

**As Passed by the Senate**

**134th General Assembly**

**Regular Session**

**2021-2022**

**Sub. H. B. No. 509**

**Representatives John, Fowler Arthur**

**Cosponsors: Representatives Wiggam, Click, Gross, Hall, Holmes, Jones, Kick,  
McClain, Merrin**

**Senators Antonio, Cirino, Dolan, Gavarone, Hoagland, Hottinger, Huffman, S.,  
Johnson, Lang, Manning, Martin, McColley, O'Brien, Peterson, Reineke, Roegner,  
Rulli, Thomas, Yuko**

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**A BILL**

To amend sections 109.572, 169.16, 1716.05, 1  
1716.08, 1716.99, 2925.01, 3310.41, 3319.22, 2  
3701.74, 3737.881, 3772.13, 3772.131, 3905.471, 3  
3905.81, 4709.07, 4709.10, 4713.28, 4715.13, 4  
4715.14, 4715.141, 4715.21, 4715.24, 4715.25, 5  
4715.27, 4717.01, 4717.02, 4717.03, 4717.04, 6  
4717.05, 4717.06, 4717.07, 4717.08, 4717.09, 7  
4717.11, 4717.13, 4717.15, 4717.36, 4717.41, 8  
4723.01, 4723.07, 4723.08, 4723.091, 4723.092, 9  
4723.114, 4723.18, 4723.181, 4723.35, 4723.48, 10  
4723.481, 4723.50, 4723.72, 4723.73, 4723.75, 11  
4723.79, 4725.01, 4725.011, 4725.02, 4725.07, 12  
4725.09, 4725.091, 4725.092, 4725.12, 4725.13, 13  
4725.15, 4725.16, 4725.18, 4725.19, 4725.20, 14  
4725.24, 4725.27, 4725.34, 4725.35, 4725.40, 15  
4725.41, 4725.44, 4725.48, 4725.49, 4725.50, 16  
4725.51, 4725.52, 4725.53, 4725.63, 4725.66, 17  
4725.67, 4729.01, 4729.12, 4729.15, 4731.16, 18  
4731.17, 4731.19, 4732.01, 4732.02, 4732.05, 19  
4732.09, 4732.10, 4732.11, 4732.12, 4732.13, 20

4732.14, 4732.141, 4732.142, 4732.17, 4732.171,	21
4732.173, 4732.18, 4732.19, 4732.20, 4732.21,	22
4732.22, 4732.221, 4732.24, 4732.31, 4732.33,	23
4734.211, 4735.27, 4741.17, 4743.09, 4749.03,	24
4751.01, 4751.10, 4751.101, 4751.102, 4751.20,	25
4751.23, 4751.24, 4751.32, 4751.33, 4751.40,	26
4751.41, 4751.45, 4753.06, 4753.071, 4753.12,	27
4755.01, 4755.062, 4757.02, 4757.22, 4757.27,	28
4757.301, 4757.33, 4757.41, 4758.20, 4758.26,	29
4758.51, 4765.10, 4765.11, 4765.15, 4765.16,	30
4765.17, 4765.18, 4765.22, 4765.23, 4765.24,	31
4765.29, 4765.30, 4765.31, 4765.49, 4765.50,	32
4765.55, 4769.01, 4779.03, 4779.10, 4779.11,	33
4779.12, 4779.13, 4779.17, 5126.22, 5126.25, and	34
5164.95; to enact sections 3731.031, 4725.131,	35
4725.231, 4725.541, 4798.05, and 4798.06; and to	36
repeal sections 3319.2212, 4715.421, 4717.051,	37
4723.17, 4723.19, 4723.76, 4725.14, 4725.17,	38
4725.171, 4725.58, 4751.202, and 4779.18 of the	39
Revised Code to revise and streamline the	40
state's occupational regulations, to extend the	41
authorization for two boards set to expire under	42
Sunset Review Law, and to amend the version of	43
section 4723.481 of the Revised Code that is	44
scheduled to take effect on September 30, 2024,	45
to continue the change on and after that date.	46

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

**Section 1.** That sections 109.572, 169.16, 1716.05, 47

1716.08, 1716.99, 2925.01, 3310.41, 3319.22, 3701.74, 3737.881, 48  
3772.13, 3772.131, 3905.471, 3905.81, 4709.07, 4709.10, 4713.28, 49  
4715.13, 4715.141, 4715.21, 4715.25, 4717.01, 4717.02, 4717.03, 50  
4717.04, 4717.05, 4717.06, 4717.07, 4717.08, 4717.09, 4717.11, 51  
4717.13, 4717.15, 4717.36, 4717.41, 4723.01, 4723.07, 4723.08, 52  
4723.091, 4723.092, 4723.114, 4723.18, 4723.181, 4723.35, 53  
4723.48, 4723.481, 4723.50, 4723.72, 4723.73, 4723.75, 4723.79, 54  
4725.01, 4725.011, 4725.02, 4725.07, 4725.09, 4725.091, 55  
4725.092, 4725.12, 4725.13, 4725.15, 4725.16, 4725.18, 4725.19, 56  
4725.20, 4725.24, 4725.27, 4725.34, 4725.35, 4725.40, 4725.41, 57  
4725.44, 4725.48, 4725.49, 4725.50, 4725.51, 4725.52, 4725.53, 58  
4725.63, 4725.66, 4725.67, 4729.01, 4729.12, 4729.15, 4731.16, 59  
4731.17, 4731.19, 4732.01, 4732.02, 4732.05, 4732.09, 4732.10, 60  
4732.11, 4732.12, 4732.13, 4732.14, 4732.141, 4732.142, 4732.17, 61  
4732.171, 4732.173, 4732.18, 4732.19, 4732.20, 4732.21, 4732.22, 62  
4732.221, 4732.24, 4732.31, 4732.33, 4734.211, 4735.27, 4741.17, 63  
4743.09, 4749.03, 4751.01, 4751.10, 4751.101, 4751.102, 4751.20, 64  
4751.23, 4751.24, 4751.32, 4751.33, 4751.40, 4751.41, 4751.45, 65  
4753.06, 4753.071, 4753.12, 4755.01, 4755.062, 4757.02, 4757.22, 66  
4757.27, 4757.301, 4757.33, 4757.41, 4758.20, 4758.26, 4758.51, 67  
4765.10, 4765.11, 4765.15, 4765.16, 4765.17, 4765.18, 4765.22, 68  
4765.23, 4765.24, 4765.29, 4765.30, 4765.31, 4765.49, 4765.50, 69  
4765.55, 4769.01, 4779.03, 4779.10, 4779.11, 4779.12, 4779.13, 70  
4779.17, 5126.22, 5126.25, and 5164.95 be amended and sections 71  
3731.031, 4725.131, 4725.231, 4725.541, 4798.05, and 4798.06 of 72  
the Revised Code be enacted to read as follows: 73

**Sec. 109.572.** (A) (1) Upon receipt of a request pursuant to 74  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 75  
Code, a completed form prescribed pursuant to division (C) (1) of 76  
this section, and a set of fingerprint impressions obtained in 77  
the manner described in division (C) (2) of this section, the 78

superintendent of the bureau of criminal identification and 79  
investigation shall conduct a criminal records check in the 80  
manner described in division (B) of this section to determine 81  
whether any information exists that indicates that the person 82  
who is the subject of the request previously has been convicted 83  
of or pleaded guilty to any of the following: 84

(a) A violation of section 2903.01, 2903.02, 2903.03, 85  
2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 86  
2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 87  
2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 88  
2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 89  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 90  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 91  
2923.12, 2923.13, 2923.161, 2923.17, 2923.21, 2923.42, 2925.02, 92  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 93  
2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 2925.37, or 3716.11 94  
of the Revised Code, felonious sexual penetration in violation 95  
of former section 2907.12 of the Revised Code, a violation of 96  
section 2905.04 of the Revised Code as it existed prior to July 97  
1, 1996, a violation of section 2919.23 of the Revised Code that 98  
would have been a violation of section 2905.04 of the Revised 99  
Code as it existed prior to July 1, 1996, had the violation been 100  
committed prior to that date, or a violation of section 2925.11 101  
of the Revised Code that is not a minor drug possession offense; 102

(b) A violation of an existing or former law of this 103  
state, any other state, or the United States that is 104  
substantially equivalent to any of the offenses listed in 105  
division (A)(1)(a) of this section; 106

(c) If the request is made pursuant to section 3319.39 of 107  
the Revised Code for an applicant who is a teacher, any offense 108

specified under section 9.79 of the Revised Code or in section 109  
3319.31 of the Revised Code. 110

(2) On receipt of a request pursuant to section 3712.09 or 111  
3721.121 of the Revised Code, a completed form prescribed 112  
pursuant to division (C)(1) of this section, and a set of 113  
fingerprint impressions obtained in the manner described in 114  
division (C)(2) of this section, the superintendent of the 115  
bureau of criminal identification and investigation shall 116  
conduct a criminal records check with respect to any person who 117  
has applied for employment in a position for which a criminal 118  
records check is required by those sections. The superintendent 119  
shall conduct the criminal records check in the manner described 120  
in division (B) of this section to determine whether any 121  
information exists that indicates that the person who is the 122  
subject of the request previously has been convicted of or 123  
pleaded guilty to any of the following: 124

(a) A violation of section 2903.01, 2903.02, 2903.03, 125  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 126  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 127  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 128  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 129  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 130  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 131  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 132  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 133

(b) An existing or former law of this state, any other 134  
state, or the United States that is substantially equivalent to 135  
any of the offenses listed in division (A)(2)(a) of this 136  
section. 137

(3) On receipt of a request pursuant to section 173.27, 138

173.38, 173.381, 3740.11, 5119.34, 5164.34, 5164.341, 5164.342, 139  
5123.081, or 5123.169 of the Revised Code, a completed form 140  
prescribed pursuant to division (C)(1) of this section, and a 141  
set of fingerprint impressions obtained in the manner described 142  
in division (C)(2) of this section, the superintendent of the 143  
bureau of criminal identification and investigation shall 144  
conduct a criminal records check of the person for whom the 145  
request is made. The superintendent shall conduct the criminal 146  
records check in the manner described in division (B) of this 147  
section to determine whether any information exists that 148  
indicates that the person who is the subject of the request 149  
previously has been convicted of, has pleaded guilty to, or 150  
(except in the case of a request pursuant to section 5164.34, 151  
5164.341, or 5164.342 of the Revised Code) has been found 152  
eligible for intervention in lieu of conviction for any of the 153  
following, regardless of the date of the conviction, the date of 154  
entry of the guilty plea, or (except in the case of a request 155  
pursuant to section 5164.34, 5164.341, or 5164.342 of the 156  
Revised Code) the date the person was found eligible for 157  
intervention in lieu of conviction: 158

(a) A violation of section 959.13, 959.131, 2903.01, 159  
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 160  
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 161  
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 162  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 163  
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 164  
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 165  
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 166  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 167  
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 168  
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 169

2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12,	170
2919.121, 2919.123, 2919.124, 2919.22, 2919.23, 2919.24,	171
2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24,	172
2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12,	173
2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21,	174
2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05,	175
2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.141, 2925.22,	176
2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11	177
of the Revised Code;	178
(b) Felonious sexual penetration in violation of former	179
section 2907.12 of the Revised Code;	180
(c) A violation of section 2905.04 of the Revised Code as	181
it existed prior to July 1, 1996;	182
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	183
the Revised Code when the underlying offense that is the object	184
of the conspiracy, attempt, or complicity is one of the offenses	185
listed in divisions (A) (3) (a) to (c) of this section;	186
(e) A violation of an existing or former municipal	187
ordinance or law of this state, any other state, or the United	188
States that is substantially equivalent to any of the offenses	189
listed in divisions (A) (3) (a) to (d) of this section.	190
(4) On receipt of a request pursuant to section 2151.86 or	191
2151.904 of the Revised Code, a completed form prescribed	192
pursuant to division (C) (1) of this section, and a set of	193
fingerprint impressions obtained in the manner described in	194
division (C) (2) of this section, the superintendent of the	195
bureau of criminal identification and investigation shall	196
conduct a criminal records check in the manner described in	197
division (B) of this section to determine whether any	198

information exists that indicates that the person who is the 199  
subject of the request previously has been convicted of or 200  
pleaded guilty to any of the following: 201

(a) A violation of section 959.13, 2903.01, 2903.02, 202  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 203  
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 204  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 205  
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 206  
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 207  
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 208  
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 209  
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 210  
2927.12, or 3716.11 of the Revised Code, a violation of section 211  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 212  
a violation of section 2919.23 of the Revised Code that would 213  
have been a violation of section 2905.04 of the Revised Code as 214  
it existed prior to July 1, 1996, had the violation been 215  
committed prior to that date, a violation of section 2925.11 of 216  
the Revised Code that is not a minor drug possession offense, 217  
two or more OVI or OVUAC violations committed within the three 218  
years immediately preceding the submission of the application or 219  
petition that is the basis of the request, or felonious sexual 220  
penetration in violation of former section 2907.12 of the 221  
Revised Code; 222

(b) A violation of an existing or former law of this 223  
state, any other state, or the United States that is 224  
substantially equivalent to any of the offenses listed in 225  
division (A) (4) (a) of this section. 226

(5) Upon receipt of a request pursuant to section 5104.013 227  
of the Revised Code, a completed form prescribed pursuant to 228

division (C) (1) of this section, and a set of fingerprint 229  
impressions obtained in the manner described in division (C) (2) 230  
of this section, the superintendent of the bureau of criminal 231  
identification and investigation shall conduct a criminal 232  
records check in the manner described in division (B) of this 233  
section to determine whether any information exists that 234  
indicates that the person who is the subject of the request has 235  
been convicted of or pleaded guilty to any of the following: 236

(a) A violation of section 2151.421, 2903.01, 2903.02, 237  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 238  
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 239  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 240  
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 241  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 242  
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 243  
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 244  
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 245  
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 246  
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 247  
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 248  
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 249  
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 250  
3716.11 of the Revised Code, felonious sexual penetration in 251  
violation of former section 2907.12 of the Revised Code, a 252  
violation of section 2905.04 of the Revised Code as it existed 253  
prior to July 1, 1996, a violation of section 2919.23 of the 254  
Revised Code that would have been a violation of section 2905.04 255  
of the Revised Code as it existed prior to July 1, 1996, had the 256  
violation been committed prior to that date, a violation of 257  
section 2925.11 of the Revised Code that is not a minor drug 258  
possession offense, a violation of section 2923.02 or 2923.03 of 259

the Revised Code that relates to a crime specified in this 260  
division, or a second violation of section 4511.19 of the 261  
Revised Code within five years of the date of application for 262  
licensure or certification. 263

(b) A violation of an existing or former law of this 264  
state, any other state, or the United States that is 265  
substantially equivalent to any of the offenses or violations 266  
described in division (A) (5) (a) of this section. 267

(6) Upon receipt of a request pursuant to section 5153.111 268  
of the Revised Code, a completed form prescribed pursuant to 269  
division (C) (1) of this section, and a set of fingerprint 270  
impressions obtained in the manner described in division (C) (2) 271  
of this section, the superintendent of the bureau of criminal 272  
identification and investigation shall conduct a criminal 273  
records check in the manner described in division (B) of this 274  
section to determine whether any information exists that 275  
indicates that the person who is the subject of the request 276  
previously has been convicted of or pleaded guilty to any of the 277  
following: 278

(a) A violation of section 2903.01, 2903.02, 2903.03, 279  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 280  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 281  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 282  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 283  
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 284  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 285  
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 286  
Code, felonious sexual penetration in violation of former 287  
section 2907.12 of the Revised Code, a violation of section 288  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 289

a violation of section 2919.23 of the Revised Code that would 290  
have been a violation of section 2905.04 of the Revised Code as 291  
it existed prior to July 1, 1996, had the violation been 292  
committed prior to that date, or a violation of section 2925.11 293  
of the Revised Code that is not a minor drug possession offense; 294

(b) A violation of an existing or former law of this 295  
state, any other state, or the United States that is 296  
substantially equivalent to any of the offenses listed in 297  
division (A) (6) (a) of this section. 298

(7) On receipt of a request for a criminal records check 299  
from an individual pursuant to section 4749.03 or 4749.06 of the 300  
Revised Code, accompanied by a completed copy of the form 301  
prescribed in division (C) (1) of this section and a set of 302  
fingerprint impressions obtained in a manner described in 303  
division (C) (2) of this section, the superintendent of the 304  
bureau of criminal identification and investigation shall 305  
conduct a criminal records check in the manner described in 306  
division (B) of this section to determine whether any 307  
information exists indicating that the person who is the subject 308  
of the request has been convicted of or pleaded guilty to any 309  
criminal offense in this state or in any other state. If the 310  
individual indicates that a firearm will be carried in the 311  
course of business, the superintendent shall require information 312  
from the federal bureau of investigation as described in 313  
division (B) (2) of this section. Subject to division (F) of this 314  
section, the superintendent shall report the findings of the 315  
criminal records check and any information the federal bureau of 316  
investigation provides to the director of public safety. 317

(8) On receipt of a request pursuant to section 1321.37, 318  
1321.53, or 4763.05 of the Revised Code, a completed form 319

prescribed pursuant to division (C)(1) of this section, and a 320  
set of fingerprint impressions obtained in the manner described 321  
in division (C)(2) of this section, the superintendent of the 322  
bureau of criminal identification and investigation shall 323  
conduct a criminal records check with respect to any person who 324  
has applied for a license, permit, or certification from the 325  
department of commerce or a division in the department. The 326  
superintendent shall conduct the criminal records check in the 327  
manner described in division (B) of this section to determine 328  
whether any information exists that indicates that the person 329  
who is the subject of the request previously has been convicted 330  
of or pleaded guilty to any criminal offense in this state, any 331  
other state, or the United States. 332

(9) On receipt of a request for a criminal records check 333  
from the treasurer of state under section 113.041 of the Revised 334  
Code or from an individual under section 928.03, 4701.08, 335  
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 336  
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 337  
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 338  
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, ~~4751.202,~~ 339  
4751.21, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 340  
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 341  
4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised 342  
Code, accompanied by a completed form prescribed under division 343  
(C)(1) of this section and a set of fingerprint impressions 344  
obtained in the manner described in division (C)(2) of this 345  
section, the superintendent of the bureau of criminal 346  
identification and investigation shall conduct a criminal 347  
records check in the manner described in division (B) of this 348  
section to determine whether any information exists that 349  
indicates that the person who is the subject of the request has 350

been convicted of or pleaded guilty to any criminal offense in 351  
this state or any other state. Subject to division (F) of this 352  
section, the superintendent shall send the results of a check 353  
requested under section 113.041 of the Revised Code to the 354  
treasurer of state and shall send the results of a check 355  
requested under any of the other listed sections to the 356  
licensing board specified by the individual in the request. 357

(10) On receipt of a request pursuant to section 124.74, 358  
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 359  
Code, a completed form prescribed pursuant to division (C) (1) of 360  
this section, and a set of fingerprint impressions obtained in 361  
the manner described in division (C) (2) of this section, the 362  
superintendent of the bureau of criminal identification and 363  
investigation shall conduct a criminal records check in the 364  
manner described in division (B) of this section to determine 365  
whether any information exists that indicates that the person 366  
who is the subject of the request previously has been convicted 367  
of or pleaded guilty to any criminal offense under any existing 368  
or former law of this state, any other state, or the United 369  
States. 370

(11) On receipt of a request for a criminal records check 371  
from an appointing or licensing authority under section 3772.07 372  
of the Revised Code, a completed form prescribed under division 373  
(C) (1) of this section, and a set of fingerprint impressions 374  
obtained in the manner prescribed in division (C) (2) of this 375  
section, the superintendent of the bureau of criminal 376  
identification and investigation shall conduct a criminal 377  
records check in the manner described in division (B) of this 378  
section to determine whether any information exists that 379  
indicates that the person who is the subject of the request 380  
previously has been convicted of or pleaded guilty or no contest 381

to any offense under any existing or former law of this state, 382  
any other state, or the United States that makes the person 383  
ineligible for appointment or retention under section 3772.07 of 384  
the Revised Code or that is a disqualifying offense as defined 385  
in that section or substantially equivalent to a disqualifying 386  
offense, as applicable. 387

(12) On receipt of a request pursuant to section 2151.33 388  
or 2151.412 of the Revised Code, a completed form prescribed 389  
pursuant to division (C)(1) of this section, and a set of 390  
fingerprint impressions obtained in the manner described in 391  
division (C)(2) of this section, the superintendent of the 392  
bureau of criminal identification and investigation shall 393  
conduct a criminal records check with respect to any person for 394  
whom a criminal records check is required under that section. 395  
The superintendent shall conduct the criminal records check in 396  
the manner described in division (B) of this section to 397  
determine whether any information exists that indicates that the 398  
person who is the subject of the request previously has been 399  
convicted of or pleaded guilty to any of the following: 400

(a) A violation of section 2903.01, 2903.02, 2903.03, 401  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 402  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 403  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 404  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 405  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 406  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 407  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 408  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 409

(b) An existing or former law of this state, any other 410  
state, or the United States that is substantially equivalent to 411

any of the offenses listed in division (A) (12) (a) of this 412  
section. 413

(13) On receipt of a request pursuant to section 3796.12 414  
of the Revised Code, a completed form prescribed pursuant to 415  
division (C) (1) of this section, and a set of fingerprint 416  
impressions obtained in a manner described in division (C) (2) of 417  
this section, the superintendent of the bureau of criminal 418  
identification and investigation shall conduct a criminal 419  
records check in the manner described in division (B) of this 420  
section to determine whether any information exists that 421  
indicates that the person who is the subject of the request 422  
previously has been convicted of or pleaded guilty to the 423  
following: 424

(a) A disqualifying offense as specified in rules adopted 425  
under section 9.79 and division (B) (2) (b) of section 3796.03 of 426  
the Revised Code if the person who is the subject of the request 427  
is an administrator or other person responsible for the daily 428  
operation of, or an owner or prospective owner, officer or 429  
prospective officer, or board member or prospective board member 430  
of, an entity seeking a license from the department of commerce 431  
under Chapter 3796. of the Revised Code; 432

(b) A disqualifying offense as specified in rules adopted 433  
under section 9.79 and division (B) (2) (b) of section 3796.04 of 434  
the Revised Code if the person who is the subject of the request 435  
is an administrator or other person responsible for the daily 436  
operation of, or an owner or prospective owner, officer or 437  
prospective officer, or board member or prospective board member 438  
of, an entity seeking a license from the state board of pharmacy 439  
under Chapter 3796. of the Revised Code. 440

(14) On receipt of a request required by section 3796.13 441

of the Revised Code, a completed form prescribed pursuant to 442  
division (C) (1) of this section, and a set of fingerprint 443  
impressions obtained in a manner described in division (C) (2) of 444  
this section, the superintendent of the bureau of criminal 445  
identification and investigation shall conduct a criminal 446  
records check in the manner described in division (B) of this 447  
section to determine whether any information exists that 448  
indicates that the person who is the subject of the request 449  
previously has been convicted of or pleaded guilty to the 450  
following: 451

(a) A disqualifying offense as specified in rules adopted 452  
under division (B) (8) (a) of section 3796.03 of the Revised Code 453  
if the person who is the subject of the request is seeking 454  
employment with an entity licensed by the department of commerce 455  
under Chapter 3796. of the Revised Code; 456

(b) A disqualifying offense as specified in rules adopted 457  
under division (B) (14) (a) of section 3796.04 of the Revised Code 458  
if the person who is the subject of the request is seeking 459  
employment with an entity licensed by the state board of 460  
pharmacy under Chapter 3796. of the Revised Code. 461

(15) On receipt of a request pursuant to section 4768.06 462  
of the Revised Code, a completed form prescribed under division 463  
(C) (1) of this section, and a set of fingerprint impressions 464  
obtained in the manner described in division (C) (2) of this 465  
section, the superintendent of the bureau of criminal 466  
identification and investigation shall conduct a criminal 467  
records check in the manner described in division (B) of this 468  
section to determine whether any information exists indicating 469  
that the person who is the subject of the request has been 470  
convicted of or pleaded guilty to any criminal offense in this 471

state or in any other state. 472

(16) On receipt of a request pursuant to division (B) of 473  
section 4764.07 or division (A) of section 4735.143 of the 474  
Revised Code, a completed form prescribed under division (C)(1) 475  
of this section, and a set of fingerprint impressions obtained 476  
in the manner described in division (C)(2) of this section, the 477  
superintendent of the bureau of criminal identification and 478  
investigation shall conduct a criminal records check in the 479  
manner described in division (B) of this section to determine 480  
whether any information exists indicating that the person who is 481  
the subject of the request has been convicted of or pleaded 482  
guilty to any criminal offense in any state or the United 483  
States. 484

(17) On receipt of a request for a criminal records check 485  
under section 147.022 of the Revised Code, a completed form 486  
prescribed under division (C)(1) of this section, and a set of 487  
fingerprint impressions obtained in the manner prescribed in 488  
division (C)(2) of this section, the superintendent of the 489  
bureau of criminal identification and investigation shall 490  
conduct a criminal records check in the manner described in 491  
division (B) of this section to determine whether any 492  
information exists that indicates that the person who is the 493  
subject of the request previously has been convicted of or 494  
pleaded guilty or no contest to any criminal offense under any 495  
existing or former law of this state, any other state, or the 496  
United States. 497

(18) Upon receipt of a request pursuant to division (F) of 498  
section 2915.081 or division (E) of section 2915.082 of the 499  
Revised Code, a completed form prescribed under division (C)(1) 500  
of this section, and a set of fingerprint impressions obtained 501

in the manner described in division (C) (2) of this section, the 502  
superintendent of the bureau of criminal identification and 503  
investigation shall conduct a criminal records check in the 504  
manner described in division (B) of this section to determine 505  
whether any information exists indicating that the person who is 506  
the subject of the request has been convicted of or pleaded 507  
guilty or no contest to any offense that is a violation of 508  
Chapter 2915. of the Revised Code or to any offense under any 509  
existing or former law of this state, any other state, or the 510  
United States that is substantially equivalent to such an 511  
offense. 512

(19) On receipt of a request pursuant to section 3775.03 513  
of the Revised Code, a completed form prescribed under division 514  
(C) (1) of this section, and a set of fingerprint impressions 515  
obtained in the manner described in division (C) (2) of this 516  
section, the superintendent of the bureau of criminal 517  
identification and investigation shall conduct a criminal 518  
records check in the manner described in division (B) of this 519  
section and shall request information from the federal bureau of 520  
investigation to determine whether any information exists 521  
indicating that the person who is the subject of the request has 522  
been convicted of any offense under any existing or former law 523  
of this state, any other state, or the United States that is a 524  
disqualifying offense as defined in section 3772.07 of the 525  
Revised Code. 526

(B) Subject to division (F) of this section, the 527  
superintendent shall conduct any criminal records check to be 528  
conducted under this section as follows: 529

(1) The superintendent shall review or cause to be 530  
reviewed any relevant information gathered and compiled by the 531

bureau under division (A) of section 109.57 of the Revised Code 532  
that relates to the person who is the subject of the criminal 533  
records check, including, if the criminal records check was 534  
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 535  
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 536  
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3740.11, 537  
3712.09, 3721.121, 3772.07, 3775.03, 3796.12, 3796.13, 4729.071, 538  
4729.53, 4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 539  
4768.06, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 540  
5123.169, or 5153.111 of the Revised Code, any relevant 541  
information contained in records that have been sealed under 542  
section 2953.32 of the Revised Code; 543

(2) If the request received by the superintendent asks for 544  
information from the federal bureau of investigation, the 545  
superintendent shall request from the federal bureau of 546  
investigation any information it has with respect to the person 547  
who is the subject of the criminal records check, including 548  
fingerprint-based checks of national crime information databases 549  
as described in 42 U.S.C. 671 if the request is made pursuant to 550  
section 2151.86 or 5104.013 of the Revised Code or if any other 551  
Revised Code section requires fingerprint-based checks of that 552  
nature, and shall review or cause to be reviewed any information 553  
the superintendent receives from that bureau. If a request under 554  
section 3319.39 of the Revised Code asks only for information 555  
from the federal bureau of investigation, the superintendent 556  
shall not conduct the review prescribed by division (B) (1) of 557  
this section. 558

(3) The superintendent or the superintendent's designee 559  
may request criminal history records from other states or the 560  
federal government pursuant to the national crime prevention and 561  
privacy compact set forth in section 109.571 of the Revised 562

Code. 563

(4) The superintendent shall include in the results of the 564  
criminal records check a list or description of the offenses 565  
listed or described in the relevant provision of division (A) of 566  
this section. The superintendent shall exclude from the results 567  
any information the dissemination of which is prohibited by 568  
federal law. 569

(5) The superintendent shall send the results of the 570  
criminal records check to the person to whom it is to be sent 571  
not later than the following number of days after the date the 572  
superintendent receives the request for the criminal records 573  
check, the completed form prescribed under division (C) (1) of 574  
this section, and the set of fingerprint impressions obtained in 575  
the manner described in division (C) (2) of this section: 576

(a) If the superintendent is required by division (A) of 577  
this section (other than division (A) (3) of this section) to 578  
conduct the criminal records check, thirty; 579

(b) If the superintendent is required by division (A) (3) 580  
of this section to conduct the criminal records check, sixty. 581

(C) (1) The superintendent shall prescribe a form to obtain 582  
the information necessary to conduct a criminal records check 583  
from any person for whom a criminal records check is to be 584  
conducted under this section. The form that the superintendent 585  
prescribes pursuant to this division may be in a tangible 586  
format, in an electronic format, or in both tangible and 587  
electronic formats. 588

(2) The superintendent shall prescribe standard impression 589  
sheets to obtain the fingerprint impressions of any person for 590  
whom a criminal records check is to be conducted under this 591

section. Any person for whom a records check is to be conducted 592  
under this section shall obtain the fingerprint impressions at a 593  
county sheriff's office, municipal police department, or any 594  
other entity with the ability to make fingerprint impressions on 595  
the standard impression sheets prescribed by the superintendent. 596  
The office, department, or entity may charge the person a 597  
reasonable fee for making the impressions. The standard 598  
impression sheets the superintendent prescribes pursuant to this 599  
division may be in a tangible format, in an electronic format, 600  
or in both tangible and electronic formats. 601

(3) Subject to division (D) of this section, the 602  
superintendent shall prescribe and charge a reasonable fee for 603  
providing a criminal records check under this section. The 604  
person requesting the criminal records check shall pay the fee 605  
prescribed pursuant to this division. In the case of a request 606  
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 607  
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 608  
fee shall be paid in the manner specified in that section. 609

(4) The superintendent of the bureau of criminal 610  
identification and investigation may prescribe methods of 611  
forwarding fingerprint impressions and information necessary to 612  
conduct a criminal records check, which methods shall include, 613  
but not be limited to, an electronic method. 614

(D) The results of a criminal records check conducted 615  
under this section, other than a criminal records check 616  
specified in division (A)(7) of this section, are valid for the 617  
person who is the subject of the criminal records check for a 618  
period of one year from the date upon which the superintendent 619  
completes the criminal records check. If during that period the 620  
superintendent receives another request for a criminal records 621

check to be conducted under this section for that person, the 622  
superintendent shall provide the results from the previous 623  
criminal records check of the person at a lower fee than the fee 624  
prescribed for the initial criminal records check. 625

(E) When the superintendent receives a request for 626  
information from a registered private provider, the 627  
superintendent shall proceed as if the request was received from 628  
a school district board of education under section 3319.39 of 629  
the Revised Code. The superintendent shall apply division (A) (1) 630  
(c) of this section to any such request for an applicant who is 631  
a teacher. 632

(F) (1) Subject to division (F) (2) of this section, all 633  
information regarding the results of a criminal records check 634  
conducted under this section that the superintendent reports or 635  
sends under division (A) (7) or (9) of this section to the 636  
director of public safety, the treasurer of state, or the 637  
person, board, or entity that made the request for the criminal 638  
records check shall relate to the conviction of the subject 639  
person, or the subject person's plea of guilty to, a criminal 640  
offense. 641

(2) Division (F) (1) of this section does not limit, 642  
restrict, or preclude the superintendent's release of 643  
information that relates to the arrest of a person who is 644  
eighteen years of age or older, to an adjudication of a child as 645  
a delinquent child, or to a criminal conviction of a person 646  
under eighteen years of age in circumstances in which a release 647  
of that nature is authorized under division (E) (2), (3), or (4) 648  
of section 109.57 of the Revised Code pursuant to a rule adopted 649  
under division (E) (1) of that section. 650

(G) As used in this section: 651

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

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

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

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

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

(B) An application for a certificate of registration shall be in writing and in the form prescribed by the director. The application shall be accompanied by ~~a recent full-face color photograph of the applicant and notarized reference letters from~~

two reputable witnesses. The application shall, at a minimum, 681  
provide all of the following: 682

(1) The applicant's full name, home address, and work 683  
address; 684

(2) The name, address, and telephone number of the two 685  
witnesses who have provided the reference letters; 686

(3) A statement that the applicant has not, during the 687  
five-year period immediately preceding the submission of the 688  
application, violated division (A) of this section on or after 689  
the effective date of this section, or division (C) of section 690  
169.13 of the Revised Code; 691

(4) A statement that the applicant has not been convicted 692  
of, or pleaded guilty to, any disqualifying offense as 693  
determined in accordance with section 9.79 of the Revised Code; 694

(5) The notarized signature of the applicant immediately 695  
following an acknowledgment that any false or perjured statement 696  
subjects the applicant to criminal liability under section 697  
2921.13 of the Revised Code. 698

(C) Upon the filing of the application with the division 699  
of unclaimed funds, the division may investigate the applicant 700  
to verify the information provided in the application and to 701  
determine the applicant's eligibility for a certificate of 702  
registration under this section. False information on an 703  
application is grounds for the denial or revocation of the 704  
applicant's certificate of registration. 705

(D) The director shall issue a certificate of registration 706  
to an applicant if the director finds that the following 707  
conditions are met: 708

(1) The applicant has not, during the five-year period 709  
immediately preceding the submission of the application, 710  
violated division (A) of this section on or after the effective 711  
date of this section, or division (C) of section 169.13 of the 712  
Revised Code; 713

(2) The applicant has not been convicted of, or pleaded 714  
guilty to, any disqualifying offense as determined in accordance 715  
with section 9.79 of the Revised Code. 716

(3) The applicant's general fitness command the confidence 717  
of the public and warrant the belief that the applicant's 718  
business will be conducted honestly and fairly. 719

(E) The certificate of registration issued pursuant to 720  
division (D) of this section may be renewed annually if the 721  
director finds that the following conditions are met: 722

(1) The applicant submits a renewal application form 723  
prescribed by the director. 724

(2) The applicant meets the conditions set forth in 725  
divisions (D) (1) and (3) of this section. 726

(3) The applicant has not, during the ten-year period 727  
immediately preceding the submission of the renewal application 728  
but excluding any time before the initial issuance of the 729  
certificate of registration, been convicted of, or pleaded 730  
guilty to, any felony or any offense involving moral turpitude, 731  
including theft, attempted theft, falsification, tampering with 732  
records, securing writings by deception, fraud, forgery, and 733  
perjury. 734

(4) The applicant's certificate of registration is not 735  
subject to an order of revocation by the director. 736

Sec. 1716.05. (A) No person shall act as a fund-raising 737  
counsel unless the person first has complied with the 738  
requirements of this chapter and any rules adopted under this 739  
chapter. 740

(B) Any fund-raising counsel that at any time has custody 741  
of contributions from a solicitation shall do all of the 742  
following: 743

~~(1) Register with the attorney general. Applications for 744  
registration or renewal of registration shall be in writing, 745  
under oath, and in the form prescribed by the attorney general, 746  
and shall be accompanied by a fee in the amount of two hundred 747  
dollars. Any corporation, partnership, association, or other 748  
entity that intends to act as a fund-raising counsel may 749  
register for and pay a single fee of two hundred dollars on 750  
behalf of all its members, officers, employees, and agents. In 751  
that case, the names and addresses of all the officers, 752  
employees, and agents of the fund-raising counsel and all other 753  
persons with whom the fund-raising counsel has contracted to 754  
work under its direction shall be listed in the application. The 755  
application shall contain any other information that the 756  
attorney general may require. The registration or renewal of 757  
registration shall be for a period of one year or part of one 758  
year and shall expire on the thirty first day of March of each 759  
year. All fees prescribed in this division shall be paid into 760  
the state treasury to the credit of the charitable law fund 761  
established under section 109.32 of the Revised Code. 762~~

~~(2) At the time of making an application for registration 763  
or renewal of registration, file with and have approved by the 764  
attorney general a bond in which the fund-raising counsel shall 765  
be the principal obligor, in the sum of twenty five thousand 766~~

~~dollars, with one or more sureties authorized to do business in- 767  
this state. The fund-raising counsel shall maintain the bond in- 768  
effect as long as the registration is in effect; however, the- 769  
liability of the surety under the bond shall not exceed an all- 770  
time aggregate liability of twenty five thousand dollars. The- 771  
bond, which may be in the form of a rider to a larger blanket- 772  
liability bond, shall run to the state and to any person who may- 773  
have a cause of action against the principal obligor of the bond- 774  
for any liability arising out of a violation by the obligor of- 775  
any provision of this chapter or any rule adopted pursuant to- 776  
this chapter. 777~~

~~(3)~~ Not later than ninety days after a solicitation 778  
campaign has been completed and on the anniversary of the 779  
commencement of a solicitation campaign lasting more than one 780  
year, furnish an accounting of all contributions collected and 781  
expenses paid, to the charitable organization with which the 782  
fund-raising counsel has contracted. The accounting shall be in 783  
writing and shall be retained by the charitable organization for 784  
three years. The fund-raising counsel shall file a copy of the 785  
accounting with the attorney general not later than seven days 786  
after it is furnished to the charitable organization. 787

~~(4)~~ (2) Not later than two days after receipt of each 788  
contribution, deposit the entire amount of the contribution in 789  
an account at a bank or other federally insured financial 790  
institution which shall be in the name of the charitable 791  
organization with which the fund-raising counsel has contracted. 792  
Each contribution collected by the fund-raising counsel shall be 793  
solely in the name of that charitable organization. The 794  
charitable organization shall have sole control of all 795  
withdrawals from the account and the fund-raising counsel shall 796  
not be given the authority to withdraw any deposited funds from 797

the account. 798

~~(5)~~ (3) During each solicitation campaign and for not less 799  
than three years after its completion, maintain the following 800  
records that shall be made available to the attorney general 801  
upon the attorney general's request: 802

(a) A record of each contribution that at any time is in 803  
the custody of the fund-raising counsel, including the name and 804  
address of each contributor and the date and amount of the 805  
contribution, provided that the attorney general shall not 806  
disclose that information except to the extent necessary for 807  
investigative or law enforcement purposes; 808

(b) The location of each bank or financial institution in 809  
which the fund-raising counsel has deposited revenue from the 810  
solicitation campaign and the account number of each account in 811  
which the deposits were made. 812

(c) Unless otherwise provided in this section, any change 813  
in any information filed with the attorney general pursuant to 814  
this section shall be reported in writing to the attorney 815  
general within seven days after the change occurs. 816

(d) No person shall serve as a fund-raising counsel, or be 817  
a member, officer, employee, or agent of any fund-raising 818  
counsel, who has been convicted of a disqualifying offense as 819  
determined in accordance with section 9.79 of the Revised Code. 820

(e) The information provided under this section to the 821  
attorney general by a fund-raising counsel shall be included in 822  
the reports and files required to be compiled and maintained by 823  
the attorney general pursuant to divisions (E) and (F) of 824  
section 1716.08 of the Revised Code. 825

(f) If a fund-raising counsel fails to comply in a timely 826

or complete manner with any of the requirements under this 827  
section, the fund-raising counsel is liable for and, in addition 828  
to any fee required in this section, shall pay two hundred 829  
dollars for each late filing. Each ~~registration, renewal of~~ 830  
~~registration, bond, or~~ accounting shall be considered a separate 831  
filing for the purposes of this section. Any fees required by 832  
this section are in addition to, and not in place of, penalties 833  
prescribed in this chapter. 834

**Sec. 1716.08.** (A) Every contract entered into by any 835  
professional solicitor with any charitable organization shall be 836  
in writing, shall clearly state the respective obligations of 837  
the professional solicitor and the charitable organization, and 838  
shall contain the percentage of the gross revenue from the 839  
solicitation campaign that the charitable organization will 840  
receive. That percentage shall be either a fixed percentage of 841  
the gross revenue or a reasonable estimate of the percentage of 842  
the gross revenue, subject to and in accordance with divisions 843  
(A) (1), (2), and (3) of this section. 844

(1) If the compensation of the professional solicitor is 845  
contingent upon the number of contributions or the amount of 846  
revenue received from the solicitation campaign, the stated 847  
percentage of the gross revenue that the charitable organization 848  
will receive shall be a fixed percentage of the gross revenue. 849

(2) If the compensation of the professional solicitor is 850  
not contingent upon the number of contributions or the amount of 851  
revenue received from the solicitation campaign, the stated 852  
percentage of the gross revenue that the charitable organization 853  
will receive shall be a reasonable estimate of the percentage of 854  
the gross revenue, and the contract shall include the following: 855

(a) The assumptions upon which the estimate is based, 856

which assumptions shall be based upon all of the relevant facts 857  
known to the professional solicitor regarding the solicitation 858  
to be conducted and the past performance of the solicitation 859  
campaigns conducted by the professional solicitor; 860

(b) A provision that the charitable organization is 861  
guaranteed a percentage of the gross revenue that is not less 862  
than ninety per cent of the amount of the reasonable estimate of 863  
that percentage. 864

(3) The stated percentages prescribed in divisions (A) (1) 865  
and (2) of this section shall exclude any amount that the 866  
charitable organization, pursuant to the contract entered into 867  
with the professional solicitor, will pay as expenses of the 868  
solicitation campaign, including the costs of merchandise or 869  
services sold or events staged. 870

(B) A professional solicitor shall comply with, and shall 871  
be responsible for complying or causing compliance with each of 872  
the following requirements: 873

(1) Prior to verbally requesting a contribution, or 874  
contemporaneously with and accompanying a written request for a 875  
contribution, the following shall be clearly and conspicuously 876  
disclosed at the point of solicitation: 877

(a) The name of the professional solicitor as it is on 878  
file with the attorney general and a statement that the 879  
solicitation is being conducted by the person as a professional 880  
solicitor; 881

(b) The name and address of each charitable organization 882  
on behalf of which all or any part of the contribution collected 883  
will be used. If the charitable organization has not received 884  
from the internal revenue service a determination letter that is 885

currently in effect, stating that the organization is exempt 886  
from federal income taxation under section 501(a) and described 887  
in section 501(c)(3) of the Internal Revenue Code, the 888  
particular charitable purpose or purposes to be advanced with 889  
the funds raised shall be disclosed. 890

(2) If requested by the person being solicited, the 891  
professional solicitor shall inform that person of the fixed 892  
percentage of the gross revenue or the reasonable estimate of 893  
the percentage of the gross revenue, as prescribed in division 894  
(A) of this section, that the charitable organization will 895  
receive as a benefit from the solicitation campaign. 896

(C) A professional solicitor shall not represent that any 897  
part of the contributions received will be given or donated to 898  
any other charitable organization unless that charitable 899  
organization has given its written and signed consent pursuant 900  
to division (D)(2)(g) of section 1716.07 of the Revised Code. 901

(D)(1) A professional solicitor shall not represent that 902  
tickets to any event will be donated for use by another person, 903  
unless the following requirements are complied with: 904

(a) The professional solicitor shall have the written 905  
commitments from persons stating that they will accept donated 906  
tickets and specifying the number of tickets they are willing to 907  
accept. 908

(b) The written commitments are filed with the attorney 909  
general prior to any solicitation. 910

(2) The contributions solicited for donated tickets shall 911  
not be more than the amount representing the number of ticket 912  
commitments received from persons and filed with the attorney 913  
general pursuant to division (D)(1) of this section. 914

(3) Not later than seven calendar days prior to the date 915  
of the event, the professional solicitor shall give all donated 916  
tickets to each person that made the written commitment to 917  
accept them. 918

(E) The attorney general shall prepare an annual report 919  
setting forth the activities of all professional solicitors and 920  
all fund-raising counsel that at any time have custody of 921  
contributions from a solicitation who are required to comply 922  
with the provisions of this chapter and any rules adopted under 923  
the provisions of this chapter. The report is a public record 924  
open to public inspection under section 149.43 of the Revised 925  
Code. 926

(F) The attorney general shall maintain a file for each 927  
registered professional solicitor and each fund-raising counsel 928  
that at any time has custody of contributions from a 929  
solicitation. In that file, ~~he~~ the attorney general shall place 930  
all information received by ~~him~~ the attorney general from those 931  
registered professional solicitors or those fund-raising counsel 932  
and any letters received from citizens and charitable 933  
organizations regarding the work of the professional fund raiser 934  
or fund-raising counsel. The files are public records open to 935  
public inspection under section 149.43 of the Revised Code. 936

**Sec. 1716.99.** (A) Whoever violates any provision of 937  
sections 1716.02 to 1716.17 of the Revised Code, other than 938  
division (A)(1) of section 1716.14 of the Revised Code, is 939  
guilty of a misdemeanor of the first degree. 940

Each occurrence of a solicitation of a contribution from 941  
any person in violation of any provision of sections 1716.02 to 942  
1716.17 of the Revised Code, other than division (A)(1) of 943  
section 1716.14 of the Revised Code, is considered a separate 944

offense. 945

(B) (1) Whoever violates division (A) (1) of section 1716.14 946  
of the Revised Code is guilty of solicitation fraud and shall be 947  
punished as provided in divisions (B) (2) to (4) of this section. 948

(2) Except as otherwise provided in division (B) (4) of 949  
this section, division (B) (3) of this section applies to 950  
solicitation fraud, and solicitation fraud is one of the 951  
following: 952

(a) Except as otherwise provided in divisions (B) (2) (b) to 953  
(d) of this section, a misdemeanor of the first degree or, if 954  
the offender previously has been convicted of or pleaded guilty 955  
to a theft offense or a violation of division (A) (1) of section 956  
1716.14 of the Revised Code, a felony of the fifth degree. 957

(b) If the value of the contribution or contributions made 958  
in the violation is one thousand dollars or more but less than 959  
seven thousand five hundred dollars, a felony of the fifth 960  
degree or, if the offender previously has been convicted of or 961  
pleaded guilty to a theft offense or a violation of division (A) 962  
(1) of section 1716.14 of the Revised Code, a felony of the 963  
fourth degree. 964

(c) If the value of the contribution or contributions made 965  
in the violation is seven thousand five hundred dollars or more 966  
but less than one hundred fifty thousand dollars, a felony of 967  
the fourth degree or, if the offender previously has been 968  
convicted of or pleaded guilty to a theft offense or a violation 969  
of division (A) (1) of section 1716.14 of the Revised Code, a 970  
felony of the third degree. 971

(d) If the value of the contribution or contributions made 972  
in the violation is one hundred fifty thousand dollars or more, 973

a felony of the third degree. 974

(3) When an offender commits a series of offenses in 975  
violation of division (A) (1) of section 1716.14 of the Revised 976  
Code as part of a common scheme or plan to defraud multiple 977  
victims, all of the offenses may be tried as a single offense. 978  
If the offenses are tried as a single offense, the value of the 979  
contributions for purposes of determining the value as required 980  
by division (B) (2) of this section is the aggregate value of all 981  
contributions involved in all offenses in the common scheme or 982  
plan to defraud multiple victims. In prosecuting a single 983  
offense under this division, it is not necessary to separately 984  
allege and prove each offense in the series. Rather, it is 985  
sufficient to allege and prove that the offender, within a given 986  
span of time, committed one or more offenses as part of a common 987  
scheme or plan to defraud multiple victims as described in this 988  
division. 989

(4) If the victim of the offense is an elderly person or 990  
disabled adult, division (B) (4) of this section and section 991  
2913.61 of the Revised Code apply to solicitation fraud, and 992  
solicitation fraud is one of the following: 993

(a) Except as otherwise provided in divisions (B) (4) (b) to 994  
(d) of this section, a felony of the fifth degree; 995

(b) If the value of the contributions made in the 996  
violation is one thousand dollars or more and is less than seven 997  
thousand five hundred dollars, a felony of the fourth degree; 998

(c) If the value of the contributions made in the 999  
violation is seven thousand five hundred dollars or more and is 1000  
less than thirty-seven thousand five hundred dollars, a felony 1001  
of the third degree; 1002

(d) If the value of the contributions made in the 1003  
violation is thirty-seven thousand five hundred dollars or more, 1004  
a felony of the second degree. 1005

(C) Any person who is found guilty of any act or omission 1006  
prohibited under this chapter shall forfeit the bond described 1007  
in section ~~1716.05~~ or 1716.07 of the Revised Code to the state 1008  
treasury to the credit of the charitable law fund established 1009  
under section 109.32 of the Revised Code and shall be prohibited 1010  
from registering with the attorney general or from serving as a 1011  
fund-raising counsel or professional solicitor in this state for 1012  
a period of five years after conviction. 1013

**Sec. 2925.01.** As used in this chapter: 1014

(A) "Administer," "controlled substance," "controlled 1015  
substance analog," "dispense," "distribute," "hypodermic," 1016  
"manufacturer," "official written order," "person," 1017  
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 1018  
"schedule III," "schedule IV," "schedule V," and "wholesaler" 1019  
have the same meanings as in section 3719.01 of the Revised 1020  
Code. 1021

(B) "Drug dependent person" and "drug of abuse" have the 1022  
same meanings as in section 3719.011 of the Revised Code. 1023

(C) "Drug," "dangerous drug," "licensed health 1024  
professional authorized to prescribe drugs," and "prescription" 1025  
have the same meanings as in section 4729.01 of the Revised 1026  
Code. 1027

(D) "Bulk amount" of a controlled substance means any of 1028  
the following: 1029

(1) For any compound, mixture, preparation, or substance 1030  
included in schedule I, schedule II, or schedule III, with the 1031

exception of any controlled substance analog, marihuana, 1032  
cocaine, L.S.D., heroin, any fentanyl-related compound, and 1033  
hashish and except as provided in division (D) (2), (5), or (6) 1034  
of this section, whichever of the following is applicable: 1035

(a) An amount equal to or exceeding ten grams or twenty- 1036  
five unit doses of a compound, mixture, preparation, or 1037  
substance that is or contains any amount of a schedule I opiate 1038  
or opium derivative; 1039

(b) An amount equal to or exceeding ten grams of a 1040  
compound, mixture, preparation, or substance that is or contains 1041  
any amount of raw or gum opium; 1042

(c) An amount equal to or exceeding thirty grams or ten 1043  
unit doses of a compound, mixture, preparation, or substance 1044  
that is or contains any amount of a schedule I hallucinogen 1045  
other than tetrahydrocannabinol or lysergic acid amide, or a 1046  
schedule I stimulant or depressant; 1047

(d) An amount equal to or exceeding twenty grams or five 1048  
times the maximum daily dose in the usual dose range specified 1049  
in a standard pharmaceutical reference manual of a compound, 1050  
mixture, preparation, or substance that is or contains any 1051  
amount of a schedule II opiate or opium derivative; 1052

(e) An amount equal to or exceeding five grams or ten unit 1053  
doses of a compound, mixture, preparation, or substance that is 1054  
or contains any amount of phencyclidine; 1055

(f) An amount equal to or exceeding one hundred twenty 1056  
grams or thirty times the maximum daily dose in the usual dose 1057  
range specified in a standard pharmaceutical reference manual of 1058  
a compound, mixture, preparation, or substance that is or 1059  
contains any amount of a schedule II stimulant that is in a 1060

final dosage form manufactured by a person authorized by the 1061  
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 1062  
U.S.C.A. 301, as amended, and the federal drug abuse control 1063  
laws, as defined in section 3719.01 of the Revised Code, that is 1064  
or contains any amount of a schedule II depressant substance or 1065  
a schedule II hallucinogenic substance; 1066

(g) An amount equal to or exceeding three grams of a 1067  
compound, mixture, preparation, or substance that is or contains 1068  
any amount of a schedule II stimulant, or any of its salts or 1069  
isomers, that is not in a final dosage form manufactured by a 1070  
person authorized by the Federal Food, Drug, and Cosmetic Act 1071  
and the federal drug abuse control laws. 1072

(2) An amount equal to or exceeding one hundred twenty 1073  
grams or thirty times the maximum daily dose in the usual dose 1074  
range specified in a standard pharmaceutical reference manual of 1075  
a compound, mixture, preparation, or substance that is or 1076  
contains any amount of a schedule III or IV substance other than 1077  
an anabolic steroid or a schedule III opiate or opium 1078  
derivative; 1079

(3) An amount equal to or exceeding twenty grams or five 1080  
times the maximum daily dose in the usual dose range specified 1081  
in a standard pharmaceutical reference manual of a compound, 1082  
mixture, preparation, or substance that is or contains any 1083  
amount of a schedule III opiate or opium derivative; 1084

(4) An amount equal to or exceeding two hundred fifty 1085  
milliliters or two hundred fifty grams of a compound, mixture, 1086  
preparation, or substance that is or contains any amount of a 1087  
schedule V substance; 1088

(5) An amount equal to or exceeding two hundred solid 1089

dosage units, sixteen grams, or sixteen milliliters of a 1090  
compound, mixture, preparation, or substance that is or contains 1091  
any amount of a schedule III anabolic steroid; 1092

(6) For any compound, mixture, preparation, or substance 1093  
that is a combination of a fentanyl-related compound and any 1094  
other compound, mixture, preparation, or substance included in 1095  
schedule III, schedule IV, or schedule V, if the defendant is 1096  
charged with a violation of section 2925.11 of the Revised Code 1097  
and the sentencing provisions set forth in divisions (C) (10) (b) 1098  
and (C) (11) of that section will not apply regarding the 1099  
defendant and the violation, the bulk amount of the controlled 1100  
substance for purposes of the violation is the amount specified 1101  
in division (D) (1), (2), (3), (4), or (5) of this section for 1102  
the other schedule III, IV, or V controlled substance that is 1103  
combined with the fentanyl-related compound. 1104

(E) "Unit dose" means an amount or unit of a compound, 1105  
mixture, or preparation containing a controlled substance that 1106  
is separately identifiable and in a form that indicates that it 1107  
is the amount or unit by which the controlled substance is 1108  
separately administered to or taken by an individual. 1109

(F) "Cultivate" includes planting, watering, fertilizing, 1110  
or tilling. 1111

(G) "Drug abuse offense" means any of the following: 1112

(1) A violation of division (A) of section 2913.02 that 1113  
constitutes theft of drugs, or a violation of section 2925.02, 1114  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 1115  
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 1116  
or 2925.37 of the Revised Code; 1117

(2) A violation of an existing or former law of this or 1118

any other state or of the United States that is substantially 1119  
equivalent to any section listed in division (G) (1) of this 1120  
section; 1121

(3) An offense under an existing or former law of this or 1122  
any other state, or of the United States, of which planting, 1123  
cultivating, harvesting, processing, making, manufacturing, 1124  
producing, shipping, transporting, delivering, acquiring, 1125  
possessing, storing, distributing, dispensing, selling, inducing 1126  
another to use, administering to another, using, or otherwise 1127  
dealing with a controlled substance is an element; 1128

(4) A conspiracy to commit, attempt to commit, or 1129  
complicity in committing or attempting to commit any offense 1130  
under division (G) (1), (2), or (3) of this section. 1131

(H) "Felony drug abuse offense" means any drug abuse 1132  
offense that would constitute a felony under the laws of this 1133  
state, any other state, or the United States. 1134

(I) "Harmful intoxicant" does not include beer or 1135  
intoxicating liquor but means any of the following: 1136

