the effective date of this section is 5584
deemed to be a registration issued by the Division. 5585

Any business commenced but not completed by the effective 5586
date of this section shall be completed by the Division in the 5587
same manner, and with the same effect, as if completed by the 5588
Board. 5589

No validation, cure, right, privilege, remedy, obligation, 5590
or liability is lost or impaired by reason of this act's 5591
transfer of responsibility from the Board to the Division. 5592

All rules, orders, and determinations made or undertaken 5593
pursuant to the authority and responsibilities of the Board 5594
shall continue in effect as rules, orders, and determinations of 5595
the Division until modified or rescinded by the Division. If 5596
necessary to ensure the integrity of the numbering system of the 5597
Administrative Code, the Director of the Legislative Service 5598
Commission shall renumber the rules to reflect the transfer. 5599

Any action or proceeding that is related to the functions 5600
or duties of the Board pending on the effective date of this 5601
section is not affected by the transfer and shall be prosecuted 5602
or defended in the name of the Division. In all such actions and 5603
proceedings, the Division, on application to the court, shall be 5604
substituted as a party. 5605

All employees of the Board shall be employees of the 5606
Division and shall serve in the positions previously held within 5607
their respective agencies unless the Division determines 5608
otherwise. The transfer of responsibility from the Board to the 5609
Division shall not be deemed a transfer of employees pursuant to 5610
division (D) (3) (b) of section 124.11 of the Revised Code. 5611

Section 8. Notwithstanding any provision of law to the 5612
contrary, on the effective date of this section, the Historical 5613
Boilers Licensing Board in the Division of Industrial Compliance 5614
in the Department of Commerce is hereby abolished. All of the 5615
authority, functions, assets, and liabilities of the Historical 5616
Boilers Licensing Board are transferred to the Division of 5617
Industrial Compliance. The Division is thereupon and thereafter 5618
successor to, and assumes the obligations, duties, authorities, 5619
and responsibilities of, the Board. Any certificate that was 5620
issued by the Board that is current and valid on the effective 5621
date of this section is deemed to be a certificate issued by the 5622
Division. 5623

Any business commenced but not completed by the effective 5624
date of this section shall be completed by the Division in the 5625
same manner, and with the same effect, as if completed by the 5626
Board. 5627

No validation, cure, right, privilege, remedy, obligation, 5628
or liability is lost or impaired by reason of this act's 5629
transfer of responsibility from the Board to the Division. 5630

All rules, orders, and determinations made or undertaken 5631
pursuant to the authority and responsibilities of the Board 5632
shall continue in effect as rules, orders, and determinations of 5633
the Division until modified or rescinded by the Division. If 5634
necessary to ensure the integrity of the numbering system of the 5635
Administrative Code, the Director of the Legislative Service 5636
Commission shall renumber the rules to reflect the transfer. 5637

Any action or proceeding that is related to the functions 5638
or duties of the Board pending on the effective date of this 5639
section is not affected by the transfer and shall be prosecuted 5640
or defended in the name of the Division. In all such actions and 5641

proceedings, the Division, on application to the court, shall be 5642
substituted as a party. 5643

All employees of the Board shall be employees of the 5644
Division and shall serve in the positions previously held within 5645
their respective agencies unless the Division determines 5646
otherwise. The transfer of responsibility from the Board to the 5647
Division shall not be deemed a transfer of employees pursuant to 5648
division (D) (3) (b) of section 124.11 of the Revised Code. 5649

Section 9. (A) For the purposes of this section, 5650
"occupational licensing board" has the same meaning as in 5651
section 4798.01 of the Revised Code. 5652

(B) Pursuant to division (E) of section 101.62 of the 5653
Revised Code, the following occupational licensing boards are 5654
hereby renewed and, subject to the revisions prescribed by this 5655
act, the statutes creating, empowering, governing, and 5656
regulating those boards are continued: 5657

(1) The State Board of Education created under section 5658
3301.01 of the Revised Code; 5659

(2) The Ohio Athletic Commission created under section 5660
3773.33 of the Revised Code; 5661

(3) The Environmental Protection Agency created under 5662
section 3745.01 of the Revised Code; 5663

(4) The Department of Natural Resources described in 5664
Chapter 1501. of the Revised Code; 5665

(5) The Department of Health described in Chapter 3701. of 5666
the Revised Code; 5667

(6) The State Medical Board created under section 4731.01 5668
of the Revised Code; 5669

(7) The Ohio Home Inspector Board within the Department of Commerce created under section 4764.04 of the Revised Code;	5670 5671
(8) The Division of Securities within the Department of Commerce described in Chapter 1707. of the Revised Code; and	5672 5673
(9) The Ohio Construction Industry Licensing Board within the Department of Commerce created under section 4740.02 of the Revised Code.	5674 5675 5676
(C) The occupational licensing boards listed in this section shall be triggered to expire under division (B) of section 101.62 of the Revised Code at the end of the thirty-first day of December of the sixth year following enactment of this section.	5677 5678 5679 5680 5681
Section 10. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:	5682 5683 5684 5685 5686 5687 5688 5689
Section 3319.22 of the Revised Code as amended by both H.B. 438 and S.B. 216 of the 132nd General Assembly.	5690 5691
Section 6111.30 of the Revised Code is presented in this act as a composite of the section as amended by both S.B. 2 and H.B. 49 of the 132nd General Assembly.	5692 5693 5694