(1) Any compound, mixture, preparation, or substance the 1137  
gas, fumes, or vapor of which when inhaled can induce 1138  
intoxication, excitement, giddiness, irrational behavior, 1139  
depression, stupefaction, paralysis, unconsciousness, 1140  
asphyxiation, or other harmful physiological effects, and 1141  
includes, but is not limited to, any of the following: 1142

(a) Any volatile organic solvent, plastic cement, model 1143  
cement, fingernail polish remover, lacquer thinner, cleaning 1144  
fluid, gasoline, or other preparation containing a volatile 1145  
organic solvent; 1146

(b) Any aerosol propellant; 1147

(c) Any fluorocarbon refrigerant;	1148
(d) Any anesthetic gas.	1149
(2) Gamma Butyrolactone;	1150
(3) 1,4 Butanediol.	1151
(J) "Manufacture" means to plant, cultivate, harvest,	1152
process, make, prepare, or otherwise engage in any part of the	1153
production of a drug, by propagation, extraction, chemical	1154
synthesis, or compounding, or any combination of the same, and	1155
includes packaging, repackaging, labeling, and other activities	1156
incident to production.	1157
(K) "Possess" or "possession" means having control over a	1158
thing or substance, but may not be inferred solely from mere	1159
access to the thing or substance through ownership or occupation	1160
of the premises upon which the thing or substance is found.	1161
(L) "Sample drug" means a drug or pharmaceutical	1162
preparation that would be hazardous to health or safety if used	1163
without the supervision of a licensed health professional	1164
authorized to prescribe drugs, or a drug of abuse, and that, at	1165
one time, had been placed in a container plainly marked as a	1166
sample by a manufacturer.	1167
(M) "Standard pharmaceutical reference manual" means the	1168
current edition, with cumulative changes if any, of references	1169
that are approved by the state board of pharmacy.	1170
(N) "Juvenile" means a person under eighteen years of age.	1171
(O) "Counterfeit controlled substance" means any of the	1172
following:	1173
(1) Any drug that bears, or whose container or label	1174

bears, a trademark, trade name, or other identifying mark used 1175  
without authorization of the owner of rights to that trademark, 1176  
trade name, or identifying mark; 1177

(2) Any unmarked or unlabeled substance that is 1178  
represented to be a controlled substance manufactured, 1179  
processed, packed, or distributed by a person other than the 1180  
person that manufactured, processed, packed, or distributed it; 1181

(3) Any substance that is represented to be a controlled 1182  
substance but is not a controlled substance or is a different 1183  
controlled substance; 1184

(4) Any substance other than a controlled substance that a 1185  
reasonable person would believe to be a controlled substance 1186  
because of its similarity in shape, size, and color, or its 1187  
markings, labeling, packaging, distribution, or the price for 1188  
which it is sold or offered for sale. 1189

(P) An offense is "committed in the vicinity of a school" 1190  
if the offender commits the offense on school premises, in a 1191  
school building, or within one thousand feet of the boundaries 1192  
of any school premises, regardless of whether the offender knows 1193  
the offense is being committed on school premises, in a school 1194  
building, or within one thousand feet of the boundaries of any 1195  
school premises. 1196

(Q) "School" means any school operated by a board of 1197  
education, any community school established under Chapter 3314. 1198  
of the Revised Code, or any nonpublic school for which the state 1199  
board of education prescribes minimum standards under section 1200  
3301.07 of the Revised Code, whether or not any instruction, 1201  
extracurricular activities, or training provided by the school 1202  
is being conducted at the time a criminal offense is committed. 1203

(R) "School premises" means either of the following:	1204
(1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed;	1205 1206 1207 1208 1209
(2) Any other parcel of real property that is owned or leased by a board of education of a school, the governing authority of a community school established under Chapter 3314. of the Revised Code, or the governing body of a nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code and on which some of the instruction, extracurricular activities, or training of the school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.	1210 1211 1212 1213 1214 1215 1216 1217 1218 1219 1220
(S) "School building" means any building in which any of the instruction, extracurricular activities, or training provided by a school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted in the school building at the time a criminal offense is committed.	1221 1222 1223 1224 1225 1226
(T) "Disciplinary counsel" means the disciplinary counsel appointed by the board of commissioners on grievances and discipline of the supreme court under the Rules for the Government of the Bar of Ohio.	1227 1228 1229 1230
(U) "Certified grievance committee" means a duly constituted and organized committee of the Ohio state bar	1231 1232

association or of one or more local bar associations of the 1233  
state of Ohio that complies with the criteria set forth in Rule 1234  
V, section 6 of the Rules for the Government of the Bar of Ohio. 1235

(V) "Professional license" means any license, permit, 1236  
certificate, registration, qualification, admission, temporary 1237  
license, temporary permit, temporary certificate, or temporary 1238  
registration that is described in divisions (W) (1) to (37) of 1239  
this section and that qualifies a person as a professionally 1240  
licensed person. 1241

(W) "Professionally licensed person" means any of the 1242  
following: 1243

(1) A person who has received a certificate or temporary 1244  
certificate as a certified public accountant or who has 1245  
registered as a public accountant under Chapter 4701. of the 1246  
Revised Code and who holds an Ohio permit issued under that 1247  
chapter; 1248

(2) A person who holds a certificate of qualification to 1249  
practice architecture issued or renewed and registered under 1250  
Chapter 4703. of the Revised Code; 1251

(3) A person who is registered as a landscape architect 1252  
under Chapter 4703. of the Revised Code or who holds a permit as 1253  
a landscape architect issued under that chapter; 1254

(4) A person licensed under Chapter 4707. of the Revised 1255  
Code; 1256

(5) A person who has been issued a certificate of 1257  
registration as a registered barber under Chapter 4709. of the 1258  
Revised Code; 1259

(6) A person licensed and regulated to engage in the 1260

business of a debt pooling company by a legislative authority,	1261
under authority of Chapter 4710. of the Revised Code;	1262
(7) A person who has been issued a cosmetologist's	1263
license, hair designer's license, manicurist's license,	1264
esthetician's license, natural hair stylist's license, advanced	1265
cosmetologist's license, advanced hair designer's license,	1266
advanced manicurist's license, advanced esthetician's license,	1267
advanced natural hair stylist's license, cosmetology	1268
instructor's license, hair design instructor's license,	1269
manicurist instructor's license, esthetics instructor's license,	1270
natural hair style instructor's license, independent	1271
contractor's license, or tanning facility permit under Chapter	1272
4713. of the Revised Code;	1273
(8) A person who has been issued a license to practice	1274
dentistry, a general anesthesia permit, a conscious sedation	1275
permit, a limited resident's license, a limited teaching	1276
license, a dental hygienist's license, or a dental hygienist's	1277
teacher's certificate under Chapter 4715. of the Revised Code;	1278
(9) A person who has been issued an embalmer's license, a	1279
funeral director's license, a funeral home license, or a	1280
crematory license, or who has been registered for an embalmer's	1281
or funeral director's apprenticeship under Chapter 4717. of the	1282
Revised Code;	1283
(10) A person who has been licensed as a registered nurse	1284
or practical nurse, or who has been issued a certificate for the	1285
practice of nurse-midwifery under Chapter 4723. of the Revised	1286
Code;	1287
(11) A person who has been licensed to practice optometry	1288
or to engage in optical dispensing under Chapter 4725. of the	1289

Revised Code;	1290
(12) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	1291 1292
(13) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	1293 1294
(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;	1295 1296 1297 1298
(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 distributor of dangerous drugs;	1299 1300 1301 1302 1303
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	1304 1305
(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;	1306 1307 1308 1309 1310
(18) A person licensed as a psychologist, <u>independent school psychologist</u> , or school psychologist under Chapter 4732. of the Revised Code;	1311 1312 1313
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	1314 1315 1316
(20) A person who has been issued a license to practice	1317

chiropractic under Chapter 4734. of the Revised Code;	1318
(21) A person licensed to act as a real estate broker or	1319
real estate salesperson under Chapter 4735. of the Revised Code;	1320
(22) A person registered as a registered environmental	1321
health specialist under Chapter 4736. of the Revised Code;	1322
(23) A person licensed to operate or maintain a junkyard	1323
under Chapter 4737. of the Revised Code;	1324
(24) A person who has been issued a motor vehicle salvage	1325
dealer's license under Chapter 4738. of the Revised Code;	1326
(25) A person who has been licensed to act as a steam	1327
engineer under Chapter 4739. of the Revised Code;	1328
(26) A person who has been issued a license or temporary	1329
permit to practice veterinary medicine or any of its branches,	1330
or who is registered as a graduate animal technician under	1331
Chapter 4741. of the Revised Code;	1332
(27) A person who has been issued a hearing aid dealer's	1333
or fitter's license or trainee permit under Chapter 4747. of the	1334
Revised Code;	1335
(28) A person who has been issued a class A, class B, or	1336
class C license or who has been registered as an investigator or	1337
security guard employee under Chapter 4749. of the Revised Code;	1338
(29) A person licensed to practice as a nursing home	1339
administrator under Chapter 4751. of the Revised Code;	1340
(30) A person licensed to practice as a speech-language	1341
pathologist or audiologist under Chapter 4753. of the Revised	1342
Code;	1343
(31) A person issued a license as an occupational	1344

therapist or physical therapist under Chapter 4755. of the 1345  
Revised Code; 1346

(32) A person who is licensed as a licensed professional 1347  
clinical counselor, licensed professional counselor, social 1348  
worker, independent social worker, independent marriage and 1349  
family therapist, or marriage and family therapist, or 1350  
registered as a social work assistant under Chapter 4757. of the 1351  
Revised Code; 1352

(33) A person issued a license to practice dietetics under 1353  
Chapter 4759. of the Revised Code; 1354

(34) A person who has been issued a license or limited 1355  
permit to practice respiratory therapy under Chapter 4761. of 1356  
the Revised Code; 1357

(35) A person who has been issued a real estate appraiser 1358  
certificate under Chapter 4763. of the Revised Code; 1359

(36) A person who has been issued a home inspector license 1360  
under Chapter 4764. of the Revised Code; 1361

(37) A person who has been admitted to the bar by order of 1362  
the supreme court in compliance with its prescribed and 1363  
published rules. 1364

(X) "Cocaine" means any of the following: 1365

(1) A cocaine salt, isomer, or derivative, a salt of a 1366  
cocaine isomer or derivative, or the base form of cocaine; 1367

(2) Coca leaves or a salt, compound, derivative, or 1368  
preparation of coca leaves, including ecgonine, a salt, isomer, 1369  
or derivative of ecgonine, or a salt of an isomer or derivative 1370  
of ecgonine; 1371

(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.

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

(Z) "Hashish" means a resin or a preparation of a resin to which both of the following apply:

(1) It is contained in or derived from any part of the plant of the genus cannabis, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.

(2) It has a delta-9 tetrahydrocannabinol concentration of more than three-tenths per cent.

"Hashish" does not include a hemp byproduct in the possession of a licensed hemp processor under Chapter 928. of the Revised Code, provided that the hemp byproduct is being produced, stored, and disposed of in accordance with rules adopted under section 928.03 of the Revised Code.

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

(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.

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

(JJ) "Deception" has the same meaning as in section

2913.01 of the Revised Code.	1429
(KK) "Fentanyl-related compound" means any of the following:	1430
	1431
(1) Fentanyl;	1432
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);	1433
	1434
	1435
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide);	1436
	1437
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl] -N-phenylpropanamide);	1438
	1439
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);	1440
	1441
	1442
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide);	1443
	1444
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4- piperidinyl]-N-phenylpropanamide);	1445
	1446
(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4- piperidinyl]propanamide;	1447
	1448
(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]- propanamide;	1449
	1450
(10) Alfentanil;	1451
(11) Carfentanil;	1452
(12) Remifentanil;	1453
(13) Sufentanil;	1454

- (14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and 1455  
1456
- (15) Any compound that meets all of the following fentanyl 1457  
pharmacophore requirements to bind at the mu receptor, as 1458  
identified by a report from an established forensic laboratory, 1459  
including acetylfentanyl, furanylfentanyl, valerylfentanyl, 1460  
butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, 1461  
para-fluorobutyrylfentanyl, acrylfentanyl, and ortho- 1462  
fluorofentanyl: 1463
- (a) A chemical scaffold consisting of both of the 1464  
following: 1465
- (i) A five, six, or seven member ring structure containing 1466  
a nitrogen, whether or not further substituted; 1467
- (ii) An attached nitrogen to the ring, whether or not that 1468  
nitrogen is enclosed in a ring structure, including an attached 1469  
aromatic ring or other lipophilic group to that nitrogen. 1470
- (b) A polar functional group attached to the chemical 1471  
scaffold, including but not limited to a hydroxyl, ketone, 1472  
amide, or ester; 1473
- (c) An alkyl or aryl substitution off the ring nitrogen of 1474  
the chemical scaffold; and 1475
- (d) The compound has not been approved for medical use by 1476  
the United States food and drug administration. 1477
- (LL) "First degree felony mandatory prison term" means one 1478  
of the definite prison terms prescribed in division (A) (1) (b) of 1479  
section 2929.14 of the Revised Code for a felony of the first 1480  
degree, except that if the violation for which sentence is being 1481  
imposed is committed on or after March 22, 2019, it means one of 1482

the minimum prison terms prescribed in division (A) (1) (a) of 1483  
that section for a felony of the first degree. 1484

(MM) "Second degree felony mandatory prison term" means 1485  
one of the definite prison terms prescribed in division (A) (2) 1486  
(b) of section 2929.14 of the Revised Code for a felony of the 1487  
second degree, except that if the violation for which sentence 1488  
is being imposed is committed on or after March 22, 2019, it 1489  
means one of the minimum prison terms prescribed in division (A) 1490  
(2) (a) of that section for a felony of the second degree. 1491

(NN) "Maximum first degree felony mandatory prison term" 1492  
means the maximum definite prison term prescribed in division 1493  
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 1494  
the first degree, except that if the violation for which 1495  
sentence is being imposed is committed on or after March 22, 1496  
2019, it means the longest minimum prison term prescribed in 1497  
division (A) (1) (a) of that section for a felony of the first 1498  
degree. 1499

(OO) "Maximum second degree felony mandatory prison term" 1500  
means the maximum definite prison term prescribed in division 1501  
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 1502  
the second degree, except that if the violation for which 1503  
sentence is being imposed is committed on or after March 22, 1504  
2019, it means the longest minimum prison term prescribed in 1505  
division (A) (2) (a) of that section for a felony of the second 1506  
degree. 1507

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning 1508  
as in section 928.01 of the Revised Code. 1509

(QQ) An offense is "committed in the vicinity of a 1510  
substance addiction services provider or a recovering addict" if 1511

either of the following apply: 1512

(1) The offender commits the offense on the premises of a 1513  
substance addiction services provider's facility, including a 1514  
facility licensed prior to June 29, 2019, under section 5119.391 1515  
of the Revised Code to provide methadone treatment or an opioid 1516  
treatment program licensed on or after that date under section 1517  
5119.37 of the Revised Code, or within five hundred feet of the 1518  
premises of a substance addiction services provider's facility 1519  
and the offender knows or should know that the offense is being 1520  
committed within the vicinity of the substance addiction 1521  
services provider's facility. 1522

(2) The offender sells, offers to sell, delivers, or 1523  
distributes the controlled substance or controlled substance 1524  
analog to a person who is receiving treatment at the time of the 1525  
commission of the offense, or received treatment within thirty 1526  
days prior to the commission of the offense, from a substance 1527  
addiction services provider and the offender knows that the 1528  
person is receiving or received that treatment. 1529

(RR) "Substance addiction services provider" means an 1530  
agency, association, corporation or other legal entity, 1531  
individual, or program that provides one or more of the 1532  
following at a facility: 1533

(1) Either alcohol addiction services, or drug addiction 1534  
services, or both such services that are certified by the 1535  
director of mental health and addiction services under section 1536  
5119.36 of the Revised Code; 1537

(2) Recovery supports that are related to either alcohol 1538  
addiction services, or drug addiction services, or both such 1539  
services and paid for with federal, state, or local funds 1540

administered by the department of mental health and addiction 1541  
services or a board of alcohol, drug addiction, and mental 1542  
health services. 1543

(SS) "Premises of a substance addiction services 1544  
provider's facility" means the parcel of real property on which 1545  
any substance addiction service provider's facility is situated. 1546

(TT) "Alcohol and drug addiction services" has the same 1547  
meaning as in section 5119.01 of the Revised Code. 1548

**Sec. 3310.41.** (A) As used in this section: 1549

(1) "Alternative public provider" means either of the 1550  
following providers that agrees to enroll a child in the 1551  
provider's special education program to implement the child's 1552  
individualized education program and to which the child's parent 1553  
owes fees for the services provided to the child: 1554

(a) A school district that is not the school district in 1555  
which the child is entitled to attend school; 1556

(b) A public entity other than a school district. 1557

(2) "Entitled to attend school" means entitled to attend 1558  
school in a school district under section 3313.64 or 3313.65 of 1559  
the Revised Code. 1560

(3) "Formula ADM" has the same meaning as in section 1561  
3317.02 of the Revised Code. 1562

(4) "Preschool child with a disability" and 1563  
"individualized education program" have the same meanings as in 1564  
section 3323.01 of the Revised Code. 1565

(5) "Parent" has the same meaning as in section 3313.64 of 1566  
the Revised Code, except that "parent" does not mean a parent 1567

whose custodial rights have been terminated. "Parent" also 1568  
includes the custodian of a qualified special education child, 1569  
when a court has granted temporary, legal, or permanent custody 1570  
of the child to an individual other than either of the natural 1571  
or adoptive parents of the child or to a government agency. 1572

(6) "Qualified special education child" is a child for 1573  
whom all of the following conditions apply: 1574

(a) The school district in which the child is entitled to 1575  
attend school has identified the child as autistic. A child who 1576  
has been identified as having a "pervasive developmental 1577  
disorder - not otherwise specified (PPD-NOS)" shall be 1578  
considered to be an autistic child for purposes of this section. 1579

(b) The school district in which the child is entitled to 1580  
attend school has developed an individualized education program 1581  
under Chapter 3323. of the Revised Code for the child. 1582

(c) The child either: 1583

(i) Was enrolled in the school district in which the child 1584  
is entitled to attend school in any grade from preschool through 1585  
twelve in the school year prior to the year in which a 1586  
scholarship under this section is first sought for the child; or 1587

(ii) Is eligible to enter school in any grade preschool 1588  
through twelve in the school district in which the child is 1589  
entitled to attend school in the school year in which a 1590  
scholarship under this section is first sought for the child. 1591

(7) "Registered private provider" means a nonpublic school 1592  
or other nonpublic entity that has been approved by the 1593  
department of education to participate in the program 1594  
established under this section. 1595

(8) "Special education program" means a school or facility 1596  
that provides special education and related services to children 1597  
with disabilities. 1598

(B) There is hereby established the autism scholarship 1599  
program. Under the program, the department of education shall 1600  
pay a scholarship under section 3317.022 of the Revised Code to 1601  
the parent of each qualified special education child upon 1602  
application of that parent pursuant to procedures and deadlines 1603  
established by rule of the state board of education. Each 1604  
scholarship shall be used only to pay tuition for the child on 1605  
whose behalf the scholarship is awarded to attend a special 1606  
education program that implements the child's individualized 1607  
education program and that is operated by an alternative public 1608  
provider or by a registered private provider, and to pay for 1609  
other services agreed to by the provider and the parent of a 1610  
qualified special education child that are not included in the 1611  
individualized education program but are associated with 1612  
educating the child. Upon agreement with the parent of a 1613  
qualified special education child, the alternative public 1614  
provider or the registered private provider may modify the 1615  
services provided to the child. The purpose of the scholarship 1616  
is to permit the parent of a qualified special education child 1617  
the choice to send the child to a special education program, 1618  
instead of the one operated by or for the school district in 1619  
which the child is entitled to attend school, to receive the 1620  
services prescribed in the child's individualized education 1621  
program once the individualized education program is finalized 1622  
and any other services agreed to by the provider and the parent 1623  
of a qualified special education child. The services provided 1624  
under the scholarship shall include an educational component or 1625  
services designed to assist the child to benefit from the 1626

child's education. 1627

A scholarship under this section shall not be awarded to 1628  
the parent of a child while the child's individualized education 1629  
program is being developed by the school district in which the 1630  
child is entitled to attend school, or while any administrative 1631  
or judicial mediation or proceedings with respect to the content 1632  
of the child's individualized education program are pending. A 1633  
scholarship under this section shall not be used for a child to 1634  
attend a public special education program that operates under a 1635  
contract, compact, or other bilateral agreement between the 1636  
school district in which the child is entitled to attend school 1637  
and another school district or other public provider, or for a 1638  
child to attend a community school established under Chapter 1639  
3314. of the Revised Code. However, nothing in this section or 1640  
in any rule adopted by the state board shall prohibit a parent 1641  
whose child attends a public special education program under a 1642  
contract, compact, or other bilateral agreement, or a parent 1643  
whose child attends a community school, from applying for and 1644  
accepting a scholarship under this section so that the parent 1645  
may withdraw the child from that program or community school and 1646  
use the scholarship for the child to attend a special education 1647  
program for which the parent is required to pay for services for 1648  
the child. 1649

Except for development of the child's individualized 1650  
education program, the school district in which a qualified 1651  
special education child is entitled to attend school and the 1652  
child's school district of residence, as defined in section 1653  
3323.01 of the Revised Code, if different, are not obligated to 1654  
provide the child with a free appropriate public education under 1655  
Chapter 3323. of the Revised Code for as long as the child 1656  
continues to attend the special education program operated by 1657

either an alternative public provider or a registered private 1658  
provider for which a scholarship is awarded under the autism 1659  
scholarship program. If at any time, the eligible applicant for 1660  
the child decides no longer to accept scholarship payments and 1661  
enrolls the child in the special education program of the school 1662  
district in which the child is entitled to attend school, that 1663  
district shall provide the child with a free appropriate public 1664  
education under Chapter 3323. of the Revised Code. 1665

A child attending a special education program with a 1666  
scholarship under this section shall continue to be entitled to 1667  
transportation to and from that program in the manner prescribed 1668  
by law. 1669

(C) As prescribed in division (A) (2) (h) of section 3317.03 1670  
of the Revised Code, a child who is not a preschool child with a 1671  
disability for whom a scholarship is awarded under this section 1672  
shall be counted in the formula ADM of the district in which the 1673  
child is entitled to attend school and not in the formula ADM of 1674  
any other school district. 1675

(D) A scholarship shall not be paid under section 3317.022 1676  
of the Revised Code to a parent for payment of tuition owed to a 1677  
nonpublic entity unless that entity is a registered private 1678  
provider. The department shall approve entities that meet the 1679  
standards established by rule of the state board for the program 1680  
established under this section. 1681

(E) The state board shall adopt rules under Chapter 119. 1682  
of the Revised Code prescribing procedures necessary to 1683  
implement this section, including, but not limited to, 1684  
procedures and deadlines for parents to apply for scholarships, 1685  
standards for registered private providers, and procedures for 1686  
approval of entities as registered private providers. 1687

The rules also shall specify that intervention services 1688  
under the autism scholarship program may be provided by a 1689  
qualified, credentialed provider, including, but not limited to, 1690  
all of the following: 1691

(1) A behavior analyst certified by a nationally 1692  
recognized organization that certifies behavior analysts; 1693

(2) A psychologist licensed to practice in this state 1694  
under Chapter 4732. of the Revised Code; 1695

(3) ~~A~~ An independent school psychologist or school 1696  
psychologist licensed by the state board under section 3319.22  
~~of the Revised Code~~ to practice in this state under Chapter 4732. 1697  
of the Revised Code; 1698  
1699

(4) Any person employed by a licensed psychologist,  1700  
licensed independent school psychologist, or licensed school 1701  
psychologist, while carrying out specific tasks, under the 1702  
licensee's supervision, as an extension of the licensee's legal 1703  
and ethical authority as specified under Chapter 4732. of the 1704  
Revised Code who is ascribed as "psychology trainee," 1705  
"psychology assistant," "psychology intern," a "registered 1706  
behavior technician" as described under rule 5123-9-41 of the 1707  
Administrative Code, a "certified Ohio behavior analyst" under 1708  
Chapter 4783. of the Revised Code, or other appropriate term 1709  
that clearly implies their supervised or training status; 1710

(5) Unlicensed persons holding a doctoral degree in 1711  
psychology or special education from a program approved by the 1712  
state board; 1713

(6) Any other qualified individual as determined by the 1714  
state board. 1715

(F) The department shall provide reasonable notice to all 1716

parents of children receiving a scholarship under the autism 1717  
scholarship program, alternative public providers, and 1718  
registered private providers of any amendment to a rule 1719  
governing, or change in the administration of, the autism 1720  
scholarship program. 1721

**Sec. 3319.22.** (A) (1) The state board of education shall 1722  
issue the following educator licenses: 1723

(a) A resident educator license, which shall be valid for 1724  
two years and shall be renewable for reasons specified by rules 1725  
adopted by the state board pursuant to division (A) (3) of this 1726  
section. The state board, on a case-by-case basis, may extend 1727  
the license's duration as necessary to enable the license holder 1728  
to complete the Ohio teacher residency program established under 1729  
section 3319.223 of the Revised Code; 1730

(b) A professional educator license, which shall be valid 1731  
for five years and shall be renewable; 1732

(c) A senior professional educator license, which shall be 1733  
valid for five years and shall be renewable; 1734

(d) A lead professional educator license, which shall be 1735  
valid for five years and shall be renewable. 1736

Licenses issued under division (A) (1) of this section on 1737  
and after November 2, 2018, shall specify whether the educator 1738  
is licensed to teach grades pre-kindergarten through five, 1739  
grades four through nine, or grades seven through twelve. The 1740  
changes to the grade band specifications under this amendment 1741  
shall not apply to a person who holds a license under division 1742  
(A) (1) of this section prior to November 2, 2018. Further, the 1743  
changes to the grade band specifications under this amendment 1744  
shall not apply to any license issued to teach in the area of 1745

computer information science, bilingual education, dance, drama 1746  
or theater, world language, health, library or media, music, 1747  
physical education, teaching English to speakers of other 1748  
languages, career-technical education, or visual arts or to any 1749  
license issued to an intervention specialist, including a gifted 1750  
intervention specialist, or to any other license that does not 1751  
align to the grade band specifications. 1752

~~(2) The~~ (2) (a) Except as provided in division (A) (2) (b) of 1753  
this section, the state board may issue any additional educator 1754  
licenses of categories, types, and levels the board elects to 1755  
provide. 1756

(b) Not later than December 31, 2024, the state board 1757  
shall cease licensing school psychologists. The state board 1758  
shall coordinate with the state board of psychology to 1759  
transition to licensure under Chapter 4732. of the Revised Code 1760  
any school psychologists licensed under rules adopted in 1761  
accordance with sections 3301.07 and 3319.22 of the Revised 1762  
Code. 1763

(3) The state board shall adopt rules establishing the 1764  
standards and requirements for obtaining each educator license 1765  
issued under this section. The rules shall also include the 1766  
reasons for which a resident educator license may be renewed 1767  
under division (A) (1) (a) of this section. 1768

(B) The rules adopted under this section shall require at 1769  
least the following standards and qualifications for the 1770  
educator licenses described in division (A) (1) of this section: 1771

(1) An applicant for a resident educator license shall 1772  
hold at least a bachelor's degree from an accredited teacher 1773  
preparation program or be a participant in the teach for America 1774

program and meet the qualifications required under section 1775  
3319.227 of the Revised Code. 1776

(2) An applicant for a professional educator license 1777  
shall: 1778

(a) Hold at least a bachelor's degree from an institution 1779  
of higher education accredited by a regional accrediting 1780  
organization; 1781

(b) Have successfully completed the Ohio teacher residency 1782  
program established under section 3319.223 of the Revised Code, 1783  
if the applicant's current or most recently issued license is a 1784  
resident educator license issued under this section or an 1785  
alternative resident educator license issued under section 1786  
3319.26 of the Revised Code. 1787

(3) An applicant for a senior professional educator 1788  
license shall: 1789

(a) Hold at least a master's degree from an institution of 1790  
higher education accredited by a regional accrediting 1791  
organization; 1792

(b) Have previously held a professional educator license 1793  
issued under this section or section 3319.222 or under former 1794  
section 3319.22 of the Revised Code; 1795

(c) Meet the criteria for the accomplished or 1796  
distinguished level of performance, as described in the 1797  
standards for teachers adopted by the state board under section 1798  
3319.61 of the Revised Code. 1799

(4) An applicant for a lead professional educator license 1800  
shall: 1801

(a) Hold at least a master's degree from an institution of 1802

higher education accredited by a regional accrediting organization; 1803  
1804

(b) Have previously held a professional educator license or a senior professional educator license issued under this section or a professional educator license issued under section 3319.222 or former section 3319.22 of the Revised Code; 1805  
1806  
1807  
1808

(c) Meet the criteria for the distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code; 1809  
1810  
1811

(d) Either hold a valid certificate issued by the national board for professional teaching standards or meet the criteria for a master teacher or other criteria for a lead teacher adopted by the educator standards board under division (F) (4) or (5) of section 3319.61 of the Revised Code. 1812  
1813  
1814  
1815  
1816

(C) The state board shall align the standards and qualifications for obtaining a principal license with the standards for principals adopted by the state board under section 3319.61 of the Revised Code. 1817  
1818  
1819  
1820

(D) If the state board requires any examinations for educator licensure, the department of education shall provide the results of such examinations received by the department to the chancellor of higher education, in the manner and to the extent permitted by state and federal law. 1821  
1822  
1823  
1824  
1825

(E) Any rules the state board of education adopts, amends, or rescinds for educator licenses under this section, division (D) of section 3301.07 of the Revised Code, or any other law shall be adopted, amended, or rescinded under Chapter 119. of the Revised Code except as follows: 1826  
1827  
1828  
1829  
1830

(1) Notwithstanding division (E) of section 119.03 and 1831

division (A) (1) of section 119.04 of the Revised Code, in the 1832  
case of the adoption of any rule or the amendment or rescission 1833  
of any rule that necessitates institutions' offering preparation 1834  
programs for educators and other school personnel that are 1835  
approved by the chancellor of higher education under section 1836  
3333.048 of the Revised Code to revise the curriculum of those 1837  
programs, the effective date shall not be as prescribed in 1838  
division (E) of section 119.03 and division (A) (1) of section 1839  
119.04 of the Revised Code. Instead, the effective date of such 1840  
rules, or the amendment or rescission of such rules, shall be 1841  
the date prescribed by section 3333.048 of the Revised Code. 1842

(2) Notwithstanding the authority to adopt, amend, or 1843  
rescind emergency rules in division (G) of section 119.03 of the 1844  
Revised Code, this authority shall not apply to the state board 1845  
of education with regard to rules for educator licenses. 1846

(F) (1) The rules adopted under this section establishing 1847  
standards requiring additional coursework for the renewal of any 1848  
educator license shall require a school district and a chartered 1849  
nonpublic school to establish local professional development 1850  
committees. In a nonpublic school, the chief administrative 1851  
officer shall establish the committees in any manner acceptable 1852  
to such officer. The committees established under this division 1853  
shall determine whether coursework that a district or chartered 1854  
nonpublic school teacher proposes to complete meets the 1855  
requirement of the rules. The department of education shall 1856  
provide technical assistance and support to committees as the 1857  
committees incorporate the professional development standards 1858  
adopted by the state board of education pursuant to section 1859  
3319.61 of the Revised Code into their review of coursework that 1860  
is appropriate for license renewal. The rules shall establish a 1861  
procedure by which a teacher may appeal the decision of a local 1862

professional development committee. 1863

(2) In any school district in which there is no exclusive 1864  
representative established under Chapter 4117. of the Revised 1865  
Code, the professional development committees shall be 1866  
established as described in division (F) (2) of this section. 1867

Not later than the effective date of the rules adopted 1868  
under this section, the board of education of each school 1869  
district shall establish the structure for one or more local 1870  
professional development committees to be operated by such 1871  
school district. The committee structure so established by a 1872  
district board shall remain in effect unless within thirty days 1873  
prior to an anniversary of the date upon which the current 1874  
committee structure was established, the board provides notice 1875  
to all affected district employees that the committee structure 1876  
is to be modified. Professional development committees may have 1877  
a district-level or building-level scope of operations, and may 1878  
be established with regard to particular grade or age levels for 1879  
which an educator license is designated. 1880

Each professional development committee shall consist of 1881  
at least three classroom teachers employed by the district, one 1882  
principal employed by the district, and one other employee of 1883  
the district appointed by the district superintendent. For 1884  
committees with a building-level scope, the teacher and 1885  
principal members shall be assigned to that building, and the 1886  
teacher members shall be elected by majority vote of the 1887  
classroom teachers assigned to that building. For committees 1888  
with a district-level scope, the teacher members shall be 1889  
elected by majority vote of the classroom teachers of the 1890  
district, and the principal member shall be elected by a 1891  
majority vote of the principals of the district, unless there 1892

are two or fewer principals employed by the district, in which 1893  
case the one or two principals employed shall serve on the 1894  
committee. If a committee has a particular grade or age level 1895  
scope, the teacher members shall be licensed to teach such grade 1896  
or age levels, and shall be elected by majority vote of the 1897  
classroom teachers holding such a license and the principal 1898  
shall be elected by all principals serving in buildings where 1899  
any such teachers serve. The district superintendent shall 1900  
appoint a replacement to fill any vacancy that occurs on a 1901  
professional development committee, except in the case of 1902  
vacancies among the elected classroom teacher members, which 1903  
shall be filled by vote of the remaining members of the 1904  
committee so selected. 1905

Terms of office on professional development committees 1906  
shall be prescribed by the district board establishing the 1907  
committees. The conduct of elections for members of professional 1908  
development committees shall be prescribed by the district board 1909  
establishing the committees. A professional development 1910  
committee may include additional members, except that the 1911  
majority of members on each such committee shall be classroom 1912  
teachers employed by the district. Any member appointed to fill 1913  
a vacancy occurring prior to the expiration date of the term for 1914  
which a predecessor was appointed shall hold office as a member 1915  
for the remainder of that term. 1916

The initial meeting of any professional development 1917  
committee, upon election and appointment of all committee 1918  
members, shall be called by a member designated by the district 1919  
superintendent. At this initial meeting, the committee shall 1920  
select a chairperson and such other officers the committee deems 1921  
necessary, and shall adopt rules for the conduct of its 1922  
meetings. Thereafter, the committee shall meet at the call of 1923

the chairperson or upon the filing of a petition with the 1924  
district superintendent signed by a majority of the committee 1925  
members calling for the committee to meet. 1926

(3) In the case of a school district in which an exclusive 1927  
representative has been established pursuant to Chapter 4117. of 1928  
the Revised Code, professional development committees shall be 1929  
established in accordance with any collective bargaining 1930  
agreement in effect in the district that includes provisions for 1931  
such committees. 1932

If the collective bargaining agreement does not specify a 1933  
different method for the selection of teacher members of the 1934  
committees, the exclusive representative of the district's 1935  
teachers shall select the teacher members. 1936

If the collective bargaining agreement does not specify a 1937  
different structure for the committees, the board of education 1938  
of the school district shall establish the structure, including 1939  
the number of committees and the number of teacher and 1940  
administrative members on each committee; the specific 1941  
administrative members to be part of each committee; whether the 1942  
scope of the committees will be district levels, building 1943  
levels, or by type of grade or age levels for which educator 1944  
licenses are designated; the lengths of terms for members; the 1945  
manner of filling vacancies on the committees; and the frequency 1946  
and time and place of meetings. However, in all cases, except as 1947  
provided in division (F) (4) of this section, there shall be a 1948  
majority of teacher members of any professional development 1949  
committee, there shall be at least five total members of any 1950  
professional development committee, and the exclusive 1951  
representative shall designate replacement members in the case 1952  
of vacancies among teacher members, unless the collective 1953

bargaining agreement specifies a different method of selecting 1954  
such replacements. 1955

(4) Whenever an administrator's coursework plan is being 1956  
discussed or voted upon, the local professional development 1957  
committee shall, at the request of one of its administrative 1958  
members, cause a majority of the committee to consist of 1959  
administrative members by reducing the number of teacher members 1960  
voting on the plan. 1961

(G) (1) The department of education, educational service 1962  
centers, county boards of developmental disabilities, college 1963  
and university departments of education, head start programs, 1964  
and the Ohio education computer network may establish local 1965  
professional development committees to determine whether the 1966  
coursework proposed by their employees who are licensed or 1967  
certificated under this section or section 3319.222 of the 1968  
Revised Code, or under the former version of either section as 1969  
it existed prior to October 16, 2009, meet the requirements of 1970  
the rules adopted under this section. They may establish local 1971  
professional development committees on their own or in 1972  
collaboration with a school district or other agency having 1973  
authority to establish them. 1974

Local professional development committees established by 1975  
county boards of developmental disabilities shall be structured 1976  
in a manner comparable to the structures prescribed for school 1977  
districts in divisions (F) (2) and (3) of this section, as shall 1978  
the committees established by any other entity specified in 1979  
division (G) (1) of this section that provides educational 1980  
services by employing or contracting for services of classroom 1981  
teachers licensed or certificated under this section or section 1982  
3319.222 of the Revised Code, or under the former version of 1983

either section as it existed prior to October 16, 2009. All 1984  
other entities specified in division (G) (1) of this section 1985  
shall structure their committees in accordance with guidelines 1986  
which shall be issued by the state board. 1987

(2) Educational service centers may establish local 1988  
professional development committees to serve educators who are 1989  
not employed in schools in this state, including pupil services 1990  
personnel who are licensed under this section. Local 1991  
professional development committees shall be structured in a 1992  
manner comparable to the structures prescribed for school 1993  
districts in divisions (F) (2) and (3) of this section. 1994

These committees may agree to review the coursework, 1995  
continuing education units, or other equivalent activities 1996  
related to classroom teaching or the area of licensure that is 1997  
proposed by an individual who satisfies both of the following 1998  
conditions: 1999

(a) The individual is licensed or certificated under this 2000  
section or under the former version of this section as it 2001  
existed prior to October 16, 2009. 2002

(b) The individual is not currently employed as an 2003  
educator or is not currently employed by an entity that operates 2004  
a local professional development committee under this section. 2005

Any committee that agrees to work with such an individual 2006  
shall work to determine whether the proposed coursework, 2007  
continuing education units, or other equivalent activities meet 2008  
the requirements of the rules adopted by the state board under 2009  
this section. 2010

(3) Any public agency that is not specified in division 2011  
(G) (1) or (2) of this section but provides educational services 2012

and employs or contracts for services of classroom teachers 2013  
licensed or certificated under this section or section 3319.222 2014  
of the Revised Code, or under the former version of either 2015  
section as it existed prior to October 16, 2009, may establish a 2016  
local professional development committee, subject to the 2017  
approval of the department of education. The committee shall be 2018  
structured in accordance with guidelines issued by the state 2019  
board. 2020

(H) Not later than July 1, 2016, the state board, in 2021  
accordance with Chapter 119. of the Revised Code, shall adopt 2022  
rules pursuant to division (A) (3) of this section that do both 2023  
of the following: 2024

(1) Exempt consistently high-performing teachers from the 2025  
requirement to complete any additional coursework for the 2026  
renewal of an educator license issued under this section or 2027  
section 3319.26 of the Revised Code. The rules also shall 2028  
specify that such teachers are exempt from any requirements 2029  
prescribed by professional development committees established 2030  
under divisions (F) and (G) of this section. 2031

(2) For purposes of division (H) (1) of this section, the 2032  
state board shall define the term "consistently high-performing 2033  
teacher." 2034

**Sec. 3701.74.** (A) As used in this section and section 2035  
3701.741 of the Revised Code: 2036

(1) "Ambulatory care facility" means a facility that 2037  
provides medical, diagnostic, or surgical treatment to patients 2038  
who do not require hospitalization, including a dialysis center, 2039  
ambulatory surgical facility, cardiac catheterization facility, 2040  
diagnostic imaging center, extracorporeal shock wave lithotripsy 2041

center, home health agency, inpatient hospice, birthing center, 2042  
radiation therapy center, emergency facility, and an urgent care 2043  
center. "Ambulatory care facility" does not include the private 2044  
office of a physician or dentist, whether the office is for an 2045  
individual or group practice. 2046

(2) "Chiropractor" means an individual licensed under 2047  
Chapter 4734. of the Revised Code to practice chiropractic. 2048

(3) "Emergency facility" means a hospital emergency 2049  
department or any other facility that provides emergency medical 2050  
services. 2051

(4) "Health care practitioner" means all of the following: 2052

(a) A dentist or dental hygienist licensed under Chapter 2053  
4715. of the Revised Code; 2054

(b) A registered or licensed practical nurse licensed 2055  
under Chapter 4723. of the Revised Code; 2056

(c) An optometrist licensed under Chapter 4725. of the 2057  
Revised Code; 2058

(d) A dispensing optician, spectacle dispensing optician, 2059  
~~contact lens dispensing optician,~~ or spectacle-contact lens 2060  
dispensing optician licensed under Chapter 4725. of the Revised 2061  
Code; 2062

(e) A pharmacist licensed under Chapter 4729. of the 2063  
Revised Code; 2064

(f) A physician; 2065

(g) A physician assistant authorized under Chapter 4730. 2066  
of the Revised Code to practice as a physician assistant; 2067

(h) A practitioner of a limited branch of medicine issued 2068

a certificate under Chapter 4731. of the Revised Code;	2069
(i) A psychologist licensed under Chapter 4732. of the Revised Code;	2070 2071
(j) A chiropractor;	2072
(k) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;	2073 2074
(l) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	2075 2076
(m) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;	2077 2078
(n) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	2079 2080
(o) A licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist licensed, or a social work assistant registered, under Chapter 4757. of the Revised Code;	2081 2082 2083 2084 2085
(p) A dietitian licensed under Chapter 4759. of the Revised Code;	2086 2087
(q) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	2088 2089
(r) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code.	2090 2091 2092 2093
(5) "Health care provider" means a hospital, ambulatory care facility, long-term care facility, pharmacy, emergency	2094 2095

facility, or health care practitioner. 2096

(6) "Hospital" has the same meaning as in section 3727.01 2097  
of the Revised Code. 2098

(7) "Long-term care facility" means a nursing home, 2099  
residential care facility, or home for the aging, as those terms 2100  
are defined in section 3721.01 of the Revised Code; a 2101  
residential facility licensed under section 5119.34 of the 2102  
Revised Code that provides accommodations, supervision, and 2103  
personal care services for three to sixteen unrelated adults; a 2104  
nursing facility, as defined in section 5165.01 of the Revised 2105  
Code; a skilled nursing facility, as defined in section 5165.01 2106  
of the Revised Code; and an intermediate care facility for 2107  
individuals with intellectual disabilities, as defined in 2108  
section 5124.01 of the Revised Code. 2109

(8) "Medical record" means data in any form that pertains 2110  
to a patient's medical history, diagnosis, prognosis, or medical 2111  
condition and that is generated and maintained by a health care 2112  
provider in the process of the patient's health care treatment. 2113

(9) "Medical records company" means a person who stores, 2114  
locates, or copies medical records for a health care provider, 2115  
or is compensated for doing so by a health care provider, and 2116  
charges a fee for providing medical records to a patient or 2117  
patient's representative. 2118

(10) "Patient" means either of the following: 2119

(a) An individual who received health care treatment from 2120  
a health care provider; 2121

(b) A guardian, as defined in section 1337.11 of the 2122  
Revised Code, of an individual described in division (A) (10) (a) 2123  
of this section. 2124

(11) "Patient's personal representative" means a minor 2125  
patient's parent or other person acting in loco parentis, a 2126  
court-appointed guardian, or a person with durable power of 2127  
attorney for health care for a patient, the executor or 2128  
administrator of the patient's estate, or the person responsible 2129  
for the patient's estate if it is not to be probated. "Patient's 2130  
personal representative" does not include an insurer authorized 2131  
under Title XXXIX of the Revised Code to do the business of 2132  
sickness and accident insurance in this state, a health insuring 2133  
corporation holding a certificate of authority under Chapter 2134  
1751. of the Revised Code, or any other person not named in this 2135  
division. 2136

(12) "Pharmacy" has the same meaning as in section 4729.01 2137  
of the Revised Code. 2138

(13) "Physician" means a person authorized under Chapter 2139  
4731. of the Revised Code to practice medicine and surgery, 2140  
osteopathic medicine and surgery, or podiatric medicine and 2141  
surgery. 2142

(14) "Authorized person" means a person to whom a patient 2143  
has given written authorization to act on the patient's behalf 2144  
regarding the patient's medical record. 2145

(B) A patient, a patient's personal representative, or an 2146  
authorized person who wishes to examine or obtain a copy of part 2147  
or all of a medical record shall submit to the health care 2148  
provider a written request signed by the patient, personal 2149  
representative, or authorized person dated not more than one 2150  
year before the date on which it is submitted. The request shall 2151  
indicate whether the copy is to be sent to the requestor, 2152  
physician or chiropractor, or held for the requestor at the 2153  
office of the health care provider. Within a reasonable time 2154

after receiving a request that meets the requirements of this 2155  
division and includes sufficient information to identify the 2156  
record requested, a health care provider that has the patient's 2157  
medical records shall permit the patient to examine the record 2158  
during regular business hours without charge or, on request, 2159  
shall provide a copy of the record in accordance with section 2160  
3701.741 of the Revised Code, except that if a physician, 2161  
psychologist, licensed professional clinical counselor, licensed 2162  
professional counselor, independent social worker, social 2163  
worker, independent marriage and family therapist, marriage and 2164  
family therapist, or chiropractor who has treated the patient 2165  
determines for clearly stated treatment reasons that disclosure 2166  
of the requested record is likely to have an adverse effect on 2167  
the patient, the health care provider shall provide the record 2168  
to a physician, psychologist, licensed professional clinical 2169  
counselor, licensed professional counselor, independent social 2170  
worker, social worker, independent marriage and family 2171  
therapist, marriage and family therapist, or chiropractor 2172  
designated by the patient. The health care provider shall take 2173  
reasonable steps to establish the identity of the person making 2174  
the request to examine or obtain a copy of the patient's record. 2175

(C) If a health care provider fails to furnish a medical 2176  
record as required by division (B) of this section, the patient, 2177  
personal representative, or authorized person who requested the 2178  
record may bring a civil action to enforce the patient's right 2179  
of access to the record. 2180

(D) (1) This section does not apply to medical records 2181  
whose release is covered by section 173.20 or 3721.13 of the 2182  
Revised Code, by Chapter 1347., 5119., or 5122. of the Revised 2183  
Code, by 42 C.F.R. part 2, "Confidentiality of Alcohol and Drug 2184  
Abuse Patient Records," or by 42 C.F.R. 483.10. 2185

(2) Nothing in this section is intended to supersede the 2186  
confidentiality provisions of sections 2305.24, 2305.25, 2187  
2305.251, and 2305.252 of the Revised Code. 2188

Sec. 3731.031. (A) On or before the first day of December 2189  
of each year, the holder of a hotel or SRO license shall submit 2190  
a renewal application as prescribed by the state fire marshal 2191  
with the appropriate renewal fee. 2192

(B) The renewal fee for each hotel or SRO facility license 2193  
shall be as follows: 2194

(a) For a hotel or SRO facility containing at least six 2195  
but less than twenty-six rooms, twenty-five dollars; 2196

(b) For a hotel or SRO facility containing at least 2197  
twenty-six but less than fifty-one rooms, fifty dollars; 2198

(c) For a hotel or SRO facility containing at least fifty- 2199  
one but less than seventy-six rooms, seventy-five dollars; 2200

(d) For a hotel containing seventy-six or more rooms, one 2201  
hundred dollars. 2202

**Sec. 3737.881. (A) The fire marshal shall certify 2203**  
underground storage tank systems installers who meet the 2204  
standards for certification established in rules adopted under 2205  
division (D) (1) of this section, pass the certification 2206  
examination required by this division, and pay the certificate 2207  
fee established in rules adopted under division (D) (5) of this 2208  
section. Any individual who wishes to obtain certification as an 2209  
installer shall apply to the fire marshal on a form prescribed 2210  
by the fire marshal. The application shall be accompanied by the 2211  
application and examination fees established in rules adopted 2212  
under division (D) (5) of this section. 2213

The fire marshal shall prescribe an examination designed 2214  
to test the knowledge of applicants for certification as 2215  
underground storage tank system installers in the installation, 2216  
repair, abandonment, and removal of those systems. The 2217  
examination shall also test the applicants' knowledge and 2218  
understanding of the requirements and standards established in 2219  
rules adopted under sections 3737.88 and 3737.882 of the Revised 2220  
Code pertaining to the installation, repair, abandonment, and 2221  
removal of those systems. 2222

Installer certifications issued under this division shall 2223  
be renewed ~~annually~~biennially, upon submission of a 2224  
certification renewal form prescribed by the fire marshal, 2225  
provision of proof of successful completion of continuing 2226  
education requirements, and payment of the certification renewal 2227  
fee established in rules adopted under division (D) (5) of this 2228  
section. In addition, the fire marshal may from time to time 2229  
prescribe an examination for certification renewal and may 2230  
require applicants to pass the examination and pay the fee 2231  
established for it in rules adopted under division (D) (5) of 2232  
this section. 2233

The fire marshal may, in accordance with Chapter 119. of 2234  
the Revised Code, deny, suspend, revoke, or refuse to renew an 2235  
installer's certification or renewal thereof after finding that 2236  
any of the following applies: 2237

(1) The applicant for certification or certificate holder 2238  
fails to meet the standards for certification or renewal thereof 2239  
under this section and rules adopted under it; 2240

(2) The certification was obtained through fraud or 2241  
misrepresentation; 2242

(3) The certificate holder recklessly caused or permitted 2243  
a person under the certificate holder's supervision to install, 2244  
perform major repairs on site to, abandon, or remove an 2245  
underground storage tank system in violation of the performance 2246  
standards set forth in rules adopted under section 3737.88 or 2247  
3737.882 of the Revised Code. 2248

As used in division (A) (3) of this section, "recklessly" 2249  
has the same meaning as in section 2901.22 of the Revised Code. 2250

~~(B) The fire marshal shall certify persons who sponsor 2251  
training programs for underground storage tank system installers 2252  
who meet the criteria for certification established in rules 2253  
adopted by the fire marshal under division (D) (4) of this 2254  
section and pay the certificate fee established in rules adopted 2255  
under division (D) (5) of this section. (B) (1) Any person who 2256  
wishes to obtain certification to sponsor such a training 2257  
program shall apply to the fire marshal on a form prescribed by 2258  
the fire marshal. Training program certificates issued under 2259  
this division shall expire annually. Upon submission of a 2260  
certification renewal application form prescribed by the fire 2261  
marshal and payment of the application and certification renewal 2262  
fees established in rules adopted under division (D) (5) of this 2263  
section, the fire marshal shall issue a training program renewal 2264  
certificate to the applicant for underground storage tank system 2265  
installers may do so if both of the following conditions are 2266  
met: 2267~~

(a) The person holds an underground storage tank installer 2268  
certificate in good standing. 2269

(b) The person has applied for, and received, approval 2270  
from the fire marshal to sponsor an underground storage tank 2271  
installer training program. 2272

(2) The fire marshal may, in accordance with Chapter 119. 2273  
of the Revised Code, deny an application for, suspend, or revoke 2274  
a training program ~~certificate or renewal or renewal of a~~ 2275  
~~training program certificate approval~~ after finding that the 2276  
training program does not or will not meet the standards for 2277  
~~certification approval~~ established in rules adopted under 2278  
division (D) (4) of this section. 2279

(C) The fire marshal may conduct or cause to be conducted 2280  
training programs for underground storage tank systems 2281  
installers as the fire marshal considers to be necessary or 2282  
appropriate. The fire marshal is not subject to division (B) of 2283  
this section with respect to training programs conducted by 2284  
employees of the office of the fire marshal. 2285

(D) The fire marshal shall adopt, and may amend and 2286  
rescind, rules doing all of the following: 2287

(1) Defining the activities that constitute supervision 2288  
over the installation, performance of major repairs on site to, 2289  
abandonment of, and removal of underground storage tank systems; 2290

(2) Establishing standards and procedures for 2291  
certification of underground storage tank systems installers; 2292

(3) Establishing standards and procedures for continuing 2293  
education for certification renewal, subject to the provisions 2294  
of section 5903.12 of the Revised Code relating to active duty 2295  
military service; 2296

(4) Establishing standards and procedures for 2297  
~~certification approval~~ of training programs for installers; 2298

(5) Establishing fees for applications for ~~certifications~~ 2299  
certification or approval under this section, the examinations 2300  
prescribed under division (A) of this section, the issuance and 2301

renewal of certificates under ~~divisions~~division (A) ~~and (B)~~ of 2302  
this section, and attendance at training programs conducted by 2303  
the fire marshal under division (C) of this section. Fees 2304  
received under this section shall be credited to the underground 2305  
storage tank administration fund created in section 3737.02 of 2306  
the Revised Code and shall be used to defray the costs of 2307  
implementing, administering, and enforcing this section and the 2308  
rules adopted thereunder, conducting training sessions, and 2309  
facilitating prevention of releases. 2310

(a) The application fee for an underground storage tank 2311  
systems installer certification shall be three hundred dollars; 2312

(b) The renewal fee for an underground storage tank 2313  
systems installer certification shall be three hundred dollars. 2314

(6) That are necessary or appropriate for the 2315  
implementation, administration, and enforcement of this section. 2316

(E) Nothing in this section or the rules adopted under it 2317  
prohibits an owner or operator of an underground storage tank 2318  
system from installing, making major repairs on site to, 2319  
abandoning, or removing an underground storage tank system under 2320  
the supervision of an installer certified under division (A) of 2321  
this section who is a full-time or part-time employee of the 2322  
owner or operator. 2323

(F) On and after January 7, 1990, no person shall do any 2324  
of the following: 2325

(1) Install, make major repairs on site to, abandon, or 2326  
remove an underground storage tank system unless the activity is 2327  
performed under the supervision of a qualified individual who 2328  
holds a valid installer certificate issued under division (A) of 2329  
this section; 2330

(2) Act in the capacity of providing supervision for the 2331  
installation of, performance of major repairs on site to, 2332  
abandonment of, or removal of an underground storage tank system 2333  
unless the person holds a valid installer certificate issued 2334  
under division (A) of this section; 2335

(3) Except as provided in division (C) of this section, 2336  
sponsor a training program for underground storage tank systems 2337  
installers unless the person ~~holds a valid training program~~ 2338  
~~certificate issued under division (B) of this section~~has 2339  
received approval from the fire marshal to do so. 2340

**Sec. 3772.13.** (A) No person may be employed as a key 2341  
employee of a casino operator, management company, or holding 2342  
company unless the person is the holder of a valid key employee 2343  
license issued by the commission. 2344

(B) No person may be employed as a key employee of a 2345  
gaming-related vendor unless that person is either the holder of 2346  
a valid key employee license issued by the commission, or the 2347  
person, at least five business days prior to the first day of 2348  
employment as a key employee, has filed a notification of 2349  
employment with the commission and subsequently files a 2350  
completed application for a key employee license within the 2351  
first thirty days of employment as a key employee. 2352

(C) Each applicant shall, before the issuance of any key 2353  
employee license, produce information, documentation, and 2354  
assurances as are required by this chapter and rules adopted 2355  
thereunder. In addition, each applicant shall, in writing, 2356  
authorize the examination of all bank accounts and records as 2357  
may be deemed necessary by the commission. 2358

(D) To be eligible for a key employee license, the 2359

applicant shall be at least twenty-one years of age and shall 2360  
meet the criteria set forth by rule by the commission. 2361

(E) Each application for a key employee license shall be 2362  
on a form prescribed by the commission and shall contain all 2363  
information required by the commission. The applicant shall set 2364  
forth in the application if the applicant has been issued prior 2365  
gambling-related licenses; if the applicant has been licensed in 2366  
any other state under any other name, and, if so, the name under 2367  
which the license was issued and the applicant's age at the time 2368  
the license was issued; any criminal conviction the applicant 2369  
has had; and if a permit or license issued to the applicant in 2370  
any other state has been suspended, restricted, or revoked, and, 2371  
if so, the cause and the duration of each action. The applicant 2372  
also shall complete a cover sheet for the application on which 2373  
the applicant shall disclose the applicant's name, the business 2374  
address of the casino operator, management company, holding 2375  
company, or gaming-related vendor employing the applicant, the 2376  
business address and telephone number of such employer, and the 2377  
county, state, and country in which the applicant's residence is 2378  
located. 2379

(F) Each applicant shall submit with each application, on 2380  
a form provided by the commission, two sets of fingerprints ~~and~~ 2381  
~~a photograph~~. The commission shall charge each applicant an 2382  
application fee set by the commission to cover all actual costs 2383  
generated by each licensee and all background checks under this 2384  
section and section 3772.07 of the Revised Code. 2385

(G) (1) The casino operator, management company, or holding 2386  
company by whom a person is employed as a key employee shall 2387  
terminate the person's employment in any capacity requiring a 2388  
license under this chapter and shall not in any manner permit 2389

the person to exercise a significant influence over the 2390  
operation of a casino facility if: 2391

(a) The person does not apply for and receive a key 2392  
employee license within three months of being issued a 2393  
provisional license, as established under commission rule. 2394

(b) The person's application for a key employee license is 2395  
denied by the commission. 2396

(c) The person's key employee license is revoked by the 2397  
commission. 2398

The commission shall notify the casino operator, 2399  
management company, or holding company who employs such a person 2400  
by certified mail of any such finding, denial, or revocation. 2401

(2) A casino operator, management company, or holding 2402  
company shall not pay to a person whose employment is terminated 2403  
under division (G) (1) of this section, any remuneration for any 2404  
services performed in any capacity in which the person is 2405  
required to be licensed, except for amounts due for services 2406  
rendered before notice was received under that division. A 2407  
contract or other agreement for personal services or for the 2408  
conduct of any casino gaming at a casino facility between a 2409  
casino operator, management company, or holding company and a 2410  
person whose employment is terminated under division (G) (1) of 2411  
this section may be terminated by the casino operator, 2412  
management company, or holding company without further liability 2413  
on the part of the casino operator, management company, or 2414  
holding company. Any such contract or other agreement is deemed 2415  
to include a term authorizing its termination without further 2416  
liability on the part of the casino operator, management 2417  
company, or holding company upon receiving notice under division 2418

(G) (1) of this section. That a contract or other agreement does 2419  
not expressly include such a term is not a defense in any action 2420  
brought to terminate the contract or other agreement, and is not 2421  
grounds for relief in any action brought questioning termination 2422  
of the contract or other agreement. 2423

(3) A casino operator, management company, or holding 2424  
company, without having obtained the prior approval of the 2425  
commission, shall not enter into any contract or other agreement 2426  
with a person who has been found unsuitable, who has been denied 2427  
a license, or whose license has been revoked under division (G) 2428  
(1) of this section, or with any business enterprise under the 2429  
control of such a person, after the date on which the casino 2430  
operator, management company, or holding company receives notice 2431  
under that division. 2432

**Sec. 3772.131.** (A) All casino gaming employees are 2433  
required to have a casino gaming employee license. "Casino 2434  
gaming employee" means the following and their supervisors: 2435

(1) Individuals involved in operating a casino gaming pit, 2436  
including dealers, shills, clerks, hosts, and junket 2437  
representatives; 2438

(2) Individuals involved in handling money, including 2439  
cashiers, change persons, count teams, and coin wrappers; 2440

(3) Individuals involved in operating casino games; 2441

(4) Individuals involved in operating and maintaining slot 2442  
machines, including mechanics, floor persons, and change and 2443  
payoff persons; 2444

(5) Individuals involved in security, including guards and 2445  
game observers; 2446

(6) Individuals with duties similar to those described in 2447  
divisions (A) (1) to (5) of this section or other persons as the 2448  
commission determines. "Casino gaming employee" does not include 2449  
an individual whose duties are related solely to nongaming 2450  
activities such as entertainment, hotel operation, maintenance, 2451  
or preparing or serving food and beverages. 2452

(B) The commission may issue a casino gaming employee 2453  
license to an applicant after it has determined that the 2454  
applicant is eligible for a license under rules adopted by the 2455  
commission and paid any applicable fee. All applications shall 2456  
be made under oath. 2457

(C) To be eligible for a casino gaming employee license, 2458  
an applicant shall be at least twenty-one years of age. 2459

(D) Each application for a casino gaming employee license 2460  
shall be on a form prescribed by the commission and shall 2461  
contain all information required by the commission. The 2462  
applicant shall set forth in the application if the applicant 2463  
has been issued prior gambling-related licenses; if the 2464  
applicant has been licensed in any other state under any other 2465  
name, and, if so, the name under which the license was issued 2466  
and the applicant's age at the time the license was issued; any 2467  
criminal conviction the applicant has had; and if a permit or 2468  
license issued to the applicant in any other state has been 2469  
suspended, restricted, or revoked, and, if so, the cause and the 2470  
duration of each action. 2471

(E) Each applicant shall submit with each application, on 2472  
a form provided by the commission, two sets of the applicant's 2473  
fingerprints ~~and a photograph~~. The commission shall charge each 2474  
applicant an application fee to cover all actual costs generated 2475  
by each licensee and all background checks. 2476

**Sec. 3905.471.** (A) No individual or entity shall act as or 2477  
hold itself out to be an insurance navigator unless that 2478  
individual or entity is certified as an insurance navigator 2479  
under this section and is receiving funding under division (i) 2480  
of section 1311 of the Affordable Care Act. 2481

(B) An insurance navigator who complies with the 2482  
requirements of this section may do any of the following: 2483

(1) Conduct public education activities to raise awareness 2484  
of the availability of qualified health plans; 2485

(2) Distribute fair and impartial general information 2486  
concerning enrollment in all qualified health plans offered 2487  
within the exchange and the availability of the premium tax 2488  
credits under section 36B of the Internal Revenue Code of 1986, 2489  
26 U.S.C. 36B, and cost-sharing reductions under section 1402 of 2490  
the Affordable Care Act; 2491

(3) Facilitate enrollment in qualified health plans, 2492  
without suggesting that an individual select a particular plan; 2493

(4) Provide referrals to appropriate state agencies for 2494  
any enrollee with a grievance, complaint, or question regarding 2495  
their health plan, coverage, or a determination under such plan 2496  
coverage; 2497

(5) Provide information in a manner that is culturally and 2498  
linguistically appropriate to the needs of the population being 2499  
served by the exchange. 2500

(C) An insurance navigator shall not do any of the 2501  
following: 2502

(1) Sell, solicit, or negotiate health insurance; 2503

(2) Provide advice concerning the substantive benefits, 2504

terms, and conditions of a particular health benefit plan or 2505  
offer advice about which health benefit plan is better or worse 2506  
or suitable for a particular individual or entity; 2507

(3) Recommend a particular health plan or advise consumers 2508  
about which health benefit plan to choose; 2509

(4) Provide any information or services related to health 2510  
benefit plans or other products not offered in the exchange. 2511  
Division (C)(4) of this section shall not be interpreted as 2512  
prohibiting an insurance navigator from providing information on 2513  
eligibility for medicaid; 2514

(5) Engage in any unfair method of competition or any 2515  
fraudulent, deceptive, or dishonest act or practice. 2516

(D) An individual shall not act in the capacity of an 2517  
insurance navigator, or perform insurance navigator duties on 2518  
behalf of an organization serving as an insurance navigator, 2519  
unless the individual has applied for certification and the 2520  
superintendent finds that the applicant meets all of the 2521  
following requirements: 2522

(1) Is at least eighteen years of age; 2523

(2) Has completed and submitted the application and 2524  
disclosure form required under division (F)(2) of this section 2525  
and has declared, under penalty of refusal, suspension, or 2526  
revocation of the insurance navigator's certification, that the 2527  
statements made in the form are true, correct, and complete to 2528  
the best of the applicant's knowledge and belief; 2529

(3) Has successfully completed a criminal records check 2530  
under section 3905.051 of the Revised Code, as required by the 2531  
superintendent; 2532

(4) Has successfully completed the certification and 2533  
training requirements adopted by the superintendent in 2534  
accordance with division (F) of this section; 2535

~~(5)~~(5)(a) Has paid an initial licensure fee of two hundred 2536  
dollars or a renewal fee of one hundred dollars, and all other 2537  
fees required by the superintendent. 2538

(b) Regarding the fees in this section that are reduced by 2539  
H.B. 509 of the 134th general assembly, the superintendent may 2540  
gradually reduce the fees currently specified in the 2541  
administrative code, provided that the superintendent shall 2542  
require the full fee amount specified in division (D) (5) (a) of 2543  
this section not later than July 1, 2023. 2544

(E) (1) A business entity that acts as an insurance 2545  
navigator, supervises the activities of individual insurance 2546  
navigators, or receives funding to provide insurance navigator 2547  
services shall obtain an insurance navigator business entity 2548  
certification. 2549

(2) Any entity applying for a business entity 2550  
certification shall apply in a form specified, and provide any 2551  
information required by, the superintendent. 2552

(3) A business entity certified as an insurance navigator 2553  
shall, in a manner prescribed by the superintendent, make 2554  
available a list of all individual insurance navigators that the 2555  
business entity employs, supervises, or with which the business 2556  
entity is affiliated. 2557

(F) The superintendent of insurance shall, prior to any 2558  
exchange becoming operational in this state, do all of the 2559  
following: 2560

(1) (a) Adopt rules to establish a certification and 2561

training program for a prospective insurance navigator and the 2562  
insurance navigator's employees that includes screening via a 2563  
criminal records check performed in accordance with section 2564  
3905.051 of the Revised Code, initial and continuing education 2565  
requirements, and an examination; 2566

(b) The certification and training program shall include 2567  
training on compliance with the "Health Insurance Portability 2568  
and Accountability Act of 1996," 110 Stat. 1955, 42 U.S.C. 2569  
1320d, et seq., as amended, training on ethics, and training on 2570  
provisions of the Affordable Care Act relating to insurance 2571  
navigators and exchanges. 2572

(2) Develop an application and disclosure form by which an 2573  
insurance navigator may disclose any potential conflicts of 2574  
interest, as well as any other information the superintendent 2575  
considers pertinent. 2576

(G) (1) The superintendent may suspend, revoke, or refuse 2577  
to issue or renew the insurance navigator certification of any 2578  
person, or levy a civil penalty against any person, that 2579  
violates the requirements of this section or commits any act 2580  
that would be a ground for denial, suspension, or revocation of 2581  
an insurance agent license, as prescribed in section 3905.14 of 2582  
the Revised Code. 2583

(2) The superintendent shall have the power to examine and 2584  
investigate the business affairs and records of any insurance 2585  
navigator. 2586

(3) (a) The superintendent shall not certify as an 2587  
insurance navigator, and shall revoke any existing insurance 2588  
navigator certification of, any individual, organization, or 2589  
business entity that is receiving financial compensation, 2590

including monetary and in-kind compensation, gifts, or grants, 2591  
on or after October 1, 2013, from an insurer offering a 2592  
qualified health benefit plan through an exchange operating in 2593  
this state. 2594

(b) Notwithstanding division (G) (3) (a) of this section, 2595  
the superintendent may certify as a navigator a qualified health 2596  
center and a federally qualified health center look-alike, as 2597  
defined in section 3701.047 of the Revised Code. 2598

(4) (a) If the superintendent finds that a violation of 2599  
this section made by an individual insurance navigator was made 2600  
with the knowledge of the employing or supervising entity, or 2601  
that the employing or supervising entity should reasonably have 2602  
been aware of the individual insurance navigator's violation, 2603  
and the violation was not reported to the superintendent and no 2604  
corrective action was undertaken on a timely basis, then the 2605  
superintendent may suspend, revoke, or refuse to renew the 2606  
insurance navigator certification of the supervising or 2607  
employing entity. 2608

(b) In addition to, or in lieu of, any disciplinary action 2609  
taken under division (G) (4) (a) of this section, the 2610  
superintendent may levy a civil penalty against such an entity. 2611

(H) A business entity that terminates the employment, 2612  
engagement, affiliation, or other relationship with an 2613  
individual insurance navigator shall notify the superintendent 2614  
within thirty days following the effective date of the 2615  
termination, using a format prescribed by the superintendent, if 2616  
the reason for termination is one of the reasons set forth in 2617  
section 3905.14 of the Revised Code, or the entity has knowledge 2618  
that the insurance navigator was found by a court or government 2619  
body to have engaged in any of the activities in section 3905.14 2620

of the Revised Code. 2621

(I) Insurance navigators are subject to the laws of this 2622  
chapter, and any rules adopted pursuant to the chapter, in so 2623  
far as such laws are applicable. 2624

(J) The superintendent may deny, suspend, approve, renew, 2625  
or revoke the certification of an insurance navigator if the 2626  
superintendent determines that doing so would be in the interest 2627  
of Ohio insureds or the general public. Such an action is not 2628  
subject to Chapter 119. of the Revised Code. 2629

(K) The superintendent may adopt rules in accordance with 2630  
Chapter 119. of the Revised Code to implement sections 3905.47 2631  
to 3905.473 of the Revised Code. 2632

(L) The superintendent may, by rule, apply the 2633  
requirements of this chapter to any entity or person designated 2634  
by an exchange, the state, or the federal government to assist 2635  
consumers or participate in exchange activities. 2636

(M) Any fees collected under this section shall be paid 2637  
into the state treasury to the credit of the department of 2638  
insurance operating fund created under section 3901.021 of the 2639  
Revised Code. 2640

**Sec. 3905.81.** (A) As used in this section: 2641

(1) "Reinsurance intermediary-broker" means a person, 2642  
other than an officer or employee of the ceding insurer, that 2643  
solicits, negotiates, or places reinsurance cessions or 2644  
retrocessions on behalf of a ceding insurer without the 2645  
authority or power to bind reinsurance on behalf of such 2646  
insurer. 2647

(2) (a) "Reinsurance intermediary-manager" means a person 2648

that has authority to bind or that manages all or part of the 2649  
assumed reinsurance business of a reinsurer, including the 2650  
management of a separate division, department, or underwriting 2651  
office, and that acts as an agent of the reinsurer whether known 2652  
as a reinsurance intermediary-manager, manager, or similar term. 2653

(b) "Reinsurance intermediary-manager" does not include: 2654

(i) An employee of the reinsurer; 2655

(ii) A United States manager of the United States branch 2656  
of an alien reinsurer; 2657

(iii) An underwriting manager that, pursuant to contract, 2658  
manages all of the reinsurance operations of the reinsurer, is 2659  
under common control with the reinsurer, subject to sections 2660  
3901.32 to 3901.37 of the Revised Code, and whose compensation 2661  
is not based on the volume of premiums written; 2662

(iv) The manager of a group, association, pool, or 2663  
organization of insurers that engages in joint reinsurance and 2664  
that are subject to examination by the insurance regulatory 2665  
authority of the state in which the manager's principal business 2666  
office is located. 2667

(B) No person shall act as a reinsurance intermediary- 2668  
broker or reinsurance intermediary-manager in this state, or on 2669  
behalf of an insurer or reinsurer domiciled in this state, 2670  
unless the person first obtains a license from the 2671  
superintendent of insurance in accordance with this section or 2672  
the superintendent accepts, in accordance with rules that the 2673  
superintendent may adopt under division (C) of this section, a 2674  
license issued to the person by the insurance regulatory 2675  
authority of another state. 2676

(C) The superintendent of insurance shall adopt rules in 2677

accordance with Chapter 119. of the Revised Code establishing 2678  
the standards and procedures for licensing reinsurance 2679  
intermediary-brokers and reinsurance intermediary-managers. The 2680  
superintendent may also adopt rules, in accordance with Chapter 2681  
119. of the Revised Code, for the acceptance of licenses issued 2682  
by insurance regulatory authorities of other states with 2683  
statutes similar to this section in lieu of requiring a license 2684  
to be obtained from the superintendent under division (B) of 2685  
this section. 2686

~~(D)~~ (D) (1) The fee for the issuance or renewal of a license 2687  
shall be ~~five~~ one hundred dollars. The fee for accepting the 2688  
license of another state shall be one hundred dollars each year. 2689  
All fees collected pursuant to this section shall be paid into 2690  
the state treasury to the credit of the department of insurance 2691  
operating fund. 2692

(2) Regarding the fees in this section that are reduced by 2693  
H.B. 509 of the 134th general assembly, the superintendent may 2694  
gradually reduce the fees, provided that the superintendent 2695  
shall require the full fee amount specified in division (D) (1) 2696  
of this section not later than July 1, 2023. 2697

**Sec. 4709.07.** (A) Each person who desires to obtain an 2698  
initial license to practice barbering shall apply to the state 2699  
cosmetology and barber board, on forms provided by the board. 2700  
The application form shall include the name of the person 2701  
applying for the license and evidence that the applicant meets 2702  
all of the requirements of division (B) of this section. The 2703  
application shall be accompanied by ~~two signed current~~ 2704  
~~photographs of the applicant, in the size determined by the~~ 2705  
~~board, that show only the head and shoulders of the applicant,~~ 2706  
~~and the examination application fee.~~ 2707

(B) In order to take the required barber examination and 2708  
to qualify for licensure as a barber, an applicant must 2709  
demonstrate that the applicant meets all of the following: 2710

(1) Is at least eighteen years of age; 2711

(2) Has an eighth grade education or an equivalent 2712  
education as determined by the state board of education in the 2713  
state where the applicant resides; 2714

(3) Has graduated with at least one thousand eight hundred 2715  
hours of training from a board-approved barber school or has 2716  
graduated with at least one thousand hours of training from a 2717  
board-approved barber school in this state and has a current 2718  
cosmetology or hair designer license issued pursuant to Chapter 2719  
4713. of the Revised Code. No hours of instruction earned by an 2720  
applicant five or more years prior to the examination apply to 2721  
the hours of study required by this division. 2722

(C) Any applicant who meets all of the requirements of 2723  
divisions (A) and (B) of this section may take the barber 2724  
examination at the time and place specified by the board. If the 2725  
applicant fails to attain at least a seventy-five per cent pass 2726  
rate on each part of the examination, the applicant is 2727  
ineligible for licensure; however, the applicant may reapply for 2728  
examination within ninety days after the date of the release of 2729  
the examination scores by paying the required reexamination fee. 2730  
An applicant is only required to take that part or parts of the 2731  
examination on which the applicant did not receive a score of 2732  
seventy-five per cent or higher. If the applicant fails to 2733  
reapply for examination within ninety days or fails the second 2734  
examination, in order to reapply for examination for licensure 2735  
the applicant shall complete an additional course of study of 2736  
not less than two hundred hours, in a board-approved barber 2737

school. The board shall provide to an applicant, upon request, a report which explains the reasons for the applicant's failure to pass the examination.

(D) The board shall issue a license to practice barbering to any applicant who, to the satisfaction of the board, meets the requirements of divisions (A) and (B) of this section, who passes the required examination, and pays the initial licensure fee. Every licensed barber shall display the certificate of licensure in a conspicuous place adjacent to or near the licensed barber's work chair, ~~along with a signed current photograph, in the size determined by the board, showing head and shoulders only.~~

**Sec. 4709.10.** (A) Each person who desires to obtain a license to operate a barber school shall apply to the state cosmetology and barber board, on forms provided by the board. The board shall issue a barber school license to a person if the board determines that the person meets and will comply with all of the requirements of division (B) of this section and pays the required licensure and inspection fees.

(B) In order for a person to qualify for a license to operate a barber school, the barber school to be operated by the person must meet all of the following requirements:

(1) Have a training facility sufficient to meet the required educational curriculum established by the board, including enough space to accommodate all the facilities and equipment required by rule by the board;

(2) Provide sufficient licensed teaching personnel to meet the minimum pupil-teacher ratio established by rule of the board;

(3) Have established and provide to the board proof that 2767  
it has met all of the board requirements to operate a barber 2768  
school, as adopted by rule of the board; 2769

(4) File with the board a program of its curriculum, 2770  
accounting for not less than one thousand eight hundred hours of 2771  
instruction in the courses of theory and practical demonstration 2772  
required by rule of the board; 2773

(5) File with the board a surety bond in the amount of ten 2774  
thousand dollars issued by a bonding company licensed to do 2775  
business in this state. The bond shall be in the form prescribed 2776  
by the board and conditioned upon the barber school's continued 2777  
instruction in the theory and practice of barbering. The bond 2778  
shall continue in effect until notice of its termination is 2779  
provided to the board. In no event, however, shall the bond be 2780  
terminated while the barber school is in operation. Any student 2781  
who is injured or damaged by reason of a barber school's failure 2782  
to continue instruction in the theory and practice of barbering 2783  
may maintain an action on the bond against the barber school or 2784  
the surety, or both, for the recovery of any money or tuition 2785  
paid in advance for instruction in the theory and practice of 2786  
barbering which was not received. The aggregate liability of the 2787  
surety to all students shall not exceed the sum of the bond. 2788

(6) Maintain adequate record keeping to ensure that it has 2789  
met the requirements for records of student progress as required 2790  
by board rule; 2791

(7) Establish minimum standards for acceptance of student 2792  
applicants for admission to the barber school. The barber school 2793  
may establish entrance requirements which are more stringent 2794  
than those prescribed by the board, but the requirements must at 2795  
a minimum require the applicant to meet all-both of the 2796

following:	2797
(a) Be at least seventeen years of age;	2798
(b) Have an eighth grade education, or an equivalent education as determined by the state board of education;	2799 2800
<del>(c) Submit two signed current photographs of the applicant, in the size determined by the board.</del>	2801 2802
(8) Have a procedure to submit every student applicant's admission application to the board for the board's review and approval prior to the applicant's admission to the barber school;	2803 2804 2805 2806
(9) Operate in a manner which reflects credit upon the barbering profession;	2807 2808
(10) Offer a curriculum of study which covers all aspects of the scientific fundamentals of barbering as specified by rule of the board;	2809 2810 2811
(11) Employ no more than two licensed assistant barber teachers for each licensed barber teacher employed or fewer than two licensed teachers or one licensed teacher and one licensed assistant teacher at each facility.	2812 2813 2814 2815
(C) Each person who desires to obtain a barber teacher or assistant barber teacher license shall apply to the board, on forms provided by the board. The board shall only issue a barber teacher license to a person who meets all of the following requirements:	2816 2817 2818 2819 2820
(1) Holds a current barber license issued pursuant to this chapter and has at least eighteen months of work experience in a licensed barber shop or has been employed as an assistant barber teacher under the supervision of a licensed barber teacher for	2821 2822 2823 2824

at least one year, unless, for good cause, the board waives this requirement; 2825  
2826

(2) Meets such other requirements as adopted by rule by the board; 2827  
2828

(3) Passes the required examination; and 2829

(4) Pays the required fees. 2830

The board shall only issue an assistant barber teacher license to a person who holds a current barber license issued pursuant to this chapter and pays the required fees. 2831  
2832  
2833

(D) Any person who meets the qualifications of an assistant teacher pursuant to division (C) of this section, may be employed as an assistant teacher, provided that within five days after the commencement of the employment the barber school submits to the board, on forms provided by the board, the applicant's qualifications. 2834  
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2836  
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**Sec. 4713.28.** (A) The state cosmetology and barber board shall issue a practicing license to an applicant who satisfies all of the following applicable conditions: 2840  
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2842

(1) Is at least sixteen years of age; 2843

(2) Has the equivalent of an Ohio public school tenth grade education; 2844  
2845

(3) Has submitted a written application on a form furnished by the board that contains all of the following: 2846  
2847

(a) The name of the individual and any other identifying information required by the board; 2848  
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(b) ~~A recent photograph of the individual that meets the specifications established by the board;~~ 2850  
2851

<del>(e)</del> —A photocopy of the individual's current driver's license or other proof of legal residence;	2852 2853
<del>(d)</del> — <u>(c)</u> Proof that the individual is qualified to take the applicable examination as required by section 4713.20 of the Revised Code;	2854 2855 2856
<del>(e)</del> — <u>(d)</u> An oath verifying that the information in the application is true;	2857 2858
<del>(f)</del> — <u>(e)</u> The applicable application fee.	2859
(4) Passes an examination conducted under division (A) of section 4713.24 of the Revised Code for the branch of cosmetology the applicant seeks to practice;	2860 2861 2862
(5) Pays to the board the applicable license fee;	2863
(6) In the case of an applicant for an initial cosmetologist license, has successfully completed at least one thousand five hundred hours of board-approved cosmetology training in a school of cosmetology licensed in this state, except that only one thousand hours of board-approved cosmetology training in a school of cosmetology licensed in this state is required of an individual licensed as a barber under Chapter 4709. of the Revised Code;	2864 2865 2866 2867 2868 2869 2870 2871
(7) In the case of an applicant for an initial esthetician license, has successfully completed at least six hundred hours of board-approved esthetics training in a school of cosmetology licensed in this state;	2872 2873 2874 2875
(8) In the case of an applicant for an initial hair designer license, has successfully completed at least one thousand two hundred hours of board-approved hair designer training in a school of cosmetology licensed in this state,	2876 2877 2878 2879

except that only one thousand hours of board-approved hair 2880  
designer training in a school of cosmetology licensed in this 2881  
state is required of an individual licensed as a barber under 2882  
Chapter 4709. of the Revised Code; 2883

(9) In the case of an applicant for an initial manicurist 2884  
license, has successfully completed at least two hundred hours 2885  
of board-approved manicurist training in a school of cosmetology 2886  
licensed in this state; 2887

(10) In the case of an applicant for an initial natural 2888  
hair stylist license, has successfully completed at least four 2889  
hundred fifty hours of instruction in subjects relating to 2890  
sanitation, scalp care, anatomy, hair styling, communication 2891  
skills, and laws and rules governing the practice of 2892  
cosmetology. 2893

(B) The board shall not deny a license to any applicant 2894  
based on prior incarceration or conviction for any crime. If the 2895  
board denies an individual a license or license renewal, the 2896  
reasons for such denial shall be put in writing. 2897

**Sec. 4715.13.** (A) Applicants for licenses to practice 2898  
dentistry or for a general anesthesia permit or a conscious 2899  
sedation permit shall pay to the secretary of the state dental 2900  
board the following fees: 2901

(1) For license to practice dentistry, two hundred sixty- 2902  
seven dollars if issued in an odd-numbered year or four hundred 2903  
fifty-four dollars if issued in an even-numbered year, except 2904  
that beginning January 1, 2025, the fee shall be four hundred 2905  
fifty-four dollars regardless of the year in which the license 2906  
is issued; 2907

(2) For duplicate license, to be granted upon proof of 2908

loss of the original, twenty dollars; 2909

(3) For a general anesthesia permit, one hundred twenty- 2910  
seven dollars; 2911

(4) For a conscious sedation permit, one hundred twenty- 2912  
seven dollars. 2913

(B) Forty dollars of each fee collected under division (A) 2914  
(1) of this section for a license issued in an even-numbered 2915  
year and twenty dollars of each fee collected under division (A) 2916  
(1) of this section in an odd-numbered year shall be paid to the 2917  
dentist loan repayment fund established under section 3702.95 of 2918  
the Revised Code, except that beginning January 1, 2025, the 2919  
amount paid shall be forty dollars. 2920

(C) In the case of a person who applies for a license to 2921  
practice dentistry by taking an examination administered by the 2922  
state dental board, both of the following apply: 2923

(1) The fee in division (A) (1) of this section may be 2924  
refunded to an applicant who is unavoidably prevented from 2925  
attending the examination, or the applicant may be examined at 2926  
the next regular or special meeting of the board without an 2927  
additional fee. 2928

(2) An applicant who fails the first examination may be 2929  
re-examined at the next regular or special meeting of the board 2930  
without an additional fee. 2931

**Sec. 4715.141.** (A) Each licensed dentist shall complete 2932  
biennially not less than ~~forty~~thirty hours of continuing dental 2933  
education, which may include, but is not limited to, attendance 2934  
at lectures, study clubs, college and postgraduate courses, or 2935  
scientific sessions of conventions, research, graduate study, 2936  
teaching, service as a clinician, or correspondence courses. 2937

Continuing dental education programs include, but are not limited to, programs that address any of the following:	2938 2939
(1) Competency in treating patients who are medically compromised or who experience medical emergencies during the course of dental treatment;	2940 2941 2942
(2) Knowledge of pharmaceutical products and the protocol of the proper use of medications;	2943 2944
(3) Competency to diagnose oral pathology;	2945
(4) Awareness of currently accepted methods of infection control;	2946 2947
(5) Basic medical and scientific subjects including, but not limited to, biology, physiology, pathology, biochemistry, and pharmacology;	2948 2949 2950
(6) Clinical and technological subjects including, but not limited to, clinical techniques and procedures, materials, and equipment;	2951 2952 2953
(7) Subjects pertinent to health and safety.	2954
Dentists shall earn continuing education credits at the rate of one-half credit for each twenty-five to thirty contact minutes of instruction and one credit hour for each fifty to sixty contact minutes of instruction.	2955 2956 2957 2958
(B) Programs meeting the general requirements of division (A) of this section may be developed and offered to dentists by any of the following agencies or organizations:	2959 2960 2961
(1) National, state, district, or local dental associations affiliated with the American dental association or national dental association;	2962 2963 2964

(2) Accredited dental colleges or schools;	2965
(3) Other organizations, schools, or agencies approved by the state dental board.	2966 2967
(C) Each licensed dentist shall submit to the board at the time of biennial registration pursuant to section 4715.14 of the Revised Code a sworn affidavit, on a form acceptable to the state dental board, attesting that the dentist has completed continuing education programs in compliance with this section and listing the date, location, sponsor, subject matter, and hours completed of the programs.	2968 2969 2970 2971 2972 2973 2974
A licensed dentist shall retain in the dentist's records for a period of at least three years such receipts, vouchers, or certificates as may be necessary to document completion of continuing education programs. With cause, the board may request such documentation from licensed dentists, and the board may request such documentation from licensed dentists selected at random without cause.	2975 2976 2977 2978 2979 2980 2981
(D) The board may excuse licensed dentists, as a group or as individuals, from all or any part of the requirements of this section because of an unusual circumstance, emergency, or special hardship.	2982 2983 2984 2985
(E) The board shall notify a dentist who fails to submit the affidavit required by division (C) of this section of both of the following:	2986 2987 2988
(1) That the board has not received the affidavit;	2989
(2) That unless the board receives the affidavit before the first day of April following the last day of December by which the dentist was required to submit the affidavit, the board may, on or after the relevant first day of April, initiate	2990 2991 2992 2993

disciplinary action against the dentist pursuant to Chapter 119. 2994  
of the Revised Code. 2995

**Sec. 4715.21.** (A) Each person who desires to practice as a 2996  
dental hygienist shall file with the secretary of the state 2997  
dental board a written application for a license, under oath, 2998  
upon the form prescribed. Such applicant shall furnish 2999  
satisfactory proof of being at least eighteen years of age. An 3000  
applicant shall present a diploma or certificate of graduation 3001  
from an accredited dental hygiene school and shall pay the 3002  
examination fee of one hundred twenty dollars if the license is 3003  
issued in an odd-numbered year or one hundred eighty-four 3004  
dollars if issued in an even-numbered year, except that 3005  
beginning January 1, 2025, the fee shall be one hundred eighty- 3006  
four dollars regardless of the year in which the license is 3007  
issued. Those passing such examination as the board prescribes 3008  
relating to dental hygiene shall receive a certificate of 3009  
registration entitling them to practice. If an applicant fails 3010  
to pass the first examination the applicant may apply for a re- 3011  
examination at the next regular or special examination meeting 3012  
of the board. 3013

(B) No applicant shall be admitted to more than two 3014  
examinations without first presenting satisfactory proof that 3015  
the applicant has successfully completed such refresher courses 3016  
in an accredited dental hygiene school as the state dental board 3017  
may prescribe. 3018

(C) An accredited dental hygiene school shall be one 3019  
accredited by the American dental association commission on 3020  
dental accreditation or whose educational standards are 3021  
recognized by the American dental association commission on 3022  
dental accreditation and approved by the state dental board. 3023

Sec. 4715.25. (A) Every person licensed to practice as a dental hygienist and required to register with the state dental board shall certify to the board at the time of applying for a renewal of registration that in the two-year period preceding the registration period for which renewal is sought the registrant completed a minimum of ~~twenty-four~~ twenty hours of continuing dental hygiene education. Certification shall be made upon the application for registration prescribed by the board pursuant to section 4715.24 of the Revised Code.

(B) (1) The board shall apply toward the satisfaction of a registrant's continuing dental hygiene education requirement any of the following courses that the registrant completed:

(a) The basic life-support training course required by section 4715.251 of the Revised Code;

(b) Any course required by statute or rule of the board for registration;

(c) Any course required by statute or rule of the board as a condition of performing a particular function;

(d) Any other course that the board determines acceptable.

(2) In the case of a registrant whose license was reinstated under section 4715.242 of the Revised Code, the board shall apply toward the satisfaction of the registrant's continuing dental hygiene education requirement any course that the board applied toward the continuing dental hygiene education requirement for reinstatement of the license if the course was completed during the two-year period immediately preceding the registration period for which renewal is sought.

(C) Continuing education programs may be developed and offered to dental hygienists by any of the following agencies or

organizations:	3053
(1) National, state, district, or local dental hygienists' associations affiliated with the American dental hygienists' association;	3054 3055 3056
(2) National, state, district, or local dental associations affiliated with the American dental association or national dental association;	3057 3058 3059
(3) Accredited dental hygiene colleges or schools;	3060
(4) Accredited dental colleges or schools;	3061
(5) Other organizations, schools, paraprofessional programs, or agencies approved by the state dental board.	3062 3063
(D) A licensed dental hygienist shall retain in the dental hygienist's records for a period of at least four years such receipts, vouchers, or certificates as may be necessary to document completion of continuing education programs. With cause, the board may request such documentation from licensed dental hygienists, and the board may request such documentation from licensed dental hygienists at random without cause.	3064 3065 3066 3067 3068 3069 3070
(E) The board may excuse licensed dental hygienists, as a group or as individuals, from all or any part of the requirements of this section because of an unusual circumstance, emergency, or special hardship.	3071 3072 3073 3074
(F) Failure to comply with the requirements of this section constitutes a failure to renew registration pursuant to section 4715.24 of the Revised Code.	3075 3076 3077
<b>Sec. 4717.01.</b> As used in this chapter:	3078
(A) "Embalming" means the process of chemically treating	3079

the dead human body by any of the following to reduce the 3080  
presence and growth of microorganisms, to temporarily slow 3081  
organic decomposition, and to restore acceptable physical 3082  
appearance: 3083

(1) Arterial injection; 3084

(2) Cavity treatment; 3085

(3) Hypodermic tissue injection. 3086

(B) "Funeral business" means a sole proprietorship, 3087  
partnership, corporation, limited liability company, or other 3088  
business entity that is engaged in funeral directing for profit 3089  
or for free from one or more funeral homes licensed under this 3090  
chapter. 3091

(C) "Funeral directing" means the business or profession 3092  
of directing or supervising funerals for profit from one or more 3093  
funeral homes licensed under this chapter, the arrangement or 3094  
sale of funeral services, the filling out or execution of a 3095  
funeral service contract, the business or profession of 3096  
preparing dead human bodies for burial by means other than 3097  
embalming, the disposition of dead human bodies, the provision 3098  
or maintenance of a place for the preparation, the care, or 3099  
disposition of dead human bodies, the use in connection with a 3100  
business of the term "funeral director," "undertaker," 3101  
"mortician," or any other term from which can be implied the 3102  
business of funeral directing, or the holding out to the public 3103  
that one is a funeral director or a disposer of dead human 3104  
bodies. 3105

(D) "Funeral home" means a fixed place for the care, 3106  
preparation for burial, or disposition of dead human bodies or 3107  
the conducting of funerals. Each business location is a funeral 3108

home, regardless of common ownership or management. 3109

(E) "Embalmer" means a person who engages, in whole or in 3110  
part, in embalming and who is licensed under this chapter. 3111

(F) "Funeral director" means a person who engages, in 3112  
whole or in part, in funeral directing and who is licensed under 3113  
this chapter. 3114

(G) "Final disposition" has the same meaning as in 3115  
division (J) of section 3705.01 of the Revised Code. 3116

(H) "Supervision" means the operation of all phases of the 3117  
business of funeral directing or embalming under the specific 3118  
direction of a licensed funeral director or licensed embalmer. 3119

(I) "Direct supervision" means the physical presence of a 3120  
licensed funeral director or licensed embalmer while the 3121  
specific functions of the funeral or embalming are being carried 3122  
out. 3123

(J) "Embalming facility" means a fixed location, separate 3124  
from the funeral home, that is licensed under this chapter whose 3125  
only function is the embalming and preparation of dead human 3126  
bodies. 3127

(K) "Crematory facility" means the physical location at 3128  
which a cremation chamber is located and the cremation process 3129  
takes place. "Crematory facility" does not include an infectious 3130  
waste incineration facility for which a license is held under 3131  
division (B) of section 3734.05 of the Revised Code, or a solid 3132  
waste incineration facility for which a license is held under 3133  
division (A) of that section that includes a notation pursuant 3134  
to division (B) (3) of that section authorizing the facility to 3135  
also treat infectious wastes, in connection with the 3136  
incineration of body parts other than dead human bodies that 3137

were donated to science for purposes of medical education or 3138  
research. 3139

(L) "Crematory" means the building or portion of a 3140  
building that houses the holding facility and the cremation 3141  
chamber. 3142

(M) "Cremation" means the technical process of using heat 3143  
and flame to reduce human or animal remains to bone fragments or 3144  
ashes or any combination thereof. "Cremation" includes 3145  
processing and may include the pulverization of bone fragments. 3146

(N) "Cremation chamber" means the enclosed space within 3147  
which cremation takes place. 3148

(O) "Cremated remains" means all human or animal remains 3149  
recovered after the completion of the cremation process, which 3150  
may include the residue of any foreign matter such as casket 3151  
material, dental work, or eyeglasses that were cremated with the 3152  
human or animal remains. 3153

(P) "Lapsed license" means a license issued under this 3154  
chapter that has become invalid because of the failure of the 3155  
licensee to renew the license within the time limits prescribed 3156  
under this chapter. 3157

(Q) "Crematory operator" means the person who engages, in 3158  
whole or in part, in cremation from one or more crematories 3159  
licensed under this chapter ~~and who has been issued a crematory~~ 3160  
~~operator permit under this chapter.~~ 3161

(R) "Processing" means the reduction of identifiable bone 3162  
fragments to unidentifiable bone fragments through manual or 3163  
mechanical means after the completion of the cremation process. 3164

(S) "Pulverization" means the reduction of identifiable 3165

bone fragments to granulated particles by manual or mechanical 3166  
means after the completion of the cremation process. 3167

(T) "Preneed funeral contract" means a written agreement, 3168  
contract, or series of contracts to sell or otherwise provide 3169  
any funeral services, funeral goods, or any combination thereof 3170  
to be used in connection with the funeral or final disposition 3171  
of a dead human body, where payment for the goods or services is 3172  
made either outright or on an installment basis, prior to the 3173  
death of the person purchasing the goods or services or for whom 3174  
the goods or services are purchased. "Preneed funeral contract" 3175  
does not include any preneed cemetery merchandise and services 3176  
contract or any agreement, contract, or series of contracts 3177  
pertaining to the sale of any burial lot, burial or interment 3178  
right, entombment right, or columbarium right with respect to 3179  
which an endowment care fund is established or is exempt from 3180  
establishment pursuant to section 1721.21 of the Revised Code. 3181

For the purposes of division (T) of this section, "funeral 3182  
goods" includes caskets. 3183

(U) "Purchaser" means the individual who has purchased and 3184  
financed a preneed funeral contract, and who may or may not be 3185  
the contract beneficiary. 3186

(V) "Contract beneficiary" means the individual for whom 3187  
funeral goods and funeral services are provided pursuant to a 3188  
preneed funeral contract. 3189

(W) "Seller" means any person that enters into a preneed 3190  
funeral contract with a purchaser for the provision of funeral 3191  
goods, funeral services, or both. 3192

(X) "Felony" means a criminal act classified as a felony 3193  
by this state, any other state, or federal law. 3194

**Sec. 4717.02.** (A) There is hereby created the board of 3195  
embalmers and funeral directors consisting of seven members to 3196  
be appointed by the governor with the advice and consent of the 3197  
senate. Five members shall be licensed practicing funeral 3198  
directors, four of which shall also be licensed embalmers. Each 3199  
of the funeral director members shall have at least ten 3200  
consecutive years of experience in this state immediately 3201  
preceding the date of the person's appointment. In addition, one 3202  
of the funeral director members shall ~~hold a crematory operator-~~ 3203  
~~permit and~~ be knowledgeable and experienced in operating a 3204  
crematory. Two members shall represent the public; at least one 3205  
of these members shall be at least sixty years of age. 3206

(B) Terms of office are for five years, commencing on the 3207  
first day of July and ending on the last day of June. Each 3208  
member shall hold office from the date of the member's 3209  
appointment until the end of the term for which the member was 3210  
appointed. Before entering upon the duties of the office, each 3211  
member shall take and file with the secretary of state an oath 3212  
of office as required by Section 7 of Article XV, Ohio 3213  
Constitution. 3214

(C) The governor may remove a member of the board for 3215  
neglect of duty, incompetency, or immoral conduct. Vacancies 3216  
shall be filled in the manner provided for original 3217  
appointments. Any member appointed to fill a vacancy occurring 3218  
prior to the expiration date of the term for which the member's 3219  
predecessor was appointed shall hold office as a member for the 3220  
remainder of that term. A member shall continue in office 3221  
subsequent to the expiration date of the member's term until the 3222  
member's successor takes office, or until a period of sixty days 3223  
has elapsed, whichever occurs first. 3224

(D) Each member of the board shall receive an amount fixed 3225  
under division (J) of section 124.15 of the Revised Code for 3226  
each day, not to exceed sixty days per year, employed in the 3227  
discharge of the member's duties as a board member, together 3228  
with any necessary expenses incurred in the performance of those 3229  
duties. 3230

**Sec. 4717.03.** (A) Members of the board of embalmers and 3231  
funeral directors shall annually in July, or within thirty days 3232  
after the senate's confirmation of the new members appointed in 3233  
that year, meet and organize by selecting from among its members 3234  
a president, vice-president, and secretary-treasurer. The board 3235  
may hold other meetings as it determines necessary. A quorum of 3236  
the board consists of four members, of whom at least three shall 3237  
be members who are funeral directors. The concurrence of at 3238  
least four members is necessary for the board to take any 3239  
action. The president and secretary-treasurer shall sign all 3240  
licenses issued under this chapter and affix the board's seal to 3241  
each license. 3242

(B) The board may appoint an individual who is not a 3243  
member of the board to serve as executive director of the board. 3244  
The executive director serves at the pleasure of the board and 3245  
shall do all of the following: 3246

(1) Serve as the board's chief administrative officer; 3247

(2) Act as custodian of the board's records; 3248

(3) Execute all of the board's orders; 3249

(4) Employ staff who are not members of the board and who 3250  
serve at the pleasure of the executive director to provide any 3251  
assistance that the board considers necessary. 3252

(C) In executing the board's orders as required by 3253

division (B) (3) of this section, the executive director may 3254  
enter the premises, establishment, office, or place of business 3255  
of any embalmer, funeral director, or crematory operator in this 3256  
state. The executive director may serve and execute any process 3257  
issued by any court under this chapter. 3258

(D) The executive director may employ necessary 3259  
inspectors, who shall be licensed embalmers and funeral 3260  
directors. An inspector employed by the executive director may 3261  
enter the premises, establishment, office, or place of business 3262  
of any embalmer, funeral director, ~~or~~ crematory operator, 3263  
embalming facility, funeral home, or crematory facility in this 3264  
state, ~~for the purposes of inspecting the facility and premises;~~ 3265  
~~the any license, permit, and or certification of embalmers,~~ 3266  
~~funeral directors, and crematory operators issued under this~~ 3267  
~~chapter to persons operating in the facility;~~ and the license of 3268  
the funeral home, embalming facility, or crematory facility and 3269  
perform any other duties delegated to the inspector by the board 3270  
or assigned to the inspector by the executive director. The 3271  
executive director may enter the facility or premises of a 3272  
funeral home, embalming facility, or crematory for the purpose 3273  
of an inspection if accompanied by an inspector or, if an 3274  
inspector is not available, when a situation presents a danger 3275  
of immediate and serious harm to the public. 3276

(E) The president of the board shall designate three of 3277  
the board's members to serve on the crematory review board, 3278  
which is hereby created, for such time as the president finds 3279  
appropriate to carry out the provisions of this chapter. Those 3280  
members of the crematory review board designated by the 3281  
president to serve and three members designated by the cemetery 3282  
dispute resolution commission shall designate, by a majority 3283  
vote, one person who ~~holds a crematory operator permit, who is~~ 3284

experienced in the operation of a crematory facility<sup>7</sup> and who is 3285  
not affiliated with a cemetery or a funeral home to serve on the 3286  
crematory review board for such time as the crematory review 3287  
board finds appropriate. Members serving on the crematory review 3288  
board shall not receive any additional compensation for serving 3289  
on the board, but may be reimbursed for their actual and 3290  
necessary expenses incurred in the performance of official 3291  
duties as members of the board. Members of the crematory review 3292  
board shall designate one from among its members to serve as a 3293  
chairperson for such time as the board finds appropriate. Costs 3294  
associated with conducting an adjudicatory hearing in accordance 3295  
with division (F) of this section shall be paid from funds 3296  
available to the board of embalmers and funeral directors. 3297

(F) Upon receiving written notice from the board of 3298  
embalmers and funeral directors of any of the following, the 3299  
crematory review board shall conduct an adjudicatory hearing on 3300  
the matter in accordance with Chapter 119. of the Revised Code, 3301  
except as otherwise provided in this section or division (C) of 3302  
section 4717.14 of the Revised Code: 3303

(1) Notice provided under division (I) of this section of 3304  
an alleged violation of any provision of this chapter or any 3305  
rules adopted under this chapter governing or in connection with 3306  
crematory operators, crematory facilities, or cremation; 3307

(2) Notice provided under division (B) of section 4717.14 3308  
of the Revised Code that the board of embalmers and funeral 3309  
directors proposes to refuse to grant or renew, or to suspend or 3310  
revoke, a license to operate a crematory facility; 3311

(3) Notice provided under division (C) of section 4717.14 3312  
of the Revised Code that the board of embalmers and funeral 3313  
directors has issued an order summarily suspending ~~a crematory~~ 3314

~~operator permit or a license to operate a crematory facility;~~ 3315

(4) Notice provided under division (B) of section 4717.15 3316  
of the Revised Code that the board of embalmers and funeral 3317  
directors proposes to issue a notice of violation and order 3318  
requiring payment of a forfeiture for any violation described in 3319  
divisions (A) (9) (a) to (g) of section 4717.04 of the Revised 3320  
Code alleged in connection with a crematory operator, crematory 3321  
facility, or cremation. 3322

Nothing in division (F) of this section precludes the 3323  
crematory review board from appointing an independent examiner 3324  
in accordance with section 119.09 of the Revised Code to conduct 3325  
any adjudication hearing required under division (F) of this 3326  
section. 3327

The crematory review board shall submit a written report 3328  
of findings and advisory recommendations, and a written 3329  
transcript of its proceedings, to the board of embalmers and 3330  
funeral directors. The board of embalmers and funeral directors 3331  
shall serve a copy of the written report of the crematory review 3332  
board's findings and advisory recommendations on the party to 3333  
the adjudication or the party's attorney, by certified mail, 3334  
within five days after receiving the report and advisory 3335  
recommendations. A party may file objections to the written 3336  
report with the board of embalmers and funeral directors within 3337  
ten days after receiving the report. No written report is final 3338  
or appealable until it is issued as a final order by the board 3339  
of embalmers and funeral directors and entered on the record of 3340  
the proceedings. The board of embalmers and funeral directors 3341  
shall consider objections filed by the party prior to issuing a 3342  
final order. After reviewing the findings and advisory 3343  
recommendations of the crematory review board, the written 3344

transcript of the crematory review board's proceedings, and any 3345  
objections filed by a party, the board of embalmers and funeral 3346  
directors shall issue a final order in the matter. Any party may 3347  
appeal the final order issued by the board of embalmers and 3348  
funeral directors in a matter described in divisions (F) (1) to 3349  
(4) of this section in accordance with section 119.12 of the 3350  
Revised Code, except that the appeal may be made to the court of 3351  
common pleas in the county in which is located the crematory 3352  
facility to which the final order pertains, or in the county in 3353  
which the party resides. 3354

(G) On its own initiative or on receiving a written 3355  
complaint from any person whose identity is made known to the 3356  
board of embalmers and funeral directors, the board shall 3357  
investigate the acts or practices of any person holding or 3358  
claiming to hold a license, permit, or certification under this 3359  
chapter that, if proven to have occurred, would violate this 3360  
chapter or any rules adopted under it. The board may compel 3361  
witnesses by subpoena to appear and testify in relation to 3362  
investigations conducted under this chapter and may require by 3363  
subpoena duces tecum the production of any book, paper, or 3364  
document pertaining to an investigation. If a person does not 3365  
comply with a subpoena or subpoena duces tecum, the board may 3366  
apply to the court of common pleas of any county in this state 3367  
for an order compelling the person to comply with the subpoena 3368  
or subpoena duces tecum, or for failure to do so, to be held in 3369  
contempt of court. 3370

(H) If, as a result of its investigation conducted under 3371  
division (G) of this section, the board of embalmers and funeral 3372  
directors has reasonable cause to believe that the person 3373  
investigated is violating any provision of this chapter or any 3374  
rules adopted under this chapter governing or in connection with 3375

embalming, funeral directing, cremation, funeral homes, 3376  
embalming facilities, or cremation facilities, or the operation 3377  
of funeral homes, embalming facilities, or crematory facilities, 3378  
it may, after providing the opportunity for an adjudicatory 3379  
hearing, issue an order directing the person to cease the acts 3380  
or practices that constitute the violation. The board shall 3381  
conduct the adjudicatory hearing in accordance with Chapter 119. 3382  
of the Revised Code except that, notwithstanding the provisions 3383  
of that chapter, the following shall apply: 3384

(1) The board shall send the notice informing the person 3385  
of the person's right to a hearing by certified mail. 3386

(2) The person is entitled to a hearing only if the person 3387  
requests a hearing and if the board receives the request within 3388  
thirty days after the mailing of the notice described in 3389  
division (H) (1) of this section. 3390

(3) A stenographic record shall be taken, in the manner 3391  
prescribed in section 119.09 of the Revised Code, at every 3392  
adjudicatory hearing held under this section, regardless of 3393  
whether the record may be the basis of an appeal to a court. 3394

(I) If, as a result of its investigation conducted under 3395  
division (G) of this section, the board of embalmers and funeral 3396  
directors has reasonable cause to believe that the person 3397  
investigated is violating any provision of this chapter or any 3398  
rules adopted under this chapter governing or in connection with 3399  
crematory operators, crematory facilities, or cremation, the 3400  
board shall send written notice of the alleged violation to the 3401  
crematory review board. If, after the conclusion of the 3402  
adjudicatory hearing in the matter conducted under division (F) 3403  
of this section, the board of embalmers and funeral directors 3404  
finds that a person is in violation of any provision of this 3405

chapter or any rules adopted under this chapter governing or in 3406  
connection with crematory operators, crematory facilities, or 3407  
cremation, the board may issue a final order under that division 3408  
directing the person to cease the acts or practices that 3409  
constitute the violation. 3410

(J) The board of embalmers and funeral directors may bring 3411  
a civil action to enjoin any violation or threatened violation 3412  
of sections 4717.01 to 4717.15 of the Revised Code or a rule 3413  
adopted under any of those sections; division (A) or (B) of 3414  
section 4717.23; division (B) (1) or (2), (C) (1) or (2), (D), 3415  
(E), or (F) (1) or (2), or divisions (H) to (K) of section 3416  
4717.26; division (D) (1) of section 4717.27; divisions (A) to 3417  
(C) of section 4717.28, or division (D) or (E) of section 3418  
4717.31 of the Revised Code. The action shall be brought in the 3419  
county where the violation occurred or the threatened violation 3420  
is expected to occur. At the request of the board, the attorney 3421  
general shall represent the board in any matter arising under 3422  
this chapter. 3423

(K) The board of embalmers and funeral directors and the 3424  
crematory review board may issue subpoenas for any person 3425  
holding a license or permit under this chapter or persons 3426  
holding themselves out as such, or for any other person whose 3427  
testimony, in the opinion of either board, is necessary. The 3428  
subpoena shall require the person to appear before the 3429  
appropriate board or any designated member of either board, upon 3430  
any hearing conducted under this chapter. The penalty for 3431  
disobedience to the command of such a subpoena is the same as 3432  
for refusal to answer such a process issued under authority of 3433  
the court of common pleas. 3434

(L) Except as provided in section 4717.41 of the Revised 3435

Code, all moneys received by the board of embalmers and funeral directors from any source shall be deposited in the state treasury to the credit of the occupational licensing and regulatory fund created in section 4743.05 of the Revised Code.

(M) The board of embalmers and funeral directors shall submit a written report to the governor on or before the first Monday of July of each year. This report shall contain a detailed statement of the nature and amount of the board's receipts and the amount and manner of its expenditures.

**Sec. 4717.04.** (A) The board of embalmers and funeral directors shall adopt rules in accordance with Chapter 119. of the Revised Code for the government, transaction of the business, and the management of the affairs of the board of embalmers and funeral directors and the crematory review board, and for the administration and enforcement of this chapter. These rules shall include all of the following:

(1) The nature, scope, content, and form of the application that must be completed and license examination that must be passed in order to receive an embalmer's license or a funeral director's license under section 4717.05 of the Revised Code. The rules shall ensure both of the following:

(a) That the embalmer's license examination tests the applicant's knowledge through at least a comprehensive section and an Ohio laws section;

(b) That the funeral director's license examination tests the applicant's knowledge through at least a comprehensive section, an Ohio laws section, and a sanitation section.

(2) The minimum license examination score necessary to be licensed under section 4717.05 of the Revised Code as an

embalmer or as a funeral director;	3465
(3) Procedures for determining the dates of the embalmer's and funeral director's license examinations, which shall be administered at least once each year, the time and place of each examination, and the supervision required for each examination;	3466 3467 3468 3469
(4) Procedures for determining whether the board shall accept an applicant's compliance with the licensure, registration, or certification requirements of another state as grounds for granting the applicant a license under this chapter;	3470 3471 3472 3473
(5) A determination of whether completion of a nationally recognized embalmer's or funeral director's examination sufficiently meets the license requirements for the comprehensive section of either the embalmer's or the funeral director's license examination administered under this chapter;	3474 3475 3476 3477 3478
(6) Continuing education requirements for licensed embalmers and funeral directors;	3479 3480
(7) Requirements for the licensing and operation of funeral homes;	3481 3482
(8) Requirements for the licensing and operation of embalming facilities;	3483 3484
(9) A schedule that lists, and specifies a forfeiture commensurate with, each of the following types of conduct which, for the purposes of division (A) (9) of this section and section 4717.15 of the Revised Code, are violations of this chapter:	3485 3486 3487 3488
(a) Obtaining a license under this chapter by fraud or misrepresentation either in the application or in passing the required examination for the license;	3489 3490 3491
(b) Purposely violating any provision of sections 4717.01	3492

to 4717.15 of the Revised Code or a rule adopted under any of 3493  
those sections; division (A) or (B) of section 4717.23; division 3494  
(B) (1) or (2), (C) (1) or (2), (D), (E), or (F) (1) or (2), or 3495  
divisions (H) to (K) of section 4717.26; division (D) (1) of 3496  
section 4717.27; or divisions (A) to (C) of section 4717.28 of 3497  
the Revised Code; 3498

(c) Committing unprofessional conduct; 3499

(d) Knowingly permitting an unlicensed person, other than 3500  
a person serving an apprenticeship, to engage in the profession 3501  
or business of embalming or funeral directing under the 3502  
licensee's supervision; 3503

(e) Refusing to promptly submit the custody of a dead 3504  
human body or cremated remains upon the express order of the 3505  
person legally entitled to the body; 3506

(f) Transferring a license to operate a funeral home, 3507  
embalming facility, or crematory facility from one owner or 3508  
operator to another, or from one location to another, without 3509  
notifying the board and following the requirements of section 3510  
4717.11 of the Revised Code; 3511

(g) Misleading the public using false or deceptive 3512  
advertising; 3513

(h) Failing to forward to the board on or before its due 3514  
date the annual report of preneed funeral sales required by 3515  
division (J) of section 4717.31 of the Revised Code. If the 3516  
annual report is sent to the board by United States mail, it 3517  
shall be postmarked on or before the due date for the submission 3518  
of the annual report in order to be timely filed with the board. 3519  
Mail that is not postmarked shall be considered filed on the 3520  
date it is received by the board. 3521

Each instance of the commission of any of the types of 3522  
conduct described in division (A) (9) of this section is a 3523  
separate violation. The rules adopted under division (A) (9) of 3524  
this section shall establish the amount of the forfeiture for a 3525  
violation of each of those divisions. The forfeiture for a first 3526  
violation shall not exceed five thousand dollars, and the 3527  
forfeiture for a second or subsequent violation shall not exceed 3528  
ten thousand dollars. The amount of the forfeiture may differ 3529  
among the types of violations according to what the board 3530  
considers the seriousness of each violation. 3531

(10) Requirements for the licensing and operation of 3532  
crematory facilities; 3533

(11) Procedures for the board to take possession of and to 3534  
arrange the lawful disposition of unclaimed cremated remains 3535  
that were held or stored at a funeral home or crematory that has 3536  
been closed; 3537

(12) Procedures for the issuance of duplicate licenses; 3538

(13) Requirements for criminal records checks of 3539  
applicants under section 4776.03 of the Revised Code; 3540

(14) The amount and content of corrective action courses 3541  
required by the board under section 4717.14 of the Revised Code; 3542

(15) Requirements that a crematory operator maintain, and 3543  
file with the board of embalmers and funeral directors evidence 3544  
of, an active certification from a national crematory operator 3545  
certification program as a condition for acting as a crematory 3546  
operator in this state. 3547

(B) The board may adopt rules governing the educational 3548  
standards for licensure as an embalmer or funeral director, ~~or 3549  
obtaining a permit to be a crematory operator,~~ and the standards 3550

of service and practice to be followed in embalming, funeral 3551  
directing, and cremation, and in the operation of funeral homes, 3552  
embalming facilities, and crematory facilities in this state. 3553

(C) Nothing in this chapter authorizes the board of 3554  
embalmers and funeral directors to regulate cemeteries, except 3555  
that the board shall license and regulate funeral homes, 3556  
embalming facilities, and crematory facilities located at 3557  
cemeteries in accordance with this chapter. 3558

(D) If the executive director of the board has knowledge 3559  
or notice of a violation of division (A) (1), (3), (5), or (6) of 3560  
section 4717.13 of the Revised Code or that a person is engaging 3561  
in the business or profession of funeral directing in violation 3562  
of division (A) (14) of that section, the executive director 3563  
shall investigate the matter, and, upon probable cause 3564  
appearing, cause an attorney employed by or contracting with the 3565  
board to file a complaint and prosecute the offender. When 3566  
requested by the executive director, the prosecuting attorney of 3567  
the proper county or the attorney general shall take charge of 3568  
and conduct such prosecution. 3569

**Sec. 4717.05.** (A) Any person who desires to be licensed as 3570  
an embalmer shall apply to the board of embalmers and funeral 3571  
directors on a form provided by the board. The applicant shall 3572  
include with the application an initial license fee as set forth 3573  
in section 4717.07 of the Revised Code and evidence, verified by 3574  
oath and satisfactory to the board, that the applicant meets all 3575  
of the following requirements: 3576

(1) The applicant is at least eighteen years of age. 3577

(2) The applicant holds at least a bachelor's degree from 3578  
a college or university authorized to confer degrees by the 3579

department of higher education or the comparable legal agency of 3580  
another state in which the college or university is located and 3581  
submits an official transcript from that college or university 3582  
with the application. 3583

(3) The applicant has satisfactorily completed at least 3584  
twelve months of instruction in a prescribed course in mortuary 3585  
science as approved by the board and has presented to the board 3586  
a certificate showing successful completion of the course. The 3587  
course of mortuary science college training may be completed 3588  
either before or after the completion of the educational 3589  
standard set forth in division (A) (2) of this section. 3590

(4) The applicant has been certified by the board prior to 3591  
beginning an embalmer apprenticeship. 3592

(5) The applicant, following mortuary science college 3593  
training described in division (A) (3) of this section, has 3594  
satisfactorily completed at least one year of a one-year 3595  
apprenticeship under an embalmer licensed in this state and has 3596  
participated in embalming at least twenty-five-fifteen dead 3597  
human bodies. 3598

(6) The applicant, upon meeting the educational standards 3599  
provided for in divisions (A) (2) and (3) of this section and 3600  
completing the apprenticeship required in division (A) (5) of 3601  
this section, has completed the examination for an embalmer's 3602  
license required by the board. 3603

(B) Upon receiving satisfactory evidence verified by oath 3604  
that the applicant meets all the requirements of division (A) of 3605  
this section, the board shall issue the applicant an embalmer's 3606  
license. 3607

(C) Any person who desires to be licensed as a funeral 3608

director shall apply to the board on a form prescribed by the 3609  
board. The application shall include an initial license fee as 3610  
set forth in section 4717.07 of the Revised Code and evidence, 3611  
verified by oath and satisfactory to the board, that the 3612  
applicant meets all of the following requirements: 3613

(1) Except as otherwise provided in division (D) of this 3614  
section, the applicant has satisfactorily met all the 3615  
requirements for an embalmer's license as described in divisions 3616  
(A) (1) to (3) of this section. 3617

(2) The applicant has been certified by the board prior to 3618  
beginning a funeral director apprenticeship. 3619

(3) The applicant, following mortuary science college 3620  
training described in division (A) (3) of this section, has 3621  
satisfactorily completed a one-year apprenticeship under a 3622  
licensed funeral director in this state and has participated in 3623  
directing at least twenty-five funerals. 3624

(4) The applicant has satisfactorily completed the 3625  
examination for a funeral director's license as required by the 3626  
board. 3627

(D) In lieu of mortuary science college training required 3628  
for a funeral director's license under division (C) (1) of this 3629  
section, the applicant may substitute a satisfactorily completed 3630  
two-year apprenticeship under a licensed funeral director in 3631  
this state assisting that person in directing at least fifty 3632  
funerals. 3633

(E) Upon receiving satisfactory evidence that the 3634  
applicant meets all the requirements of division (C) of this 3635  
section, the board shall issue to the applicant a funeral 3636  
director's license. 3637

(F) A funeral director or embalmer who is in good standing 3638  
with the board and is in compliance with applicable continuing 3639  
education requirements may request the funeral director's or 3640  
embalmer's license be placed on inactive status by submitting to 3641  
the board a form prescribed by the board and such other 3642  
information as the board may request. ~~A funeral director or~~ 3643  
~~embalmer may not place the funeral director's or embalmer's~~ 3644  
~~license on inactive status unless the funeral director or~~ 3645  
~~embalmer is in good standing with the board and is in compliance~~ 3646  
~~with applicable continuing education requirements.~~ A funeral 3647  
director or embalmer who is granted inactive status is 3648  
prohibited from participating in any activity for which a 3649  
funeral director's or embalmer's license is required in this 3650  
state. A funeral director or embalmer who has been granted 3651  
inactive status is exempt from the continuing education 3652  
requirements under section 4717.09 of the Revised Code during 3653  
the period of the inactive status. 3654

(G) A funeral director or embalmer who has been granted 3655  
inactive status may not return to active status for at least two 3656  
years following the date that the inactive status was granted. 3657  
Following a period of at least two years of inactive status, the 3658  
funeral director or embalmer may apply to return to active 3659  
status upon completion of all of the following conditions: 3660

(1) The funeral director or embalmer files with the board 3661  
a form prescribed by the board seeking active status and 3662  
provides any other information as the board may request; 3663

(2) The funeral director or embalmer takes and passes the 3664  
Ohio laws examination for each license being activated; 3665

(3) The funeral director or embalmer pays to the board the 3666  
reactivation fee described in division (A) (1) of section 4717.07 3667

of the Revised Code. 3668

(H) A person enrolled at a college or university 3669  
authorized to confer degrees by the department of higher 3670  
education or the comparable agency of another state in which the 3671  
college or university is located may apply to be a funeral 3672  
director apprentice, embalmer apprentice, or combined funeral 3673  
director and embalmer apprentice. 3674

**Sec. 4717.06.** (A) (1) A licensed funeral director who 3675  
desires to obtain a license to operate a funeral home, a 3676  
licensed embalmer who desires to obtain a license to operate an 3677  
embalming facility, ~~or a holder of a crematory operator permit~~ 3678  
who desires to obtain a license to operate a crematory facility 3679  
shall apply to the board of embalmers and funeral directors on a 3680  
form prescribed by the board. The application shall include the 3681  
initial license application fee set forth in section 4717.07 of 3682  
the Revised Code and proof satisfactory to the board that the 3683  
funeral home, embalming facility, or crematory facility is in 3684  
compliance with rules adopted by the board under section 4717.04 3685  
of the Revised Code, rules adopted by the board of building 3686  
standards under Chapter 3781. of the Revised Code, and all other 3687  
federal, state, and local requirements relating to the safety of 3688  
the premises. 3689

(2) If the funeral home, embalming facility, or crematory 3690  
facility to which the license application pertains is owned by a 3691  
corporation or limited liability company, the application shall 3692  
include the name and address of the corporation's or limited 3693  
liability company's statutory agent appointed under section 3694  
1701.07 of the Revised Code, former section 1705.06 of the 3695  
Revised Code as that section existed prior to February 11, 2022, 3696  
or section 1706.09 of the Revised Code or, in the case of a 3697

foreign corporation, the corporation's designated agent 3698  
appointed under section 1703.041 of the Revised Code. If the 3699  
funeral home, embalming facility, or crematory facility to which 3700  
the application pertains is owned by a partnership, the 3701  
application shall include the name and address of each of the 3702  
partners. If, at any time after the submission of a license 3703  
application or issuance of a license, the statutory or 3704  
designated agent of a corporation or limited liability company 3705  
owning a funeral home, embalming facility, or crematory facility 3706  
or the address of the statutory or designated agent changes or, 3707  
in the case of a partnership, any of the partners of the funeral 3708  
home, embalming facility, or crematory facility or the address 3709  
of any of the partners changes, the applicant for or holder of 3710  
the license to operate the funeral home, embalming facility, or 3711  
crematory facility shall submit written notice to the board, 3712  
within thirty days after the change, informing the board of the 3713  
change and of any name or address of a statutory or designated 3714  
agent or partner that has changed from that contained in the 3715  
application for the license or the most recent notice submitted 3716  
under division (A) (2) of this section. 3717

(B) (1) The board of embalmers and funeral directors shall 3718  
issue a license to operate a funeral home only to a licensed 3719  
funeral director who is named in the application as the funeral 3720  
director actually in charge and ultimately responsible for the 3721  
funeral home. The board shall issue the license only for the 3722  
address at which the funeral home is physically located and 3723  
operated. The funeral home license and licenses of the embalmers 3724  
and funeral directors employed by the funeral home shall be 3725  
displayed in a conspicuous place within the funeral home. 3726

(2) The funeral home shall have on the premises one of the 3727  
following: 3728

(a) If embalming will take place at the funeral home, an 3729  
embalming room that is adequately equipped and maintained. The 3730  
embalming room shall be kept in a clean and sanitary manner and 3731  
used only for the embalming, preparation, or holding of dead 3732  
human bodies. The embalming room shall contain only the 3733  
articles, facilities, and instruments necessary for those 3734  
purposes. 3735

(b) If embalming will not take place at the funeral home, 3736  
a holding room that is adequately equipped and maintained. The 3737  
holding room shall be kept in a clean and sanitary manner and 3738  
used only for the preparation, other than embalming, and holding 3739  
of dead human bodies. The holding room shall contain only the 3740  
articles and facilities necessary for those purposes. 3741

(3) Each funeral home shall be directly supervised by a 3742  
funeral director licensed under this chapter, who may supervise 3743  
more than one funeral home. 3744

(C) (1) The board shall issue a license to operate an 3745  
embalming facility only to a licensed embalmer who is actually 3746  
in charge of and ultimately responsible for the embalming 3747  
facility. The board shall issue the license only for the address 3748  
at which the embalming facility is physically located and 3749  
operated. The license shall be displayed in a conspicuous place 3750  
within the facility. 3751

(2) The embalming facility shall be adequately equipped 3752  
and maintained in a sanitary manner. The embalming room at such 3753  
a facility shall contain only the articles, facilities, and 3754  
instruments necessary for its stated purpose. The embalming room 3755  
shall be kept in a clean and sanitary condition and used only 3756  
for the care and preparation of dead human bodies. 3757

(D) (1) The board shall issue a license to operate a crematory facility only to a crematory operator who is actually in charge and ultimately responsible for the crematory facility. The board shall issue the license only for the address at which the crematory facility is physically located and operated. The license shall be displayed in a conspicuous place within the crematory facility.

(2) The crematory facility shall be adequately equipped and maintained in a clean and sanitary manner. The crematory facility may be located in a funeral home, embalming facility, cemetery building, or other building in which the crematory facility may lawfully operate. If a crematory facility engages in the cremation of animals, the crematory facility shall cremate animals in a cremation chamber that also is not used to cremate dead human bodies or human body parts and shall not cremate animals in a cremation chamber used for the cremation of dead human bodies and human body parts. Cremation chambers that are used for the cremation of dead human bodies or human body parts and cremation chambers used for the cremation of animals may be located in the same area. Cremation chambers used for the cremation of animals shall have conspicuously displayed on the unit a notice that the unit is to be used for animals only.

(3) A license to operate a crematory facility shall be issued to the person actually in charge of the crematory facility. This section does not require the individual who is actually in charge of the crematory facility to be an embalmer or funeral director licensed under this chapter.

(4) Nothing in this section or rules adopted under section 4717.04 of the Revised Code precludes the establishment and operation of a crematory facility on or adjacent to the property

on which a cemetery, funeral home, or embalming facility is located.	3788 3789
<b>Sec. 4717.07.</b> (A) The board of embalmers and funeral directors shall charge and collect the following fees:	3790 3791
(1) For applying for an initial or biennial renewal of an embalmer's or funeral director's license, or a reactivation of a license as described in division (G) of section 4717.05 of the Revised Code, two hundred dollars;	3792 3793 3794 3795
(2) For applying for an embalmer or funeral director certificate of apprenticeship, thirty-five dollars;	3796 3797
(3) For the application to take the examination for a license to practice as an embalmer or funeral director, or to retake a section of the examination, thirty-five dollars;	3798 3799 3800
(4) For applying for an initial license to operate a funeral home, four hundred dollars and biennial renewal of a license to operate a funeral home, four hundred dollars;	3801 3802 3803
(5) For the reinstatement of a lapsed embalmer's or funeral director's license, the renewal fee prescribed in division (A)(1) of this section plus fifty dollars for each month or portion of a month the license is lapsed, but not more than one thousand dollars;	3804 3805 3806 3807 3808
(6) For the reinstatement of a lapsed license to operate a funeral home, the renewal fee prescribed in division (A)(4) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement, but not more than one thousand dollars;	3809 3810 3811 3812 3813
(7) For applying for a license to operate an embalming facility, four hundred dollars and biennial renewal of a license	3814 3815

to operate an embalming facility, four hundred dollars;	3816
(8) For the reinstatement of a lapsed license to operate	3817
an embalming facility, the renewal fee prescribed in division	3818
(A) (7) of this section plus fifty dollars for each month or	3819
portion of a month the license is lapsed until reinstatement,	3820
but not more than one thousand dollars;	3821
(9) For applying for a license to operate a crematory	3822
facility, four hundred dollars and biennial renewal of a license	3823
to operate a crematory facility, four hundred dollars;	3824
(10) For the reinstatement of a lapsed license to operate	3825
a crematory facility, the renewal fee prescribed in division (A)	3826
(9) of this section plus fifty dollars for each month or portion	3827
of a month the license is lapsed until reinstatement, but not	3828
more than five hundred dollars;	3829
<del>(11) For applying for the initial or biennial renewal of a</del>	3830
<del>crematory operator permit, one hundred fifty dollars;</del>	3831
<del>(12) For the reinstatement of a lapsed crematory operator</del>	3832
<del>permit, the renewal fee prescribed in division (A) (11) of this</del>	3833
<del>section plus fifty dollars for each month or portion of a month</del>	3834
<del>the permit is lapsed, but not more than five hundred dollars;</del>	3835
<del>(13) For the issuance of a duplicate of a license issued</del>	3836
<del>under this chapter, ten dollars;</del>	3837
<del>(14)</del> (12) For each preneed funeral contract sold in the	3838
state other than those funded by the assignment of an existing	3839
insurance policy, ten dollars.	3840
(B) In addition to the fees set forth in division (A) of	3841
this section, an applicant shall pay the examination fee	3842
assessed by any examining agency the board uses for any section	3843

of an examination required under this chapter. 3844

(C) Subject to the approval of the controlling board, the 3845  
board of embalmers and funeral directors may establish fees in 3846  
excess of the amounts set forth in this section, provided that 3847  
these fees do not exceed the amounts set forth in this section 3848  
by more than fifty per cent. 3849

**Sec. 4717.08.** (A) Every license and permit issued under 3850  
this chapter expires on the last day of December of each even- 3851  
numbered year and shall be renewed on or before that date 3852  
according to the standard license renewal procedure set forth in 3853  
Chapter 4745. of the Revised Code. Licenses and permits not 3854  
renewed by the last day of December of each even-numbered year 3855  
are lapsed. 3856

(B) A holder of a lapsed license to operate a funeral 3857  
home, license to operate an embalming facility, or license to 3858  
operate a crematory facility ~~or a crematory operator permit~~ may 3859  
reinstate the license ~~or permit~~ with the board by paying the 3860  
lapsed license fee established under section 4717.07 of the 3861  
Revised Code. 3862

(C) A holder of a lapsed embalmer's or funeral director's 3863  
license may reinstate the license with the board by paying the 3864  
lapsed license fee established under section 4717.07 of the 3865  
Revised Code, except that if the license is lapsed for more than 3866  
one hundred eighty days after its expiration date, the holder 3867  
also shall take and pass the Ohio laws examination for each 3868  
license as a condition for reinstatement. 3869

**Sec. 4717.09.** (A) Every two years, licensed embalmers and 3870  
funeral directors shall attend ~~between not less than twelve and~~ 3871  
~~thirty~~ hours of educational programs as a condition for renewal 3872

of their licenses. The board of embalmers and funeral directors 3873  
shall adopt rules governing the administration and enforcement 3874  
of the continuing education requirements of this section. The 3875  
board may contract with a professional organization or 3876  
association or other third party to assist it in performing 3877  
functions necessary to administer and enforce the continuing 3878  
education requirements of this section. A professional 3879  
organization or association or other third party with whom the 3880  
board so contracts may charge a reasonable fee for performing 3881  
these functions to licensees or to the persons who provide 3882  
continuing education programs. 3883

(B) A person holding both an embalmer's license and a 3884  
funeral director's license need meet only the continuing 3885  
education requirements established by the board for one or the 3886  
other of those licenses in order to satisfy the requirement of 3887  
division (A) of this section. 3888

(C) A person holding a courtesy card permit issued under 3889  
section 4717.10 of the Revised Code is not required to satisfy 3890  
the continuing education requirements specified in division (A) 3891  
of this section as a condition of renewal of the permit. 3892

(D) A crematory operator shall maintain an active 3893  
certification from a national crematory operator certification 3894  
~~program as a condition for renewal of the permit and register~~ 3895  
the certificate with the board. 3896

(E) The board shall not renew the license of a licensee 3897  
who fails to meet the continuing education requirements of this 3898  
section and who has not been granted an exemption under division 3899  
(F) or (G) of this section. 3900

(F) Any licensee who fails to meet the continuing 3901

education requirements of this section because of undue hardship 3902  
or disability, or who is not actively engaged in the practice of 3903  
funeral directing or embalming in this state, may apply to the 3904  
board for an exemption. 3905

(G) Any licensee who has been an embalmer or funeral 3906  
director for not less than fifty years and who is not actively 3907  
in charge and ultimately responsible for a funeral home or 3908  
embalming facility in this state may apply to the board for an 3909  
exemption from the continuing education requirements specified 3910  
in division (A) of this section. 3911

(H) The board shall not ~~renew~~ authorize an individual to 3912  
act as a the crematory operator permit of an, if the individual 3913  
~~who~~ fails to satisfy the certification requirement of division 3914  
(D) of this section. 3915

**Sec. 4717.11.** (A) (1) A person who is licensed to operate a 3916  
funeral home shall surrender that person's license to operate a 3917  
funeral home within thirty days after a change in any of the 3918  
following: 3919

(a) The location of the funeral home; 3920

(b) The person who is actually in charge and ultimately 3921  
responsible for the funeral home; 3922

(c) Ownership of the funeral home business that owns the 3923  
funeral home that results in a majority of the ownership of the 3924  
funeral business being held by one or more persons who solely or 3925  
in combination with others did not own a majority of the funeral 3926  
business immediately prior to the change in ownership. 3927

(2) Within thirty days after a change described in 3928  
division (A) (1) of this section occurs, the funeral director who 3929  
will be actually in charge and ultimately responsible for the 3930

funeral home after the change shall apply for a new funeral home 3931  
license. Upon the filing of an application for a funeral home 3932  
license by a licensed funeral director, the funeral home may 3933  
continue to operate until the board denies the funeral home's 3934  
application. 3935

(B) (1) A person who is licensed to operate an embalming 3936  
facility shall surrender that person's license to operate an 3937  
embalming facility within thirty days after a change in any of 3938  
the following: 3939

(a) The location of the embalming facility; 3940

(b) The person who is actually in charge and ultimately 3941  
responsible for the embalming facility; 3942

(c) Ownership of the business entity that owns the 3943  
embalming facility that results in a majority of the ownership 3944  
of the business entity being held by one or more persons who 3945  
solely or in combination with others did not own a majority of 3946  
the business entity immediately prior to the change in 3947  
ownership. 3948

(2) Within thirty days after a change described in 3949  
division (B) (1) of this section occurs, the person who will be 3950  
actually in charge and ultimately responsible for the embalming 3951  
facility after the change shall apply for a new license to 3952  
operate the embalming facility. Upon filing of an application 3953  
for a license to operate an embalming facility by a licensed 3954  
embalmer, the embalming facility may continue to operate until 3955  
the board denies the embalming facility's application. 3956

(C) (1) A person who is licensed to operate a crematory 3957  
facility shall surrender that person's license to operate a 3958  
crematory facility within thirty days after a change in any of 3959

the following: 3960

(a) The location of the crematory facility; 3961

(b) The person who is actually in charge and ultimately 3962  
responsible for the crematory facility; 3963

(c) Ownership of the business entity that owns the 3964  
crematory facility that results in a majority of the ownership 3965  
of the business entity being held by one or more persons who 3966  
alone or in combination with others did not own a majority of 3967  
the business entity immediately prior to the change in 3968  
ownership. 3969

(2) Within thirty days after a change described in 3970  
division (C)(1) of this section occurs, the person who will be 3971  
actually in charge and ultimately responsible for the crematory 3972  
facility after the change shall apply for a new license to 3973  
operate the crematory facility. Upon the filing of an 3974  
application for a license to operate a crematory facility by a- 3975  
~~person holding a crematory operator permit,~~ the crematory 3976  
facility may continue to operate until the board denies the 3977  
crematory facility's application. 3978

(D)(1) The board of embalmers and funeral directors shall 3979  
review applications for new licenses under section 4717.06 of 3980  
the Revised Code. 3981

(2) If the board, upon receiving satisfactory evidence, 3982  
determines that the applicant satisfies all of the requirements 3983  
of division (A), (B), (C), or (D) of section 4717.06 of the 3984  
Revised Code with respect to a particular funeral home, 3985  
embalming facility, or crematory facility, the board shall issue 3986  
to the applicant a new license to operate that funeral home, 3987  
embalming facility, or crematory facility. 3988

<b>Sec. 4717.13.</b> (A) No person shall do any of the following:	3989
(1) Engage in the business or profession of funeral directing unless the person is licensed as a funeral director under this chapter, is certified as an apprentice funeral director in accordance with rules adopted under section 4717.04 of the Revised Code and under the supervision of a funeral director licensed under this chapter, or is a student in a college of mortuary sciences approved by the board of embalmers and funeral directors and is under the direct supervision of a funeral director licensed by the board;	3990 3991 3992 3993 3994 3995 3996 3997 3998
(2) Engage in embalming unless the person is licensed as an embalmer under this chapter, is certified as an apprentice embalmer in accordance with rules adopted under section 4717.04 of the Revised Code and is under the supervision of an embalmer licensed under this chapter, or is a student in a college of mortuary science approved by the board and is under the direct supervision of an embalmer licensed by the board;	3999 4000 4001 4002 4003 4004 4005
(3) Advertise or otherwise offer to provide or convey the impression that the person provides funeral directing services unless the person is licensed as a funeral director under this chapter and is employed by or under contract to a licensed funeral home and performs funeral directing services for that funeral home in a manner consistent with the advertisement, offering, or conveyance;	4006 4007 4008 4009 4010 4011 4012
(4) Advertise or otherwise offer to provide or convey the impression that the person provides embalming services unless the person is licensed as an embalmer under this chapter and is employed by or under contract to a licensed funeral home or a licensed embalming facility and performs embalming services for the funeral home or embalming facility in a manner consistent	4013 4014 4015 4016 4017 4018

with the advertisement, offering, or conveyance;	4019
(5) Operate a funeral home without a license to operate	4020
the funeral home issued by the board under this chapter;	4021
(6) Practice the business or profession of funeral	4022
directing from any place except from a funeral home that a	4023
person is licensed to operate under this chapter;	4024
(7) Practice embalming from any place except from a	4025
funeral home or embalming facility that a person is licensed to	4026
operate under this chapter;	4027
(8) Operate a crematory or perform cremation without a	4028
license to operate the crematory issued under this chapter;	4029
(9) Cremate animals in a cremation chamber in which dead	4030
human bodies or body parts are cremated or cremate dead human	4031
bodies or human body parts in a cremation chamber in which	4032
animals are cremated;	4033
(10) Hold a dead human body, before final disposition, for	4034
more than forty-eight hours after the time of death unless the	4035
dead human body is embalmed or placed into refrigeration and	4036
maintained at a constant temperature of less than forty degrees;	4037
(11) Knowingly refuse to promptly submit the custody of a	4038
dead human body or cremated remains upon the oral or written	4039
order of the person legally entitled to the body or cremated	4040
remains;	4041
(12) Except as ordered by the coroner or the person	4042
holding the right of disposition under section 2108.70 or	4043
2108.81 of the Revised Code, knowingly fail to carry out the	4044
final disposition of a dead human body within thirty days after	4045
taking custody of the body;	4046

(13) Engage in cremation as defined in section 4717.01 of 4047  
the Revised Code unless the person ~~holds a crematory operator~~ 4048  
~~permit under this chapter~~ complies with division (D) of section 4049  
4717.09 of the Revised Code; 4050

(14) Engage in the business or profession of funeral 4051  
directing, engage in embalming, or operate a crematory ~~or~~ 4052  
~~perform cremation~~ with a lapsed license as defined under section 4053  
4717.01 of the Revised Code. 4054

(B) No funeral director or other person in charge of the 4055  
final disposition of a dead human body shall fail to do one of 4056  
the following prior to the interment of the body: 4057

(1) Affix to the ankle or wrist of the deceased a tag 4058  
encased in a durable and long-lasting material that contains the 4059  
name, date of birth, date of death, and social security number 4060  
of the deceased; 4061

(2) Place in the casket a capsule containing a tag bearing 4062  
the information described in division (B)(1) of this section; 4063

(3) If the body was cremated, place a tag bearing the 4064  
information described in division (B)(1) of this section in any 4065  
vessel containing either of the following: 4066

(a) All the cremated remains; 4067

(b) More than ten cubic inches of the cremated remains. 4068

(C) No person who holds a funeral home license for a 4069  
funeral home that is closed, or that is owned by a funeral 4070  
business in which changes in the ownership of the funeral 4071  
business result in a majority of the ownership of the funeral 4072  
business being held by one or more persons who solely or in 4073  
combination with others did not own a majority of the funeral 4074

business immediately prior to the change in ownership, shall 4075  
fail to submit to the board within thirty days after the closing 4076  
or such change of ownership of the funeral business owning the 4077  
funeral home, a clearly enumerated account of all of the 4078  
following from which the licensee, at the time of the closing or 4079  
change of ownership of the funeral business and in connection 4080  
with the funeral home, was to receive payment for providing the 4081  
funeral services, funeral goods, or any combination of those in 4082  
connection with the funeral or final disposition of a dead human 4083  
body: 4084

(1) Preneed funeral contracts governed by sections 4717.31 4085  
to 4717.38 of the Revised Code; 4086

(2) Life insurance policies or annuities the benefits of 4087  
which are payable to the provider of funeral or burial goods or 4088  
services; 4089

(3) Accounts at banks or savings banks insured by the 4090  
federal deposit insurance corporation, savings and loan 4091  
associations insured by the federal savings and loan insurance 4092  
corporation or the Ohio deposit guarantee fund, or credit unions 4093  
insured by the national credit union administration or a credit 4094  
union share guaranty corporation organized under Chapter 1761. 4095  
of the Revised Code that are payable upon the death of the 4096  
person for whose benefit deposits into the accounts were made. 4097

(D) (1) No person who holds a funeral home license for a 4098  
funeral home that is closed shall negligently fail to send 4099  
written notice to the purchaser of every preneed funeral 4100  
contract to which the funeral business is a party via first 4101  
class United States mail. Such notice shall be addressed to the 4102  
purchaser's last known address and shall explain that the 4103  
funeral business is being closed and the name of any funeral 4104

business that has been designated to assume the obligations of 4105  
the preneed contract. 4106

(2) Within thirty days of the closing of a funeral home, 4107  
no person who held the funeral home license for the closed 4108  
funeral home shall negligently fail to transfer all preneed 4109  
contracts to the funeral home or funeral homes that have been 4110  
designated to assume the obligation of the preneed contracts. If 4111  
the person who holds a funeral home license for a funeral home 4112  
that is closed fails to designate a successor funeral home or 4113  
funeral homes to assume the obligations of the preneed funeral 4114  
contracts, the board shall make such designations and order the 4115  
transfer of the preneed funeral contracts to the designated 4116  
funeral home or funeral homes. 4117

(E) No person who holds a license under this chapter for a 4118  
facility that is going out of business and that is in possession 4119  
of unclaimed cremated remains shall fail to submit to the board, 4120  
within thirty days prior to the closing, a copy of the written 4121  
notice required in division (F) of this section and a clearly 4122  
enumerated account of all unclaimed cremated remains in 4123  
possession of the facility. 4124

(F) Within thirty days prior to the closing of a facility 4125  
that is going out of business and that is in possession of 4126  
unclaimed cremated remains, the person who is actually in charge 4127  
of and ultimately responsible for the facility shall send 4128  
written notice via first-class mail to the last known address of 4129  
the authorizing agent who executed the cremation authorization 4130  
form or the person designated on the cremation authorization 4131  
form to receive the cremated remains. Such notice shall include 4132  
the following: 4133

(1) A statement that the funeral business is going out of 4134

business and will close; 4135

(2) The expected date of closure; 4136

(3) The manner in which the unclaimed cremated remains 4137  
will be disposed and, if applicable, the location from which the 4138  
cremated remains can be retrieved. 4139

(G) If the person who is actually in charge of and 4140  
ultimately responsible for the facility is unable to comply with 4141  
divisions (F) (1) to (3) of this section and cannot locate the 4142  
last known address of the authorizing agent who executed the 4143  
cremation authorization form or the person designated on the 4144  
cremation authorization form to receive the cremated remains, 4145  
the person who is actually in charge of and ultimately 4146  
responsible for the facility may seek a declaratory judgment to 4147  
dispose of the unclaimed cremated remains from the probate court 4148  
in the county in which the facility is located. 4149

(H) Within thirty days prior to the closing of a facility 4150  
that is going out of business, no person who held the license 4151  
for the facility shall negligently fail to dispose of all 4152  
unclaimed cremated remains as designated in the written notice 4153  
or, if unclaimed in excess of sixty days, in a manner consistent 4154  
with section 4717.27 of the Revised Code. 4155

**Sec. 4717.15.** (A) The board of embalmers and funeral 4156  
directors, without the necessity for conducting a prior 4157  
adjudication hearing, may issue a notice of violation to the 4158  
holder of ~~an embalmer's, funeral director's, funeral home, or~~ 4159  
~~embalming facility, or crematory facility license, or a~~ 4160  
~~crematory operator permit or a courtesy card permit~~ any license 4161  
or permit issued under this chapter who the board finds has 4162  
committed any of the violations described in division (A) (9) of 4163

section 4717.04 of the Revised Code. The notice shall set forth 4164  
the specific violation committed by the licensee or permit 4165  
holder and shall be sent by certified mail. The notice shall be 4166  
accompanied by an order requiring the payment of the appropriate 4167  
forfeiture prescribed in rules adopted under division (A) (9) of 4168  
section 4717.04 of the Revised Code and by a notice informing 4169  
the licensee or permit holder that the licensee is entitled to 4170  
an adjudicatory hearing on the notice of violation and order if 4171  
the licensee or permit holder requests a hearing and if the 4172  
board receives the request within thirty days after the mailing 4173  
of the notice of violation and order. The board shall conduct 4174  
any such adjudicatory hearing in accordance with Chapter 119. of 4175  
the Revised Code, except as otherwise provided in this division. 4176

A licensee or permit holder who receives a notice of 4177  
violation and order under this division shall pay to the 4178  
executive director of the board the full amount of the 4179  
forfeiture by certified check within thirty days after the 4180  
notice of violation and order were mailed to the licensee or 4181  
permit holder unless, within that time, the licensee or permit 4182  
holder submits a request for an adjudicatory hearing on the 4183  
notice of violation and order. If such a request for an 4184  
adjudicatory hearing is timely filed, the licensee or permit 4185  
holder need not pay the forfeiture to the executive director 4186  
until after a final, nonappealable administrative or judicial 4187  
decision is rendered on the order requiring payment of the 4188  
forfeiture. If a final nonappealable administrative or judicial 4189  
decision is rendered affirming the board's order, the licensee 4190  
or permit holder shall pay to the executive director of the 4191  
board the full amount of the forfeiture by certified check 4192  
within thirty days after notice of the decision was sent to the 4193  
licensee. A forfeiture is considered to be paid when the 4194

licensee's or permit holder's certified check is received by the 4195  
executive director in Columbus. If the licensee or permit holder 4196  
fails to so pay the full amount of the forfeiture to the 4197  
executive director within that time, the board shall issue an 4198  
order suspending or revoking the individual's license or permit, 4199  
as the board considers appropriate. 4200

(B) The board shall send to the crematory review board 4201  
written notice that it proposes to issue to the holder of a 4202  
license to operate a crematory facility issued under this 4203  
chapter a notice of violation and order requiring payment of a 4204  
forfeiture specified in rules adopted under division (A) (9) of 4205  
section 4717.04 of the Revised Code. If, after the conclusion of 4206  
the adjudicatory hearing on the matter conducted under division 4207  
(F) of section 4717.03 of the Revised Code, the board of 4208  
embalmers and funeral directors finds that the licensee has 4209  
committed any of the violations described in division (A) (9) of 4210  
section 4717.04 of the Revised Code in connection with the 4211  
operation of a crematory facility or cremation, the board of 4212  
embalmers and funeral directors may issue a final order under 4213  
division (F) of section 4717.03 of the Revised Code requiring 4214  
payment of the appropriate forfeiture specified in rules adopted 4215  
under division (A) (9) of section 4717.04 of the Revised Code. A 4216  
licensee who receives such an order shall pay the full amount of 4217  
the forfeiture to the executive director by certified check 4218  
within thirty days after the order was sent to the licensee 4219  
unless, within that time, the licensee files a notice of appeal 4220  
in accordance with division (F) of section 4717.03 and section 4221  
119.12 of the Revised Code. If such a notice of appeal is timely 4222  
filed, the licensee or permit holder need not pay the forfeiture 4223  
to the executive director until after a final, nonappealable 4224  
judicial decision is rendered in the appeal. If a final, 4225

nonappealable judicial decision is rendered affirming the 4226  
board's order, the licensee or permit holder shall pay to the 4227  
executive director the full amount of the forfeiture by 4228  
certified check within thirty days after notice of the decision 4229  
was sent to the licensee or permit holder. A forfeiture is 4230  
considered paid when the licensee's or permit holder's certified 4231  
check is received by the executive director in Columbus. If the 4232  
licensee or permit holder fails to so pay the full amount of the 4233  
forfeiture to the executive director within that time, the board 4234  
shall issue an order suspending or revoking the individual's 4235  
license, as the board considers appropriate. 4236

**Sec. 4717.36.** (A) This section applies only to preneed 4237  
funeral contracts that are funded by any means other than an 4238  
insurance policy or policies, or an annuity or annuities. 4239

No money in a preneed funeral contract trust shall be 4240  
distributed from the trust except as provided in this section. 4241

(B) A seller of a preneed funeral contract that stipulates 4242  
a fixed or firm or guaranteed price for funeral services and 4243  
funeral goods to be provided under a preneed funeral contract 4244  
may charge an initial service fee not to exceed ten per cent of 4245  
the total amount of all payments to be paid under the preneed 4246  
funeral contract for such guaranteed price funeral services and 4247  
funeral goods. If the amount to be paid by the purchaser is to 4248  
be paid in installments, the seller may collect the initial 4249  
service fee only after all of the installments have been paid. 4250

(C) (1) Except for the following, all payments made by the 4251  
purchaser of a preneed funeral contract shall be made in the 4252  
form of a check, cashier's check, money order, or debit or 4253  
credit card, payable only to the trustee of the preneed funeral 4254  
contract trust or to the trustee's designated depository: 4255

(a) The initial service fee permitted by division (B) of this section;	4256 4257
(b) The fee collected under division <del>(A) (14)</del> <u>(A) (12)</u> of section 4717.07 of the Revised Code;	4258 4259
(c) Any applicable sales tax.	4260
(2) If the purchaser makes payment in the form of a check made payable to the seller, the seller may, within five business days of receiving the check, sign over and forward the check to the trustee or the trustee's designated depository.	4261 4262 4263 4264
(3) Within thirty days of the seller receiving any form of payment made payable to the trustee or the trustee's designee, the seller shall remit the payment to the trustee or the trustee's designee unless the purchaser rescinds the preneed funeral contract in accordance with division (A) of section 4717.34 of the Revised Code. The funds deposited with the trustee shall remain intact and held in trust for the contract beneficiary.	4265 4266 4267 4268 4269 4270 4271 4272
(D) The seller shall establish a preneed funeral contract trust at one of the following types of institutions and shall designate that institution as the trustee of the preneed funeral contract trust:	4273 4274 4275 4276
(1) A trust company licensed under Chapter 1111. of the Revised Code;	4277 4278
(2) A national bank, federal savings bank, or federal savings association that pledges securities in accordance with section 1111.04 of the Revised Code;	4279 4280 4281
(3) A credit union authorized to conduct business in this state pursuant to Chapter 1733. of the Revised Code.	4282 4283

(E) Moneys deposited in a preneed funeral contract trust 4284  
fund shall be held and invested in the manner in which trust 4285  
funds are permitted to be held and invested pursuant to Chapter 4286  
1111. of the Revised Code. 4287

(F) The seller shall establish a separate preneed funeral 4288  
contract trust for the moneys paid under each preneed funeral 4289  
contract, unless the purchaser or purchasers of a preneed 4290  
funeral contract or contracts authorize the seller to place the 4291  
moneys paid for that contract or those contracts in a combined 4292  
preneed funeral contract trust. The trustee of a combined 4293  
preneed funeral contract trust shall keep exact records of the 4294  
corpus, income, expenses, and disbursements with regard to each 4295  
purchaser and contract beneficiary for whom moneys are held in 4296  
the trust. The terms of a preneed funeral contract trust are 4297  
governed by this section and the payments from that trust are 4298  
governed by Chapter 1111. of the Revised Code, except as 4299  
otherwise provided in this section. 4300

A trustee of a preneed funeral contract trust may pay 4301  
taxes and expenses for a preneed funeral contract trust and may 4302  
charge a fee for managing a preneed funeral contract trust. The 4303  
fee shall not exceed the amount regularly or usually charged for 4304  
similar services rendered by the institutions described in 4305  
division (D) of this section when serving as a trustee. 4306

(G) If the purchaser of a preneed funeral contract that is 4307  
revocable elects to cancel the contract, the purchaser shall 4308  
provide a written notice to the seller of the contract and the 4309  
trustee of the preneed funeral contract trust stating that the 4310  
purchaser intends to cancel the contract. Fifteen days after the 4311  
purchaser provides that notice to the seller and trustee, the 4312  
purchaser may cancel the contract. Upon canceling a preneed 4313

funeral contract pursuant to this division, one of the following 4314  
shall occur, as applicable: 4315

(1) If the preneed funeral contract does not stipulate a 4316  
firm or fixed or guaranteed price for funeral goods and funeral 4317  
services to be provided under the preneed funeral contract, the 4318  
trustee shall give to the purchaser all of the assets of the 4319  
trust that exist at the time of cancellation, less any fees 4320  
charged, distributions paid, and expenses incurred by the 4321  
trustee pursuant to division (F) of this section. 4322

(2) If the preneed funeral contract does stipulate a firm 4323  
or fixed or guaranteed price for funeral goods and funeral 4324  
services to be provided under the contract, the purchaser may 4325  
request and receive from the trustee all of the assets of the 4326  
trust at the time of cancellation, less a cancellation fee that 4327  
the original seller may collect from the trustee that is equal 4328  
to or less than ten per cent of the value of the assets of the 4329  
trust on the date the trust is cancelled, provided, however, 4330  
that to the extent the original seller took an initial service 4331  
fee as permitted by division (B) of this section, the aggregate 4332  
amount of the cancellation fee and the initial service fee may 4333  
not exceed ten per cent of the value of those assets. In 4334  
addition to any cancellation fee, there may also be deducted any 4335  
fees charged, distributions paid, and expenses incurred by the 4336  
trustee pursuant to division (F) of this section. 4337

If more than one purchaser enters into the contract, all 4338  
of those purchasers must request cancellation of the contract 4339  
for it to be effective under this division, and the trustee 4340  
shall refund to each purchaser only those funds that purchaser 4341  
has paid under the contract and any income earned on those funds 4342  
in an amount that is in direct proportion to the amount of funds 4343

that purchaser paid relative to the total amount of payments 4344  
deposited in that trust, less any fees charged, distributions 4345  
paid, and expenses incurred by the trustee pursuant to division 4346  
(F) of this section, the amount of which are in direct 4347  
proportion to the amount of funds that purchaser paid relative 4348  
to the total amount of payments deposited in that trust. 4349

(H) The purchaser of a preneed funeral contract that is 4350  
irrevocable may transfer the preneed funeral contract to a 4351  
successor seller. A purchaser who elects to make such a transfer 4352  
shall provide a written notice of the designation of a successor 4353  
seller to the trustee and the original seller. Within fifteen 4354  
days after receiving the written notice of the new designation 4355  
from the purchaser, the trustee shall list the successor seller 4356  
as the seller of the preneed funeral contract and the original 4357  
seller shall relinquish and transfer all rights under the 4358  
preneed funeral contract to the successor seller. The trustee 4359  
shall confirm the transfer by providing written notice of the 4360  
transfer to the original seller, the successor seller, and the 4361  
purchaser. If the preneed funeral contract stipulates a firm or 4362  
fixed or guaranteed price for the funeral goods and funeral 4363  
services to be provided under the preneed funeral contract, the 4364  
original seller may collect from the trustee a transfer fee from 4365  
the trust that equals up to ten per cent of the value of the 4366  
assets of the trust on the date the trust is transferred, 4367  
provided, however, that to the extent the original seller took 4368  
an initial service fee as permitted by division (B) of this 4369  
section, the aggregate amount of the transfer fee and the 4370  
initial service fee may not exceed ten per cent of the value of 4371  
those assets. If the preneed funeral contract does not stipulate 4372  
a firm or fixed or guaranteed price for funeral goods and 4373  
funeral services to be provided under the preneed funeral 4374

contract, no transfer fee shall be collected by the original 4375  
seller. 4376

(I) If a seller of a preneed funeral contract elects to 4377  
transfer a preneed funeral contract trust from an institution 4378  
listed in divisions (D) (1) to (3) of this section to a different 4379  
institution, the trustee of the original trust shall notify the 4380  
purchaser of the preneed funeral contract of that transfer in 4381  
writing within thirty days after the transfer occurred and shall 4382  
provide the purchaser with the name of and the contact 4383  
information for the institution where the new trust is 4384  
maintained. Upon receipt of the trust, the trustee of the 4385  
transferred trust shall notify the purchaser of the receipt of 4386  
the trusts in accordance with division (A) of section 4717.33 of 4387  
the Revised Code. 4388

(J) (1) If a seller receives a notice that the contract 4389  
beneficiary has died and that funeral goods and funeral services 4390  
have been provided by a provider other than the seller, the 4391  
seller shall direct the trustee, within thirty days after 4392  
receiving that notice, to pay to the provider that provided the 4393  
funeral goods and services, if still unpaid, all funds held by 4394  
the trustee, less any fees charged, distributions paid, and 4395  
expenses incurred by the trustee pursuant to division (F) of 4396  
this section. 4397

(2) If the provider has already been paid for providing 4398  
the funeral goods and funeral services to the contract 4399  
beneficiary, the seller shall direct the trustee to pay to the 4400  
estate of the contract beneficiary or, if no estate has been 4401  
opened, to any person with the right of disposition under 4402  
section 2108.81 of the Revised Code all funds held by the 4403  
trustee, less any fees charged, distributions paid, and expenses 4404

incurred by the trustee pursuant to division (F) of this 4405  
section. The trustee shall make a reasonable attempt to pay the 4406  
estate or person with the right of disposition within one 4407  
hundred eighty days of receipt of notice that the contract 4408  
beneficiary has died. If the trustee is unable to make payment 4409  
within one hundred eighty days, the trustee shall report and 4410  
remit the funds to the director of commerce pursuant to Chapter 4411  
169. of the Revised Code. 4412

(3) In the event the preneed funeral contract stipulates a 4413  
firm or fixed or guaranteed price for funeral goods and funeral 4414  
services that were to be provided under the preneed funeral 4415  
contract, the seller may collect from the trustee a cancellation 4416  
fee not exceeding ten per cent of the value of the assets of the 4417  
trust on the date the trust is transferred, provided, however, 4418  
that to the extent the original seller took an initial service 4419  
fee as permitted by division (B) of this section, the aggregate 4420  
amount of the transfer fee and the initial service fee shall not 4421  
exceed ten per cent of the value of those assets. If the preneed 4422  
funeral trust does not stipulate a firm or fixed or guaranteed 4423  
price for funeral goods and funeral services to be provided 4424  
under the preneed funeral contract, no cancellation fees shall 4425  
be collected by the original seller. 4426

(K) A certified copy of the certificate of death or other 4427  
evidence of death satisfactory to the trustee shall be furnished 4428  
to the trustee as evidence of death, and the trustee shall 4429  
promptly pay the accumulated payments and income, if any, 4430  
according to the preneed funeral contract. Such payment of the 4431  
accumulated payments and income pursuant to this section and, 4432  
when applicable, the preneed funeral contract, relieves the 4433  
trustee of any further liability on the accumulated payments and 4434  
income. 4435

If, after a preneed funeral contract has been performed 4436  
and paid for by the proceeds of a preneed trust fund, there are 4437  
excess funds that the purchaser previously assigned by a written 4438  
contract to the seller to pay for preneed funeral services or 4439  
funeral goods for other individuals, the trustee holding such 4440  
excess funds shall pay those funds directly to the seller, and 4441  
the seller shall deposit the funds into a trust or purchase 4442  
insurance or annuity policies to fund additional preneed funeral 4443  
contracts. 4444

**Sec. 4717.41.** (A) There is hereby created the preneed 4445  
recovery fund, which shall be in the custody of the treasurer of 4446  
state but shall not be part of the state treasury. All fees 4447  
collected under division ~~(A) (14)~~ (A) (12) of section 4717.07 of 4448  
the Revised Code shall be deposited into the fund. The fund 4449  
shall be used to reimburse purchasers of preneed funeral 4450  
contracts who have suffered financial loss as a result of the 4451  
malfeasance, misfeasance, default, failure, or insolvency in 4452  
connection with the sale of a preneed funeral contract by any 4453  
licensee under this chapter, regardless of whether the sale of 4454  
such contract occurred before or after the establishment of the 4455  
fund. The fund, and all investment earnings thereon, shall only 4456  
be used for the purposes set forth in this section and shall not 4457  
be used for any other purposes. The fund shall be administered 4458  
by the board of embalmers and funeral directors. 4459

(B) All fees collected under division ~~(A) (14)~~ (A) (12) of 4460  
section 4717.07 of the Revised Code shall be deposited into the 4461  
fund. Deposits to and disbursements from the fund account shall 4462  
be subject to rules established by the board. 4463

(C) If at the end of any fiscal year for this state, the 4464  
balance in the fund exceeds two million dollars, the fee 4465

required by division ~~(A) (14)~~ (A) (12) of section 4717.07 of the 4466  
Revised Code for the upcoming fiscal year shall be reduced by 4467  
fifty per cent. If the balance in the fund at the end of a 4468  
fiscal year exceeds three million dollars, the payment of the 4469  
fee required by division ~~(A) (14)~~ (A) (12) of section 4717.07 of 4470  
the Revised Code shall be suspended for the upcoming fiscal 4471  
year. 4472

(D) The board shall adopt rules governing management of 4473  
the fund, the presentation and processing of applications for 4474  
reimbursement, subrogation, or assignment of the rights of any 4475  
reimbursed applicant. 4476

(E) The board may expend moneys in the fund for the 4477  
following purposes: 4478

(1) To make reimbursements on approved applications; 4479

(2) To purchase insurance to cover losses as considered 4480  
appropriate by the board and not inconsistent with the purposes 4481  
of the fund; 4482

(3) To invest such portions of the fund as are not 4483  
currently needed to reimburse losses and maintain adequate 4484  
reserves, as are permitted to be made by fiduciaries under the 4485  
laws of this state; 4486

(4) To pay the expenses of the board for administering the 4487  
fund, including employment of local counsel to prosecute 4488  
subrogation claims. 4489

(F) Reimbursements from the fund shall be made only to the 4490  
extent to which those losses are not bonded or otherwise 4491  
covered, protected, or reimbursed and only after the applicant 4492  
has complied with all applicable rules of the board. 4493

(G) The board shall investigate all applications made and 4494  
may reject or allow such claims in whole or in part to the 4495  
extent that moneys are available in the fund. The board shall 4496  
have complete discretion to determine the order and manner of 4497  
payment of approved applications. All payments shall be a matter 4498  
of privilege and not of right, and no person shall have any 4499  
right in the fund as a third-party beneficiary or otherwise. No 4500  
attorney may be compensated by the board for prosecuting an 4501  
application for reimbursement. 4502

(H) If reimbursement is made to an applicant under this 4503  
section, the board shall be subrogated in the reimbursement 4504  
amount and may bring any action it considers advisable against 4505  
any person. The board may enforce any claims it may have for 4506  
restitution or otherwise and may employ and compensate 4507  
consultants, agents, legal counsel, accountants, and other 4508  
persons it considers appropriate. 4509

**Sec. 4723.01.** As used in this chapter: 4510

(A) "Registered nurse" means an individual who holds a 4511  
current, valid license issued under this chapter that authorizes 4512  
the practice of nursing as a registered nurse. 4513

(B) "Practice of nursing as a registered nurse" means 4514  
providing to individuals and groups nursing care requiring 4515  
specialized knowledge, judgment, and skill derived from the 4516  
principles of biological, physical, behavioral, social, and 4517  
nursing sciences. Such nursing care includes: 4518

(1) Identifying patterns of human responses to actual or 4519  
potential health problems amenable to a nursing regimen; 4520

(2) Executing a nursing regimen through the selection, 4521  
performance, management, and evaluation of nursing actions; 4522

(3) Assessing health status for the purpose of providing nursing care;	4523 4524
(4) Providing health counseling and health teaching;	4525
(5) Administering medications, treatments, and executing regimens authorized by an individual who is authorized to practice in this state and is acting within the course of the individual's professional practice;	4526 4527 4528 4529
(6) Teaching, administering, supervising, delegating, and evaluating nursing practice.	4530 4531
(C) "Nursing regimen" may include preventative, restorative, and health-promotion activities.	4532 4533
(D) "Assessing health status" means the collection of data through nursing assessment techniques, which may include interviews, observation, and physical evaluations for the purpose of providing nursing care.	4534 4535 4536 4537
(E) "Licensed practical nurse" means an individual who holds a current, valid license issued under this chapter that authorizes the practice of nursing as a licensed practical nurse.	4538 4539 4540 4541
(F) "The practice of nursing as a licensed practical nurse" means providing to individuals and groups nursing care requiring the application of basic knowledge of the biological, physical, behavioral, social, and nursing sciences at the direction of a registered nurse or any of the following who is authorized to practice in this state: a physician, physician assistant, dentist, podiatrist, optometrist, or chiropractor. Such nursing care includes:	4542 4543 4544 4545 4546 4547 4548 4549
(1) Observation, patient teaching, and care in a diversity	4550

of health care settings; 4551

(2) Contributions to the planning, implementation, and 4552  
evaluation of nursing; 4553

(3) Administration of medications and treatments 4554  
authorized by an individual who is authorized to practice in 4555  
this state and is acting within the course of the individual's 4556  
professional practice ~~on the condition that the licensed-~~ 4557  
~~practical nurse is authorized under section 4723.17 of the~~ 4558  
~~Revised Code to administer medications;~~ 4559

(4) Administration to an adult of intravenous therapy 4560  
authorized by an individual who is authorized to practice in 4561  
this state and is acting within the course of the individual's 4562  
professional practice, on the condition that the licensed 4563  
practical nurse is authorized under section 4723.18 or 4723.181 4564  
of the Revised Code to perform intravenous therapy and performs 4565  
intravenous therapy only in accordance with those sections; 4566

(5) Delegation of nursing tasks as directed by a 4567  
registered nurse; 4568

(6) Teaching nursing tasks to licensed practical nurses 4569  
and individuals to whom the licensed practical nurse is 4570  
authorized to delegate nursing tasks as directed by a registered 4571  
nurse. 4572

(G) "Certified registered nurse anesthetist" means an 4573  
advanced practice registered nurse who holds a current, valid 4574  
license issued under this chapter and is designated as a 4575  
certified registered nurse anesthetist in accordance with 4576  
section 4723.42 of the Revised Code and rules adopted by the 4577  
board of nursing. 4578

(H) "Clinical nurse specialist" means an advanced practice 4579

registered nurse who holds a current, valid license issued under 4580  
this chapter and is designated as a clinical nurse specialist in 4581  
accordance with section 4723.42 of the Revised Code and rules 4582  
adopted by the board of nursing. 4583

(I) "Certified nurse-midwife" means an advanced practice 4584  
registered nurse who holds a current, valid license issued under 4585  
this chapter and is designated as a certified nurse-midwife in 4586  
accordance with section 4723.42 of the Revised Code and rules 4587  
adopted by the board of nursing. 4588

(J) "Certified nurse practitioner" means an advanced 4589  
practice registered nurse who holds a current, valid license 4590  
issued under this chapter and is designated as a certified nurse 4591  
practitioner in accordance with section 4723.42 of the Revised 4592  
Code and rules adopted by the board of nursing. 4593

(K) "Physician" means an individual authorized under 4594  
Chapter 4731. of the Revised Code to practice medicine and 4595  
surgery or osteopathic medicine and surgery. 4596

(L) "Collaboration" or "collaborating" means the 4597  
following: 4598

(1) In the case of a clinical nurse specialist or a 4599  
certified nurse practitioner, that one or more podiatrists 4600  
acting within the scope of practice of podiatry in accordance 4601  
with section 4731.51 of the Revised Code and with whom the nurse 4602  
has entered into a standard care arrangement or one or more 4603  
physicians with whom the nurse has entered into a standard care 4604  
arrangement are continuously available to communicate with the 4605  
clinical nurse specialist or certified nurse practitioner either 4606  
in person or by electronic communication; 4607

(2) In the case of a certified nurse-midwife, that one or 4608

more physicians with whom the certified nurse-midwife has 4609  
entered into a standard care arrangement are continuously 4610  
available to communicate with the certified nurse-midwife either 4611  
in person or by electronic communication. 4612

(M) "Supervision," as it pertains to a certified 4613  
registered nurse anesthetist, means that the certified 4614  
registered nurse anesthetist is under the direction of a 4615  
podiatrist acting within the podiatrist's scope of practice in 4616  
accordance with section 4731.51 of the Revised Code, a dentist 4617  
acting within the dentist's scope of practice in accordance with 4618  
Chapter 4715. of the Revised Code, or a physician, and, when 4619  
administering anesthesia, the certified registered nurse 4620  
anesthetist is in the immediate presence of the podiatrist, 4621  
dentist, or physician. 4622

(N) "Standard care arrangement" means a written, formal 4623  
guide for planning and evaluating a patient's health care that 4624  
is developed by one or more collaborating physicians or 4625  
podiatrists and a clinical nurse specialist, certified nurse- 4626  
midwife, or certified nurse practitioner and meets the 4627  
requirements of section 4723.431 of the Revised Code. 4628

(O) "Advanced practice registered nurse" means an 4629  
individual who holds a current, valid license issued under this 4630  
chapter that authorizes the practice of nursing as an advanced 4631  
practice registered nurse and is designated as any of the 4632  
following: 4633

- (1) A certified registered nurse anesthetist; 4634
- (2) A clinical nurse specialist; 4635
- (3) A certified nurse-midwife; 4636
- (4) A certified nurse practitioner. 4637

(P) "Practice of nursing as an advanced practice registered nurse" means providing to individuals and groups nursing care that requires knowledge and skill obtained from advanced formal education, training, and clinical experience. Such nursing care includes the care described in section 4723.43 of the Revised Code.

(Q) "Dialysis care" means the care and procedures that a dialysis technician or dialysis technician intern is authorized to provide and perform, as specified in section 4723.72 of the Revised Code.

(R) "Dialysis technician" means an individual who holds a current, valid certificate to practice as a dialysis technician issued under section 4723.75 of the Revised Code.

(S) "Dialysis technician intern" means an individual who ~~holds a current, valid certificate to practice as a~~ has not passed the dialysis technician intern issued under certification examination required by section 4723.75-4723.751 of the Revised Code, but who has successfully completed a dialysis training program approved by the board of nursing under section 4723.74 of the Revised Code within the previous eighteen months.

(T) "Certified community health worker" means an individual who holds a current, valid certificate as a community health worker issued under section 4723.85 of the Revised Code.

(U) "Medication aide" means an individual who holds a current, valid certificate issued under this chapter that authorizes the individual to administer medication in accordance with section 4723.67 of the Revised Code;

(V) "Nursing specialty" means a specialty in practice as a certified registered nurse anesthetist, clinical nurse

specialist, certified nurse-midwife, or certified nurse 4667  
practitioner. 4668

(W) "Physician assistant" means an individual who is 4669  
licensed to practice as a physician assistant under Chapter 4670  
4730. of the Revised Code. 4671

**Sec. 4723.07.** In accordance with Chapter 119. of the 4672  
Revised Code, the board of nursing shall adopt and may amend and 4673  
rescind rules that establish all of the following: 4674

(A) Provisions for the board's government and control of 4675  
its actions and business affairs; 4676

(B) Subject to section 4723.072 of the Revised Code, 4677  
minimum standards for nursing education programs that prepare 4678  
graduates to be licensed under this chapter and procedures for 4679  
granting, renewing, and withdrawing approval of those programs; 4680

(C) Criteria that applicants for licensure must meet to be 4681  
eligible to take examinations for licensure; 4682

(D) Standards and procedures for renewal of the licenses 4683  
and certificates issued by the board; 4684

(E) Standards for approval of continuing nursing education 4685  
programs and courses for registered nurses, advanced practice 4686  
registered nurses, and licensed practical nurses. The standards 4687  
may provide for approval of continuing nursing education 4688  
programs and courses that have been approved by other state 4689  
boards of nursing or by national accreditation systems for 4690  
nursing, including, but not limited to, the American nurses' 4691  
credentialing center and the national association for practical 4692  
nurse education and service. 4693

(F) Standards that persons must meet to be authorized by 4694

the board to approve continuing education programs and courses 4695  
and a schedule by which that authorization expires and may be 4696  
renewed; 4697

(G) Requirements, including continuing education 4698  
requirements, for reactivating inactive licenses or 4699  
certificates, and for reinstating licenses or certificates that 4700  
have lapsed; 4701

(H) Conditions that may be imposed for reinstatement of a 4702  
license or certificate following action taken under section 4703  
3123.47, 4723.28, 4723.281, 4723.652, or 4723.86 of the Revised 4704  
Code resulting in a license or certificate suspension; 4705

~~(I) Requirements for board approval of courses in 4706  
medication administration by licensed practical nurses; 4707~~

~~(J)~~ Criteria for evaluating the qualifications of an 4708  
applicant for a license to practice nursing as a registered 4709  
nurse, a license to practice nursing as an advanced practice 4710  
registered nurse, or a license to practice nursing as a licensed 4711  
practical nurse for the purpose of issuing the license by the 4712  
board's endorsement of the applicant's authority to practice 4713  
issued by the licensing agency of another state; 4714

~~(K)~~ (J) Universal and standard precautions that shall be 4715  
used by each licensee or certificate holder. The rules shall 4716  
define and establish requirements for universal and standard 4717  
precautions that include the following: 4718

(1) Appropriate use of hand washing; 4719

(2) Disinfection and sterilization of equipment; 4720

(3) Handling and disposal of needles and other sharp 4721  
instruments; 4722

(4) Wearing and disposal of gloves and other protective garments and devices.	4723 4724
<del>(L)</del> <u>(K)</u> Quality assurance standards for advanced practice registered nurses;	4725 4726
<del>(M)</del> <u>(L)</u> Additional criteria for the standard care arrangement required by section 4723.431 of the Revised Code entered into by a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner and the nurse's collaborating physician or podiatrist;	4727 4728 4729 4730 4731
<del>(N)</del> <u>(M)</u> For purposes of division (B) (31) of section 4723.28 of the Revised Code, the actions, omissions, or other circumstances that constitute failure to establish and maintain professional boundaries with a patient;	4732 4733 4734 4735
<del>(O)</del> <u>(N)</u> Standards and procedures for delegation under section 4723.48 of the Revised Code of the authority to administer drugs.	4736 4737 4738
The board may adopt other rules necessary to carry out the provisions of this chapter. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.	4739 4740 4741
<b>Sec. 4723.08.</b> (A) The board of nursing may impose fees not to exceed the following limits:	4742 4743
(1) For application for licensure by examination or endorsement to practice nursing as a registered nurse or as a licensed practical nurse, seventy-five dollars;	4744 4745 4746
(2) For application for licensure to practice nursing as an advanced practice registered nurse, one hundred fifty dollars;	4747 4748 4749
(3) <del>For application for a dialysis technician intern</del>	4750

<del>certificate, the amount specified in rules adopted under section</del>	4751
<del>4723.79 of the Revised Code;</del>	4752
<del>(4) For application for a dialysis technician certificate,</del>	4753
<del>the amount specified in rules adopted under section 4723.79 of</del>	4754
<del>the Revised Code;</del>	4755
<del>(5) (4) For providing, pursuant to division (B) of section</del>	4756
<del>4723.271 of the Revised Code, written verification of a nursing</del>	4757
<del>license, dialysis technician certificate, medication aide</del>	4758
<del>certificate, or community health worker certificate to another</del>	4759
<del>jurisdiction, fifteen dollars;</del>	4760
<del>(6) (5) For providing, pursuant to division (A) of section</del>	4761
<del>4723.271 of the Revised Code, a replacement copy of a wall</del>	4762
<del>certificate suitable for framing as described in that division,</del>	4763
<del>twenty-five dollars;</del>	4764
<del>(7) (6) For renewal of a license to practice as a</del>	4765
<del>registered nurse or licensed practical nurse, sixty-five</del>	4766
<del>dollars;</del>	4767
<del>(8) (7) For renewal of a license to practice as an</del>	4768
<del>advanced practice registered nurse, one hundred thirty-five</del>	4769
<del>dollars;</del>	4770
<del>(9) (8) For renewal of a dialysis technician certificate,</del>	4771
<del>the amount specified in rules adopted under section 4723.79 of</del>	4772
<del>the Revised Code;</del>	4773
<del>(10) (9) For processing a late application for renewal of</del>	4774
<del>a nursing license or dialysis technician certificate, fifty</del>	4775
<del>dollars;</del>	4776
<del>(11) (10) For application for authorization to approve</del>	4777
<del>continuing education programs and courses from an applicant</del>	4778

accredited by a national accreditation system for nursing, five 4779  
hundred dollars; 4780

~~(12)~~ (11) For application for authorization to approve 4781  
continuing education programs and courses from an applicant not 4782  
accredited by a national accreditation system for nursing, one 4783  
thousand dollars; 4784

~~(13)~~ (12) For each year for which authorization to approve 4785  
continuing education programs and courses is renewed, one 4786  
hundred fifty dollars; 4787

~~(14)~~ (13) For application for approval to operate a 4788  
dialysis training program, the amount specified in rules adopted 4789  
under section 4723.79 of the Revised Code; 4790

~~(15)~~ (14) For reinstatement of a lapsed license or 4791  
certificate issued under this chapter, one hundred dollars 4792  
except as provided in section 5903.10 of the Revised Code; 4793

~~(16)~~ (15) For processing a check returned to the board by 4794  
a financial institution, twenty-five dollars; 4795

~~(17)~~ (16) The amounts specified in rules adopted under 4796  
section 4723.88 of the Revised Code pertaining to the issuance 4797  
of certificates to community health workers, including fees for 4798  
application for a certificate, renewal of a certificate, 4799  
processing a late application for renewal of a certificate, 4800  
reinstatement of a lapsed certificate, application for approval 4801  
of a community health worker training program for community 4802  
health workers, and renewal of the approval of a training 4803  
program for community health workers. 4804

(B) Each quarter, for purposes of transferring funds under 4805  
section 4743.05 of the Revised Code to the nurse education 4806  
assistance fund created in section 3333.28 of the Revised Code, 4807

the board of nursing shall certify to the director of budget and 4808  
management the number of licenses renewed under this chapter 4809  
during the preceding quarter and the amount equal to that number 4810  
times five dollars. 4811

(C) The board may charge a participant in a board- 4812  
sponsored continuing education activity an amount not exceeding 4813  
fifteen dollars for each activity. 4814

(D) The board may contract for services pertaining to the 4815  
process of providing written verification of a license or 4816  
certificate when the verification is performed for purposes 4817  
other than providing verification to another jurisdiction. The 4818  
contract may include provisions pertaining to the collection of 4819  
the fee charged for providing the written verification. As part 4820  
of these provisions, the board may permit the contractor to 4821  
retain a portion of the fees as compensation, before any amounts 4822  
are deposited into the state treasury. 4823

**Sec. 4723.091.** (A) An individual who applies for licensure 4824  
under section 4723.09 of the Revised Code; issuance of a 4825  
certificate under section 4723.651, 4723.75, ~~4723.76~~, or 4723.85 4826  
of the Revised Code; reactivation of a license, under division 4827  
(D) of section 4723.24 of the Revised Code, that has been 4828  
inactive for at least five years; or reinstatement of a license, 4829  
under division (D) of section 4723.24 of the Revised Code, that 4830  
has lapsed for at least five years shall submit a request to the 4831  
bureau of criminal identification and investigation for a 4832  
criminal records check of the applicant. The request shall be 4833  
made in accordance with section 109.572 of the Revised Code. 4834

(B) An applicant requesting a criminal records check under 4835  
division (A) of this section shall also ask the superintendent 4836  
of the bureau of criminal identification and investigation to 4837

request that the federal bureau of investigation send to the 4838  
superintendent any information the federal bureau of 4839  
investigation has with respect to the applicant. 4840

(C) On receipt of all items required for the commencement 4841  
of a criminal records check pursuant to division (A) of this 4842  
section, the bureau of criminal identification and investigation 4843  
shall conduct a criminal records check of the applicant. On the 4844  
completion of the criminal records check, the bureau shall send 4845  
the results to the board of nursing. 4846

(D) The results of a criminal records check conducted 4847  
pursuant to a request made under division (A) of this section, 4848  
and any report containing those results, are not public records 4849  
for purposes of section 149.43 of the Revised Code and shall not 4850  
be made available to any person or for any purpose other than 4851  
the following: 4852

(1) The results may be made available to any person for 4853  
use in determining under section 4723.09, 4723.651, 4723.75, 4854  
~~4723.76,~~ or 4723.85 of the Revised Code whether the individual 4855  
who is the subject of the check should be granted a license or 4856  
certificate under this chapter or whether any temporary permit 4857  
granted to the individual under ~~either of the following has~~ 4858  
~~terminated automatically:~~ 4859

~~(a) Section section 4723.09 of the Revised Code;~~ 4860

~~(b) Section 4723.76 of the Revised Code as that section~~ 4861  
~~existed at any time before March 20, 2013 has terminated~~ 4862  
~~automatically.~~ 4863

(2) The results may be made available to any person for 4864  
use in determining under division (D) of section 4723.24 of the 4865  
Revised Code whether the individual who is the subject of the 4866

check should have the individual's license or certificate 4867  
reactivated or reinstated. 4868

(3) The results may be made available to any person for 4869  
use in determining under section 4723.28 of the Revised Code 4870  
whether the individual who is the subject of the check should be 4871  
subject to disciplinary action in accordance with that section. 4872

(4) The results may be made available to the individual 4873  
who is the subject of the check or that individual's 4874  
representative. 4875

**Sec. 4723.092.** The board of nursing shall not refuse to 4876  
issue a license under section 4723.09 of the Revised Code or a 4877  
certificate under section 4723.651, 4723.75, ~~4723.76~~, or 4723.85 4878  
of the Revised Code—because of a conviction of, plea of guilty 4879  
to, a judicial finding of guilt of, a judicial finding of guilt 4880  
resulting from a plea of no contest to, or a judicial finding of 4881  
eligibility for a pretrial diversion or similar program or for 4882  
intervention in lieu of a conviction for a criminal offense 4883  
unless the refusal is in accordance with section 9.79 of the 4884  
Revised Code. 4885

**Sec. 4723.114.** (A) As used in this section, "person" has 4886  
the same meaning as in section 1.59 of the Revised Code. 4887

(B) A person or governmental entity that employs, or 4888  
contracts directly or through another person or governmental 4889  
entity for the provision of services by, a nurse holding a 4890  
multistate license to practice registered or licensed practical 4891  
nursing issued pursuant to section 4723.11 of the Revised Code 4892  
shall do both of the following if the nurse's home state, as 4893  
defined in that section, is not Ohio: 4894

(1) Report to the board of nursing the ~~name~~ number of ~~each~~ 4895

~~nurses~~ nurses holding a multistate license, as well as any other  
information pertaining to the nurse as required by rules of the  
~~board~~ licenses who are employed by, or providing services for,  
the person or governmental entity;

(2) Provide each nurse holding a multistate license a copy  
of board-developed information concerning laws and rules  
specific to the practice of nursing in Ohio.

~~(B)~~ (C) The board shall develop information concerning  
laws and rules specific to the practice of nursing in Ohio and  
make that information available on its internet web site.

~~(C)~~ (D) The board may adopt rules in accordance with  
Chapter 119. of the Revised Code to implement this section.

**Sec. 4723.18.** ~~(A) The board of nursing shall authorize a  
licensed practical nurse to administer to an adult intravenous  
therapy if the nurse supplies evidence satisfactory to the board  
that the conditions of divisions (A) (1) to (3) of this section  
have been met:~~

~~(1) The nurse holds a current, valid license issued under  
this chapter to practice nursing as a licensed practical nurse.~~

~~(2) The nurse has been authorized under section 4723.17 of  
the Revised Code to administer medications.~~

~~(3) The nurse successfully completed either of the  
following:~~

~~(a) A course of study in the safe performance of  
intravenous therapy approved by the board pursuant to section  
4723.19 of the Revised Code or by an agency in another  
jurisdiction that regulates the practice of nursing and has  
requirements for intravenous therapy course approval that are~~

~~substantially similar to the requirements in division (B) of~~ 4924  
~~section 4723.19 of the Revised Code, as determined by the board;~~ 4925

~~(b) A continuing education course or program approved by~~ 4926  
~~the board pursuant to section 4723.06 of the Revised Code that~~ 4927  
~~includes all of the following:~~ 4928

~~(i) The curriculum established by rules adopted by the~~ 4929  
~~board;~~ 4930

~~(ii) Training in the anatomy and physiology of the~~ 4931  
~~cardiovascular system, signs and symptoms of local and systemic~~ 4932  
~~complications in the administration of fluids and antibiotic~~ 4933  
~~additives, and guidelines for management of these complications;~~ 4934

~~(iii) Any other training or instruction the board~~ 4935  
~~considers appropriate;~~ 4936

~~(iv) A testing component that requires the nurse to~~ 4937  
~~perform a successful demonstration of the intravenous~~ 4938  
~~procedures, including all skills needed to perform them safely.~~ 4939

~~(B) Except as provided in section 4723.181 of the Revised~~ 4940  
~~Code and subject to the restrictions in division (D) (C) of this~~ 4941  
~~section, a licensed practical nurse may perform intravenous~~ 4942  
~~therapy on an adult patient only if authorized by the board~~ 4943  
~~pursuant to division (A) of this section and only at the~~ 4944  
~~direction of one of the following:~~ 4945

(1) A physician, physician assistant, dentist, 4946  
optometrist, or podiatrist who is authorized to practice in this 4947  
state and, except as provided in division ~~(C) (2)~~ (B) (2) of this 4948  
section, is present and readily available at the facility where 4949  
the intravenous therapy procedure is performed; 4950

(2) A registered nurse in accordance with division ~~(C)~~ (B) 4951

of this section. 4952

~~(C) (1)~~ (B) (1) Except as provided in division ~~(C) (2)~~ (B) (2) 4953  
of this section and section 4723.181 of the Revised Code, when a 4954  
licensed practical nurse ~~authorized by the board to perform~~ 4955  
~~intravenous therapy~~ performs an intravenous therapy procedure at 4956  
the direction of a registered nurse, the registered nurse or 4957  
another registered nurse shall be readily available at the site 4958  
where the intravenous therapy is performed, and before the 4959  
licensed practical nurse initiates the intravenous therapy, the 4960  
registered nurse shall personally perform an on-site assessment 4961  
of the adult patient who is to receive the intravenous therapy. 4962

(2) When a licensed practical nurse ~~authorized by the~~ 4963  
~~board to perform intravenous therapy~~ performs an intravenous 4964  
therapy procedure in a home as defined in section 3721.10 of the 4965  
Revised Code, or in an intermediate care facility for 4966  
individuals with intellectual disabilities as defined in section 4967  
5124.01 of the Revised Code, at the direction of a registered 4968  
nurse or licensed a physician, physician assistant, dentist, 4969  
optometrist, or podiatrist who is authorized to practice in this 4970  
state, a registered nurse shall be on the premises of the home 4971  
or facility or accessible by some form of telecommunication. 4972

~~(D)~~ (C) No licensed practical nurse shall perform any of 4973  
the following intravenous therapy procedures: 4974

(1) Initiating or maintaining any of the following: 4975

(a) Blood or blood components; 4976

(b) Solutions for total parenteral nutrition; 4977

(c) Any cancer therapeutic medication including, but not 4978  
limited to, cancer chemotherapy or an anti-neoplastic agent; 4979

(d) Solutions administered through any central venous line 4980  
or arterial line or any other line that does not terminate in a 4981  
peripheral vein, except that a licensed practical nurse 4982  
~~authorized by the board to perform intravenous therapy~~ may 4983  
maintain the solutions specified in division ~~(D) (6) (a)~~ (C) (6) (a) 4984  
of this section that are being administered through a central 4985  
venous line or peripherally inserted central catheter; 4986

(e) Any investigational or experimental medication. 4987

(2) Initiating intravenous therapy in any vein, except 4988  
that a licensed practical nurse ~~authorized by the board to~~ 4989  
~~perform intravenous therapy~~ may initiate intravenous therapy in 4990  
accordance with this section in a vein of the hand, forearm, or 4991  
antecubital fossa; 4992

(3) Discontinuing a central venous, arterial, or any other 4993  
line that does not terminate in a peripheral vein; 4994

(4) Initiating or discontinuing a peripherally inserted 4995  
central catheter; 4996

(5) Mixing, preparing, or reconstituting any medication 4997  
for intravenous therapy, except that a licensed practical nurse 4998  
~~authorized by the board to perform intravenous therapy~~ may 4999  
prepare or reconstitute an antibiotic additive; 5000

(6) Administering medication via the intravenous route, 5001  
including all of the following activities: 5002

(a) Adding medication to an intravenous solution or to an 5003  
existing infusion, except that a licensed practical nurse 5004  
~~authorized by the board to perform intravenous therapy~~ may do 5005  
any of the following: 5006

(i) Initiate an intravenous infusion containing one or 5007

more of the following elements: dextrose 5%, normal saline, 5008  
lactated ringers, sodium chloride.45%, sodium chloride 0.2%, 5009  
sterile water; 5010

(ii) Hang subsequent containers of the intravenous 5011  
solutions specified in division ~~(D) (6) (a) (i)~~ (C) (6) (a) (i) of 5012  
this section that contain vitamins or electrolytes, if a 5013  
registered nurse initiated the infusion of that same intravenous 5014  
solution; 5015

(iii) Initiate or maintain an intravenous infusion 5016  
containing an antibiotic additive. 5017

(b) Injecting medication via a direct intravenous route, 5018  
except that a licensed practical nurse ~~authorized by the board~~ 5019  
~~to perform intravenous therapy~~ may inject heparin or normal 5020  
saline to flush an intermittent infusion device or heparin lock 5021  
including, but not limited to, bolus or push. 5022

(7) Changing tubing on any line including, but not limited 5023  
to, an arterial line or a central venous line, except that a 5024  
licensed practical nurse ~~authorized by the board to perform~~ 5025  
~~intravenous therapy~~ may change tubing on an intravenous line 5026  
that terminates in a peripheral vein; 5027

(8) Programming or setting any function of a patient 5028  
controlled infusion pump. 5029

~~(E) (D)~~ Notwithstanding divisions ~~(A) (B)~~ and ~~(D) (C)~~ of 5030  
this section, at the direction of a physician or a registered 5031  
nurse, a licensed practical nurse ~~authorized by the board to~~ 5032  
~~perform intravenous therapy~~ may perform the following activities 5033  
for the purpose of performing dialysis: 5034

(1) The routine administration and regulation of saline 5035  
solution for the purpose of maintaining an established fluid 5036

plan; 5037

(2) The administration of a heparin dose intravenously; 5038

(3) The administration of a heparin dose peripherally via 5039  
a fistula needle; 5040

(4) The loading and activation of a constant infusion 5041  
pump; 5042

(5) The intermittent injection of a dose of medication 5043  
that is administered via the hemodialysis blood circuit and 5044  
through the patient's venous access. 5045

~~(F) No person shall employ or direct a licensed practical 5046  
nurse to perform an intravenous therapy procedure without first 5047  
verifying that the licensed practical nurse is authorized by the 5048  
board to perform intravenous therapy. 5049~~

**Sec. 4723.181.** (A) A licensed practical nurse may perform 5050  
on any person any of the intravenous therapy procedures 5051  
specified in division (B) of this section ~~without receiving 5052  
authorization to perform intravenous therapy from the board of 5053  
nursing under section 4723.18 of the Revised Code, if both of 5054  
the following apply: 5055~~

(1) The licensed practical nurse acts at the direction of 5056  
a registered nurse or a physician, physician assistant, dentist, 5057  
optometrist, or podiatrist who is authorized to practice in this 5058  
state and the registered nurse, physician, physician assistant, 5059  
dentist, optometrist, or podiatrist is on the premises where the 5060  
procedure is to be performed or accessible by some form of 5061  
telecommunication. 5062

(2) The licensed practical nurse can demonstrate the 5063  
knowledge, skills, and ability to perform the procedure safely. 5064

(B) The intravenous therapy procedures that a licensed practical nurse may perform pursuant to division (A) of this section are limited to the following:

(1) Verification of the type of peripheral intravenous solution being administered;

(2) Examination of a peripheral infusion site and the extremity for possible infiltration;

(3) Regulation of a peripheral intravenous infusion according to the prescribed flow rate;

(4) Discontinuation of a peripheral intravenous device at the appropriate time;

(5) Performance of routine dressing changes at the insertion site of a peripheral venous or arterial infusion, peripherally inserted central catheter infusion, or central venous pressure subclavian infusion.

**Sec. 4723.35.** (A) As used in this section, "substance use disorder" means either of the following:

(1) The chronic and habitual use of alcoholic beverages to the extent that the user no longer can control the use of alcohol or endangers the user's health, safety, or welfare or that of others;

(2) The use of a controlled substance as defined in section 3719.01 of the Revised Code, a harmful intoxicant as defined in section 2925.01 of the Revised Code, or a dangerous drug as defined in section 4729.01 of the Revised Code, to the extent that the user becomes physically or psychologically dependent on the substance, intoxicant, or drug or endangers the user's health, safety, or welfare or that of others.

(B) The board of nursing may abstain from taking 5093  
disciplinary action under section 4723.28 or 4723.86 of the 5094  
Revised Code against an individual with a substance use disorder 5095  
if it finds that the individual can be treated effectively and 5096  
there is no impairment of the individual's ability to practice 5097  
according to acceptable and prevailing standards of safe care. 5098  
The board shall establish a substance use disorder monitoring 5099  
program to monitor the registered nurses, licensed practical 5100  
nurses, dialysis technicians, and certified community health 5101  
workers against whom the board has abstained from taking action. 5102  
The board shall either develop the program, select the program's 5103  
name, and designate a coordinator to administer the program or, 5104  
in the alternative, the board may contract with a third-party 5105  
vendor to administer the program. 5106

(C) Determinations regarding an individual's eligibility 5107  
for admission to, continued participation in, and successful 5108  
completion of the monitoring program shall be made by the 5109  
board's supervising member for disciplinary matters in 5110  
accordance with rules adopted under division (D) of this 5111  
section. 5112

(D) The board shall adopt rules in accordance with Chapter 5113  
119. of the Revised Code that establish the following: 5114

(1) Eligibility requirements for admission to and 5115  
continued participation in the monitoring program; 5116

(2) Terms and conditions that must be met to participate 5117  
in and successfully complete the program; 5118

(3) Procedures for keeping confidential records regarding 5119  
participants; 5120

(4) Any other requirements or procedures necessary to 5121

establish and administer the program. 5122

(E) (1) As a condition of being admitted to the monitoring 5123  
program, an individual shall surrender to the program 5124  
coordinator the license or certificate that the individual 5125  
holds. While the surrender is in effect, the individual is 5126  
prohibited from engaging in the practice of nursing, engaging in 5127  
the provision of dialysis care, or engaging in the provision of 5128  
services that were being provided as a certified community 5129  
health worker. 5130

If the board's supervising member for disciplinary matters 5131  
determines that a participant is capable of resuming practice 5132  
according to acceptable and prevailing standards of safe care, 5133  
the program coordinator shall return the participant's license 5134  
or certificate. If the participant violates the terms and 5135  
conditions of resumed practice, the coordinator shall require 5136  
the participant to surrender the license or certificate as a 5137  
condition of continued participation in the program. The 5138  
coordinator may require the surrender only on the approval of 5139  
the board's supervising member for disciplinary matters. 5140

The surrender of a license or certificate on admission to 5141  
the monitoring program or while participating in the program 5142  
does not constitute an action by the board under section 4723.28 5143  
or 4723.86 of the Revised Code. The participant may rescind the 5144  
surrender at any time and the board may proceed by taking action 5145  
under section 4723.28 or 4723.86 of the Revised Code. 5146

(2) If the program coordinator or third-party vendor 5147  
determines that a participant is significantly out of compliance 5148  
with the terms and conditions for participation, the coordinator 5149  
or other staff designated by the board shall notify the board's 5150  
supervising member for disciplinary matters and the supervising 5151

member shall determine whether to temporarily suspend the 5152  
participant's license or certificate. The board shall notify the 5153  
participant of the suspension by certified mail sent to the 5154  
participant's last known address and shall refer the matter to 5155  
the board for formal action under section 4723.28 or 4723.86 of 5156  
the Revised Code. 5157

(F) All of the following apply with respect to the 5158  
receipt, release, and maintenance of records and information by 5159  
the monitoring program: 5160

(1) The program coordinator or third-party vendor shall 5161  
maintain all program records in the board's office a manner that 5162  
protects the confidentiality of the record, and for each 5163  
participant, shall retain the records for a period of two years 5164  
following the participant's date of successful completion of the 5165  
program. 5166

(2) When applying to participate in the monitoring 5167  
program, the applicant shall sign a waiver permitting the board 5168  
to receive and release information necessary to determine 5169  
whether the individual is eligible for admission. After being 5170  
admitted, the participant shall sign a waiver permitting the 5171  
board to receive and release information necessary to determine 5172  
whether the individual is eligible for continued participation 5173  
in the program. Information that may be necessary for the 5174  
board's supervising member for disciplinary matters to determine 5175  
eligibility for admission or continued participation in the 5176  
monitoring program includes, but is not limited to, information 5177  
provided to and by employers, probation officers, law 5178  
enforcement agencies, peer assistance programs, health 5179  
professionals, and treatment providers. No entity with knowledge 5180  
that the information has been provided to the monitoring program 5181

shall divulge that knowledge to any other person. 5182

(3) Except as provided in division (F) (4) of this section, 5183  
all records pertaining to an individual's application for or 5184  
participation in the monitoring program, including medical 5185  
records, treatment records, and mental health records, shall be 5186  
confidential. The records are not public records for the 5187  
purposes of section 149.43 of the Revised Code and are not 5188  
subject to discovery by subpoena or admissible as evidence in 5189  
any judicial proceeding. 5190

(4) The board may disclose information regarding a 5191  
participant's progress in the program to any person or 5192  
government entity that the participant authorizes in writing to 5193  
be given the information. In disclosing information under this 5194  
division, the board shall not include any information that is 5195  
protected under section 5119.27 of the Revised Code or any 5196  
federal statute or regulation that provides for the 5197  
confidentiality of medical, mental health, or substance abuse 5198  
records. 5199

(G) In the absence of fraud or bad faith, the board as a 5200  
whole, its individual members, and its employees and 5201  
representatives are not liable for damages in any civil action 5202  
as a result of disclosing information in accordance with 5203  
division (F) (4) of this section. In the absence of fraud or bad 5204  
faith, any person reporting to the program with regard to an 5205  
individual's substance use disorder, or the progress or lack of 5206  
progress of that individual with regard to treatment, is not 5207  
liable for damages in any civil action as a result of the 5208  
report. 5209

**Sec. 4723.48.** (A) A clinical nurse specialist, certified 5210  
nurse-midwife, or certified nurse practitioner who holds a 5211

license to practice nursing issued under section 4723.42 of the 5212  
Revised Code may delegate to a person not otherwise authorized 5213  
to administer drugs the authority to administer to a specified 5214  
patient a drug, unless the drug is a controlled substance or is 5215  
listed in the formulary established in rules adopted under 5216  
section 4723.50 of the Revised Code. The delegation shall be in 5217  
accordance with division (B) of this section and standards and 5218  
procedures established in rules adopted under division ~~(O)~~(N) 5219  
of section 4723.07 of the Revised Code. 5220

(B) Prior to delegating the authority, the nurse shall do 5221  
both of the following: 5222

(1) Assess the patient and determine that the drug is 5223  
appropriate for the patient; 5224

(2) Determine that the person to whom the authority will 5225  
be delegated has met the conditions specified in division (D) of 5226  
section 4723.489 of the Revised Code. 5227

**Sec. 4723.481.** This section establishes standards and 5228  
conditions regarding the authority of an advanced practice 5229  
registered nurse who is designated as a clinical nurse 5230  
specialist, certified nurse-midwife, or certified nurse 5231  
practitioner to prescribe and personally furnish drugs and 5232  
therapeutic devices under a license issued under section 4723.42 5233  
of the Revised Code. 5234

(A) ~~Except as provided in division (F) of this section, a~~ 5235  
A clinical nurse specialist, certified nurse-midwife, or 5236  
certified nurse practitioner shall not prescribe or furnish any 5237  
drug or therapeutic device that is listed on the exclusionary 5238  
formulary established in rules adopted under section 4723.50 of 5239  
the Revised Code. 5240

(B) The prescriptive authority of a clinical nurse 5241  
specialist, certified nurse-midwife, or certified nurse 5242  
practitioner shall not exceed the prescriptive authority of the 5243  
collaborating physician or podiatrist, including the 5244  
collaborating physician's authority to treat chronic pain with 5245  
controlled substances and products containing tramadol as 5246  
described in section 4731.052 of the Revised Code. 5247

(C) (1) Except as provided in division (C) (2) or (3) of 5248  
this section, a clinical nurse specialist, certified nurse- 5249  
midwife, or certified nurse practitioner may prescribe to a 5250  
patient a schedule II controlled substance only if all of the 5251  
following are the case: 5252

(a) The patient has a terminal condition, as defined in 5253  
section 2133.01 of the Revised Code. 5254

(b) A physician initially prescribed the substance for the 5255  
patient. 5256

(c) The prescription is for an amount that does not exceed 5257  
the amount necessary for the patient's use in a single, seventy- 5258  
two-hour period. 5259

(2) The restrictions on prescriptive authority in division 5260  
(C) (1) of this section do not apply if a clinical nurse 5261  
specialist, certified nurse-midwife, or certified nurse 5262  
practitioner issues the prescription to the patient from any of 5263  
the following ~~locations~~entities: 5264

(a) A hospital registered under section 3701.07 of the 5265  
Revised Code; 5266

(b) An entity owned or controlled, in whole or in part, by 5267  
a hospital or by an entity that owns or controls, in whole or in 5268  
part, one or more hospitals; 5269

(c) A health care facility operated by the department of mental health and addiction services or the department of developmental disabilities;	5270 5271 5272
(d) A nursing home licensed under section 3721.02 of the Revised Code or by a political subdivision certified under section 3721.09 of the Revised Code;	5273 5274 5275
(e) A county home or district home operated under Chapter 5155. of the Revised Code that is certified under the medicare or medicaid program;	5276 5277 5278
(f) A hospice care program, as defined in section 3712.01 of the Revised Code;	5279 5280
(g) A community mental health services provider, as defined in section 5122.01 of the Revised Code;	5281 5282
(h) An ambulatory surgical facility, as defined in section 3702.30 of the Revised Code;	5283 5284
(i) A freestanding birthing center, as defined in section 3702.141 of the Revised Code;	5285 5286
(j) A federally qualified health center, as defined in section 3701.047 of the Revised Code;	5287 5288
(k) A federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;	5289 5290
(l) A health care office or facility operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;	5291 5292 5293 5294
(m) A site where a medical practice is operated, but only if the practice is comprised of one or more physicians who also	5295 5296

are owners of the practice; the practice is organized to provide 5297  
direct patient care; and the clinical nurse specialist, 5298  
certified nurse-midwife, or certified nurse practitioner 5299  
providing services at the site has a standard care arrangement 5300  
and collaborates with at least one of the physician owners who 5301  
practices primarily at that site; 5302

(n) A residential care facility, as defined in section 5303  
3721.01 of the Revised Code. 5304

(3) A clinical nurse specialist, certified nurse-midwife, 5305  
or certified nurse practitioner shall not issue to a patient a 5306  
prescription for a schedule II controlled substance from a 5307  
convenience care clinic even if the clinic is owned or operated 5308  
by an entity specified in division (C) (2) of this section. 5309

(D) A pharmacist who acts in good faith reliance on a 5310  
prescription issued by a clinical nurse specialist, certified 5311  
nurse-midwife, or certified nurse practitioner under division 5312  
(C) (2) of this section is not liable for or subject to any of 5313  
the following for relying on the prescription: damages in any 5314  
civil action, prosecution in any criminal proceeding, or 5315  
professional disciplinary action by the state board of pharmacy 5316  
under Chapter 4729. of the Revised Code. 5317

(E) A clinical nurse specialist, certified nurse-midwife, 5318  
or certified nurse practitioner shall comply with section 5319  
3719.061 of the Revised Code if the nurse prescribes for a 5320  
minor, as defined in that section, an opioid analgesic, as 5321  
defined in section 3719.01 of the Revised Code. 5322

~~(F) Until the board of nursing establishes a new formulary 5323  
in rules adopted under section 4723.50 of the Revised Code, a 5324  
clinical nurse specialist, certified nurse-midwife, or certified 5325~~

~~nurse practitioner who prescribes or furnishes any drug or  
therapeutic device shall do so in accordance with the formulary  
established by the board prior to the effective date of this  
amendment.~~

**Sec. 4723.50.** (A) As used in this section: 5330

(1) "Controlled substance" has the same meaning as in 5331  
section 3719.01 of the Revised Code. 5332

(2) "Medication-assisted treatment" has the same meaning 5333  
as in section 340.01 of the Revised Code. 5334

(B) In accordance with Chapter 119. of the Revised Code, 5335  
the board of nursing shall adopt rules as necessary to implement 5336  
the provisions of this chapter pertaining to the authority of 5337  
advanced practice registered nurses who are designated as 5338  
clinical nurse specialists, certified nurse-midwives, and 5339  
certified nurse practitioners to prescribe and furnish drugs and 5340  
therapeutic devices. 5341

~~The board shall adopt rules that are consistent with a  
recommended exclusionary formulary the board received from the  
former committee on prescriptive governance that was established  
pursuant to H.B. 216 of the 131st general assembly. After  
reviewing a formulary submitted by the committee, the board may  
either adopt the formulary as a rule or ask the committee to  
reconsider and resubmit the formulary. The board shall not adopt  
any rule that does not conform to a formulary developed by the  
committee.~~

The establishing an exclusionary formulary. The 5351  
exclusionary formulary shall permit, in a manner consistent with 5352  
section 4723.481 of the Revised Code, the prescribing of 5353  
controlled substances, including drugs that contain 5354

buprenorphine used in medication-assisted treatment and both 5355  
oral and long-acting opioid antagonists. The formulary shall not 5356  
permit the prescribing or furnishing of any of the following: 5357

(1) A drug or device to perform or induce an abortion; 5358

(2) A drug or device prohibited by federal or state law. 5359

(C) In addition to the rules described in division (B) of 5360  
this section, the board shall adopt rules under this section 5361  
that do the following: 5362

(1) Establish standards for board approval of the course 5363  
of study in advanced pharmacology and related topics required by 5364  
section 4723.482 of the Revised Code; 5365

(2) Establish requirements for board approval of the two- 5366  
hour course of instruction in the laws of this state as required 5367  
under division (C) (1) of section 4723.482 of the Revised Code; 5368

(3) Establish criteria for the components of the standard 5369  
care arrangements described in section 4723.431 of the Revised 5370  
Code that apply to the authority to prescribe, including the 5371  
components that apply to the authority to prescribe schedule II 5372  
controlled substances. The rules shall be consistent with that 5373  
section and include all of the following: 5374

(a) Quality assurance standards; 5375

(b) Standards for periodic review by a collaborating 5376  
physician or podiatrist of the records of patients treated by 5377  
the clinical nurse specialist, certified nurse-midwife, or 5378  
certified nurse practitioner; 5379

(c) Acceptable travel time between the location at which 5380  
the clinical nurse specialist, certified nurse-midwife, or 5381  
certified nurse practitioner is engaging in the prescribing 5382

components of the nurse's practice and the location of the 5383  
nurse's collaborating physician or podiatrist;— 5384

~~(d) Any other criteria recommended by the former committee 5385  
on prescriptive governance. 5386~~

**Sec. 4723.72.** (A) A dialysis technician or dialysis 5387  
technician intern may engage in dialysis care by doing the 5388  
following: 5389

(1) Performing and monitoring dialysis procedures, 5390  
including initiating, monitoring, and discontinuing dialysis; 5391

(2) Drawing blood; 5392

(3) Administering medications as specified in division (C) 5393  
of this section when the administration is essential to the 5394  
dialysis process; 5395

(4) Responding to complications that arise during 5396  
dialysis. 5397

(B) (1) Subject to divisions (B) (2) and (3) of this 5398  
section, a dialysis technician or dialysis technician intern may 5399  
provide the dialysis care specified in division (A) of this 5400  
section only if the care has been delegated to the technician or 5401  
intern by a physician, physician assistant, or registered nurse 5402  
and the technician or intern is under the supervision of a 5403  
physician, physician assistant, or registered nurse. Supervision 5404  
requires that the dialysis technician or dialysis technician 5405  
intern be in the immediate presence of a physician, physician 5406  
assistant, or registered nurse. 5407

(2) In accordance with division (E) of section 4723.73 of 5408  
the Revised Code, a dialysis technician intern shall not provide 5409  
dialysis care in a patient's home. 5410

- (3) In the case of dialysis care provided in a patient's home by a dialysis technician, both of the following apply: 5411  
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- (a) The technician shall be supervised in accordance with the rules adopted under section 4723.79 of the Revised Code for supervision of dialysis technicians who provide dialysis care in a patient's home. 5413  
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- (b) Division ~~(D) (5)~~ (D) (6) of section 4723.73 of the Revised Code does not allow a dialysis technician who provides dialysis care in a patient's home to provide dialysis care that is not authorized under this section. 5417  
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- (C) A dialysis technician or dialysis technician intern may administer only the following medications as ordered by a licensed health professional authorized to prescribe drugs as defined in section 4729.01 of the Revised Code and in accordance with the standards for the delegation of dialysis care established in division (B) of this section and in rules adopted under section 4723.79 of the Revised Code: 5421  
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- (1) Intradermal lidocaine or other single therapeutically equivalent local anesthetic for the purpose of initiating dialysis treatment; 5428  
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- (2) Intravenous heparin or other single therapeutically equivalent anticoagulant for the purpose of initiating and maintaining dialysis treatment; 5431  
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- (3) Intravenous normal saline; 5434
- (4) Patient-specific dialysate, to which the technician or intern may add electrolytes but no other additives or medications; 5435  
5436  
5437
- (5) Oxygen. 5438

**Sec. 4723.73.** (A) No person who does not hold a current, 5439  
valid certificate issued under section 4723.75 or renewed under 5440  
section 4723.77 of the Revised Code shall do either of the 5441  
following: 5442

(1) Claim to the public to be a dialysis technician; 5443

(2) Use the title "Ohio certified dialysis technician," 5444  
the initials "OCDT," or any other title or initials to represent 5445  
that the person is authorized to perform dialysis care as a 5446  
dialysis technician. 5447

(B) No person who ~~does has not hold a current, valid~~ 5448  
~~dialysis technician intern certificate issued under successfully~~ 5449  
completed a dialysis training program approved by the board of 5450  
nursing under section 4723.76-4723.74 of the Revised Code within 5451  
the previous eighteen months shall do either of the following: 5452

(1) Claim to the public to be a dialysis technician 5453  
intern; 5454

(2) Use the title "dialysis technician intern," the 5455  
initials "DTI," or any other title or initials to represent that 5456  
the person is authorized to perform dialysis care as a dialysis 5457  
technician intern. 5458

(C) No dialysis technician or dialysis technician intern 5459  
shall engage in dialysis care in a manner that is inconsistent 5460  
with section 4723.72 of the Revised Code. 5461

(D) No person other than a dialysis technician or dialysis 5462  
technician intern shall engage in the dialysis care that is 5463  
authorized by section 4723.72 of the Revised Code, unless the 5464  
person is one or more of the following: 5465

(1) A registered nurse or licensed practical nurse; 5466

(2) A physician;	5467
(3) <u>A physician assistant;</u>	5468
<u>(4)</u> A student performing dialysis care under the supervision of an instructor as an integral part of a dialysis training program approved by the board of nursing under section 4723.74 of the Revised Code;	5469 5470 5471 5472
<del>(4)</del> <u>(5)</u> A dialysis patient who has been trained to engage in the dialysis care with little or no professional assistance by completing a medicare-approved self-dialysis or home dialysis training program;	5473 5474 5475 5476
<del>(5)</del> <u>(6)</u> A family member or friend of a dialysis patient who engages in self-dialysis or home dialysis, and the person engages in the dialysis care by assisting the patient in performing the self-dialysis or home dialysis, after the person providing the assistance has completed a medicare-approved self-dialysis or home dialysis training program for the particular dialysis patient being assisted.	5477 5478 5479 5480 5481 5482 5483
(E) No dialysis technician intern shall do either of the following:	5484 5485
(1) Serve as a trainer or preceptor in a dialysis training program;	5486 5487
(2) Provide dialysis care in a patient's home.	5488
(F) No person shall operate a dialysis training program, unless the program is approved by the board of nursing under section 4723.74 of the Revised Code.	5489 5490 5491
<b>Sec. 4723.75.</b> (A) The board of nursing shall issue a certificate to practice as a dialysis technician to an applicant if the following conditions are met:	5492 5493 5494

(1) The application is submitted to the board in 5495  
accordance with rules adopted under section 4723.79 of the 5496  
Revised Code and includes both of the following: 5497

(a) The fee established in rules adopted under section 5498  
4723.79 of the Revised Code; 5499

(b) The name and address of each approved dialysis 5500  
training program in which the applicant has enrolled and the 5501  
dates during which the applicant was enrolled in each program. 5502

(2) The applicant meets the requirements established by 5503  
the board's rules. 5504

(3) The applicant demonstrates competency to practice as a 5505  
dialysis technician, as specified in division (B) of this 5506  
section. 5507

(4) In the case of an applicant who entered a dialysis 5508  
training program on or after June 1, 2003, the results of a 5509  
criminal records check conducted in accordance with section 5510  
4723.091 of the Revised Code demonstrate that the applicant is 5511  
not ineligible for certification in accordance with section 5512  
4723.092 of the Revised Code. 5513

(B) For an applicant to demonstrate competence to practice 5514  
as a dialysis technician, one of the following must apply: 5515

(1) The applicant has successfully completed a dialysis 5516  
training program approved by the board under section 4723.74 of 5517  
the Revised Code and meets both of the following requirements: 5518

(a) Has performed dialysis care for a dialysis provider 5519  
for not less than six months immediately prior to the date of 5520  
application; 5521

(b) Has passed a certification examination demonstrating 5522

competence to perform dialysis care not later than eighteen 5523  
months after successfully completing a dialysis training program 5524  
approved by the board under section 4723.74 of the Revised Code. 5525

(2) The applicant does all of the following: 5526

(a) Has a testing organization approved by the board 5527  
submit evidence satisfactory to the board that the applicant 5528  
passed an examination, in another jurisdiction, that 5529  
demonstrates the applicant's competence to provide dialysis 5530  
care; 5531

(b) Submits evidence satisfactory to the board that the 5532  
applicant has been employed to perform dialysis care in another 5533  
jurisdiction for not less than six months immediately prior to 5534  
the date of application for certification under this section; 5535

(c) Submits evidence satisfactory to the board that the 5536  
applicant completed at least two hours of education directly 5537  
related to this chapter and the rules adopted under it. 5538

(C) An applicant who does not pass the certification 5539  
examination described in division (B) (1) (b) of this section 5540  
within the time period prescribed in that division may continue 5541  
to pursue certification by repeating the entire training and 5542  
application process, including doing all of the following: 5543

(1) Enrolling in and successfully completing a dialysis 5544  
training program approved by the board; 5545

(2) Submitting a request to the bureau of criminal 5546  
identification and investigation for a criminal records check 5547  
and check of federal bureau of investigation records pursuant to 5548  
section 4723.091 of the Revised Code; 5549

(3) ~~Submitting an application for a dialysis technician~~ 5550

~~intern certificate in accordance with section 4723.76 of the Revised Code;~~ 5551  
5552

~~(4)~~ Demonstrating competence to perform dialysis care in accordance with division (B) of this section. 5553  
5554

**Sec. 4723.79.** The board of nursing shall adopt rules to administer and enforce sections 4723.71 to 4723.79 of the Revised Code. The board shall adopt the rules in accordance with Chapter 119. of the Revised Code. The rules shall establish or specify all of the following: 5555  
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5557  
5558  
5559

(A) The application process, fee, and requirements for approval, reapproval, and withdrawing the approval of a dialysis training program under section 4723.74 of the Revised Code. The requirements shall include standards that must be satisfied regarding curriculum, length of training, and instructions in patient care. 5560  
5561  
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(B) The application process, fee, and requirements for issuance of a dialysis technician certificate under section 4723.75 of the Revised Code, except that the amount of the fee shall be no greater than the fee charged under division (A) (1) of section 4723.08 of the Revised Code; 5566  
5567  
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~~(C) The application process, fee, and requirements for issuance of a dialysis technician intern certificate under section 4723.76 of the Revised Code;~~ 5571  
5572  
5573

~~(D)~~ The process for approval of testing organizations under section 4723.751 of the Revised Code; 5574  
5575

~~(E)~~ (D) Subjects to be included in a certification examination pursuant to section 4723.751 of the Revised Code; 5576  
5577

~~(F)~~ (E) The schedule, fees, and continuing education 5578

requirements for renewal of a dialysis technician certificate 5579  
under section 4723.77 of the Revised Code, except that the 5580  
amount of the fee for renewal shall be no greater than the fee 5581  
charged under division ~~(A) (10)~~ (A) (9) of section 4723.08 of the 5582  
Revised Code; 5583

~~(G)~~ (F) Standards for approval of continuing education 5584  
programs and courses for dialysis technicians; 5585

~~(H)~~ (G) Standards for the administration of medication by 5586  
dialysis technicians and dialysis technician interns under 5587  
section 4723.72 of the Revised Code; 5588

~~(I)~~ (H) Standards and procedures for the supervision of 5589  
dialysis technicians who provide dialysis care in a patient's 5590  
home, including monthly home visits by a registered nurse to 5591  
monitor the quality of the dialysis care; 5592

~~(J)~~ (I) Any other procedures or requirements necessary for 5593  
the administration and enforcement of sections 4723.71 to 5594  
4723.79 of the Revised Code. 5595

**Sec. 4725.01.** As used in this chapter: 5596

~~(A) (1)~~ (A) The "practice of optometry" means all of the 5597  
following: 5598

(1) The application of optical principles, through 5599  
technical methods and devices, in the examination of human eyes 5600  
for the purpose of ascertaining departures from the normal, 5601  
measuring their functional powers, adapting optical accessories 5602  
for the aid thereof, and detecting ocular abnormalities that may 5603  
be evidence of disease, pathology, or injury; ~~i~~ 5604

~~(2) In the case of a licensed optometrist who holds a~~ 5605  
~~topical ocular pharmaceutical agents certificate, the "practice~~ 5606

~~of optometry" has the same meaning as in division (A) (1) of this section, except that it also includes administering topical ocular pharmaceutical agents.~~ 5607  
5608  
5609

~~(3) In the case of a licensed optometrist who holds a therapeutic pharmaceutical agents certificate, the "practice of optometry" has the same meaning as in division (A) (1) of this section, except that it also includes all of the following:~~ 5610  
5611  
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~~(a) Employing, applying, administering, and prescribing instruments, devices, and procedures, other than invasive procedures, for purpose of examination, investigation, diagnosis, treatment, or prevention of any disease, injury, or other abnormal condition of the visual system;~~ 5614  
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5616  
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~~(b) (3) Employing, applying, administering, and prescribing topical ocular pharmaceutical agents;~~ 5619  
5620

~~(c) (4) Employing, applying, administering, and prescribing therapeutic pharmaceutical agents;~~ 5621  
5622

~~(d) (5) Assisting an individual in determining the individual's blood glucose level by using a commercially available glucose-monitoring device. Nothing in this section precludes a licensed optometrist who holds a therapeutic pharmaceutical agents certificate from using any particular type of commercially available glucose-monitoring device;~~ 5623  
5624  
5625  
5626  
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(6) Designing, fabricating, and fitting artificial eyes or prostheses associated with the appearance or function of the human eye. 5629  
5630  
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(B) "Topical ocular pharmaceutical agent" means a drug or dangerous drug that is a topical drug and used ~~in the practice of optometry as follows:~~ 5632  
5633  
5634

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

~~(2) In the case of a licensed optometrist who holds a  
therapeutic pharmaceutical agents certificate, or for purposes  
of examination, investigation, diagnosis, treatment, or  
prevention of any disease, injury, or other abnormal condition  
of the visual system.~~

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

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

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

(b) Anti-allergy agents;

(c) Antiglaucoma agents;

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

(e) Anti-inflammatories, excluding all drugs or dangerous

drugs classified as oral steroids other than methylpredisolone, 5663  
except that methylpredisolone may be used ~~under a therapeutic-~~ 5664  
~~pharmaceutical agents certificate~~ only if it is prescribed under 5665  
all of the following conditions: 5666

(i) For use in allergy cases; 5667

(ii) For use by an individual who is eighteen years of age 5668  
or older; 5669

(iii) On the basis of an individual's particular episode 5670  
of illness; 5671

(iv) In an amount that does not exceed the amount packaged 5672  
for a single course of therapy. 5673

(2) Epinephrine administered by injection to individuals 5674  
in emergency situations to counteract anaphylaxis or 5675  
anaphylactic shock. Notwithstanding any provision of this 5676  
section to the contrary, administration of epinephrine in this 5677  
manner does not constitute performance of an invasive procedure. 5678

(3) An oral drug or dangerous drug that is not included 5679  
under division (C)(1) of this section, if the drug or dangerous 5680  
drug is approved, exempt from approval, certified, or exempt 5681  
from certification by the federal food and drug administration 5682  
for ophthalmic purposes and the drug or dangerous drug is 5683  
specified in rules adopted by the board under section 4725.09 of 5684  
the Revised Code. 5685

(D) "Controlled substance" has the same meaning as in 5686  
section 3719.01 of the Revised Code. 5687

(E) "Drug" and "dangerous drug" have the same meanings as 5688  
in section 4729.01 of the Revised Code. 5689

(F) "Invasive procedure" means any procedure that involves 5690

cutting or otherwise infiltrating human tissue by mechanical 5691  
means including surgery, laser surgery, ionizing radiation, 5692  
therapeutic ultrasound, administering medication by injection, 5693  
or the removal of intraocular foreign bodies. 5694

(G) "Visual system" means the human eye and its accessory 5695  
or subordinate anatomical parts. 5696

(H) "Certificate of licensure" means a certificate issued 5697  
by the board under section 4725.13 of the Revised Code 5698  
authorizing the holder to engage in the practice of optometry ~~as~~ 5699  
~~provided in division (A) (1) of this section.~~ 5700

~~(I) "Topical ocular pharmaceutical agents certificate" 5701  
means a certificate issued by the board under section 4725.13 of 5702  
the Revised Code authorizing the holder to practice optometry as 5703  
provided in division (A) (2) of this section. 5704~~

~~(J) "Therapeutic pharmaceutical agents certificate" means 5705  
a certificate issued by the board under division (A) (3) or (4) 5706  
of section 4725.13 of the Revised Code authorizing the holder to 5707  
practice optometry as provided in division (A) (3) of this 5708  
section. 5709~~

**Sec. 4725.011.** In prescribing and dispensing vision 5710  
correction devices ~~under a therapeutic pharmaceutical agents~~ 5711  
~~certificate~~, a licensed optometrist may prescribe and dispense 5712  
any device that has vision correction as its primary purpose but 5713  
also combines with that purpose the delivery of a drug or 5714  
dangerous drug through the device, if the drug delivered by the 5715  
device would otherwise be a topical ocular pharmaceutical agent 5716  
or oral therapeutic pharmaceutical agent. Devices authorized by 5717  
this section include, but are not limited to, vision-correcting 5718  
contact lenses that deliver such drugs or dangerous drugs. 5719

**Sec. 4725.02.** (A) Except as provided in section 4725.26 of 5720  
the Revised Code, no person shall engage in the practice of 5721  
optometry, including the determination of the kind of procedure, 5722  
treatment, or optical accessories needed by a person or the 5723  
examination of the eyes of any person for the purpose of fitting 5724  
the same with optical accessories, unless the person holds a 5725  
current, valid certificate of licensure from the state vision 5726  
professionals board. No person shall claim to be the lawful 5727  
holder of a certificate of licensure when in fact the person is 5728  
not such lawful holder, or impersonate any licensed optometrist. 5729

~~(B) No optometrist shall administer topical ocular 5730  
pharmaceutical agents unless the optometrist holds a valid 5731  
topical ocular pharmaceutical agents certificate or therapeutic 5732  
pharmaceutical agents certificate and fulfills the other 5733  
requirements of this chapter. 5734~~

~~(C) No optometrist shall practice optometry as described 5735  
in division (A) (3) of section 4725.01 of the Revised Code unless 5736  
the optometrist holds a valid therapeutic pharmaceutical agents 5737  
certificate. 5738~~

~~(D) No optometrist shall personally furnish a therapeutic 5739  
pharmaceutical agent to any person, except that a licensed 5740  
optometrist who holds a therapeutic pharmaceutical agents 5741  
certificate may personally furnish a therapeutic pharmaceutical 5742  
agent to a patient if no charge is imposed for the agent or for 5743  
furnishing it and the amount furnished does not exceed a 5744  
seventy-two hour supply, except that if the minimum available 5745  
quantity of the agent is greater than a seventy-two hour supply, 5746  
the optometrist may furnish the minimum available quantity. 5747~~

**Sec. 4725.07.** The state vision professionals board shall 5748  
adopt a seal and certificate of suitable design and shall keep a 5749

record of its proceedings, a register of every individual 5750  
holding a certificate of licensure, license, registration, or 5751  
endorsement issued under this chapter, and a register of every 5752  
individual whose certificate of licensure, license, 5753  
registration, or endorsement has been revoked under this 5754  
chapter. 5755

The board shall have an office in Franklin county, where 5756  
all its permanent records shall be kept. On request of the 5757  
board, the director of administrative services shall supply the 5758  
board with office space and supplies, including stationery and 5759  
furniture. All printing and binding necessary for the work of 5760  
the board shall be done upon an order issued by the board 5761  
through its president and executive director to the department 5762  
of administrative services. 5763

Except as provided in this chapter, the records of the 5764  
board, including its registers, shall be open to public 5765  
inspection at all reasonable times. A copy of an entry in such 5766  
records, certified by the executive director under the seal of 5767  
the board, shall be prima-facie evidence of the facts therein 5768  
stated. 5769

The board annually, on or before the first day of 5770  
February, shall make a report to the governor of all its 5771  
official acts during the preceding year, its receipts and 5772  
disbursements, and a complete report of the conditions of 5773  
optometry and optical dispensing in this state. The board shall 5774  
submit its first report to the governor not later than February 5775  
1, 2019. The board shall submit its reports to the governor 5776  
electronically. 5777

**Sec. 4725.09.** (A) The state vision professionals board 5778  
shall adopt rules as it considers necessary to govern the 5779

practice of optometry and to administer and enforce sections 5780  
4725.01 to 4725.34 of the Revised Code. All rules adopted under 5781  
those sections shall be adopted in accordance with Chapter 119. 5782  
of the Revised Code. 5783

(B) The board, in consultation with the state board of 5784  
pharmacy, shall adopt rules specifying any oral drugs or 5785  
dangerous drugs that are therapeutic pharmaceutical agents under 5786  
division (C) (3) of section 4725.01 of the Revised Code. 5787

(C) The board shall adopt rules that establish standards 5788  
to be met and procedures to be followed with respect to the 5789  
delegation by an optometrist of the performance of an optometric 5790  
task to a person who is not licensed or otherwise specifically 5791  
authorized by the Revised Code to perform the task. The rules 5792  
shall permit an optometrist ~~who holds a topical ocular-~~ 5793  
~~pharmaceutical agents certificate or therapeutic pharmaceutical-~~ 5794  
~~agents certificate~~ to delegate the administration of drugs 5795  
included in the optometrist's scope of practice. 5796

The rules adopted under this division shall provide for 5797  
all of the following: 5798

(1) On-site supervision when the delegation occurs in an 5799  
institution or other facility that is used primarily for the 5800  
purpose of providing health care, unless the board established a 5801  
specific exception to the on-site supervision requirement with 5802  
respect to routine administration of a topical drug; 5803

(2) Evaluation of whether delegation is appropriate 5804  
according to the acuity of the patient involved; 5805

(3) Training and competency requirements that must be met 5806  
by the person administering the drugs; 5807

(4) Other standards and procedures the board considers 5808

relevant. 5809

(D) The board shall adopt rules establishing criminal 5810  
records checks requirements for applicants under section 4776.03 5811  
of the Revised Code. 5812

**Sec. 4725.091.** (A) The state vision professionals board 5813  
shall adopt rules governing the authority of licensed 5814  
optometrists ~~practicing under therapeutic pharmaceutical agents-~~ 5815  
~~certificates~~ to employ, apply, administer, and prescribe 5816  
analgesic controlled substances. The rules shall be adopted in 5817  
accordance with Chapter 119. of the Revised Code and in 5818  
consultation with the state board of pharmacy. 5819

(B) All of the following apply to the state vision 5820  
professionals board in the adoption of rules under this section: 5821

(1) The board shall not permit an optometrist to employ, 5822  
apply, administer, or prescribe an analgesic controlled 5823  
substance other than a drug product that is used for the 5824  
treatment of pain and meets one of the following conditions: 5825

(a) The product is a preparation that contains an amount 5826  
of codeine per dosage unit, as specified by the board, and also 5827  
contains other active, nonnarcotic ingredients, such as 5828  
acetaminophen or aspirin, in a therapeutic amount. 5829

(b) The product is a preparation that contains an amount 5830  
of hydrocodone per dosage unit, as specified by the board, and 5831  
also contains other active, nonnarcotic ingredients, such as 5832  
acetaminophen, aspirin, or ibuprofen, in a therapeutic amount. 5833

(c) The product contains or consists of a drug or 5834  
dangerous drug that was an analgesic included in the practice of 5835  
optometry under a therapeutic pharmaceutical agents certificate 5836  
immediately prior to March 23, 2015, was not a controlled 5837

substance at that time, and subsequently becomes a schedule II, 5838  
III, IV, or V controlled substance. 5839

(2) The board shall limit the analgesic controlled 5840  
substances that optometrists may employ, apply, administer, or 5841  
prescribe to the drugs that the board determines are appropriate 5842  
for use in the practice of optometry ~~under a therapeutic~~ 5843  
~~pharmaceutical agents certificate.~~ 5844

(3) With regard to the prescribing of analgesic controlled 5845  
substances, the board shall establish prescribing standards to 5846  
be followed by optometrists ~~who hold therapeutic pharmaceutical~~ 5847  
~~agents certificates.~~ The board shall take into account the 5848  
prescribing standards that exist within the health care 5849  
marketplace. 5850

(4) The board shall establish standards and procedures for 5851  
employing, applying, administering, and prescribing analgesic 5852  
controlled substances ~~under a therapeutic pharmaceutical agents~~ 5853  
~~certificate~~ by taking into consideration and examining issues 5854  
that include the appropriate length of drug therapy, appropriate 5855  
standards for drug treatment, necessary monitoring systems, and 5856  
any other factors the board considers relevant. 5857

**Sec. 4725.092.** (A) As used in this section, "drug 5858  
database" means the database established and maintained by the 5859  
state board of pharmacy pursuant to section 4729.75 of the 5860  
Revised Code. 5861

(B) The state vision professionals board shall adopt rules 5862  
that establish standards and procedures to be followed by an 5863  
optometrist ~~who holds a therapeutic pharmaceutical agents~~ 5864  
~~certificate~~ regarding the review of patient information 5865  
available through the drug database under division (A) (5) of 5866

section 4729.80 of the Revised Code. The rules shall be adopted 5867  
in accordance with Chapter 119. of the Revised Code. 5868

(C) This section and the rules adopted under it do not 5869  
apply if the state board of pharmacy no longer maintains the 5870  
drug database. 5871

**Sec. 4725.12.** (A) Each person who desires to commence the 5872  
practice of optometry in the state shall file with the executive 5873  
director of the state vision professionals board an application 5874  
for a certificate of licensure ~~and a therapeutic pharmaceutical~~ 5875  
~~agents certificate~~. The application shall be accompanied by the 5876  
~~fees~~ fee specified under section 4725.34 of the Revised Code and 5877  
shall contain all information the board considers necessary to 5878  
determine whether an applicant is qualified to receive the 5879  
~~certificates~~ certificate of licensure. The application shall be 5880  
made upon the form prescribed by the board and shall be verified 5881  
by the oath of the applicant. 5882

(B) To receive a certificate of licensure ~~and a~~ 5883  
~~therapeutic pharmaceutical agents certificate~~, an applicant must 5884  
meet all of the following conditions: 5885

(1) Be at least eighteen years of age; 5886

(2) Complete satisfactorily a course of study of at least 5887  
six college years; 5888

(3) Graduate from a school of optometry approved by the 5889  
board under section 4725.10 of the Revised Code; 5890

(4) Pass the licensing examination accepted by the board 5891  
under section 4725.11 of the Revised Code. 5892

**Sec. 4725.13.** (A) The state vision professionals board, by 5893  
an affirmative vote of a majority of its members, shall issue 5894

~~certificates a certificate of licensure authorizing the holder~~ 5895  
~~to engage in the practice of optometry under its seal as~~ 5896  
~~follows:~~ 5897

~~(1) Every applicant who, prior to May 19, 1992, passed the~~ 5898  
~~licensing examination then in effect, and who otherwise complies~~ 5899  
~~with sections 4725.01 to 4725.34 of the Revised Code shall~~ 5900  
~~receive from the board a certificate of licensure authorizing~~ 5901  
~~the holder to engage in the practice of optometry as provided in~~ 5902  
~~division (A) (1) of section 4725.01 of the Revised Code.~~ 5903

~~(2) Every applicant who, prior to May 19, 1992, passed the~~ 5904  
~~general and ocular pharmacology examination then in effect, and~~ 5905  
~~who otherwise complies with sections 4725.01 to 4725.34 of the~~ 5906  
~~Revised Code, shall receive from the board a separate topical~~ 5907  
~~ocular pharmaceutical agents certificate authorizing the holder~~ 5908  
~~to administer topical ocular pharmaceutical agents as provided~~ 5909  
~~in division (A) (2) of section 4725.01 of the Revised Code and in~~ 5910  
~~accordance with sections 4725.01 to 4725.34 of the Revised Code.~~ 5911

~~(3) Every applicant who holds a valid certificate of~~ 5912  
~~licensure issued prior to May 19, 1992, and meets the~~ 5913  
~~requirements of section 4725.14 of the Revised Code shall~~ 5914  
~~receive from the board a separate therapeutic pharmaceutical~~ 5915  
~~agents certificate authorizing the holder to engage in the~~ 5916  
~~practice of optometry as provided in division (A) (3) of section~~ 5917  
~~4725.01 of the Revised Code.~~ 5918

~~(4) Every to every applicant who, on or after May 19,~~ 5919  
~~1992, passes all parts of the licensing examination accepted by~~ 5920  
~~the board under section 4725.11 of the Revised Code and~~ 5921  
~~otherwise complies with the requirements of sections 4725.01 to~~ 5922  
~~4725.34 of the Revised Code shall receive from the board a~~ 5923  
~~certificate of licensure authorizing the holder to engage in the~~ 5924

~~practice of optometry as provided in division (A) (1) of section 5925  
4725.01 of the Revised Code and a separate therapeutic 5926  
pharmaceutical agents certificate authorizing the holder to 5927  
engage in the practice of optometry as provided in division (A) 5928  
(3) of that section. 5929~~

(B) Each person to whom a certificate of licensure is 5930  
issued pursuant to this section by the board shall keep the 5931  
certificate of licensure displayed in a conspicuous place in the 5932  
location at which that person practices optometry and shall 5933  
whenever required exhibit the certificate of licensure to any 5934  
member or agent of the board. If an optometrist practices 5935  
outside of or away from the location at which the optometrist's 5936  
certificate of licensure is displayed, the optometrist shall 5937  
deliver to each person examined or fitted with optical 5938  
accessories by the optometrist, a receipt signed by the 5939  
optometrist in which the optometrist shall set forth the amounts 5940  
charged, the optometrist's post-office address, and the number 5941  
assigned to the optometrist's certificate of licensure. The 5942  
information may be provided as part of a prescription given to 5943  
the person. 5944

~~(C) A person who, on May 19, 1992, holds a valid 5945  
certificate of licensure or topical ocular pharmaceutical agents 5946  
certificate issued by the board may continue to engage in the 5947  
practice of optometry as provided by the certificate of 5948  
licensure or topical ocular pharmaceutical agents certificate if 5949  
the person continues to comply with sections 4725.01 to 4725.34 5950  
of the Revised Code as required by the certificate of licensure 5951  
or topical ocular pharmaceutical agents certificate. 5952~~

Sec. 4725.131. (A) An individual who, before the effective 5953  
date of this section, holds a valid certificate of licensure or 5954

topical ocular pharmaceutical agents certificate issued by the 5955  
state vision professionals board may continue to engage in the 5956  
practice of optometry as defined in former division (A) (1) or 5957  
(2) of section 4725.01 of the Revised Code, if the individual 5958  
continues to comply with this chapter. 5959

(B) An individual described in division (A) of this 5960  
section may complete a course of study prescribed by former 5961  
section 4725.14 of the Revised Code to engage in the practice of 5962  
optometry under this chapter. 5963

**Sec. 4725.15.** If the state vision professionals board 5964  
receives notice under division (D) of section 4725.11 of the 5965  
Revised Code that an applicant has failed four times the 5966  
licensing examination or part of the examination that must be 5967  
passed pursuant to section 4725.12 ~~or 4725.14~~ of the Revised 5968  
Code, the board shall not give further consideration to the 5969  
application until the applicant completes thirty hours of 5970  
remedial training approved by the board in the specific subject 5971  
area or areas covered by the examination or part of the 5972  
examination that was failed. 5973

**Sec. 4725.16.** (A) (1) Each certificate of licensure for the 5974  
practice of optometry, ~~topical ocular pharmaceutical agents~~ 5975  
~~certificate, and therapeutic pharmaceutical agents certificate~~ 5976  
issued by the state vision professionals board shall expire 5977  
~~annually~~ on the last day of December of each even-numbered year, 5978  
and may be renewed in accordance with this section and the 5979  
standard renewal procedure established under Chapter 4745. of 5980  
the Revised Code. 5981

(2) An optometrist seeking to continue to practice 5982  
optometry shall file with the board an application for license 5983  
renewal. The application shall be in such form and require such 5984

pertinent professional biographical data as the board may 5985  
require. 5986

(3) (a) Except as provided in division (A) (3) (b) of this 5987  
section, in the case of an optometrist seeking renewal ~~who holds~~ 5988  
~~a therapeutic pharmaceutical agents certificate and who~~ 5989  
prescribes or personally furnishes analgesic controlled 5990  
substances authorized pursuant to section 4725.091 of the 5991  
Revised Code that are opioid analgesics, as defined in section 5992  
3719.01 of the Revised Code, the optometrist shall certify to 5993  
the board whether the optometrist has been granted access to the 5994  
drug database established and maintained by the state board of 5995  
pharmacy pursuant to section 4729.75 of the Revised Code. 5996

(b) The requirement in division (A) (3) (a) of this section 5997  
does not apply if any of the following is the case: 5998

(i) The state board of pharmacy notifies the state vision 5999  
professionals board pursuant to section 4729.861 of the Revised 6000  
Code that the ~~certificate~~-license holder has been restricted 6001  
from obtaining further information from the drug database. 6002

(ii) The state board of pharmacy no longer maintains the 6003  
drug database. 6004

(iii) The ~~certificate~~-license holder does not practice 6005  
optometry in this state. 6006

(c) If an optometrist certifies to the state vision 6007  
professionals board that the optometrist has been granted access 6008  
to the drug database and the board finds through an audit or 6009  
other means that the optometrist has not been granted access, 6010  
the board may take action under section 4725.19 of the Revised 6011  
Code. 6012

(B) All licensed optometrists shall ~~annually~~ complete 6013

continuing education in subjects relating to the practice of 6014  
optometry, to the end that the utilization and application of 6015  
new techniques, scientific and clinical advances, and the 6016  
achievements of research will assure comprehensive care to the 6017  
public. The board shall prescribe by rule the continuing 6018  
optometric education that licensed optometrists must complete. 6019  
The length of study shall be ~~twenty-five~~ forty clock hours each 6020  
~~year~~ biennial licensing period, including ~~ten~~ twenty clock hours 6021  
of instruction in pharmacology to be completed by all licensed 6022  
optometrists. 6023

Unless the continuing education required under this 6024  
division is waived or deferred under division (D) of this 6025  
section, the continuing education must be completed during the 6026  
~~twelve-month~~ biennial licensing period beginning on the first 6027  
day of ~~October~~ January of each odd-numbered year and ending on 6028  
the last day of ~~September~~ December of each even-numbered year. If 6029  
the board receives notice from a continuing education program 6030  
indicating that an optometrist completed the program after the 6031  
last day of ~~September~~ December of an even-numbered year, and the 6032  
optometrist wants to use the continuing education completed 6033  
after that day to renew the license ~~that expires on the last day~~ 6034  
~~of December of that year~~, the optometrist shall pay the penalty 6035  
specified under section 4725.34 of the Revised Code for late 6036  
completion of continuing education. 6037

At least once annually, the board shall post on its web 6038  
site and shall mail, or send by electronic mail, to each 6039  
licensed optometrist a list of courses approved in accordance 6040  
with standards prescribed by board rule. Upon the request of a 6041  
licensed optometrist, the executive director of the board shall 6042  
supply a list of additional courses that the board has approved 6043  
subsequent to the most recent web site posting, electronic mail 6044

transmission, or mailing of the list of approved courses. 6045

(C) (1) ~~Annually, not~~ Not later than the first day of 6046  
November of each even-numbered year, the board shall mail or 6047  
send by electronic mail a notice regarding license renewal to 6048  
each licensed optometrist who may be eligible for renewal. The 6049  
notice shall be sent to the optometrist's most recent electronic 6050  
mail or mailing address shown in the board's records. If the 6051  
board knows that the optometrist has completed the required 6052  
continuing optometric education for the yearbiennium, the board 6053  
may include with the notice an application for license renewal. 6054

(2) Filing a license renewal application with the board 6055  
shall serve as notice by the optometrist that the continuing 6056  
optometric education requirement has been successfully 6057  
completed. If the board finds that an optometrist has not 6058  
completed the required continuing optometric education, the 6059  
board shall disapprove the optometrist's application. The 6060  
board's disapproval of renewal is effective without a hearing, 6061  
unless a hearing is requested pursuant to Chapter 119. of the 6062  
Revised Code. 6063

(3) The board shall refuse to accept an application for 6064  
renewal from any applicant whose license is not in good standing 6065  
or who is under disciplinary review pursuant to section 4725.19 6066  
of the Revised Code. 6067

(4) Notice of an applicant's failure to qualify for 6068  
renewal shall be served upon the applicant by mail. ~~The notice~~ 6069  
~~shall be sent not later than the fifteenth day of November~~ to 6070  
the applicant's last address shown in the board's records. 6071

(D) In cases of certified illness or undue hardship, the 6072  
board may waive or defer for up to twelve months the requirement 6073

of continuing optometric education, except that in such cases 6074  
the board may not waive or defer the continuing education in 6075  
pharmacology required to be completed by optometrists ~~who hold~~ 6076  
~~topical ocular pharmaceutical agents certificates or therapeutic~~ 6077  
~~pharmaceutical agents certificates.~~ The board shall waive the 6078  
requirement of continuing optometric education for any 6079  
optometrist who is serving on active duty in the armed forces of 6080  
the United States or a reserve component of the armed forces of 6081  
the United States, including the Ohio national guard or the 6082  
national guard of any other state or who has received an initial 6083  
certificate of licensure during the nine-month period which 6084  
ended on the last day of ~~September~~ December of an even-numbered 6085  
year. 6086

(E) An optometrist whose renewal application has been 6087  
approved may renew ~~each certificate~~ the license held by paying 6088  
to the treasurer of state the ~~fees~~ fee for renewal specified 6089  
under section 4725.34 of the Revised Code. On payment of all 6090  
applicable fees, the board shall issue a renewal of the 6091  
optometrist's certificate of licensure, ~~topical ocular~~ 6092  
~~pharmaceutical agents certificate, and therapeutic~~ 6093  
~~pharmaceutical agents certificate, as appropriate.~~ 6094

(F) Not later than the fifteenth day of ~~December~~ January of 6095  
each odd-numbered year, the board shall mail or send by 6096  
electronic mail a second notice regarding license renewal to 6097  
each licensed optometrist who may be eligible for renewal but 6098  
did not respond to the notice sent under division (C) (1) of this 6099  
section. The notice shall be sent to the optometrist's most 6100  
recent electronic mail or mailing address shown in the board's 6101  
records. If an optometrist fails to file a renewal application 6102  
after the second notice is sent, the board shall send a third 6103  
notice regarding license renewal prior to any action under 6104

division (I) of this section to classify the optometrist's 6105  
~~certificates~~ license as ~~delinquent~~ expired. 6106

(G) The failure of an optometrist to apply for license 6107  
renewal or the failure to pay the applicable ~~annual~~ renewal fees 6108  
fee on or before the date of expiration, shall automatically 6109  
work a forfeiture of the optometrist's authority to practice 6110  
optometry in this state. 6111

(H) The board shall accept renewal applications and 6112  
renewal fees that are submitted from the first day of January to 6113  
the last day of ~~April~~ January of the odd-numbered year next 6114  
succeeding the date of expiration. An individual who submits 6115  
such a late renewal application or fee shall pay the late 6116  
renewal fee specified in section 4725.34 of the Revised Code. 6117

(I) (1) If the ~~certificates~~ date of expiration of a 6118  
certificate of licensure issued by the board to an individual 6119  
~~have expired~~ has passed and the individual has not filed a 6120  
complete application during the late renewal period, the 6121  
individual's ~~certificates~~ certificate of licensure shall be 6122  
classified in the board's records as ~~delinquent~~ expired. 6123

(2) Any optometrist ~~subject to delinquent classification~~ 6124  
whose certificate of licensure has been classified as expired 6125  
may submit an application to the board for reinstatement. For 6126  
reinstatement to occur, the applicant must meet all of the 6127  
following conditions: 6128

(a) Submit to the board evidence of compliance with board 6129  
rules requiring continuing optometric education in a sufficient 6130  
number of hours to make up for any delinquent compliance; 6131

(b) Pay the renewal fees for the year ~~biennium~~ in which 6132  
application for reinstatement is made ~~and the reinstatement fee~~ 6133

~~specified under division (A) (8) of section 4725.34 of the~~ 6134  
~~Revised Code;~~ 6135

(c) Pass all or part of the licensing examination accepted 6136  
by the board under section 4725.11 of the Revised Code as the 6137  
board considers appropriate to determine whether the application 6138  
for reinstatement should be approved; 6139

(d) If the applicant has been practicing optometry in 6140  
another state or country, submit evidence that the applicant's 6141  
license to practice optometry in the other state or country is 6142  
in good standing. 6143

(3) The board shall approve an application for 6144  
reinstatement if the conditions specified in division (I) (2) of 6145  
this section are met. An optometrist who receives reinstatement 6146  
is subject to the continuing education requirements specified 6147  
under division (B) of this section for the year in which 6148  
reinstatement occurs. 6149

**Sec. 4725.18.** (A) The state vision professionals board may 6150  
issue a certificate of licensure ~~and therapeutic pharmaceutical~~ 6151  
~~agents certificate~~ by endorsement to an individual licensed as 6152  
an optometrist by another state or a Canadian province if the 6153  
board determines that the other state or province has standards 6154  
for the practice of optometry that are at least as stringent as 6155  
the standards established under sections 4725.01 to 4725.34 of 6156  
the Revised Code and the individual meets the conditions 6157  
specified in division (B) of this section. The ~~certificates~~ 6158  
certificate of licensure may be issued only by an affirmative 6159  
vote of a majority of the board's members. 6160

(B) An individual seeking a certificate of licensure ~~and~~ 6161  
~~therapeutic pharmaceutical agents certificate~~ pursuant to this 6162

section shall submit an application to the board. To receive the ~~certificates~~certificate of licensure, an applicant must meet all of the following conditions:

(1) Meet the same qualifications that an individual must meet under divisions (B) (1) to (3) of section 4725.12 of the Revised Code to receive a certificate of licensure ~~and~~ ~~therapeutic pharmaceutical agents certificate~~ under that section;

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

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

(4) Provide the board with certified reports from the optometry licensing agencies of all states and provinces in which the applicant is licensed or has been licensed to practice optometry describing all past and pending actions taken by those agencies with respect to the applicant's authority to practice optometry in those jurisdictions, including such actions as investigations, entering into consent agreements, suspensions, revocations, and refusals to issue or renew a license;

(5) Have been actively engaged in the practice of optometry, including the use of therapeutic pharmaceutical agents, for at least three years immediately preceding making application under this section;

(6) Pay the nonrefundable application ~~fees~~fee established under section 4725.34 of the Revised Code for a certificate of

<del>licensure and therapeutic pharmaceutical agents certificate;</del>	6192
(7) Submit all transcripts, reports, or other information the board requires;	6193 6194
(8) Participate in a two-hour instruction session provided by the board on the optometry statutes and rules of this state or pass an Ohio optometry jurisprudence test administered by the board;	6195 6196 6197 6198
(9) Pass all or part of the licensing examination accepted by the board under section 4725.11 of the Revised Code, if the board determines that testing is necessary to determine whether the applicant's qualifications are sufficient for issuance of a certificate of licensure <del>and therapeutic pharmaceutical agents certificate</del> under this section;	6199 6200 6201 6202 6203 6204
(10) Not have been previously denied issuance of a certificate <u>of licensure</u> by the board.	6205 6206
<b>Sec. 4725.19.</b> (A) In accordance with Chapter 119. of the Revised Code and by an affirmative vote of a majority of its members, the state vision professionals board, for any of the reasons specified in division (B) of this section, shall refuse to grant a certificate of licensure to practice optometry to an applicant and may, with respect to a licensed optometrist, do one or more of the following:	6207 6208 6209 6210 6211 6212 6213
(1) Suspend the operation of any certificate of licensure, <del>topical ocular pharmaceutical agents certificate, or therapeutic pharmaceutical agents certificate, or all certificates</del> granted by it to the optometrist;	6214 6215 6216 6217
(2) Permanently revoke <del>any or all of the</del> <del>certificates</del> <u>certificate of licensure</u> ;	6218 6219

- (3) Limit or otherwise place restrictions on ~~any or all of~~ the ~~certificates~~ certificate of licensure; 6220  
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- (4) Reprimand the optometrist; 6222
- (5) Impose a monetary penalty. If the reason for which the board is imposing the penalty involves a criminal offense that carries a fine under the Revised Code, the penalty shall not exceed the maximum fine that may be imposed for the criminal offense. In any other case, the penalty imposed by the board shall not exceed five hundred dollars. 6223  
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- (6) Require the optometrist to take corrective action courses. 6229  
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- The amount and content of corrective action courses shall be established by the board in rules adopted under section 4725.09 of the Revised Code. 6231  
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- (B) Except as provided in division (E) of this section, the sanctions specified in division (A) of this section may be taken by the board for any of the following reasons: 6234  
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- (1) Committing fraud in passing the licensing examination or making false or purposely misleading statements in an application for a certificate of licensure; 6237  
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- (2) Being at any time guilty of immorality, regardless of the jurisdiction in which the act was committed; 6240  
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- (3) Being guilty of dishonesty or unprofessional conduct in the practice of optometry; 6242  
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- (4) Being at any time guilty of a felony, regardless of the jurisdiction in which the act was committed; 6244  
6245
- (5) Being at any time guilty of a misdemeanor committed in 6246

- the course of practice, regardless of the jurisdiction in which 6247  
the act was committed; 6248
- (6) Violating the conditions of any limitation or other 6249  
restriction placed by the board on ~~any a~~ certificate of 6250  
licensure issued by the board; 6251
- (7) Engaging in the practice of optometry as provided in 6252  
~~division (A) (1), (2), or (3) of~~ section 4725.01 of the Revised 6253  
Code when the certificate of licensure authorizing that practice 6254  
is under suspension, in which case the board shall permanently 6255  
revoke the certificate of licensure; 6256
- (8) Being denied a license to practice optometry in 6257  
another state or country or being subject to any other sanction 6258  
by the optometric licensing authority of another state or 6259  
country, other than sanctions imposed for the nonpayment of 6260  
fees; 6261
- (9) Departing from or failing to conform to acceptable and 6262  
prevailing standards of care in the practice of optometry as 6263  
followed by similar practitioners under the same or similar 6264  
circumstances, regardless of whether actual injury to a patient 6265  
is established; 6266
- (10) Failing to maintain comprehensive patient records; 6267
- (11) Advertising a price of optical accessories, eye 6268  
examinations, or other products or services by any means that 6269  
would deceive or mislead the public; 6270
- (12) Being addicted to the use of alcohol, stimulants, 6271  
narcotics, or any other substance which impairs the intellect 6272  
and judgment to such an extent as to hinder or diminish the 6273  
performance of the duties included in the person's practice of 6274  
optometry; 6275

(13) Engaging in the practice of optometry as provided in 6276  
~~division (A) (2) or (3) of~~ section 4725.01 of the Revised Code 6277  
without authority to do so or, if authorized, in a manner 6278  
inconsistent with the authority granted; 6279

(14) Failing to make a report to the board as required by 6280  
division (A) of section 4725.21 or section 4725.31 of the 6281  
Revised Code; 6282

(15) Soliciting patients from door to door or establishing 6283  
temporary offices, in which case the board shall suspend ~~all~~ 6284  
~~certificates~~ the certificate of licensure held by the 6285  
optometrist; 6286

(16) Except as provided in division (D) of this section: 6287

(a) Waiving the payment of all or any part of a deductible 6288  
or copayment that a patient, pursuant to a health insurance or 6289  
health care policy, contract, or plan that covers optometric 6290  
services, would otherwise be required to pay if the waiver is 6291  
used as an enticement to a patient or group of patients to 6292  
receive health care services from that optometrist. 6293

(b) Advertising that the optometrist will waive the 6294  
payment of all or any part of a deductible or copayment that a 6295  
patient, pursuant to a health insurance or health care policy, 6296  
contract, or plan that covers optometric services, would 6297  
otherwise be required to pay. 6298

(17) Failing to comply with the requirements in section 6299  
3719.061 of the Revised Code before issuing for a minor a 6300  
prescription for an analgesic controlled substance authorized 6301  
pursuant to section 4725.091 of the Revised Code that is an 6302  
opioid analgesic, as defined in section 3719.01 of the Revised 6303  
Code; 6304

(18) Violating the rules adopted under section 4725.66 of the Revised Code; 6305  
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(19) A pattern of continuous or repeated violations of division (E) (2) or (3) of section 3963.02 of the Revised Code. 6307  
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(C) Any person who is the holder of a certificate of licensure, or who is an applicant for a certificate of licensure against whom is preferred any charges, shall be furnished by the board with a copy of the complaint and shall have a hearing before the board in accordance with Chapter 119. of the Revised Code. 6309  
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(D) Sanctions shall not be imposed under division ~~(B) (17)~~ (B) (16) of this section against any optometrist who waives deductibles and copayments: 6315  
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(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the board upon request. 6318  
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(2) For professional services rendered to any other optometrist licensed by the board, to the extent allowed by sections 4725.01 to 4725.34 of the Revised Code and the rules of the board. 6324  
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(E) The board shall not refuse to grant a certificate of licensure to practice optometry to an applicant because of a conviction of or plea of guilty to an offense unless the refusal is in accordance with section 9.79 of the Revised Code. 6328  
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(F) If a violation described in this section has caused, is causing, or is about to cause substantial and material harm, 6332  
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the board may issue an order requiring that person to cease and 6334  
desist from engaging in the violation. Notice of the order shall 6335  
be mailed by certified mail, return receipt requested, 6336  
immediately after its issuance to the person subject to the 6337  
order and to all persons known to be involved in the violation. 6338  
The board may thereafter publicize or otherwise make known to 6339  
all interested parties that the order has been issued. 6340

The notice shall specify the particular act, omission, 6341  
practice, or transaction that is subject to the cease-and-desist 6342  
order and shall set a date, not more than fifteen days after the 6343  
date of the order, for a hearing on the continuation or 6344  
revocation of the order. The person shall comply with the order 6345  
immediately upon receipt of notice of the order. 6346

The board may, on the application of a party and for good 6347  
cause shown, continue the hearing. Chapter 119. of the Revised 6348  
Code applies to the hearing to the extent that that chapter does 6349  
not conflict with the procedures set forth in this section. The 6350  
board shall, within fifteen days after objections are submitted 6351  
to the hearing officer's report and recommendation, issue a 6352  
final order either confirming or revoking the cease-and-desist 6353  
order. The final order may be appealed as provided under section 6354  
119.12 of the Revised Code. 6355

The remedy under this division is cumulative and 6356  
concurrent with the other remedies available under this section. 6357

**Sec. 4725.20.** On receipt of a notice pursuant to section 6358  
3123.43 of the Revised Code, the state vision professionals 6359  
board shall comply with sections 3123.41 to 3123.50 of the 6360  
Revised Code and any applicable rules adopted under section 6361  
3123.63 of the Revised Code with respect to a ~~license or~~ 6362  
certificate of licensure issued by the board under this chapter. 6363

Sec. 4725.231. The state vision professionals board may 6364  
issue a cease-and-desist order against any person engaging in 6365  
the practice of optometry without having received a license 6366  
under sections 4725.01 to 4725.34 of the Revised Code that the 6367  
board reasonably suspects has violated, is currently violating, 6368  
or is about to violate this chapter. The board's authority to 6369  
issue a cease-and-desist order under this section is in addition 6370  
to any action the board may take under section 4725.23 of the 6371  
Revised Code. 6372

**Sec. 4725.24.** If the secretary of the state vision 6373  
professionals board and the board's supervising member of 6374  
investigations determine that there is clear and convincing 6375  
evidence that an optometrist has violated division (B) of 6376  
section 4725.19 of the Revised Code and that the optometrist's 6377  
continued practice presents a danger of immediate and serious 6378  
harm to the public, they may recommend that the board suspend 6379  
without a prior hearing the optometrist's certificate of 6380  
~~licensure and any other certificates held by the optometrist.~~ 6381  
Written allegations shall be prepared for consideration by the 6382  
full board. 6383

The board, upon review of those allegations and by an 6384  
affirmative vote of three members other than the secretary and 6385  
supervising member may order the suspension without a prior 6386  
hearing. A telephone conference call may be utilized for 6387  
reviewing the allegations and taking the vote on the summary 6388  
suspension. 6389

The board shall issue a written order of suspension by 6390  
certified mail or in person in accordance with section 119.07 of 6391  
the Revised Code. The order shall not be subject to suspension 6392  
by the court during pendency of any appeal filed under section 6393

119.12 of the Revised Code. If the individual subject to the 6394  
summary suspension requests an adjudicatory hearing by the 6395  
board, the date set for the hearing shall be within fifteen 6396  
days, but not earlier than seven days, after the individual 6397  
requests the hearing, unless otherwise agreed to by both the 6398  
board and the individual. 6399

Any summary suspension imposed under this division shall 6400  
remain in effect, unless reversed on appeal, until a final 6401  
adjudicative order issued by the board pursuant to section 6402  
4725.19 of the Revised Code and Chapter 119. of the Revised Code 6403  
becomes effective. The board shall issue its final adjudicative 6404  
order within sixty days after completion of its hearing. A 6405  
failure to issue the order within sixty days shall result in 6406  
dissolution of the summary suspension order but shall not 6407  
invalidate any subsequent, final adjudicative order. 6408

**Sec. 4725.27.** The testimony and reports of an optometrist 6409  
licensed by the state vision professionals board under this 6410  
chapter shall be received by any state, county, municipal, 6411  
school district, or other public board, body, agency, 6412  
institution, or official and by any private educational or other 6413  
institution receiving public funds as competent evidence with 6414  
respect to any matter within the scope of the practice of 6415  
optometry. No such board, body, agency, official, or institution 6416  
shall interfere with any individual's right to a free choice of 6417  
receiving services from either an optometrist or a physician. No 6418  
such board, body, agency, official, or institution shall 6419  
discriminate against an optometrist performing procedures that 6420  
are included in the practice of optometry as provided in 6421  
~~division (A) (2) or (3) of~~ section 4725.01 of the Revised Code if 6422  
the optometrist is licensed under this chapter to perform those 6423  
procedures. 6424

**Sec. 4725.34.** (A) The state vision professionals board 6425  
shall charge the following nonrefundable fees: 6426

(1) ~~One Three hundred thirty five~~ dollars for application 6427  
for a certificate of licensure to practice optometry; 6428

(2) ~~Forty five dollars for application for a therapeutic~~ 6429  
~~pharmaceutical agents certificate, except when the certificate~~ 6430  
~~is to be issued pursuant to division (A) (3) of section 4725.13~~ 6431  
~~of the Revised Code, in which case the fee shall be thirty five~~ 6432  
~~dollars;~~ 6433

~~(3) One Three hundred thirty five~~ dollars for renewal of 6434  
a certificate of licensure to practice optometry; 6435

~~(4) Forty five dollars for renewal of a topical ocular~~ 6436  
~~pharmaceutical agents certificate;~~ 6437

~~(5) Forty five dollars for renewal of a therapeutic~~ 6438  
~~pharmaceutical agents certificate;~~ 6439

~~(6) (3)~~ One hundred twenty-five dollars for late 6440  
completion or submission, or both, of continuing optometric 6441  
education; 6442

~~(7) (4)~~ One hundred twenty-five dollars for late renewal 6443  
of ~~one or more certificates~~ a certificate of licensure that have 6444  
has expired; 6445

~~(8) Seventy five dollars for reinstatement of one or more~~ 6446  
~~certificates classified as delinquent under section 4725.16 of~~ 6447  
~~the Revised Code, multiplied by the number of years the one or~~ 6448  
~~more certificates have been classified as delinquent;~~ 6449

~~(9) Seventy five dollars for reinstatement of one or more~~ 6450  
~~certificates placed on inactive status under section 4725.17 of~~ 6451  
~~the Revised Code;~~ 6452

~~(10) Seventy five dollars for reinstatement under section 4725.171 of the Revised Code of one or more expired certificates;~~ 6453  
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~~(11)~~ (5) Additional fees to cover administrative costs 6456  
incurred by the board, including fees for replacing licenses 6457  
issued by the board and providing rosters of currently licensed 6458  
optometrists. Such fees shall be established at a regular 6459  
meeting of the board and shall comply with any applicable 6460  
guidelines or policies set by the department of administrative 6461  
services or the office of budget and management. 6462

(B) The board, subject to the approval of the controlling 6463  
board, may establish fees in excess of the amounts specified in 6464  
division (A) of this section if the fees do not exceed the 6465  
amounts specified by more than fifty per cent. 6466

(C) All receipts of the board, from any source, shall be 6467  
deposited in the state treasury to the credit of the 6468  
occupational licensing and regulatory fund created in section 6469  
4743.05 of the Revised Code. 6470

**Sec. 4725.35.** An optometrist ~~who holds a therapeutic~~ 6471  
~~pharmaceutical agents certificate issued~~ licensed under this 6472  
chapter may provide telehealth services in accordance with 6473  
section 4743.09 of the Revised Code. 6474

**Sec. 4725.40.** As used in sections 4725.40 to 4725.59 of 6475  
the Revised Code: 6476

(A) "Optical aid" means both of the following: 6477

(1) Spectacles or other instruments or devices that are 6478  
not contact lenses, if the spectacles or other instruments or 6479  
devices may aid or correct human vision and have been prescribed 6480  
by a physician or optometrist licensed by any state; 6481

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

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

(a) Zero-powered plano contact lenses;

(b) Cosmetic contact lenses;

(c) Performance-enhancing contact lenses;

(d) Any other contact devices determined by the state vision professionals board to be contact lenses.

(B) "Optical dispensing" means interpreting but not altering a prescription of a licensed physician or optometrist and designing, adapting, fitting, or replacing the prescribed optical aids, pursuant to such prescription, to or for the intended wearer; duplicating lenses, other than contact lenses, accurately as to power without a prescription; and duplicating nonprescription eyewear and parts of eyewear. "Optical dispensing" does not include selecting frames, placing an order for the delivery of an optical aid, transacting a sale, transferring an optical aid to the wearer after an optician has completed fitting it, or providing instruction in the general care and use of an optical aid, including placement, removal, hygiene, or cleaning.

(C) "Licensed dispensing optician" means a person holding a current, valid license issued under sections 4725.48 to 4725.51 of the Revised Code that authorizes the person to engage in optical dispensing. Nothing in this chapter shall be

construed to permit a licensed dispensing optician to alter the specifications of a prescription.

(D) "Licensed spectacle dispensing optician" means a licensed dispensing optician authorized to engage in both of the following:

(1) The dispensing of optical aids other than contact lenses;

(2) The dispensing of prepackaged soft contact lenses in accordance with section 4725.411 of the Revised Code.

~~(E) "Licensed contact lens dispensing optician" means a licensed dispensing optician authorized to engage only in the dispensing of contact lenses.~~

~~(F)~~ "Licensed spectacle-contact lens dispensing optician" means a licensed dispensing optician authorized to engage in the dispensing of any optical aid.

~~(G)~~ (F) "Apprentice" means any person dispensing optical aids under the direct supervision of a licensed dispensing optician.

~~(H)~~ (G) "Prescription" means the written or verbal directions or instructions as specified by a physician or optometrist licensed by any state for preparing an optical aid for a patient.

~~(I)~~ (H) "Supervision" means the provision of direction and control through personal inspection and evaluation of work.

~~(J) "Licensed ocularist" means a person holding a current, valid license issued under sections 4725.48 to 4725.51 of the Revised Code to engage in the practice of designing, fabricating, and fitting artificial eyes or prostheses~~

~~associated with the appearance or function of the human eye.~~ 6539

**Sec. 4725.41.** No person shall engage in optical dispensing 6540  
or hold self out as being engaged in optical dispensing unless 6541  
the person has fulfilled the requirements of sections 4725.48 to 6542  
4725.51 of the Revised Code and has been certified as a licensed 6543  
dispensing optician by the state vision professionals board. 6544

~~No person shall engage in the designing, fabricating, and 6545  
fitting of an artificial eye or of prostheses associated with 6546  
the appearance or function of the human eye unless the person is 6547  
licensed as an ocularist under sections 4725.48 to 4725.51 of 6548  
the Revised Code.~~ 6549

**Sec. 4725.44.** (A) The state vision professionals board 6550  
shall be responsible for the administration of sections 4725.40 6551  
to 4725.59 of the Revised Code and, in particular, shall process 6552  
applications for licensure as licensed dispensing opticians ~~and~~ 6553  
~~ocularists~~; schedule, administer, and supervise the qualifying 6554  
examinations for licensure or contract with a testing service to 6555  
schedule, administer, and supervise the qualifying examination 6556  
for licensure; issue licenses to qualified individuals; and 6557  
revoke and suspend licenses. 6558

(B) The board shall adopt, amend, or rescind rules, 6559  
pursuant to Chapter 119. of the Revised Code, for the licensure 6560  
of dispensing opticians ~~and ocularists~~, and such other rules as 6561  
are required by or necessary to carry out the responsibilities 6562  
imposed by sections 4725.40 to 4725.59 of the Revised Code, 6563  
including rules establishing criminal records check requirements 6564  
under section 4776.03 of the Revised Code and rules establishing 6565  
disqualifying offenses for licensure as a dispensing optician or 6566  
certification as an apprentice dispensing optician pursuant to 6567  
sections 9.79, 4725.48, 4725.52, 4725.53, and 4776.10 of the 6568

Revised Code. 6569

(C) The board shall have no authority to adopt rules 6570  
governing the employment of dispensing opticians, the location 6571  
or number of optical stores, advertising of optical products or 6572  
services, or the manner in which optical products can be 6573  
displayed. 6574

**Sec. 4725.48.** (A) Any person who desires to engage in 6575  
optical dispensing shall file a properly completed application 6576  
for an examination with the state vision professionals board or 6577  
with the testing service the board has contracted with pursuant 6578  
to section 4725.49 of the Revised Code. The application for 6579  
examination shall be made using a form provided by the board and 6580  
shall be accompanied by an examination fee the board shall 6581  
establish by rule. 6582

(B) Any person who desires to engage in optical dispensing 6583  
shall file a properly completed application for a license with 6584  
the board with a licensure application fee of fifty-one hundred 6585  
ninety-five dollars. 6586

No person shall be eligible to apply for a license under 6587  
this division, unless the person is at least eighteen years of 6588  
age, is free of contagious or infectious disease, has received a 6589  
passing score, as determined by the board, on the examination 6590  
administered under division (A) of this section, is a graduate 6591  
of an accredited high school of any state, or has received an 6592  
equivalent education and has successfully completed either one 6593  
of the following: 6594

(1) Two years ~~For a spectacle dispensing optician license,~~ 6595  
one thousand hours of supervised experience under a licensed 6596  
dispensing optician, optometrist, or physician engaged in the 6597

practice of ophthalmology, ~~up to one year of which may be~~ 6598  
~~continuous experience of not less than thirty hours a week in an~~ 6599  
~~optical laboratory;~~ 6600

(2) For a spectacle-contact lens dispensing optician 6601  
license, one thousand five hundred hours of supervised 6602  
experience under a licensed dispensing optician, optometrist, or 6603  
physician engaged in the practice of ophthalmology; 6604

(3) A two-year college level program in optical dispensing 6605  
that has been approved by the board and that includes, but is 6606  
not limited to, courses of study in mathematics, science, 6607  
English, anatomy and physiology of the eye, applied optics, 6608  
ophthalmic optics, measurement and inspection of lenses, lens 6609  
grinding and edging, ophthalmic lens design, keratometry, and 6610  
the fitting and adjusting of spectacle lenses and frames and 6611  
contact lenses, including methods of fitting contact lenses and 6612  
post-fitting care. 6613

~~(C) Any person who desires to obtain a license to practice~~ 6614  
~~as an ocularist shall file a properly completed application with~~ 6615  
~~the board accompanied by the appropriate fee and proof that the~~ 6616  
~~applicant has met the requirements for licensure. The board~~ 6617  
~~shall establish, by rule, the application fee and the minimum~~ 6618  
~~requirements for licensure, including education, examination, or~~ 6619  
~~experience standards recognized by the board as national~~ 6620  
~~standards for ocularists. The board shall issue a license to~~ 6621  
~~practice as an ocularist to an applicant who satisfies the~~ 6622  
~~requirements of this division and rules adopted pursuant to this~~ 6623  
~~division.~~ 6624

~~(D) (1)~~ (C) (1) Subject to divisions ~~(D) (3)~~ (C) (3) and (4) 6625  
of this section, the board shall not adopt, maintain, renew, or 6626  
enforce any rule that precludes an individual from renewing a 6627

license as a dispensing optician issued under sections 4725.40 6628  
to 4725.59 of the Revised Code due to any past criminal activity 6629  
or interpretation of moral character, unless the individual has 6630  
committed a crime of moral turpitude or a disqualifying offense 6631  
as those terms are defined in section 4776.10 of the Revised 6632  
Code. 6633

If the board denies an individual a license or license 6634  
renewal, the reasons for such denial shall be put in writing. 6635

(2) The board may refuse to issue a license to an 6636  
applicant because of a conviction of or plea of guilty to an 6637  
offense if the refusal is in accordance with section 9.79 of the 6638  
Revised Code. 6639

(3) In considering a renewal of an individual's license, 6640  
the board shall not consider any conviction or plea of guilty 6641  
prior to the initial licensing. However, the board may consider 6642  
a conviction or plea of guilty if it occurred after the 6643  
individual was initially licensed, or after the most recent 6644  
license renewal. 6645

(4) The board may grant an individual a conditional 6646  
license that lasts for one year. After the one-year period has 6647  
expired, the license is no longer considered conditional, and 6648  
the individual shall be considered fully licensed. 6649

~~(E)~~ (D) The board, subject to the approval of the 6650  
controlling board, may establish examination fees in excess of 6651  
the amount established by rule pursuant to this section, 6652  
provided that such fees do not exceed those amounts established 6653  
in rule by more than fifty per cent. 6654

**Sec. 4725.49.** (A) The state vision professionals board may 6655  
provide for the examination of applicants by designing, 6656

preparing, and administering the qualifying examinations or by 6657  
contracting with a testing service that is nationally recognized 6658  
as being capable of determining competence to dispense optical 6659  
aids as a licensed spectacle dispensing optician, ~~a licensed~~ 6660  
~~contact lens dispensing optician,~~ or a licensed spectacle- 6661  
contact lens dispensing optician. Any examination used shall be 6662  
designed to measure specific performance requirements, be 6663  
professionally constructed and validated, and be independently 6664  
and objectively administered and scored in order to determine 6665  
the applicant's competence to dispense optical aids. 6666

(B) (1) The board shall ensure that it, or the testing 6667  
service it contracts with, does all of the following: 6668

(a) Provides public notice as to the date, time, and place 6669  
for each examination at least ninety days prior to the 6670  
examination; 6671

(b) Offers each qualifying examination at least twice each 6672  
year in Columbus, except as provided in division (C) of this 6673  
section; 6674

(c) Provides all materials and equipment necessary for the 6675  
applicant to take the examination. 6676

(2) The board shall provide to each applicant all forms 6677  
necessary to apply for examination. 6678

(C) If the number of applicants for any qualifying 6679  
examination is less than ten, the examination may be postponed. 6680  
The board or testing service shall provide the applicant with 6681  
written notification of the postponement and of the next date 6682  
the examination is scheduled to be administered. 6683

(D) No limitation shall be placed upon the number of times 6684  
that an applicant may repeat any qualifying examination, except 6685

that, if an applicant fails an examination for a third time, the 6686  
board may require that the applicant, prior to retaking the 6687  
examination, undergo additional study in the areas of the 6688  
examination in which the applicant experienced difficulty. 6689

**Sec. 4725.50.** (A) ~~Except for a person who qualifies for~~ 6690  
~~licensure as an oecularist, each~~ Each person who qualifies for 6691  
licensure under sections 4725.40 to 4725.59 of the Revised Code 6692  
shall receive from the state vision professionals board, under 6693  
its seal, a certificate of licensure entitling the person to 6694  
practice as a licensed spectacle dispensing optician, ~~licensed~~ 6695  
~~contact lens dispensing optician,~~ or a licensed spectacle- 6696  
contact lens dispensing optician. The appropriate certificate of 6697  
licensure shall be issued by the board no later than sixty days 6698  
after it has notified the applicant of the applicant's approval 6699  
for licensure. 6700

(B) Each licensed dispensing optician shall display the 6701  
licensed dispensing optician's certificate of licensure in a 6702  
conspicuous place in the licensed dispensing optician's office 6703  
or place of business. If a licensed dispensing optician 6704  
maintains more than one office or place of business, the 6705  
licensed dispensing optician shall display a duplicate copy of 6706  
such certificate at each location. The board shall issue 6707  
duplicate copies of the appropriate certificate of licensure for 6708  
this purpose upon the filing of an application form therefor and 6709  
the payment of a five-dollar fee for each duplicate copy. 6710

**Sec. 4725.51.** (A) (1) Each license issued under sections 6711  
4725.40 to 4725.59 of the Revised Code shall expire on the ~~first-~~ 6712  
last day of January in the December of each odd-numbered year 6713  
~~after it was issued.~~ Each person holding a valid, current 6714  
license may apply to the state vision professionals board for 6715

the extension of the license under the standard renewal 6716  
procedures of Chapter 4745. of the Revised Code. Each 6717  
application for renewal shall be accompanied by a renewal fee 6718  
~~the board shall establish by rule~~of one hundred ninety-five 6719  
dollars. In addition, except as provided in division (A) (2) of 6720  
this section, the application shall contain evidence that the 6721  
applicant has completed continuing education within ~~the~~ 6722  
~~immediately preceding one year~~ each biennial licensing period as 6723  
follows: 6724

(a) Licensed spectacle dispensing opticians shall have 6725  
~~pursued both of the following~~completed a length of study of 6726  
twelve clock hours, approved by the board. 6727

~~(i) Four hours of study in spectacle dispensing.~~ 6728

~~(ii) Two hours of study in contact lens dispensing.~~ 6729

~~(b) Licensed contact lens dispensing opticians shall have~~ 6730  
~~pursued eight hours of study in contact lens dispensing,~~ 6731  
~~approved by the board.~~ 6732

~~(c) Licensed spectacle-contact lens dispensing opticians~~ 6733  
~~shall have pursued both of the following~~completed a length of 6734  
study of twenty-four clock hours, approved by the board. 6735

~~(i) Four hours of study in spectacle dispensing.~~ 6736

~~(ii) Eight hours of study in contact lens dispensing.~~ 6737

~~(d) Licensed ocularists shall have pursued courses of~~ 6738  
~~study as prescribed by rule of the board.~~ 6739

(2) An application for the initial renewal of a license 6740  
issued under sections 4725.40 to 4725.55 of the Revised Code is 6741  
not required to contain evidence that the applicant has 6742  
completed the continuing education requirements of division (A) 6743

(1) of this section. 6744

(B) No person who fails to renew the person's license 6745  
under division (A) of this section shall be required to take a 6746  
qualifying examination under section 4725.48 of the Revised Code 6747  
as a condition of renewal, provided that the application for 6748  
renewal and proof of the requisite continuing education hours 6749  
are submitted within ~~ninety~~thirty days from the date the 6750  
license expired and the applicant pays the ~~annual~~ renewal fee 6751  
and a penalty of seventy-five dollars. The board may provide, by 6752  
rule, for an extension of the grace period for licensed 6753  
dispensing opticians who are serving in the armed forces of the 6754  
United States or a reserve component of the armed forces of the 6755  
United States, including the Ohio national guard or the national 6756  
guard of any other state and for waiver of the continuing 6757  
education requirements or the penalty in cases of hardship or 6758  
illness. 6759

(C) The board shall approve continuing education programs 6760  
and shall adopt rules as necessary for approving the programs. 6761  
The rules shall permit programs to be conducted either in person 6762  
or through electronic or other self-study means. Approved 6763  
programs shall be scheduled, sponsored, and conducted in 6764  
accordance with the board's rules. 6765

(D) Any license given a grandfathered issuance or renewal 6766  
between March 22, 1979, and March 22, 1980, shall be renewed in 6767  
accordance with this section. 6768

**Sec. 4725.52.** Any licensed dispensing optician may 6769  
supervise a maximum of three apprentices who shall be permitted 6770  
to engage in optical dispensing only under the supervision of 6771  
the licensed dispensing optician. 6772

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

Each apprentice shall pay an initial registration fee of  
twenty dollars. ~~For each registration renewal thereafter, each~~  
The board shall not charge an apprentice shall pay a  
~~registration renewal fee of twenty dollars to renew the~~  
apprentice's registration.

The board shall not deny registration as an apprentice  
under this section to any individual based on the individual's  
past criminal history or an interpretation of moral character  
unless the denial is for a disqualifying offense in accordance  
with section 9.79 of the Revised Code. In considering a renewal  
of an individual's registration, the board shall not consider  
any conviction or plea of guilty prior to the initial  
registration. However, the board may consider a conviction or  
plea of guilty if it occurred after the individual was initially  
registered, or after the most recent registration renewal. If  
the board denies an individual for a registration or  
registration renewal, the reasons for such denial shall be put  
in writing. Additionally, the board may grant an individual a  
conditional registration that lasts for one year. After the one-  
year period has expired, the registration is no longer  
considered conditional, and the individual shall be considered  
fully registered.

A person who is gaining experience under the supervision 6803  
of a licensed optometrist or ophthalmologist that would qualify 6804  
the person under division (B) (1) of section 4725.48 of the 6805  
Revised Code to take the examination for optical dispensing is 6806  
not required to register with the board. 6807

**Sec. 4725.53.** (A) Except as provided in division (D) of 6808  
this section, the state vision professionals board, by a 6809  
majority vote of its members, may refuse to grant a license and, 6810  
in accordance with Chapter 119. of the Revised Code, may suspend 6811  
or revoke the license of a licensed dispensing optician or 6812  
impose a fine or order restitution pursuant to division (B) of 6813  
this section on any of the following grounds: 6814

(1) Conviction of a crime involving moral turpitude or a 6815  
disqualifying offense as those terms are defined in section 6816  
4776.10 of the Revised Code; 6817

(2) Obtaining or attempting to obtain a license by fraud 6818  
or deception; 6819

(3) Obtaining any fee or making any sale of an optical aid 6820  
by means of fraud or misrepresentation; 6821

(4) Habitual indulgence in the use of controlled 6822  
substances or other habit-forming drugs, or in the use of 6823  
alcoholic liquors to an extent that affects professional 6824  
competency; 6825

(5) Finding by a court of competent jurisdiction that the 6826  
applicant or licensee is incompetent by reason of mental illness 6827  
and no subsequent finding by the court of competency; 6828

(6) Finding by a court of law that the licensee is guilty 6829  
of incompetence or negligence in the dispensing of optical aids; 6830

- (7) Knowingly permitting or employing a person whose license has been suspended or revoked or an unlicensed person to engage in optical dispensing; 6831  
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- (8) Permitting another person to use the licensee's license; 6834  
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- (9) Engaging in optical dispensing not pursuant to the prescription of a licensed physician or licensed optometrist, but nothing in this section shall prohibit the duplication or replacement of previously prepared optical aids, except contact lenses shall not be duplicated or replaced without a written prescription; 6836  
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- (10) Violation of sections 4725.40 to 4725.59 of the Revised Code; 6842  
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- (11) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers optical dispensing services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider; 6844  
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- (12) Advertising that the licensee will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers optical dispensing services, would otherwise be required to pay; 6850  
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- (13) Violating the code of ethical conduct adopted under section 4725.66 of the Revised Code. 6855  
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- (B) The board may impose a fine of not more than five hundred dollars for a first occurrence of an action that is grounds for discipline under this section and of not less than 6857  
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five hundred nor more than one thousand dollars for a subsequent  
occurrence, or may order the licensee to make restitution to a  
person who has suffered a financial loss as a result of the  
licensee's failure to comply with sections 4725.40 to 4725.59 of  
the Revised Code.

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

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

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

(D) The board shall not refuse to grant a license to an  
applicant because of a conviction unless the refusal is in  
accordance with section 9.79 of the Revised Code.

(E) If a violation described in this section has caused,  
is causing, or is about to cause substantial and material harm,  
the board may issue an order requiring that person to cease and  
desist from engaging in the violation. Notice of the order shall  
be mailed by certified mail, return receipt requested,  
immediately after its issuance to the person subject to the  
order and to all persons known to be involved in the violation.  
The board may thereafter publicize or otherwise make known to  
all interested parties that the order has been issued.

The notice shall specify the particular act, omission,

practice, or transaction that is subject to the cease-and-desist order and shall set a date, not more than fifteen days after the date of the order, for a hearing on the continuation or revocation of the order. The person shall comply with the order immediately upon receipt of notice of the order. 6889  
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The board may, on the application of a party and for good cause shown, continue the hearing. Chapter 119. of the Revised Code applies to the hearing to the extent that that chapter does not conflict with the procedures set forth in this section. The board shall, within fifteen days after objections are submitted to the hearing officer's report and recommendation, issue a final order either confirming or revoking the cease-and-desist order. The final order may be appealed as provided under section 119.12 of the Revised Code. 6894  
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The remedy under this division is cumulative and concurrent with the other remedies available under this section or section 4725.54 of the Revised Code. 6903  
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**Sec. 4725.541.** The state vision professionals board may issue a cease-and-desist order against any person engaged in optical dispensing without having received a license under sections 4725.40 to 4725.59 of the Revised Code that the board reasonably suspects has violated, is currently violating, or is about to violate this chapter. The board shall notify the prosecuting attorney for the county in which the alleged unlicensed activity took place for additional action in accordance with section 4725.54 of the Revised Code. 6906  
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**Sec. 4725.63.** The state vision professionals board may appoint committees or other groups to assist in fulfilling its duties. A committee or group may consist of board members, other individuals with appropriate backgrounds, or both board members 6915  
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and other individuals with appropriate backgrounds. Any 6919  
appointed committee or group shall act under the board's 6920  
direction and shall perform its functions within the limits 6921  
established by the board. 6922

If the board appoints a committee or group to address 6923  
issues concerning optical dispensing or the practice of licensed 6924  
dispensing opticians ~~and licensed ocularists~~ under sections 6925  
4725.40 to 4725.59 of the Revised Code, the board shall include 6926  
as a member of that committee or group a physician licensed by 6927  
the state medical board who engages in the practice of 6928  
ophthalmology and is recommended by a professional association 6929  
representing the interests of the profession of ophthalmology. 6930

Except as otherwise provided in the Revised Code, a 6931  
committee or group organized under this section is advisory in 6932  
nature and may not act independently of the board or act on the 6933  
board's behalf. 6934

Members of a committee or group may be reimbursed by the 6935  
board for any expenses incurred in the performance of their 6936  
duties, in accordance with section 126.31 of the Revised Code 6937  
and with approval from the director of administrative services. 6938

**Sec. 4725.66.** The state vision professionals board shall 6939  
establish a code of ethical practice for individuals who hold a 6940  
certificate of licensure issued by, or who are licensed, 6941  
~~certified, or registered,~~ by the board in accordance with rules 6942  
adopted under Chapter 119. of the Revised Code. In establishing 6943  
the codes of ethical practice, the board shall define 6944  
unprofessional conduct in the rules, which shall include 6945  
engaging in a dual relationship with a client or former client, 6946  
committing an act of sexual abuse, misconduct, or exploitation 6947  
of a client or former client, and, except as permitted by law, 6948

violating client confidentiality. 6949

The codes of ethical practice may be based on any codes of 6950  
ethical practice developed by national organizations 6951  
representing the interests of optometrists and dispensing 6952  
opticians. The board may establish standards in its codes of 6953  
ethical practice that are more stringent than those established 6954  
by national organizations. 6955

The board may take disciplinary action against an 6956  
applicant or license holder for violating any code of ethical 6957  
practice established under this section. 6958

**Sec. 4725.67.** The state vision professionals board and any 6959  
committees established by the board shall not discriminate 6960  
against an applicant or holder of a certificate of licensure, 6961  
license, registration, or endorsement issued under this chapter 6962  
because of the person's race, color, religion, sex, national 6963  
origin, disability as defined in section 4112.01 of the Revised 6964  
Code, or age. A person who files with the board or committee a 6965  
statement alleging discrimination based on any of those reasons 6966  
may request a hearing with the board or committee, as 6967  
appropriate. 6968

**Sec. 4729.01.** As used in this chapter: 6969

(A) "Pharmacy," except when used in a context that refers 6970  
to the practice of pharmacy, means any area, room, rooms, place 6971  
of business, department, or portion of any of the foregoing 6972  
where the practice of pharmacy is conducted. 6973

(B) "Practice of pharmacy" means providing pharmacist care 6974  
requiring specialized knowledge, judgment, and skill derived 6975  
from the principles of biological, chemical, behavioral, social, 6976  
pharmaceutical, and clinical sciences. As used in this division, 6977

"pharmacist care" includes the following:	6978
(1) Interpreting prescriptions;	6979
(2) Dispensing drugs and drug therapy related devices;	6980
(3) Compounding drugs;	6981
(4) Counseling individuals with regard to their drug therapy, recommending drug therapy related devices, and assisting in the selection of drugs and appliances for treatment of common diseases and injuries and providing instruction in the proper use of the drugs and appliances;	6982 6983 6984 6985 6986
(5) Performing drug regimen reviews with individuals by discussing all of the drugs that the individual is taking and explaining the interactions of the drugs;	6987 6988 6989
(6) Performing drug utilization reviews with licensed health professionals authorized to prescribe drugs when the pharmacist determines that an individual with a prescription has a drug regimen that warrants additional discussion with the prescriber;	6990 6991 6992 6993 6994
(7) Advising an individual and the health care professionals treating an individual with regard to the individual's drug therapy;	6995 6996 6997
(8) Acting pursuant to a consult agreement, if an agreement has been established;	6998 6999
(9) Engaging in the administration of immunizations to the extent authorized by section 4729.41 of the Revised Code;	7000 7001
(10) Engaging in the administration of drugs to the extent authorized by section 4729.45 of the Revised Code.	7002 7003
(C) "Compounding" means the preparation, mixing,	7004

assembling, packaging, and labeling of one or more drugs in any 7005  
of the following circumstances: 7006

(1) Pursuant to a prescription issued by a licensed health 7007  
professional authorized to prescribe drugs; 7008

(2) Pursuant to the modification of a prescription made in 7009  
accordance with a consult agreement; 7010

(3) As an incident to research, teaching activities, or 7011  
chemical analysis; 7012

(4) In anticipation of orders for drugs pursuant to 7013  
prescriptions, based on routine, regularly observed dispensing 7014  
patterns; 7015

(5) Pursuant to a request made by a licensed health 7016  
professional authorized to prescribe drugs for a drug that is to 7017  
be used by the professional for the purpose of direct 7018  
administration to patients in the course of the professional's 7019  
practice, if all of the following apply: 7020

(a) At the time the request is made, the drug is not 7021  
commercially available regardless of the reason that the drug is 7022  
not available, including the absence of a manufacturer for the 7023  
drug or the lack of a readily available supply of the drug from 7024  
a manufacturer. 7025

(b) A limited quantity of the drug is compounded and 7026  
provided to the professional. 7027

(c) The drug is compounded and provided to the 7028  
professional as an occasional exception to the normal practice 7029  
of dispensing drugs pursuant to patient-specific prescriptions. 7030

(D) "Consult agreement" means an agreement that has been 7031  
entered into under section 4729.39 of the Revised Code. 7032

(E) "Drug" means:	7033
(1) Any article recognized in the United States pharmacopoeia and national formulary, or any supplement to them, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;	7034 7035 7036 7037
(2) Any other article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;	7038 7039 7040
(3) Any article, other than food, intended to affect the structure or any function of the body of humans or animals;	7041 7042
(4) Any article intended for use as a component of any article specified in division (E) (1), (2), or (3) of this section; but does not include devices or their components, parts, or accessories.	7043 7044 7045 7046
"Drug" does not include "hemp" or a "hemp product" as those terms are defined in section 928.01 of the Revised Code.	7047 7048
(F) "Dangerous drug" means any of the following:	7049
(1) Any drug to which either of the following applies:	7050
(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is required to bear a label containing the legend "Caution: Federal law prohibits dispensing without prescription" or "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian" or any similar restrictive statement, or the drug may be dispensed only upon a prescription;	7051 7052 7053 7054 7055 7056 7057
(b) Under Chapter 3715. or 3719. of the Revised Code, the drug may be dispensed only upon a prescription.	7058 7059

(2) Any drug that contains a schedule V controlled substance and that is exempt from Chapter 3719. of the Revised Code or to which that chapter does not apply;

(3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body;

(4) Any drug that is a biological product, as defined in section 3715.01 of the Revised Code.

(G) "Federal drug abuse control laws" has the same meaning as in section 3719.01 of the Revised Code.

(H) "Prescription" means all of the following:

(1) A written, electronic, or oral order for drugs or combinations or mixtures of drugs to be used by a particular individual or for treating a particular animal, issued by a licensed health professional authorized to prescribe drugs;

(2) For purposes of sections 2925.61, 4723.484, 4730.434, and 4731.94 of the Revised Code, a written, electronic, or oral order for an overdose reversal drug issued to and in the name of a family member, friend, or other individual in a position to assist an individual who there is reason to believe is at risk of experiencing an opioid-related overdose.

(3) For purposes of section 4729.44 of the Revised Code, a written, electronic, or oral order for an overdose reversal drug issued to and in the name of either of the following:

(a) An individual who there is reason to believe is at risk of experiencing an opioid-related overdose;

(b) A family member, friend, or other individual in a position to assist an individual who there is reason to believe

is at risk of experiencing an opioid-related overdose. 7088

(4) For purposes of sections 4723.4810, 4729.282, 7089  
4730.432, and 4731.93 of the Revised Code, a written, 7090  
electronic, or oral order for a drug to treat chlamydia, 7091  
gonorrhea, or trichomoniasis issued to and in the name of a 7092  
patient who is not the intended user of the drug but is the 7093  
sexual partner of the intended user; 7094

(5) For purposes of sections 3313.7110, 3313.7111, 7095  
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 7096  
4731.96, and 5101.76 of the Revised Code, a written, electronic, 7097  
or oral order for an epinephrine autoinjector issued to and in 7098  
the name of a school, school district, or camp; 7099

(6) For purposes of Chapter 3728. and sections 4723.483, 7100  
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 7101  
electronic, or oral order for an epinephrine autoinjector issued 7102  
to and in the name of a qualified entity, as defined in section 7103  
3728.01 of the Revised Code; 7104

(7) For purposes of sections 3313.7115, 3313.7116, 7105  
3314.147, 3326.60, 3328.38, 4723.4811, 4730.437, 4731.92, and 7106  
5101.78 of the Revised Code, a written, electronic, or oral 7107  
order for injectable or nasally administered glucagon in the 7108  
name of a school, school district, or camp. 7109

(I) "Licensed health professional authorized to prescribe 7110  
drugs" or "prescriber" means an individual who is authorized by 7111  
law to prescribe drugs or dangerous drugs or drug therapy 7112  
related devices in the course of the individual's professional 7113  
practice, including only the following: 7114

(1) A dentist licensed under Chapter 4715. of the Revised 7115  
Code; 7116

(2) A clinical nurse specialist, certified nurse-midwife, 7117  
or certified nurse practitioner who holds a current, valid 7118  
license issued under Chapter 4723. of the Revised Code to 7119  
practice nursing as an advanced practice registered nurse; 7120

(3) A certified registered nurse anesthetist who holds a 7121  
current, valid license issued under Chapter 4723. of the Revised 7122  
Code to practice nursing as an advanced practice registered 7123  
nurse, but only to the extent of the nurse's authority under 7124  
sections 4723.43 and 4723.434 of the Revised Code; 7125

(4) An optometrist licensed under Chapter 4725. of the 7126  
Revised Code to practice optometry ~~under a therapeutic-~~ 7127  
~~pharmaceutical agents certificate;~~ 7128

(5) A physician authorized under Chapter 4731. of the 7129  
Revised Code to practice medicine and surgery, osteopathic 7130  
medicine and surgery, or podiatric medicine and surgery; 7131

(6) A physician assistant who holds a license to practice 7132  
as a physician assistant issued under Chapter 4730. of the 7133  
Revised Code, holds a valid prescriber number issued by the 7134  
state medical board, and has been granted physician-delegated 7135  
prescriptive authority; 7136

(7) A veterinarian licensed under Chapter 4741. of the 7137  
Revised Code. 7138

(J) "Sale" or "sell" includes any transaction made by any 7139  
person, whether as principal proprietor, agent, or employee, to 7140  
do or offer to do any of the following: deliver, distribute, 7141  
broker, exchange, gift or otherwise give away, or transfer, 7142  
whether the transfer is by passage of title, physical movement, 7143  
or both. 7144

(K) "Wholesale sale" and "sale at wholesale" mean any sale 7145

in which the purpose of the purchaser is to resell the article 7146  
purchased or received by the purchaser. 7147

(L) "Retail sale" and "sale at retail" mean any sale other 7148  
than a wholesale sale or sale at wholesale. 7149

(M) "Retail seller" means any person that sells any 7150  
dangerous drug to consumers without assuming control over and 7151  
responsibility for its administration. Mere advice or 7152  
instructions regarding administration do not constitute control 7153  
or establish responsibility. 7154

(N) "Price information" means the price charged for a 7155  
prescription for a particular drug product and, in an easily 7156  
understandable manner, all of the following: 7157

(1) The proprietary name of the drug product; 7158

(2) The established (generic) name of the drug product; 7159

(3) The strength of the drug product if the product 7160  
contains a single active ingredient or if the drug product 7161  
contains more than one active ingredient and a relevant strength 7162  
can be associated with the product without indicating each 7163  
active ingredient. The established name and quantity of each 7164  
active ingredient are required if such a relevant strength 7165  
cannot be so associated with a drug product containing more than 7166  
one ingredient. 7167

(4) The dosage form; 7168

(5) The price charged for a specific quantity of the drug 7169  
product. The stated price shall include all charges to the 7170  
consumer, including, but not limited to, the cost of the drug 7171  
product, professional fees, handling fees, if any, and a 7172  
statement identifying professional services routinely furnished 7173

by the pharmacy. Any mailing fees and delivery fees may be 7174  
stated separately without repetition. The information shall not 7175  
be false or misleading. 7176

(O) "Wholesale distributor of dangerous drugs" or 7177  
"wholesale distributor" means a person engaged in the sale of 7178  
dangerous drugs at wholesale and includes any agent or employee 7179  
of such a person authorized by the person to engage in the sale 7180  
of dangerous drugs at wholesale. 7181

(P) "Manufacturer of dangerous drugs" or "manufacturer" 7182  
means a person, other than a pharmacist or prescriber, who 7183  
manufactures dangerous drugs and who is engaged in the sale of 7184  
those dangerous drugs. 7185

(Q) "Terminal distributor of dangerous drugs" or "terminal 7186  
distributor" means a person who is engaged in the sale of 7187  
dangerous drugs at retail, or any person, other than a 7188  
manufacturer, repackager, outsourcing facility, third-party 7189  
logistics provider, wholesale distributor, or pharmacist, who 7190  
has possession, custody, or control of dangerous drugs for any 7191  
purpose other than for that person's own use and consumption. 7192  
"Terminal distributor" includes pharmacies, hospitals, nursing 7193  
homes, and laboratories and all other persons who procure 7194  
dangerous drugs for sale or other distribution by or under the 7195  
supervision of a pharmacist, licensed health professional 7196  
authorized to prescribe drugs, or other person authorized by the 7197  
state board of pharmacy. 7198

(R) "Promote to the public" means disseminating a 7199  
representation to the public in any manner or by any means, 7200  
other than by labeling, for the purpose of inducing, or that is 7201  
likely to induce, directly or indirectly, the purchase of a 7202  
dangerous drug at retail. 7203

(S) "Person" includes any individual, partnership, 7204  
association, limited liability company, or corporation, the 7205  
state, any political subdivision of the state, and any district, 7206  
department, or agency of the state or its political 7207  
subdivisions. 7208

(T) (1) "Animal shelter" means a facility operated by a 7209  
humane society or any society organized under Chapter 1717. of 7210  
the Revised Code or a dog pound operated pursuant to Chapter 7211  
955. of the Revised Code. 7212

(2) "County dog warden" means a dog warden or deputy dog 7213  
warden appointed or employed under section 955.12 of the Revised 7214  
Code. 7215

(U) "Food" has the same meaning as in section 3715.01 of 7216  
the Revised Code. 7217

(V) "Pain management clinic" has the same meaning as in 7218  
section 4731.054 of the Revised Code. 7219

(W) "Investigational drug or product" means a drug or 7220  
product that has successfully completed phase one of the United 7221  
States food and drug administration clinical trials and remains 7222  
under clinical trial, but has not been approved for general use 7223  
by the United States food and drug administration. 7224  
"Investigational drug or product" does not include controlled 7225  
substances in schedule I, as defined in section 3719.01 of the 7226  
Revised Code. 7227

(X) "Product," when used in reference to an 7228  
investigational drug or product, means a biological product, 7229  
other than a drug, that is made from a natural human, animal, or 7230  
microorganism source and is intended to treat a disease or 7231  
medical condition. 7232

(Y) "Third-party logistics provider" means a person that provides or coordinates warehousing or other logistics services pertaining to dangerous drugs including distribution, on behalf of a manufacturer, wholesale distributor, or terminal distributor of dangerous drugs, but does not take ownership of the drugs or have responsibility to direct the sale or disposition of the drugs.

(Z) "Repackager of dangerous drugs" or "repackager" means a person that repacks and relabels dangerous drugs for sale or distribution.

(AA) "Outsourcing facility" means a facility that is engaged in the compounding and sale of sterile drugs and is registered as an outsourcing facility with the United States food and drug administration.

(BB) "Laboratory" means a laboratory licensed under this chapter as a terminal distributor of dangerous drugs and entrusted to have custody of any of the following drugs and to use the drugs for scientific and clinical purposes and for purposes of instruction: dangerous drugs that are not controlled substances, as defined in section 3719.01 of the Revised Code; dangerous drugs that are controlled substances, as defined in that section; and controlled substances in schedule I, as defined in that section.

(CC) "Overdose reversal drug" means both of the following:

(1) Naloxone;

(2) Any other drug that the state board of pharmacy, through rules adopted in accordance with Chapter 119. of the Revised Code, designates as a drug that is approved by the federal food and drug administration for the reversal of a known

or suspected opioid-related overdose. 7262

**Sec. 4729.12.** A license issued by the state board of 7263  
pharmacy under section 4729.08 or 4729.11 of the Revised Code 7264  
entitles the individual to whom it is issued to practice as a 7265  
pharmacist or as a pharmacy intern in this state until the next 7266  
renewal date. 7267

Licenses shall be renewed according to the standard 7268  
renewal procedure of Chapter 4745. of the Revised Code and rules 7269  
adopted by the board under section 4729.26 of the Revised Code. 7270  
Licenses are valid for the period specified in the rules, unless 7271  
earlier revoked or suspended by the board. The period shall not 7272  
exceed twenty-four months unless the board extends the period in 7273  
the rules to adjust license renewal schedules. 7274

A pharmacist or pharmacy intern who desires to continue in 7275  
the practice of pharmacy shall file with the board an 7276  
application in such form and containing such data as the board 7277  
may require for renewal of a license. In the case of a 7278  
pharmacist who dispenses or plans to dispense controlled 7279  
substances in this state, the pharmacist shall certify, as part 7280  
of the application, that the pharmacist has been granted access 7281  
to the drug database established and maintained by the board 7282  
pursuant to section 4729.75 of the Revised Code, unless the 7283  
board has restricted the pharmacist from obtaining further 7284  
information from the database or the board no longer maintains 7285  
the database. If the pharmacist certifies to the board that the 7286  
applicant has been granted access to the drug database and the 7287  
board finds through an audit or other means that the pharmacist 7288  
has not been granted access, the board may take action under 7289  
section 4729.16 of the Revised Code. 7290

An application filed under this section for renewal of a 7291

license may not be withdrawn without the approval of the board. 7292

~~If~~ The board shall renew an applicant's license if the 7293  
board finds ~~that an~~ all of the following: 7294

(A) The applicant's license has not been revoked or placed 7295  
under suspension ~~and that the.~~ 7296

(B) The applicant has paid the renewal fee~~.~~ 7297

(C) If the applicant is a pharmacist, the applicant has 7298  
completed thirty hours of continued pharmacy education in the 7299  
previous two years in accordance with ~~the~~ any rules of the 7300  
board, ~~and.~~ 7301

(D) The applicant is entitled to continue in the practice 7302  
of pharmacy, ~~the board shall renew the applicant's license.~~ 7303

When a license has expired but an application is made 7304  
within three years after the expiration of the license, the 7305  
applicant's license shall be renewed without further examination 7306  
if the applicant meets the requirements of this section and pays 7307  
the fee designated under division (A) (5) of section 4729.15 of 7308  
the Revised Code. 7309

A pharmacist or pharmacy intern who fails to renew the 7310  
pharmacist's or intern's license by the renewal date prescribed 7311  
by the board shall not engage in the practice of pharmacy until 7312  
a valid license is issued by the board. 7313

**Sec. 4729.15.** (A) Except as provided in ~~division~~ divisions 7314  
(B) and (C) of this section, the state board of pharmacy shall 7315  
charge the following fees: 7316

(1) For applying for a license to practice as a 7317  
pharmacist, an amount adequate to cover all expenses of the 7318  
board related to examination except the expenses of procuring 7319

- and grading the examination, which fee shall not be returned if  
the applicant fails to pass the examination;
- (2) For the examination of an applicant for licensure as a  
pharmacist, an amount adequate to cover any expenses to the  
board of procuring and grading the examination or any part  
thereof, which fee shall not be returned if the applicant fails  
to pass the examination;
- (3) For issuing a license to an individual who passes the  
examination described in section 4729.07 of the Revised Code, an  
amount that is adequate to cover the expense;
- (4) For a pharmacist applying for renewal of a license  
before the expiration date, two hundred fifty dollars, which fee  
shall not be returned if the applicant fails to qualify for  
renewal;
- (5) For a pharmacist applying for renewal of a license  
that has been expired for less than three years, the renewal fee  
identified in division (A) (4) of this section plus a penalty of  
thirty-seven dollars and fifty cents, which fee shall not be  
returned if the applicant fails to qualify for renewal;
- (6) For a pharmacist applying for renewal of a license  
that has been expired for more than three years, three hundred  
thirty-seven dollars and fifty cents, which fee shall not be  
returned if the applicant fails to qualify for renewal;
- (7) For a pharmacist applying for a license on  
presentation of a pharmacist license granted by another state,  
three hundred thirty-seven dollars and fifty cents, which fee  
shall not be returned if the applicant fails to qualify for  
licensure.
- (8) For a license to practice as a pharmacy intern, ~~forty~~

~~five-thirty~~ dollars, which fee shall not be returned if the 7349  
applicant fails to qualify for licensure; 7350

(9) For the renewal of a pharmacy intern license, ~~forty-~~ 7351  
~~five-thirty~~ dollars, which fee shall not be returned if the 7352  
applicant fails to qualify for renewal; 7353

(10) For certifying licensure and grades for reciprocal 7354  
licensure, thirty-five dollars; 7355

(11) For making copies of any application, affidavit, or 7356  
other document filed in the state board of pharmacy office, an 7357  
amount fixed by the board that is adequate to cover the expense, 7358  
except that for copies required by federal or state agencies or 7359  
law enforcement officers for official purposes, no charge need 7360  
be made; 7361

(12) For certifying and affixing the seal of the board, an 7362  
amount fixed by the board that is adequate to cover the expense, 7363  
except that for certifying and affixing the seal of the board to 7364  
a document required by federal or state agencies or law 7365  
enforcement officers for official purposes, no charge need be 7366  
made; 7367

(13) For each copy of a book or pamphlet that includes 7368  
laws administered by the ~~state board of pharmacy~~, rules adopted 7369  
by the board, and chapters of the Revised Code with which the 7370  
board is required to comply, an amount fixed by the board that 7371  
is adequate to cover the expense of publishing and furnishing 7372  
the book or pamphlet. 7373

(B) (1) Subject to division (B) (2) of this section, the 7374  
fees described in divisions (A) (1) to (10) of this section do 7375  
not apply to an individual who is on active duty in the armed 7376  
forces of the United States, as defined in section 5903.01 of 7377

the Revised Code, to the spouse of an individual who is on 7378  
active duty in the armed forces of the United States, or to an 7379  
individual who served in the armed forces of the United States 7380  
and presents documentation that the individual has been 7381  
discharged under honorable conditions from the armed forces or 7382  
has been transferred to the reserve with evidence of 7383  
satisfactory service. 7384

(2) The ~~state board of pharmacy~~ may establish limits with 7385  
respect to the individuals for whom fees are not applicable 7386  
under division (B) (1) of this section. 7387

(C) Notwithstanding divisions (A) (8) and (9) of this 7388  
section, the board may gradually reduce the fee in effect before 7389  
the changes by H.B. 509 of the 134th general assembly, provided 7390  
that the board shall require the fee amount specified in 7391  
divisions (A) (8) and (9) of this section not later than January 7392  
1, 2028. 7393

**Sec. 4731.16.** (A) The state medical board shall determine 7394  
the standing of the schools, colleges, or institutions giving 7395  
instruction in the limited branch of medicine of massage 7396  
therapy. 7397

(B) The board may administer an examination of competency 7398  
to practice ~~a~~ the limited branch of medicine of massage therapy. 7399  
If it administers an examination, the board shall establish by 7400  
rule a fee to cover the cost of administering the examination. 7401

If it does not administer an examination, the board shall 7402  
adopt rules under section 4731.05 of the Revised Code that 7403  
specify both of the following: 7404

(1) An examination acceptable to the board as an 7405  
examination of competency to practice ~~a~~ the limited branch of 7406

medicine of massage therapy; 7407

(2) The score that constitutes evidence of passing the 7408  
examination. 7409

**Sec. 4731.17.** (A) The state medical board shall review all 7410  
applications received under section 4731.19 of the Revised Code. 7411  
The board shall determine whether an applicant meets the 7412  
requirements for a license to practice the ~~applicable~~-limited 7413  
branch of medicine of massage therapy. 7414

(B) If the board determines that the applicant meets the 7415  
requirements for a license and that the documentation required 7416  
for a license is acceptable, the board shall issue to the 7417  
applicant the ~~appropriate~~-license to practice. Each license 7418  
shall be signed by the president and secretary of the board and 7419  
attested by its seal. 7420

(C) A license to practice a limited branch of medicine 7421  
shall authorize the holder to practice the limited branch of 7422  
medicine for which the license was issued. No person who holds a 7423  
license to practice a limited branch of medicine issued by the 7424  
board ~~under this section~~ shall do any of the following: 7425

(1) Practice a limited branch of medicine other than the 7426  
limited branch of medicine for which the license was issued; 7427

(2) Treat infectious, contagious, or venereal diseases; 7428

(3) Prescribe or administer drugs; 7429

(4) Perform surgery or practice medicine in any other 7430  
form. 7431

**Sec. 4731.19.** (A) A person seeking a license to practice a- 7432  
the limited branch of medicine of massage therapy shall file 7433  
with the state medical board an application in a manner 7434

prescribed by the board. The application shall include or be 7435  
accompanied by all of the following: 7436

(1) Evidence that the applicant is at least eighteen years 7437  
of age; 7438

(2) Evidence that the applicant has attained high school 7439  
graduation or its equivalent; 7440

(3) Evidence that the applicant holds one of the 7441  
following: 7442

(a) A diploma or certificate from a school, college, or 7443  
institution in good standing as determined by the board in 7444  
accordance with rules adopted under section 4731.05 of the 7445  
Revised Code, showing the completion of ~~the following required~~ 7446  
~~courses of instruction:—~~ 7447

~~(i) Two hundred seventy five hours in anatomy and 7448  
physiology and pathology;—~~ 7449

~~(ii) Two hundred seventy five hours in massage theory and 7450  
practical, including hygiene;—~~ 7451

~~(iii) Twenty five hours in ethics;—~~ 7452

~~(iv) Twenty five hours in business and law~~ a course of 7453  
instruction in massage therapy of at least six hundred clock 7454  
hours. 7455

(b) A diploma or certificate from a school, college, or 7456  
institution in another state or jurisdiction ~~showing completion~~ 7457  
~~of a course of instruction that meets the requirements of~~ 7458  
~~division (A) (3) (a) of this section and any other course~~ 7459  
~~requirements~~ meeting standards determined by the board through 7460  
rules adopted under section 4731.05 of the Revised Code, that 7461  
require the completion of a course of instruction in massage 7462

therapy of at least six hundred clock hours; 7463

(c) During the five-year period immediately preceding the 7464  
date of application, a current license, registration, or 7465  
certificate in good standing in another state for massage 7466  
therapy. 7467

(4) Evidence that the applicant has successfully passed an 7468  
examination, prescribed in rules described in section 4731.16 of 7469  
the Revised Code, to determine competency to practice ~~the~~ 7470  
~~applicable limited branch of medicine~~massage therapy; 7471

(5) An attestation that the information submitted under 7472  
this section is accurate and truthful and that the applicant 7473  
consents to release of information; 7474

(6) Any other information the board requires. 7475

(B) An applicant for a license to practice ~~a limited~~ 7476  
~~branch of medicine~~massage therapy shall comply with the 7477  
requirements of section 4731.171 of the Revised Code. 7478

(C) At the time of making application for a license to 7479  
practice ~~a limited branch of medicine~~massage therapy, the 7480  
applicant shall pay to the board a fee of one hundred fifty 7481  
dollars, no part of which shall be returned. No application 7482  
shall be considered filed until the board receives the 7483  
appropriate fee. 7484

(D) The board may investigate the application materials 7485  
received under this section and contact any agency or 7486  
organization for recommendations or other information about the 7487  
applicant. 7488

**Sec. 4732.01.** As used in this chapter: 7489

(A) "Psychologist" means any person who holds self out to 7490

the public by any title or description of services incorporating 7491  
the words "psychologic," "psychological," "psychologist," 7492  
"psychology," or any other terms that imply the person is 7493  
trained, experienced, or an expert in the field of psychology. 7494

(B) "The practice of psychology" means rendering or 7495  
offering to render to individuals, groups, organizations, or the 7496  
public any service involving the application of psychological 7497  
procedures to assessment, diagnosis, prevention, treatment, or 7498  
amelioration of psychological problems or emotional or mental 7499  
disorders of individuals or groups; or to the assessment or 7500  
improvement of psychological adjustment or functioning of 7501  
individuals or groups, whether or not there is a diagnosable 7502  
pre-existing psychological problem. Practice of psychology 7503  
includes the practice of independent school psychology and the 7504  
practice of school psychology. For purposes of this chapter, 7505  
teaching or research shall not be regarded as the practice of 7506  
psychology, even when dealing with psychological subject matter, 7507  
provided it does not otherwise involve the professional practice 7508  
of psychology in which an individual's welfare is directly 7509  
affected by the application of psychological procedures. 7510

(C) "Psychological procedures" include but are not 7511  
restricted to application of principles, methods, or procedures 7512  
of understanding, predicting, or influencing behavior, such as 7513  
the principles pertaining to learning, conditioning, perception, 7514  
motivation, thinking, emotions, or interpersonal relationships; 7515  
the methods or procedures of verbal interaction, interviewing, 7516  
counseling, behavior modification, environmental manipulation, 7517  
group process, psychological psychotherapy, or hypnosis; and the 7518  
methods or procedures of administering or interpreting tests of 7519  
mental abilities, aptitudes, interests, attitudes, personality 7520  
characteristics, emotions, or motivation. 7521

~~(D)~~ (D) (1) "School psychologist" means any person who, 7522  
within the scope of employment as described in division (D) (2) 7523  
of this section, holds self out to the public by any title or 7524  
description of services incorporating the words "school 7525  
psychologist" or "school psychology," or who holds self out to 7526  
be trained, experienced, or an expert in the practice of school 7527  
psychology. 7528

(2) A school psychologist is limited in employment for the 7529  
purposes of practicing school psychology to the following: 7530

(a) By a board of education or by a private school meeting 7531  
the standards prescribed by the state board of education under 7532  
division (D) of section 3301.07 of the Revised Code; 7533

(b) In a program for children with disabilities 7534  
established under Chapter 3323. or 5126. of the Revised Code. 7535

(E) "Independent school psychologist" means any person 7536  
who, outside of the scope of employment as described in division 7537  
(D) (2) of this section, holds self out to the public by any 7538  
title or description of services incorporating the words 7539  
"independent school psychologist" or "independent school 7540  
psychology," or who holds self out to be trained, experienced, 7541  
or an expert in the practice of independent school psychology. 7542

(F) "Practice of school psychology" means rendering or 7543  
offering to render to individuals, groups, organizations, or the 7544  
public any of the following services: 7545

(1) Evaluation, diagnosis, or test interpretation limited 7546  
to assessment of intellectual ability, learning patterns, 7547  
achievement, motivation, behavior, or personality factors 7548  
directly related to learning problems; 7549

(2) Intervention services, including counseling, for 7550

children or adults for amelioration or prevention of 7551  
educationally related learning problems, including emotional and 7552  
behavioral aspects of such problems; 7553

(3) Psychological, educational, or vocational consultation 7554  
or direct educational services. This does not include industrial 7555  
consultation or counseling services to clients undergoing 7556  
vocational rehabilitation. 7557

~~(F)~~ (G) "Practice of independent school psychology" means 7558  
the practice of school psychology outside of the scope of 7559  
employment as described in division (D)(2) of this section. 7560

(H) "Licensed psychologist" means an individual holding a 7561  
current, valid license to practice psychology issued under 7562  
section 4732.12 or 4732.15 of the Revised Code. 7563

~~(G) "School psychologist licensed by the state board of~~ 7564  
~~psychology" means an individual~~ (I) "Licensed school 7565  
psychologist" means an individual holding a current, valid 7566  
license to practice school psychology issued under section 7567  
4732.12 or 4732.15 of the Revised Code. 7568

(J) "Licensed independent school psychologist" means an 7569  
individual holding a current, valid license to practice 7570  
independent school psychology issued under section 4732.12 or 7571  
4732.15 of the Revised Code. 7572

~~(H) "School psychologist licensed by the state board of~~ 7573  
~~education" means an individual holding a current, valid school~~ 7574  
~~psychologist license issued under rules adopted under section~~ 7575  
~~3319.22 of the Revised Code.~~ 7576

~~(I)~~ (K) "Mental health professional" and "mental health 7577  
service" have the same meanings as in section 2305.51 of the 7578  
Revised Code. 7579

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

**Sec. 4732.02.** The governor, with the advice and consent of the senate, shall appoint a state board of psychology consisting of ~~nine~~ ten persons who are citizens of the United States and residents of this state. Three members shall be patient advocates who are not mental health professionals and who either are parents or other relatives of a person who has received or is receiving mental health services or are representatives of organizations that represent persons who have received or are receiving mental health services. At least one patient advocate member shall be a parent or other relative of a mental health service recipient, and at least one patient advocate member shall be a representative of an organization representing mental health service recipients. One member shall be a certified Ohio behavior analyst who holds a current, valid certificate issued under section 4783.04 of the Revised Code. Each of the remaining members shall be a licensed psychologist, licensed independent school psychologist, or a school psychologist ~~licensed by the state board of psychology~~. Terms of office for all members shall be for five years, commencing on the sixth day of October and ending on the fifth day of October. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. Any member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of

sixty days has elapsed, whichever occurs first. No person shall 7611  
be appointed to more than two five-year terms in succession. The 7612  
licensed psychologist, licensed independent school psychologist, 7613  
and licensed school psychologist members of the board shall be 7614  
so chosen that they represent the diverse fields of 7615  
specialization and practice in the profession-professions of 7616  
psychology and the profession of, independent school psychology, 7617  
and school psychology. The governor may make such appointments 7618  
from lists submitted annually by the Ohio psychological 7619  
association, the Ohio school psychologists association, and the 7620  
Ohio association of black psychologists. A vacancy in an 7621  
unexpired term shall be filled in the same manner as the 7622  
original appointment. 7623

The governor may remove any member for malfeasance, 7624  
misfeasance, or nonfeasance after a hearing in accordance with 7625  
Chapter 119. of the Revised Code. The governor shall remove, 7626  
after a hearing in accordance with Chapter 119. of the Revised 7627  
Code, any member who has been convicted of or pleaded guilty to 7628  
the commission of a felony offense under any law of this state, 7629  
another state, or the United States. No person may be appointed 7630  
to the board who has been convicted of or pleaded guilty to a 7631  
felony offense under any law of this state, another state, or 7632  
the United States. 7633

**Sec. 4732.05.** The members of the state board of psychology 7634  
~~and the members of the school psychology examination committee~~ 7635  
shall receive an amount fixed under division (J) of section 7636  
124.15 of the Revised Code for each day employed in the 7637  
discharge of their official duties, and their necessary expenses 7638  
while engaged therein. 7639

**Sec. 4732.09.** Each person who desires to practice 7640

psychology, independent school psychology, or school psychology 7641  
shall file with the executive director of the state board of 7642  
psychology a written application, under oath, on a form 7643  
prescribed by the board. 7644

**Sec. 4732.10.** (A) The state board of psychology shall 7645  
appoint an entrance examiner who shall determine the sufficiency 7646  
of an applicant's qualifications for admission to the 7647  
appropriate examination. A member of the board or the executive 7648  
director may be appointed as the entrance examiner. 7649

(B) Requirements for admission to examination for a 7650  
psychologist license shall be that the applicant: 7651

(1) Is at least twenty-one years of age; 7652

(2) Meets one of the following requirements: 7653

(a) Received an earned doctoral degree from an institution 7654  
accredited or recognized by a national or regional accrediting 7655  
agency and a program accredited by any of the following: 7656

(i) The American psychological association, office of 7657  
program consultation and accreditation; 7658

(ii) The accreditation office of the Canadian 7659  
psychological association; 7660

(iii) A program listed by the association of state and 7661  
provincial psychology boards/national register designation 7662  
committee; 7663

(iv) The national association of school psychologists. 7664

(b) Received an earned doctoral degree in psychology or 7665  
school psychology from an institution accredited or recognized 7666  
by a national or regional accrediting agency but the program 7667

does not meet the program accreditation requirements of division 7668  
(B) (2) (a) of this section; 7669

(c) Received from an academic institution outside of the 7670  
United States or Canada a degree determined, under rules adopted 7671  
by the board under division ~~(E)~~ (F) of this section, to be 7672  
equivalent to a doctoral degree in psychology from a program 7673  
described in division (B) (2) (a) of this section; 7674

(d) Held a psychologist license, certificate, or 7675  
registration required for practice in another United States or 7676  
Canadian jurisdiction for a minimum of ten years and meets 7677  
educational, experience, and professional requirements 7678  
established under rules adopted by the board. 7679

(3) Has had at least two years of supervised professional 7680  
experience in psychological work of a type satisfactory to the 7681  
board, at least one year of which must be a predoctoral 7682  
internship. The board shall adopt guidelines for the kind of 7683  
supervised professional experience that fulfill this 7684  
requirement. 7685

(4) If applying under division (B) (2) (b) or (c) of this 7686  
section, has had at least two years of supervised professional 7687  
experience in psychological work of a type satisfactory to the 7688  
board, at least one year of which must be postdoctoral. The 7689  
board shall adopt guidelines for the kind of supervised 7690  
professional experience that fulfill this requirement. 7691

(C) Requirements for admission to examination for ~~a~~ an 7692  
independent school psychologist license shall be that the 7693  
applicant: 7694

(1) Has received from an educational institution 7695  
accredited or recognized by national or regional accrediting 7696

agencies as maintaining satisfactory standards, including those 7697  
approved by the state board of education for the training of 7698  
independent school psychologists, at least a master's degree in 7699  
school psychology, or a degree considered equivalent by the 7700  
board; 7701

(2) Is at least twenty-one years of age; 7702

(3) Has completed at least sixty quarter hours, or the 7703  
semester hours equivalent, at the graduate level, of accredited 7704  
study in course work relevant to the study of school psychology; 7705

(4) Has completed an internship in an educational 7706  
institution approved by the Ohio department of education for 7707  
school psychology supervised experience or one year of other 7708  
training experience acceptable to the board, such as supervised 7709  
professional experience under the direction of a licensed 7710  
psychologist, licensed independent school psychologist, or 7711  
licensed school psychologist; 7712

(5) Furnishes proof of at least twenty-seven months, 7713  
exclusive of internship, of full-time experience as a 7714  
certificated school psychologist employed by a board of 7715  
education or a private school meeting the standards prescribed 7716  
by the state board of education, or of experience that the board 7717  
deems equivalent. 7718

(D) Requirements for admission to examination for a school 7719  
psychologist shall be that the applicant: 7720

(1) Has received from an educational institution 7721  
accredited or recognized by national or regional accrediting 7722  
agencies as maintaining satisfactory standards, including those 7723  
approved by the state board of education for the training of 7724  
school psychologists, at least a master's degree in school 7725

psychology, or a degree considered equivalent by the board; 7726

(2) Is at least twenty-one years of age; 7727

(3) Has completed a nine month, full-time internship in an 7728  
approved school setting as described in rules adopted by the 7729  
board. 7730

(E) If the entrance examiner finds that the applicant 7731  
meets the requirements set forth in this section, the applicant 7732  
shall be admitted to the appropriate examination. 7733

~~(E)~~ (F) The board shall adopt under Chapter 119. of the 7734  
Revised Code rules for determining for the purposes of division 7735  
~~(B) (2) (b)~~ (B) (2) (c) of this section whether a degree is 7736  
equivalent to a degree in psychology from an institution in the 7737  
United States. 7738

**Sec. 4732.11.** (A) (1) Each applicant for a license to 7739  
practice as a psychologist shall be required to earn a score 7740  
acceptable to the state board of psychology on an examination 7741  
selected by the board. The applicant shall follow all necessary 7742  
procedures and pay all necessary fees for the examination. An 7743  
applicant who fails to earn a score acceptable to the board may 7744  
be admitted to a subsequent examination no less than thirty days 7745  
after the initial examination. After failing to earn a passing 7746  
score three consecutive times, an applicant may not be admitted 7747  
to the examination for a period of six months following the 7748  
third examination attempt. An applicant who fails to achieve an 7749  
acceptable score in nine attempts is not eligible for additional 7750  
admissions to the examination, and the application shall be 7751  
permanently closed. 7752

An applicant who achieves an acceptable score on the 7753  
examination selected by the board as a candidate in another 7754

state or Canadian province before or after submitting an 7755  
application to the board must cause the score to be submitted 7756  
directly to the board's executive director. 7757

(2) The board may also require that an applicant for a 7758  
license to practice as a psychologist earn a passing score on an 7759  
examination that covers one or more of the following: 7760

(a) Chapter 4732. of the Revised Code; 7761

(b) Rules promulgated under Chapter 4732. of the Revised 7762  
Code; 7763

(c) Related provisions of the Revised Code; 7764

(d) Professional ethical principles; 7765

(e) Professional standards of care. 7766

The examination may be administered orally or in writing 7767  
in accordance with rules adopted by the board. 7768

(B) (1) Each applicant for a license to practice as ~~a~~an 7769  
independent school psychologist licensed by the state board of 7770  
psychology or school psychologist shall be required to earn a 7771  
score acceptable to the board on an examination selected by the 7772  
board. The applicant shall follow all necessary procedures and 7773  
pay all necessary fees for the examination. 7774

(2) The board may also require that an applicant for a 7775  
license to practice as ~~a~~an independent school psychologist or 7776  
school psychologist licensed by the state board of psychology 7777  
earn a passing score on an examination that covers one or more 7778  
of the following: 7779

(a) Chapter 4732. of the Revised Code; 7780

(b) Rules promulgated under Chapter 4732. of the Revised 7781

Code;	7782
(c) Related provisions of the Revised Code;	7783
(d) Professional ethical principles;	7784
(e) Professional standards of care.	7785
The examination may be administered orally or in writing	7786
in accordance with rules adopted by the board.	7787
(C) The board may establish procedures designed to expose	7788
applicants to the subject matter of the examinations described	7789
in divisions (A) (2) and (B) (2) of this section.	7790
<del>    (D) The board shall appoint a school psychology</del>	7791
<del>examination committee responsible to the board. The committee</del>	7792
<del>shall consist of five school psychologists each of whom holds</del>	7793
<del>either of the following:</del>	7794
<del>(1) A school psychologist license issued under this</del>	7795
<del>chapter;</del>	7796
<del>(2) A psychologist license issued under this chapter and a</del>	7797
<del>certificate or license issued by the state board of education.</del>	7798
<del>Committee members shall be appointed by the state board of</del>	7799
<del>psychology for staggered five year terms, according to rules</del>	7800
<del>adopted by that board. The board may delegate to the committee</del>	7801
<del>authority to develop the examination described in division (B)</del>	7802
<del>(2) of this section and any procedures to be established under</del>	7803
<del>division (C) of this section.</del>	7804
<b>Sec. 4732.12.</b> If an applicant for a license issued by the	7805
state board of psychology to practice as a psychologist, <u>    </u>	7806
<u>independent school psychologist,</u> or school psychologist receives	7807
a score acceptable to the board on the appropriate examination	7808

required by section 4732.11 of the Revised Code and has paid the fee required by section 4732.15 of the Revised Code, the board shall issue the appropriate license.

**Sec. 4732.13.** A license issued by the state board of psychology shall remain active until it expires pursuant to section 4732.14 of the Revised Code, or is suspended, revoked, or placed in retired status. An active psychologist license shall entitle the holder to practice psychology. An active independent school psychologist license shall entitle the holder to practice independent school psychology. An active school psychologist license shall entitle the holder to practice school psychology.

**Sec. 4732.14.** (A) On or before the thirty-first day of August of each even-numbered year, each ~~person who holds an active license issued by the state board of psychology licensed~~ psychologist and licensed independent school psychologist shall register with the board in a format and manner prescribed by the board, giving the person's name, address, license number, the continuing education information required by section 4732.141 of the Revised Code, and such other reasonable information as the board requires. The person shall pay to the board a biennial registration fee, ~~as follows:~~

~~(1) From the effective date of this amendment through June 30, 2016, three hundred fifty dollars;~~

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

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

A person licensed for the first time on or before the

thirtieth day of September of an even-numbered year shall next 7838  
be required to register on or before the thirtieth day of 7839  
September of the next even-numbered year. 7840

(B) On or before the thirty-first day of August of each 7841  
year that ends with a zero or a five, each licensed school 7842  
psychologist shall register with the board in a format and 7843  
manner prescribed by the board, giving the school psychologist's 7844  
name, address, license number, the continuing education 7845  
information required by section 4732.141 of the Revised Code, 7846  
and such other reasonable information as the board requires. The 7847  
school psychologist shall pay to the board a quinquennial 7848  
registration fee of three hundred dollars. 7849

The board may adopt rules providing for reductions of the 7850  
registration fee required by this section for school 7851  
psychologists registering after their first registration period, 7852  
if the initial registration was less than five years. 7853

(C) Before the first day of August of each even-numbered 7854  
year, the board shall send a notice to each ~~license~~ 7855  
~~holder~~ licensed psychologist or licensed independent school 7856  
psychologist, whether a resident or not, at the license holder's 7857  
last provided official mailing address, that the license 7858  
holder's continuing education compliance must be completed on or 7859  
before the last day of August and the biennial registration form 7860  
and fee are due on or before the last day of September. A 7861  
license of any ~~license holder~~ psychologist or independent school 7862  
psychologist shall automatically expire if any of the following 7863  
are not received on or before the thirtieth day of September of 7864  
a renewal year: 7865

(1) The biennial registration fee; 7866

(2) The registration form; 7867

(3) A report of compliance with continuing education requirements. 7868  
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Within five years thereafter, the board may reinstate any expired psychologist or independent school psychologist license upon payment of the current registration fee and a penalty fee established by the board, not to exceed two hundred fifty dollars, and receipt of the registration form completed by the registrant in accordance with this section and section 4732.141 of the Revised Code or in accordance with any modifications authorized by the board under division (F) of section 4732.141 of the Revised Code. 7870  
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The board may by rule waive the payment of the registration fee and completion of the continuing psychology education required by section 4732.141 of the Revised Code by a ~~license holder~~ psychologist or independent school psychologist when the license holder is on active duty in the armed forces of the United States or a reserve component of the armed forces of the United States, including the Ohio national guard or the national guard of any other state. 7879  
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An individual who has had a license placed on retired status under section 4732.142 of the Revised Code may seek reinstatement of the license in accordance with rules adopted by the board. 7887  
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(D) Before the first day of August of each year that ends with a zero or a five, the board shall send a notice to each licensed school psychologist, whether a resident or not, at the school psychologist's last provided official mailing address, that the school psychologist's continuing education compliance 7891  
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must be completed on or before the last day of August and the 7896  
quinquennial registration form and fee are due on or before the 7897  
last day of September. A license of any school psychologist 7898  
shall automatically expire if any of the following are not 7899  
received on or before the thirtieth day of September of a 7900  
renewal year: 7901

(1) The quinquennial registration fee; 7902

(2) The registration form; 7903

(3) A report of compliance with continuing education 7904  
requirements. 7905

Within five years thereafter, the board may reinstate any 7906  
expired school psychologist license upon payment of the current 7907  
registration fee and a penalty fee established by the board, not 7908  
to exceed two hundred fifty dollars, and receipt of the 7909  
registration form completed by the registrant in accordance with 7910  
this section and section 4732.141 of the Revised Code or in 7911  
accordance with any modifications authorized by the board under 7912  
division (F) of section 4732.141 of the Revised Code. 7913

The board may by rule waive the payment of the 7914  
registration fee and completion of the continuing psychology 7915  
education required by section 4732.141 of the Revised Code by a 7916  
school psychologist when the school psychologist is on active 7917  
duty in the armed forces of the United States or a reserve 7918  
component of the armed forces of the United States, including 7919  
the Ohio national guard or the national guard of any other 7920  
state. 7921

A school psychologist who has had a license placed on 7922  
retired status under section 4732.142 of the Revised Code may 7923  
seek reinstatement of the license in accordance with rules 7924

adopted by the board. 7925

~~(C)~~ (E) Each license holder licensed psychologist, 7926  
licensed independent school psychologist, and licensed school 7927  
psychologist shall notify the executive director of any change 7928  
in the license holder's official mailing address, office 7929  
address, or employment within sixty days of such change. 7930

**Sec. 4732.141.** ~~(A) (1)~~ (A) (1) (a) Except as provided in 7931  
division (D) of this section, on or before the thirty-first day 7932  
of August of each even-numbered year, each person who holds a 7933  
psychologist or independent school psychologist license issued 7934  
by the state board of psychology shall have completed, in the 7935  
preceding two-year period, not less than twenty-three hours of 7936  
continuing education in psychology, including not less than four 7937  
hours of continuing education in one or more of the following: 7938

~~(a)~~ (i) Professional conduct; 7939

~~(b)~~ (ii) Ethics; 7940

~~(c)~~ (iii) The role of culture, ethnic identity, or both in 7941  
the provision of psychological assessment, consultation, or 7942  
psychological interventions, or a combination thereof. 7943

(b) Except as provided in division (D) of this section, on 7944  
or before the thirty-first day of August of each year ending in 7945  
zero or five, each person who holds a school psychologist 7946  
license issued by the state board of psychology shall have 7947  
completed, in the preceding five-year period, not less than 7948  
fifty hours of continuing education in psychology, including not 7949  
less than four hours of continuing education in one or more of 7950  
the following: 7951

(i) Professional conduct; 7952

(ii) Ethics; 7953

(iii) The role of culture, ethnic identity, or both in the 7954  
provision of psychological assessment, consultation, or 7955  
psychological interventions, or a combination thereof. 7956

(2) Each license holder shall certify to the board, at the 7957  
time of biennial or quinquennial registration pursuant to 7958  
section 4732.14 of the Revised Code and on the registration form 7959  
prescribed by the board under that section, that in the 7960  
preceding two ~~years~~ or five-year period, as applicable, the 7961  
license holder has completed continuing psychology education in 7962  
compliance with this section. The board shall adopt rules 7963  
establishing the procedure for a license holder to certify to 7964  
the board and for properly recording with the Ohio psychological 7965  
association or the Ohio school psychologists association 7966  
completion of the continuing education. 7967

(B) Continuing psychology education may be applied to meet 7968  
the requirement of division (A) of this section if both of the 7969  
following requirements are met: 7970

(1) It is obtained through a program or course approved by 7971  
the state board of psychology, the Ohio psychological 7972  
association, the Ohio association of black psychologists, or the 7973  
American psychological association or, in the case of ~~a~~ an 7974  
independent school psychologist or school psychologist ~~who holds~~ 7975  
~~a license issued under this chapter~~ or a licensed psychologist 7976  
with a school psychology specialty, by the state board of 7977  
education, the Ohio school psychologists association, or the 7978  
national association of school psychologists; 7979

(2) Completion of the program or course is recorded with 7980  
the Ohio psychological association or the Ohio school 7981

psychologists association in accordance with rules adopted by 7982  
the state board of psychology in accordance with division (A) of 7983  
this section. 7984

The state board of psychology may disapprove any program 7985  
or course that has been approved by the Ohio psychological 7986  
association, Ohio association of black psychologists, American 7987  
psychological association, state board of education, Ohio school 7988  
psychologists association, or national association of school 7989  
psychologists. Such program or course may not be applied to meet 7990  
the requirement of division (A) of this section. 7991

(C) Each license holder shall be given a sufficient choice 7992  
of continuing education programs or courses in psychology, 7993  
including programs or courses on professional conduct and ethics 7994  
when required under division (A) (2) of this section, to ensure 7995  
that the license holder has had a reasonable opportunity to 7996  
participate in programs or courses that are relevant to the 7997  
license holder's practice in terms of subject matter and level. 7998

(D) The board shall adopt rules providing for reductions 7999  
of the hours of continuing psychology education required by this 8000  
section for license holders in their first registration period. 8001

(E) Each license holder shall retain in the license 8002  
holder's records for at least three years the receipts, 8003  
vouchers, or certificates necessary to document completion of 8004  
continuing psychology education. Proof of continuing psychology 8005  
education recorded with the Ohio psychological association or 8006  
the Ohio school psychologists association in accordance with the 8007  
procedures established pursuant to division (A) of this section 8008  
shall serve as sufficient documentation of completion. With 8009  
cause, the board may request the documentation from the license 8010  
holder. The board may review any continuing psychology education 8011

records recorded by the Ohio psychological association or the 8012  
Ohio school psychologists association. 8013

(F) The board may excuse license holders, as a group or as 8014  
individuals, from all or any part of the requirements of this 8015  
section because of an unusual circumstance, emergency, or 8016  
special hardship. 8017

(G) The state board of psychology shall approve one or 8018  
more continuing education courses of study that assist 8019  
psychologists, independent school psychologists, and school 8020  
psychologists in recognizing the signs of domestic violence and 8021  
its relationship to child abuse. Psychologists, independent 8022  
school psychologists, and school psychologists are not required 8023  
to take the courses. 8024

(H) The board may require a license holder to evidence 8025  
completion of specific continuing education coursework as part 8026  
of the process of registering or continuing to register a person 8027  
working under the license holder's supervision under division 8028  
(B) of section 4732.22 of the Revised Code and conducting 8029  
psychological or psychological work or training supervision. 8030  
Procedures for the completion, verification, and documentation 8031  
of such continuing education shall be specified in rules adopted 8032  
by the board. A license holder completing this continuing 8033  
education may receive credit toward the four-hour requirement in 8034  
division (A) (1) of this section during the next continuing 8035  
education period following the completion of this continuing 8036  
education. 8037

**Sec. 4732.142.** (A) The holder of a license issued under 8038  
this chapter who retires from the practice of psychology, 8039  
independent school psychology, or school psychology may request 8040  
during the biennial or quinquennial license registration process 8041

that the license holder's license be placed in "licensed 8042  
psychologist-retired," "licensed independent school 8043  
psychologist-retired," or "licensed school psychologist-retired" 8044  
status. Once the license is placed in retired status, the 8045  
license holder shall not practice psychology, independent school 8046  
psychology, or school psychology in this state. A license holder 8047  
selecting this status shall pay to the state board of psychology 8048  
a fee of fifty dollars. 8049

(B) Procedures for reinstating a retired license shall be 8050  
established in rules adopted by the board. 8051

**Sec. 4732.17.** (A) Subject to division (F) of this section 8052  
and except as provided in division (G) of this section, the 8053  
state board of psychology may take any of the actions specified 8054  
in division (C) of this section against an applicant for or a 8055  
person who holds a license issued under this chapter on any of 8056  
the following grounds as applicable: 8057

(1) Conviction, including a plea of guilty or no contest, 8058  
of a felony, or of any offense involving moral turpitude, in a 8059  
court of this or any other state or in a federal court; 8060

(2) A judicial finding of eligibility for intervention in 8061  
lieu of conviction for a felony or any offense involving moral 8062  
turpitude in a court of this or any other state or in a federal 8063  
court; 8064

(3) Using fraud or deceit in the procurement of the 8065  
license to practice psychology, independent school psychology, 8066  
or school psychology or knowingly assisting another in the 8067  
procurement of such a license through fraud or deceit; 8068

(4) Accepting commissions or rebates or other forms of 8069  
remuneration for referring persons to other professionals; 8070

- (5) Willful, unauthorized communication of information 8071  
received in professional confidence; 8072
- (6) Being negligent in the practice of psychology, 8073  
independent school psychology, or school psychology; 8074
- (7) Inability to practice according to acceptable and 8075  
prevailing standards of care by reason of a mental, emotional, 8076  
physiological, or pharmacological condition or substance abuse; 8077
- (8) Subject to section 4732.28 of the Revised Code, 8078  
violating any rule of professional conduct promulgated by the 8079  
board; 8080
- (9) Practicing in an area of psychology for which the 8081  
person is clearly untrained or incompetent; 8082
- (10) An adjudication by a court, as provided in section 8083  
5122.301 of the Revised Code, that the person is incompetent for 8084  
the purpose of holding the license. Such person may have the 8085  
person's license issued or restored only upon determination by a 8086  
court that the person is competent for the purpose of holding 8087  
the license and upon the decision by the board that such license 8088  
be issued or restored. The board may require an examination 8089  
prior to such issuance or restoration. 8090
- (11) Waiving the payment of all or any part of a 8091  
deductible or copayment that a patient, pursuant to a health 8092  
insurance or health care policy, contract, or plan that covers 8093  
psychological services, would otherwise be required to pay if 8094  
the waiver is used as an enticement to a patient or group of 8095  
patients to receive health care services from that provider; 8096
- (12) Advertising that the person will waive the payment of 8097  
all or any part of a deductible or copayment that a patient, 8098  
pursuant to a health insurance or health care policy, contract, 8099

or plan that covers psychological services, would otherwise be 8100  
required to pay; 8101

(13) Any of the following actions taken by the agency 8102  
responsible for authorizing or certifying the person to practice 8103  
or regulating the person's practice of a health care occupation 8104  
or provision of health care services in this state or another 8105  
jurisdiction, as evidenced by a certified copy of that agency's 8106  
records and findings for any reason other than the nonpayment of 8107  
fees: 8108

(a) Limitation, revocation, or suspension of the person's 8109  
license to practice; 8110

(b) Acceptance of the person's license surrender; 8111

(c) Denial of a license to the person; 8112

(d) Refuse to renew or reinstate the person's license; 8113

(e) Imposition of probation on the person; 8114

(f) Issuance of an order of censure or other reprimand 8115  
against the person; 8116

(g) Other negative action or finding against the person 8117  
about which information is available to the public. 8118

(14) Offering or rendering psychological services after a 8119  
license issued under this chapter has expired due to a failure 8120  
to timely register under section 4732.14 of the Revised Code or 8121  
complete continuing education requirements; 8122

(15) Offering or rendering psychological services after a 8123  
license issued under this chapter has been placed in retired 8124  
status pursuant to section 4732.142 of the Revised Code; 8125

(16) Unless the person is a~~an~~ independent school 8126

<del>psychologist or school psychologist licensed by the state board</del>	8127
<del>of education under this chapter:</del>	8128
(a) Offering or rendering <u>independent school psychological</u>	8129
<u>or school</u> psychological services after a license issued under	8130
this chapter has expired due to a failure to timely register	8131
under section 4732.14 of the Revised Code or complete continuing	8132
education requirements;	8133
(b) Offering or rendering <u>independent school psychological</u>	8134
<u>or school</u> psychological services after a license issued under	8135
this chapter has been placed in retired status pursuant to	8136
section 4732.142 of the Revised Code.	8137
(17) Violating any adjudication order or consent agreement	8138
adopted by the board;	8139
(18) Failure to submit to mental, cognitive, substance	8140
abuse, or medical evaluations, or a combination of these	8141
evaluations, ordered by the board under division (E) of this	8142
section.	8143
(B) Notwithstanding divisions (A) (11) and (12) of this	8144
section, sanctions shall not be imposed against any license	8145
holder who waives deductibles and copayments:	8146
(1) In compliance with the health benefit plan that	8147
expressly allows such a practice. Waiver of the deductibles or	8148
copays shall be made only with the full knowledge and consent of	8149
the plan purchaser, payer, and third-party administrator. Such	8150
consent shall be made available to the board upon request.	8151
(2) For professional services rendered to any other person	8152
licensed pursuant to this chapter to the extent allowed by this	8153
chapter and the rules of the board.	8154

(C) For any of the reasons specified in division (A) of	8155
this section, the board may do one or more of the following:	8156
(1) Refuse to issue a license to an applicant;	8157
(2) Issue a reprimand to a license holder;	8158
(3) Suspend the license of a license holder;	8159
(4) Revoke the license of a license holder;	8160
(5) Limit or restrict the areas of practice of an	8161
applicant or a license holder;	8162
(6) Require mental, substance abuse, or physical	8163
evaluations, or any combination of these evaluations, of an	8164
applicant or a license holder;	8165
(7) Require remedial education and training of an	8166
applicant or a license holder.	8167
(D) When it revokes the license of a license holder under	8168
division (C)(4) of this section, the board may specify that the	8169
revocation is permanent. An individual subject to permanent	8170
revocation is forever thereafter ineligible to hold a license,	8171
and the board shall not accept an application for reinstatement	8172
of the license or issuance of a new license.	8173
(E) When the board issues a notice of opportunity for a	8174
hearing on the basis of division (A)(7) of this section, the	8175
supervising member of the board, with cause and upon	8176
consultation with the board's executive director and the board's	8177
legal counsel, may compel the applicant or license holder to	8178
submit to mental, cognitive, substance abuse, or medical	8179
evaluations, or a combination of these evaluations, by a person	8180
or persons selected by the board. Notice shall be given to the	8181
applicant or license holder in writing signed by the supervising	8182

member, the executive director, and the board's legal counsel. 8183  
The applicant or license holder is deemed to have given consent 8184  
to submit to these evaluations and to have waived all objections 8185  
to the admissibility of testimony or evaluation reports that 8186  
constitute a privileged communication. The expense of the 8187  
evaluation or evaluations shall be the responsibility of the 8188  
applicant or license holder who is evaluated. 8189

(F) Before the board may take action under this section, 8190  
written charges shall be filed with the board by the secretary 8191  
and a hearing shall be had thereon in accordance with Chapter 8192  
119. of the Revised Code, except as follows: 8193

(1) On receipt of a complaint that any of the grounds 8194  
listed in division (A) of this section exist, the state board of 8195  
psychology may suspend a license issued under this chapter prior 8196  
to holding a hearing in accordance with Chapter 119. of the 8197  
Revised Code if it determines, based on the complaint, that 8198  
there is an immediate threat to the public. A telephone 8199  
conference call may be used to conduct an emergency meeting for 8200  
review of the matter by a quorum of the board, taking the vote, 8201  
and memorializing the action in the minutes of the meeting. 8202

After suspending a license pursuant to division (F)(1) of 8203  
this section, the board shall notify the license holder of the 8204  
suspension in accordance with section 119.07 of the Revised 8205  
Code. If the individual whose license is suspended fails to make 8206  
a timely request for an adjudication under Chapter 119. of the 8207  
Revised Code, the board shall enter a final order permanently 8208  
revoking the license. 8209

(2) The board shall adopt rules establishing a case 8210  
management schedule for pre-hearing procedures by the hearing 8211  
examiner or presiding board member. The schedule shall include 8212

applicable deadlines related to the hearing process, including 8213  
all of the following: 8214

(a) The date of the hearing; 8215

(b) The date for the disclosure of witnesses and exhibits; 8216

(c) The date for the disclosure of the identity of expert 8217  
witnesses and the exchange of written reports; 8218

(d) The deadline for submitting a request for the issuance 8219  
of a subpoena for the hearing as provided under Chapter 119. of 8220  
the Revised Code and division (F) (4) of this section. 8221

(3) Either party to the hearing may submit a written 8222  
request to the other party for a list of witnesses and copies of 8223  
documents intended to be introduced at the hearing. The request 8224  
shall be in writing and shall be served not less than thirty- 8225  
seven days prior to the hearing, unless the hearing officer or 8226  
presiding board member grants an extension of time to make the 8227  
request. Not later than thirty days before the hearing, the 8228  
responding party shall provide the requested list of witnesses, 8229  
summary of their testimony, and copies of documents to the 8230  
requesting party, unless the hearing officer or presiding board 8231  
member grants an extension. Failure to timely provide a list or 8232  
copies requested in accordance with this section may, at the 8233  
discretion of the hearing officer or presiding board member, 8234  
result in exclusion from the hearing of the witnesses, 8235  
testimony, or documents. 8236

(4) In addition to subpoenas for the production of books, 8237  
records, and papers requested under Chapter 119. of the Revised 8238  
Code, either party may ask the board to issue a subpoena for the 8239  
production of other tangible items. 8240

The person subject to a subpoena for the production of 8241

books, records, papers, or other tangible items shall respond to 8242  
the subpoena at least twenty days prior to the date of the 8243  
hearing. If a person fails to respond to a subpoena issued by 8244  
the board, after providing reasonable notice to the person, the 8245  
board, the hearing officer, or both may proceed with enforcement 8246  
of the subpoena pursuant to section 119.09 of the Revised Code. 8247

(G) The board shall not refuse to issue a license to an 8248  
applicant because of a conviction or plea of guilty or no 8249  
contest to an offense or a judicial finding of eligibility for 8250  
intervention in lieu of conviction, unless the refusal is in 8251  
accordance with section 9.79 of the Revised Code. 8252

**Sec. 4732.171.** (A) Except as provided in division (B) of 8253  
this section, if, at the conclusion of a hearing required by 8254  
section 4732.17 of the Revised Code, the state board of 8255  
psychology determines that a licensed psychologist, licensed 8256  
independent school psychologist, or licensed school psychologist 8257  
~~licensed by the state board of psychology~~ has engaged in sexual 8258  
conduct or had sexual contact with the license holder's patient 8259  
or client in violation of any prohibition contained in Chapter 8260  
2907. of the Revised Code, the board shall do one of the 8261  
following: 8262

- (1) Suspend the license holder's license; 8263
- (2) Permanently revoke the license holder's license. 8264

(B) If it determines at the conclusion of the hearing that 8265  
neither of the sanctions described in division (A) of this 8266  
section is appropriate, the board shall impose another sanction 8267  
it considers appropriate and issue a written finding setting 8268  
forth the reasons for the sanction imposed and the reason that 8269  
neither of the sanctions described in division (A) of this 8270

section is appropriate. 8271

**Sec. 4732.173.** (A) The state board of psychology may 8272  
approve or establish a colleague assistance program for the 8273  
purpose of affording holders of licenses issued under this 8274  
chapter, license applicants, and persons subject to discipline 8275  
pursuant to division (B) of section 4731.22 of the Revised Code 8276  
access to all of the following: 8277

(1) Resources concerning the prevention of distress; 8278

(2) Evaluation and intervention services concerning 8279  
mental, emotional, substance use, and other conditions that may 8280  
impair competence, objectivity, and judgment in the provision of 8281  
psychological, independent school psychological, or school 8282  
psychological services; 8283

(3) Consultation and mentoring services for practice 8284  
oversight and remediation of professional skill deficits. 8285

The board may compel a license holder, applicant, or 8286  
registered person to participate in the program in conjunction 8287  
with the board's actions under section 4732.17 of the Revised 8288  
Code. 8289

(B) If a program is approved or established, the board 8290  
shall adopt rules specifying the circumstances under which self- 8291  
referred participants may receive confidential services from the 8292  
program. 8293

**Sec. 4732.18.** At any time after the suspension or 8294  
revocation of a license, the state board of psychology may 8295  
restore the license upon the written finding by the board that 8296  
circumstances so warrant. At the time it restores a license, the 8297  
board may impose restrictions and limitations on the practice of 8298  
the license holder. 8299

The board may require a person seeking restoration of a license to submit to mental, substance abuse, cognitive, or physical evaluations, or a combination of these evaluations. Evaluations shall be conducted by qualified individuals selected by the board. The costs of any evaluative processes shall be paid by the applicant for restoration. A person requesting restoration of a license is deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

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

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

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

**Sec. 4732.19.** The confidential relations and communications between a licensed psychologist, licensed independent school psychologist, or licensed school psychologist and client are placed upon the same basis as those between physician and patient under division (B) of section 2317.02 of the Revised Code. Nothing in this chapter shall be construed to require any such privileged communication to be disclosed.

**Sec. 4732.20.** This chapter does not authorize any person 8329  
to engage in any of the acts which are regarded as practicing 8330  
medicine under section 4731.34 of the Revised Code. In order to 8331  
make provision for the diagnosis and treatment of medical 8332  
problems, a licensed psychologist engaging in psychological 8333  
psychotherapy with clients shall maintain a consultative 8334  
relationship with a physician licensed to practice medicine by 8335  
this state. The practice of psychology, the practice of 8336  
independent school psychology, the practice of school 8337  
psychology, or the use of psychological procedures does not 8338  
include the diagnosis or correction of optical defects or 8339  
conditions through the utilization of optical principles, 8340  
including optical devices or orthoptics. 8341

**Sec. 4732.21.** Except as provided in section 4732.22 of the 8342  
Revised Code: 8343

(A) No person who is not a licensed psychologist shall 8344  
offer or render services as a psychologist or otherwise engage 8345  
in the practice of psychology. 8346

(B) No person who is not a licensed psychologist, ~~a~~ 8347  
~~licensed independent school psychologist, or licensed school~~ 8348  
~~psychologist licensed by the state board of psychology, or a~~ 8349  
~~school psychologist licensed by the state board of education~~ 8350  
shall offer or render services as a school psychologist or 8351  
otherwise engage in the practice of school psychology. 8352

**Sec. 4732.22.** (A) The following persons are exempted from 8353  
the licensing requirements of this chapter: 8354

(1) ~~A person who holds a license or certificate issued by~~ 8355  
~~the state board of education authorizing the practice of school~~ 8356  
~~psychology, while practicing school psychology within the scope~~ 8357

~~of employment by a board of education or by a private school- 8358  
meeting the standards prescribed by the state board of education- 8359  
under division (D) of section 3301.07 of the Revised Code, or- 8360  
while acting as a school psychologist within the scope of- 8361  
employment in a program for children with disabilities- 8362  
established under Chapter 3323. or 5126. of the Revised Code. A- 8363  
person exempted under this division shall not offer- 8364  
psychological services to any other individual, organization, or- 8365  
group for remuneration, monetary or otherwise, unless the person- 8366  
is licensed by the state board of psychology. 8367~~

~~(2) Any nonresident temporarily employed in this state to 8368  
render psychological services for not more than thirty days a 8369  
year, who, in the opinion of the board, meets the standards for 8370  
entrance in division (B) of section 4732.10 of the Revised Code, 8371  
who has paid the required fee and submitted an application 8372  
prescribed by the board, and who holds whatever license or 8373  
certificate, if any, is required for such practice in the 8374  
person's home state or home country. 8375~~

~~(3) (2) Any person working under the supervision of a 8376  
psychologist, independent school psychologist, or school 8377  
psychologist licensed under this chapter, while carrying out 8378  
specific tasks, under the license holder's supervision, as an 8379  
extension of the license holder's legal and ethical authority as 8380  
specified under this chapter if the person is registered under 8381  
division (B) of this section. All fees shall be billed under the 8382  
name of the license holder. The person working under the license 8383  
holder's supervision shall not represent self to the public as a 8384  
psychologist, independent school psychologist, or school 8385  
psychologist, although supervised persons and persons in 8386  
training may be ascribed such titles as "psychology trainee," 8387  
"psychology assistant," "psychology intern," or other 8388~~

appropriate term that clearly implies their supervised or 8389  
training status. 8390

~~(4)~~ (3) Any student in an accredited educational 8391  
institution, while carrying out activities that are part of the 8392  
student's prescribed course of study, provided such activities 8393  
are supervised by a professional person who is qualified to 8394  
perform such activities and is licensed under this chapter or is 8395  
a qualified supervisor pursuant to rules of the board; 8396

~~(5)~~ (4) Recognized religious officials, including 8397  
ministers, priests, rabbis, imams, Christian science 8398  
practitioners, and other persons recognized by the board, 8399  
conducting counseling when the counseling activities are within 8400  
the scope of the performance of their regular duties and are 8401  
performed under the auspices or sponsorship of an established 8402  
and legally cognizable religious denomination or sect, as 8403  
defined in current federal tax regulations, and when the 8404  
religious official does not refer to the official's self as a 8405  
psychologist and remains accountable to the established 8406  
authority of the religious denomination or sect; 8407

~~(6)~~ (5) Persons in the employ of the federal government 8408  
insofar as their activities are a part of the duties of their 8409  
positions; 8410

~~(7)~~ (6) Persons licensed, certified, or registered under 8411  
any other provision of the Revised Code who are practicing those 8412  
arts and utilizing psychological procedures that are allowed and 8413  
within the standards and ethics of their profession or within 8414  
new areas of practice that represent appropriate extensions of 8415  
their profession, provided that they do not hold themselves out 8416  
to the public by the title of psychologist; 8417

~~(8)~~ (7) Persons using the term "social psychologist," 8418  
"experimental psychologist," "developmental psychologist," 8419  
"research psychologist," "cognitive psychologist," and other 8420  
terms used by those in academic and research settings who 8421  
possess a doctoral degree in psychology from an educational 8422  
institution accredited or recognized by national or regional 8423  
accrediting agencies as maintaining satisfactory standards and 8424  
who do not use such a term in the solicitation or rendering of 8425  
professional psychological services. 8426

(B) The license holder who is supervising a person 8427  
described in division ~~(A) (3)~~ (A) (2) of this section shall 8428  
register the person with the board. The board shall adopt rules 8429  
regarding the registration process and the supervisory 8430  
relationship. 8431

**Sec. 4732.221.** A nonresident applicant seeking a review of 8432  
qualifications and permission of the state board of psychology 8433  
to practice psychology in Ohio for no more than thirty days per 8434  
year under division ~~(A) (2)~~ (A) (1) of section 4732.22 of the 8435  
Revised Code shall pay a fee established by the board of not 8436  
less than seventy-five dollars and not more than one hundred 8437  
fifty dollars, no part of which shall be returned. The board may 8438  
adopt rules for the purpose of recognizing a nonresident's 8439  
interjurisdictional practice credentials granted by the 8440  
association of state and provincial psychology boards and other 8441  
relevant professional organizations. 8442

**Sec. 4732.24.** On complaint by the state board of 8443  
psychology, the unlawful practice of psychology, independent 8444  
school psychology, or school psychology may be enjoined by the 8445  
common pleas court of the county in which such practice is 8446  
occurring. 8447

**Sec. 4732.31.** (A) The state board of psychology shall 8448  
provide access to the following information through the 8449  
internet: 8450

(1) The names of all licensed psychologists ~~and all,~~  8451  
licensed independent school psychologists, and licensed school 8452  
psychologists licensed by the state board of psychology; 8453

(2) The names of all licensed psychologists ~~and all,~~  8454  
licensed independent school psychologists, and licensed school 8455  
psychologists licensed by the state board of psychology who have 8456  
been reprimanded by the board for misconduct, the names of all 8457  
licensed psychologists~~,~~  licensed independent school 8458  
psychologists, or licensed school psychologists licensed by the 8459  
state board of psychology whose licenses are under an active 8460  
suspension imposed for misconduct, the names of all former 8461  
licensed psychologists~~,~~  licensed independent school 8462  
psychologists, and licensed school psychologists licensed by the 8463  
state board of psychology whose licenses have been suspended or 8464  
revoked for misconduct, and the reason for each reprimand, 8465  
suspension, or revocation; 8466

(3) Written findings made under division (B) of section 8467  
4732.171 of the Revised Code. 8468

(B) Division (A)(2) of this section does not apply to a 8469  
suspension of the license of a psychologist, independent school 8470  
psychologist, or school psychologist that is an automatic 8471  
suspension imposed under section 4732.14 of the Revised Code. 8472

**Sec. 4732.33.** (A) The state board of psychology shall 8473  
adopt rules governing the use of telepsychology for the purpose 8474  
of protecting the welfare of recipients of telepsychology 8475  
services and establishing requirements for the responsible use 8476

of telepsychology in the practice of psychology, independent 8477  
school psychology, and school psychology, including supervision 8478  
of persons registered with the state board of psychology as 8479  
described in division (B) of section 4732.22 of the Revised 8480  
Code. The rules adopted by the board shall be consistent with 8481  
section 4743.09 of the Revised Code. The rules are not subject 8482  
to the requirements of division (F) of section 121.95 of the 8483  
Revised Code. 8484

(B) A psychologist, independent school psychologist, or 8485  
school psychologist may provide telehealth services in 8486  
accordance with section 4743.09 of the Revised Code. 8487

**Sec. 4734.211.** (A) In consultation with the state medical 8488  
board, the state chiropractic board shall approve courses of 8489  
study in acupuncture that prepare a chiropractor licensed under 8490  
this chapter to receive a certificate to practice acupuncture 8491  
issued under section 4734.283 of the Revised Code. 8492

(B) To be approved, a course of study must require the 8493  
successful completion of at least ~~three~~two hundred hours of 8494  
instruction. Of the ~~three~~two hundred hours of instruction, at 8495  
least ~~two~~one hundred hours must consist of direct clinical 8496  
instruction that covers all of the following: 8497

- (1) Application of acupuncture techniques; 8498
- (2) An introduction to traditional Chinese acupuncture; 8499
- (3) Acupuncture points; 8500
- (4) Applications of acupuncture in modern western 8501  
medicine; 8502
- (5) Guidelines on safety in acupuncture; 8503
- (6) Treatment techniques. 8504

(C) In determining whether to approve a course of study, 8505  
the state chiropractic board shall take into consideration the 8506  
qualifications of the entity that administers the course of 8507  
study. The board may approve a course of study that is 8508  
administered by any of the following: 8509

(1) A school or college of chiropractic that has been 8510  
approved by a national entity acceptable to the board; 8511

(2) An institution with an acupuncture program that is 8512  
accredited by the accreditation commission for acupuncture and 8513  
oriental medicine; 8514

(3) A school or college of medicine and surgery, 8515  
osteopathic medicine and surgery, or podiatric medicine and 8516  
surgery; 8517

(4) A hospital; 8518

(5) An institution that holds a certificate of 8519  
authorization from the board of regents; 8520

(6) An institution that holds program authorization from 8521  
the state board of career colleges and schools under section 8522  
3332.05 of the Revised Code. 8523

**Sec. 4735.27.** (A) An application to act as a foreign real 8524  
estate dealer shall be in writing and filed with the 8525  
superintendent of real estate. It shall be in the form the 8526  
superintendent prescribes and shall contain the following 8527  
information: 8528

(1) The name and address of the applicant; 8529

(2) ~~A description of the applicant, including, if~~ If the 8530  
applicant is a partnership, unincorporated association, or any 8531  
similar form of business organization, the names and the 8532

residence and business addresses of all partners, officers, 8533  
directors, trustees, or managers of the organization, and the 8534  
limitation of the liability of any partner or member; ~~and or~~ if 8535  
the applicant is a corporation, a list of its officers and 8536  
directors, and the residence and business addresses of each, 8537  
and, if it is a foreign corporation, a copy of its articles of 8538  
incorporation in addition; 8539

(3) The location and addresses of the principal office and 8540  
all other offices of the applicant; 8541

(4) A general description of the business of the applicant 8542  
prior to the application, including a list of states in which 8543  
the applicant is a licensed foreign real estate dealer; 8544

(5) The names and addresses of all salespersons of the 8545  
applicant at the date of the application; 8546

(6) The nature of the business of the applicant, and its 8547  
places of business, for the ten-year period preceding the date 8548  
of application. 8549

(B) Every nonresident applicant shall name a person within 8550  
this state upon whom process against the applicant may be served 8551  
and shall give the complete residence and business address of 8552  
the person designated. Every applicant shall file an irrevocable 8553  
written consent, executed and acknowledged by an individual duly 8554  
authorized to give such consent, that actions growing out of a 8555  
fraud committed by the applicant in connection with the sale in 8556  
this state of foreign real estate may be commenced against it, 8557  
in the proper court of any county in this state in which a cause 8558  
of action for such fraud may arise or in which the plaintiff in 8559  
such action may reside, by serving on the secretary of state any 8560  
proper process or pleading authorized by the laws of this state, 8561

in the event that the applicant if a resident of this state, or 8562  
the person designated by the nonresident applicant, cannot be 8563  
found at the address given. The consent shall stipulate that the 8564  
service of process on the secretary of state shall be taken in 8565  
all courts to be as valid and binding as if service had been 8566  
made upon the foreign real estate dealer. If the applicant is a 8567  
corporation or an unincorporated association, the consent shall 8568  
be accompanied by a certified copy of the resolution of the 8569  
board of directors, trustees, or managers of the corporation or 8570  
association, authorizing such individual to execute the consent. 8571

(C) The superintendent may investigate any applicant for a 8572  
dealer's license, and may require any additional information the 8573  
superintendent considers necessary to determine the 8574  
qualifications of the applicant to act as a foreign real estate 8575  
dealer. If the application for a dealer's license involves 8576  
investigation outside this state, the superintendent may require 8577  
the applicant to advance sufficient funds to pay any of the 8578  
actual expenses of the investigation, and an itemized statement 8579  
of such expense shall be furnished to the applicant. 8580

(D) Every applicant shall take a written examination, 8581  
prescribed and conducted by the superintendent, which covers the 8582  
applicant's knowledge of the principles of real estate practice, 8583  
real estate law, financing and appraisal, real estate 8584  
transactions and instruments relating to them, canons of 8585  
business ethics relating to real estate transactions, and the 8586  
duties of foreign real estate dealers and salespersons. The fee 8587  
for the examination, when administered by the superintendent, is 8588  
one hundred one dollars. If the applicant does not appear for 8589  
the examination, the fee shall be forfeited and a new 8590  
application and fee shall be filed, unless good cause for the 8591  
failure to appear is shown to the superintendent. The 8592

requirement of an examination may be waived in whole or in part 8593  
by the superintendent if an applicant is licensed as a real 8594  
estate broker by any state. 8595

Any applicant who fails the examination twice shall wait 8596  
six months before applying to retake the examination. 8597

(E) No person shall take the foreign real estate dealer's 8598  
examination who has not established to the satisfaction of the 8599  
superintendent that the person: 8600

(1) Has not been convicted of a disqualifying offense as 8601  
determined in accordance with section 9.79 of the Revised Code; 8602

(2) Has not been finally adjudged by a court to have 8603  
violated any municipal, state, or federal civil rights laws 8604  
relevant to the protection of purchasers or sellers of real 8605  
estate or, if the applicant has been so adjudged, at least two 8606  
years have passed since the court decision and the 8607  
superintendent has disregarded the adjudication because the 8608  
applicant has proven, by a preponderance of the evidence, that 8609  
the applicant's activities and employment record since the 8610  
adjudication show that the applicant is honest and truthful, and 8611  
there is no basis in fact for believing that the applicant again 8612  
will violate the laws involved; 8613

(3) Has not, during any period for which the applicant was 8614  
licensed under this chapter or any former section of the Revised 8615  
Code applicable to licensed foreign real estate dealers or 8616  
salespersons, violated any provision of, or any rule adopted 8617  
pursuant to, this chapter or that section, or, if the applicant 8618  
has violated any such provision or rule, has established to the 8619  
satisfaction of the superintendent that the applicant will not 8620  
again violate the provision or rule. 8621

(F) If the superintendent finds that an applicant for a license as a foreign real estate dealer, or each named member, manager, or officer of a partnership, association, or corporate applicant is at least eighteen years of age, has passed the examination required under this section or has had the requirement of an examination waived, and appears otherwise qualified, the superintendent shall issue a license to the applicant to engage in business in this state as a foreign real estate dealer. Dealers licensed pursuant to this section shall employ as salespersons of foreign real estate only persons licensed pursuant to section 4735.28 of the Revised Code. If at any time such salespersons resign or are discharged or new salespersons are added, the dealer forthwith shall notify the superintendent and shall file with the division of real estate the names and addresses of new salespersons.

(G) If the applicant merely is renewing the applicant's license for the previous year, the application need contain only the information required by divisions (A) (2), (3), and (6) of this section.

**Sec. 4741.17.** (A) Applicants or registrants shall pay to the state veterinary medical licensing board:

(1) ~~For~~ Except as otherwise provided in division (B) of this section, for an initial veterinary license, on or after the first day of March in an even-numbered year, four two hundred twenty five seventy-five dollars, and on or after the first day of March in an odd-numbered year, three hundred dollars;

(2) For an initial limited license to practice veterinary medicine for an intern, resident in a veterinary specialty, or graduate student, thirty-five dollars;

- (3) For an initial limited license to practice veterinary medicine for an instructor, researcher, or diagnostician, one hundred fifty-five dollars; 8651  
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- (4) For a veterinary temporary permit, one hundred dollars; 8654  
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- (5) For a duplicate license, thirty-five dollars; 8656
- (6) For the veterinary license biennial renewal fee, where the application is postmarked no later than the first day of March, one hundred fifty-five dollars; where the application is postmarked after the first day of March, but no later than the first day of April, two hundred twenty-five dollars; and where the application is postmarked after the first day of April, four hundred fifty dollars. Notwithstanding section 4741.25 of the Revised Code, the board shall deposit ten dollars of each veterinary license biennial renewal fee that it collects into the state treasury to the credit of the veterinarian loan repayment fund created in section 4741.46 of the Revised Code. 8657  
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- (7) For the limited license to practice veterinary medicine biennial renewal fee, where the application is postmarked not later than the first day of July, one hundred fifty-five dollars; where the application is postmarked after the first day of July, but not later than the first day of August, two hundred twenty-five dollars; and where the application is postmarked after the first day of August, four hundred fifty dollars. Notwithstanding section 4741.25 of the Revised Code, the board shall deposit ten dollars of each limited license biennial renewal fee that it collects from instructors, researchers, and diagnosticians into the state treasury to the credit of the veterinarian loan repayment fund. 8668  
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(8) For an initial registered veterinary technician 8680  
~~registration fee on or after the first day of March in an odd-~~ 8681  
~~numbered year, thirty five thirty dollars, and on or after the~~ 8682  
~~first day of March in an even-numbered year, twenty five-~~ 8683  
~~dollars;~~ 8684

(9) For the biennial renewal registration fee of a 8685  
registered veterinary technician, ~~where the application is-~~ 8686  
~~postmarked no later than the first day of March, thirty five-~~ 8687  
~~dollars; where the application is postmarked after the first day-~~ 8688  
~~of March, but no later than the first day of April, forty-five-~~ 8689  
~~dollars; and where the application is postmarked after the first~~ 8690  
~~day of April, sixty thirty dollars;~~ 8691

(10) For a specialist certificate, fifty dollars. The 8692  
certificate is not subject to renewal. 8693

(11) For the reinstatement of a suspended license, or for 8694  
reinstatement of a license that has lapsed more than one year, 8695  
an additional fee of seventy-five dollars; 8696

(12) For a provisional veterinary graduate license, one 8697  
hundred dollars. 8698

(B) A person who holds a provisional veterinary graduate 8699  
license and who does all of the following shall receive an 8700  
initial veterinary license free of charge: 8701

(1) Applies for a license to practice veterinary medicine; 8702

(2) Successfully passes a nationally recognized 8703  
examination approved by the board for a license to practice 8704  
veterinary medicine; 8705

(3) Provides to the board's satisfaction proof of passage 8706  
of the examination. 8707

(C) For the purposes of divisions (A) (6), (7), and (9) of  
this section, a date stamp of the office of the board may serve  
in lieu of a postmark.

(D) Regarding the fees in this section that are reduced by  
H.B. 509 of the 134th general assembly, the board may gradually  
reduce the fees, provided that the board implements the full  
reduction not later than January 1, 2028.

**Sec. 4743.09.** (A) As used in this section:

(1) "Durable medical equipment" means a type of equipment,  
such as a remote monitoring device utilized by a physician,  
physician assistant, or advanced practice registered nurse in  
accordance with this section, that can withstand repeated use,  
is primarily and customarily used to serve a medical purpose,  
and generally is not useful to a person in the absence of  
illness or injury and, in addition, includes repair and  
replacement parts for the equipment.

(2) "Facility fee" means any fee charged or billed for  
telehealth services provided in a facility that is intended to  
compensate the facility for its operational expenses and is  
separate and distinct from a professional fee.

(3) "Health care professional" means:

(a) An advanced practice registered nurse, as defined in  
section 4723.01 of the Revised Code;

(b) An optometrist licensed under Chapter 4725. of the  
Revised Code to practice optometry ~~under a therapeutic  
pharmaceutical agents certificate;~~

(c) A pharmacist licensed under Chapter 4729. of the  
Revised Code;

(d) A physician assistant licensed under Chapter 4730. of the Revised Code;	8736 8737
(e) A physician licensed under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;	8738 8739 8740
(f) A psychologist, <u>independent school psychologist</u> , or school psychologist licensed under Chapter 4732. of the Revised Code <del>or under rules adopted in accordance with sections 3301.07</del> <del>and 3319.22 of the Revised Code;</del>	8741 8742 8743 8744
(g) A chiropractor licensed under Chapter 4734. of the Revised Code;	8745 8746
(h) An audiologist or speech-language pathologist licensed under Chapter 4753. of the Revised Code;	8747 8748
(i) An occupational therapist or physical therapist licensed under Chapter 4755. of the Revised Code;	8749 8750
(j) An occupational therapy assistant or physical therapist assistant licensed under Chapter 4755. of the Revised Code;	8751 8752 8753
(k) A professional clinical counselor, independent social worker, or independent marriage and family therapist licensed under Chapter 4757. of the Revised Code;	8754 8755 8756
(l) An independent chemical dependency counselor licensed under Chapter 4758. of the Revised Code;	8757 8758
(m) A dietitian licensed under Chapter 4759. of the Revised Code;	8759 8760
(n) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	8761 8762

(o) A genetic counselor licensed under Chapter 4778. of the Revised Code;	8763 8764
(p) A certified Ohio behavior analyst certified under Chapter 4783. of the Revised Code.	8765 8766
(4) "Health care professional licensing board" means any of the following:	8767 8768
(a) The board of nursing;	8769
(b) The state vision professionals board;	8770
(c) The state board of pharmacy;	8771
(d) The state medical board;	8772
(e) The state board of psychology;	8773
(f) <del>The state board of education with respect to the licensure of school psychologists;</del>	8774 8775
<del>(g)</del> The state chiropractic board;	8776
<del>(h)</del> <u>(g)</u> The state speech and hearing professionals board;	8777
<del>(i)</del> <u>(h)</u> The Ohio occupational therapy, physical therapy, and athletic trainers board;	8778 8779
<del>(j)</del> <u>(i)</u> The counselor, social worker, and marriage and family therapist board;	8780 8781
<del>(k)</del> <u>(j)</u> The chemical dependency professionals board.	8782
(5) "Health plan issuer" has the same meaning as in section 3922.01 of the Revised Code.	8783 8784
(6) "Telehealth services" means health care services provided through the use of information and communication technology by a health care professional, within the	8785 8786 8787

professional's scope of practice, who is located at a site other 8788  
than the site where either of the following is located: 8789

(a) The patient receiving the services; 8790

(b) Another health care professional with whom the 8791  
provider of the services is consulting regarding the patient. 8792

(B) (1) Each health care professional licensing board shall 8793  
permit a health care professional under its jurisdiction to 8794  
provide the professional's services as telehealth services in 8795  
accordance with this section. Subject to division (B) (2) of this 8796  
section, a board may adopt any rules it considers necessary to 8797  
implement this section. All rules adopted under this section 8798  
shall be adopted in accordance with Chapter 119. of the Revised 8799  
Code. Any such rules adopted by a board are not subject to the 8800  
requirements of division (F) of section 121.95 of the Revised 8801  
Code. 8802

(2) (a) Except as provided in division (B) (2) (b) of this 8803  
section, the rules adopted by a health care professional 8804  
licensing board under this section shall establish a standard of 8805  
care for telehealth services that is equal to the standard of 8806  
care for in-person services. 8807

(b) Subject to division (B) (2) (c) of this section, a board 8808  
may require an initial in-person visit prior to prescribing a 8809  
schedule II controlled substance to a new patient, equivalent to 8810  
applicable state and federal requirements. 8811

(c) (i) A board shall not require an initial in-person 8812  
visit for a new patient whose medical record indicates that the 8813  
patient is receiving hospice or palliative care, who is 8814  
receiving medication-assisted treatment or any other medication 8815  
for opioid-use disorder, who is a patient with a mental health 8816

condition, or who, as determined by the clinical judgment of a health care professional, is in an emergency situation.

(ii) Notwithstanding division (B) of section 3796.01 of the Revised Code, medical marijuana shall not be considered a schedule II controlled substance.

(C) With respect to the provision of telehealth services, all of the following apply:

(1) A health care professional may use synchronous or asynchronous technology to provide telehealth services to a patient during an initial visit if the appropriate standard of care for an initial visit is satisfied.

(2) A health care professional may deny a patient telehealth services and, instead, require the patient to undergo an in-person visit.

(3) When providing telehealth services in accordance with this section, a health care professional shall comply with all requirements under state and federal law regarding the protection of patient information. A health care professional shall ensure that any username or password information and any electronic communications between the professional and a patient are securely transmitted and stored.

(4) A health care professional may use synchronous or asynchronous technology to provide telehealth services to a patient during an annual visit if the appropriate standard of care for an annual visit is satisfied.

(5) In the case of a health care professional who is a physician, physician assistant, or advanced practice registered nurse, both of the following apply:

(a) The professional may provide telehealth services to a patient located outside of this state if permitted by the laws of the state in which the patient is located.

(b) The professional may provide telehealth services through the use of medical devices that enable remote monitoring, including such activities as monitoring a patient's blood pressure, heart rate, or glucose level.

(D) When a patient has consented to receiving telehealth services, the health care professional who provides those services is not liable in damages under any claim made on the basis that the services do not meet the same standard of care that would apply if the services were provided in-person.

(E) (1) A health care professional providing telehealth services shall not charge a patient or a health plan issuer covering telehealth services under section 3902.30 of the Revised Code any of the following: a facility fee, an origination fee, or any fee associated with the cost of the equipment used at the provider site to provide telehealth services.

A health care professional providing telehealth services may charge a health plan issuer for durable medical equipment used at a patient or client site.

(2) A health care professional may negotiate with a health plan issuer to establish a reimbursement rate for fees associated with the administrative costs incurred in providing telehealth services as long as a patient is not responsible for any portion of the fee.

(3) A health care professional providing telehealth services shall obtain a patient's consent before billing for the

cost of providing the services, but the requirement to do so 8874  
applies only once. 8875

(F) Nothing in this section limits or otherwise affects 8876  
any other provision of the Revised Code that requires a health 8877  
care professional who is not a physician to practice under the 8878  
supervision of, in collaboration with, in consultation with, or 8879  
pursuant to the referral of another health care professional. 8880

(G) It is the intent of the general assembly, through the 8881  
amendments to this section, to expand access to and investment 8882  
in telehealth services in this state in congruence with the 8883  
expansion and investment in telehealth services made during the 8884  
COVID-19 pandemic. 8885

**Sec. 4749.03.** (A) (1) Any individual, including a partner 8886  
in a partnership, may be licensed as a private investigator 8887  
under a class B license, or as a security guard provider under a 8888  
class C license, or as a private investigator and a security 8889  
guard provider under a class A license, if the individual meets 8890  
all of the following requirements: 8891

(a) Has not been adjudicated incompetent for the purpose 8892  
of holding the license, as provided in section 5122.301 of the 8893  
Revised Code, without having been restored to legal capacity for 8894  
that purpose. 8895

(b) Depending upon the class of license for which 8896  
application is made, for a continuous period of at least two 8897  
years immediately preceding application for a license, has been 8898  
engaged in investigatory or security services work for a law 8899  
enforcement or other public agency engaged in investigatory 8900  
activities, or for a private investigator or security guard 8901  
provider, or engaged in the practice of law, or has acquired 8902

equivalent experience as determined by rule of the director of public safety. 8903  
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(c) Demonstrates competency as a private investigator or security guard provider by passing an examination devised for this purpose by the director, except that any individually licensed person who qualifies a corporation for licensure shall not be required to be reexamined if the person qualifies the corporation in the same capacity that the person was individually licensed. 8905  
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(d) Submits evidence of comprehensive general liability insurance coverage, or other equivalent guarantee approved by the director in such form and in principal amounts satisfactory to the director, but not less than one hundred thousand dollars for each person and three hundred thousand dollars for each occurrence for bodily injury liability, and one hundred thousand dollars for property damage liability. 8912  
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(e) Pays the requisite examination and license fees. 8919

(2) A corporation may be licensed as a private investigator under a class B license, or as a security guard provider under a class C license, or as a private investigator and a security guard provider under a class A license, if an application for licensure is filed by an officer of the corporation and the officer, another officer, or the qualifying agent of the corporation satisfies the requirements of divisions (A) (1) and (F) (1) of this section. Officers and the statutory agent of a corporation shall be determined in accordance with Chapter 1701. of the Revised Code. 8920  
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(3) At least one partner in a partnership shall be licensed as a private investigator, or as a security guard 8930  
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provider, or as a private investigator and a security guard 8932  
provider. Partners in a partnership shall be determined as 8933  
provided for in Chapter 1775. or 1776. of the Revised Code. 8934

(B) An application for a class A, B, or C license shall be 8935  
completed in the form the director prescribes. In the case of an 8936  
individual, the application shall state the applicant's name, 8937  
birth date, citizenship, ~~physical description,~~ current 8938  
residence, residences for the preceding ten years, current 8939  
employment, employment for the preceding seven years, experience 8940  
qualifications, the location of each of the applicant's offices 8941  
in this state, and any other information that is necessary in 8942  
order for the director to comply with the requirements of this 8943  
chapter. In the case of a corporation, the application shall 8944  
state the name of the officer or qualifying agent filing the 8945  
application; the state in which the corporation is incorporated 8946  
and the date of incorporation; the states in which the 8947  
corporation is authorized to transact business; the name of its 8948  
qualifying agent; the name of the officer or qualifying agent of 8949  
the corporation who satisfies the requirements of divisions (A) 8950  
(1) and (F) (1) of this section and the birth date, citizenship, 8951  
physical description, current residence, residences for the 8952  
preceding ten years, current employment, employment for the 8953  
preceding seven years, and experience qualifications of that 8954  
officer or qualifying agent; and other information that the 8955  
director requires. A corporation may specify in its application 8956  
information relative to one or more individuals who satisfy the 8957  
requirements of divisions (A) (1) and (F) (1) of this section. 8958

The application described in this division shall be 8959  
accompanied by ~~all~~ both of the following: 8960

(1) ~~One recent full face photograph of the applicant or,~~ 8961

~~in the case of a corporation, of each officer or qualifying agent specified in the application as satisfying the requirements of divisions (A) (1) and (F) (1) of this section;~~ 8962  
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~~(2)~~ References from at least five reputable citizens for the applicant or, in the case of a corporation, for each officer or qualifying agent specified in the application as satisfying the requirements of divisions (A) (1) and (F) (1) of this section, each of whom has known the applicant, officer, or qualifying agent for at least five years preceding the application, and none of whom are connected with the applicant, officer, or qualifying agent by blood or marriage; 8965  
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~~(3)~~ (2) An examination fee of twenty-five dollars for the applicant or, in the case of a corporation, for each officer or qualifying agent specified in the application as satisfying the requirements of divisions (A) (1) and (F) (1) of this section, and a license fee in the amount the director determines, not to exceed three hundred seventy-five dollars. The license fee shall be refunded if a license is not issued. 8973  
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(C) (1) Each individual applying for a license and each individual specified by a corporation as an officer or qualifying agent in an application shall submit one complete set of fingerprints directly to the superintendent of the bureau of criminal identification and investigation for the purpose of conducting a criminal records check. The individual shall provide the fingerprints using a method the superintendent prescribes pursuant to division (C) (2) of section 109.572 of the Revised Code and fill out the form the superintendent prescribes pursuant to division (C) (1) of section 109.572 of the Revised Code. An applicant who intends to carry a firearm as defined in section 2923.11 of the Revised Code in the course of business or 8980  
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employment shall so notify the superintendent. This notification 8992  
is in addition to any other requirement related to carrying a 8993  
firearm that applies to the applicant. The individual or 8994  
corporation requesting the criminal records check shall pay the 8995  
fee the superintendent prescribes. 8996

(2) The superintendent shall conduct the criminal records 8997  
check as set forth in division (B) of section 109.572 of the 8998  
Revised Code. If an applicant intends to carry a firearm in the 8999  
course of business or employment, the superintendent shall make 9000  
a request to the federal bureau of investigation for any 9001  
information and review the information the bureau provides 9002  
pursuant to division (B)(2) of section 109.572 of the Revised 9003  
Code. The superintendent shall submit all results of the 9004  
completed investigation to the director of public safety. 9005

(3) If the director determines that the applicant, 9006  
officer, or qualifying agent meets the requirements of divisions 9007  
(A)(1)(a), (b), and (d) of this section and that an officer or 9008  
qualifying agent meets the requirement of division (F)(1) of 9009  
this section, the director shall notify the applicant, officer, 9010  
or agent of the time and place for the examination. If the 9011  
director determines that an applicant does not meet the 9012  
requirements of divisions (A)(1)(a), (b), and (d) of this 9013  
section, the director shall notify the applicant that the 9014  
applicant's application is refused and refund the license fee. 9015  
If the director determines that none of the individuals 9016  
specified in the application of a corporation as satisfying the 9017  
requirements of divisions (A)(1) and (F)(1) of this section meet 9018  
the requirements of divisions (A)(1)(a), (b), and (d) and (F)(1) 9019  
of this section, the director shall notify the corporation that 9020  
its application is refused and refund the license fee. If the 9021  
bureau assesses the director a fee for any investigation, the 9022

director, in addition to any other fee assessed pursuant to this 9023  
chapter, may assess the applicant, officer, or qualifying agent, 9024  
as appropriate, a fee that is equal to the fee assessed by the 9025  
bureau. 9026

(4) (a) Subject to division (C) (4) (c) of this section, the 9027  
director shall not adopt, maintain, renew, or enforce any rule, 9028  
or otherwise preclude in any way, an individual from renewing a 9029  
license under this chapter due to any past criminal activity or 9030  
interpretation of moral character. If the director denies an 9031  
individual a license renewal, the reasons for such denial shall 9032  
be put in writing. 9033

(b) The director may refuse to issue a license to an 9034  
applicant because of a conviction of or plea of guilty to an 9035  
offense if the refusal is in accordance with section 9.79 of the 9036  
Revised Code. 9037

(c) In considering a renewal of an individual's license, 9038  
the director shall not consider any conviction or plea of guilty 9039  
prior to the initial licensing. However, the director may 9040  
consider a conviction or plea of guilty if it occurred after the 9041  
individual was initially licensed, or after the most recent 9042  
license renewal. 9043

(d) The director may grant an individual a conditional 9044  
license that lasts for one year. After the one-year period has 9045  
expired, the license is no longer considered conditional, and 9046  
the individual shall be considered fully licensed. 9047

(D) If upon application, investigation, and examination, 9048  
the director finds that the applicant or, in the case of a 9049  
corporation, any officer or qualifying agent specified in the 9050  
application as satisfying the requirements of divisions (A) (1) 9051

and (F) (1) of this section, meets the applicable requirements, 9052  
the director shall issue the applicant or the corporation a 9053  
class A, B, or C license. The director also shall issue an 9054  
identification card to an applicant, but not an officer or 9055  
qualifying agent of a corporation, who meets the applicable 9056  
requirements. The license and identification card shall state 9057  
the licensee's name, the classification of the license, the 9058  
location of the licensee's principal place of business in this 9059  
state, and the expiration date of the license, and, in the case 9060  
of a corporation, it also shall state the name of each officer 9061  
or qualifying agent who satisfied the requirements of divisions 9062  
(A) (1) and (F) (1) of this section. 9063

Licenses expire on the first day of March following the 9064  
date of initial issue, and on the first day of March of each 9065  
year thereafter. Annual renewals shall be according to the 9066  
standard renewal procedures contained in Chapter 4745. of the 9067  
Revised Code, upon payment of an annual renewal fee the director 9068  
determines, not to exceed two hundred seventy-five dollars. No 9069  
license shall be renewed if the licensee or, in the case of a 9070  
corporation, each officer or qualifying agent who qualified the 9071  
corporation for licensure no longer meets the applicable 9072  
requirements of this section. No license shall be renewed unless 9073  
the licensee provides evidence of workers' compensation risk 9074  
coverage and unemployment compensation insurance coverage, other 9075  
than for clerical employees and excepting sole proprietors who 9076  
are exempted therefrom, as provided for in Chapters 4123. and 9077  
4141. of the Revised Code, respectively, as well as the 9078  
licensee's state tax identification number. No reexamination 9079  
shall be required for renewal of a current license. 9080

For purposes of this chapter, a class A, B, or C license 9081  
issued to a corporation shall be considered as also having 9082

licensed the individuals who qualified the corporation for 9083  
licensure, for as long as they are associated with the 9084  
corporation. 9085

For purposes of this division, "sole proprietor" means an 9086  
individual licensed under this chapter who does not employ any 9087  
other individual. 9088

(E) The director may issue a duplicate copy of a license 9089  
issued under this section for the purpose of replacement of a 9090  
lost, spoliated, or destroyed license, upon payment of a fee the 9091  
director determines, not exceeding twenty-five dollars. Any 9092  
change in license classification requires new application and 9093  
application fees. 9094

(F) (1) In order to qualify a corporation for a class A, B, 9095  
or C license, an officer or qualifying agent may qualify another 9096  
corporation for similar licensure, provided that the officer or 9097  
qualifying agent is actively engaged in the business of both 9098  
corporations. 9099

(2) Each officer or qualifying agent who qualifies a 9100  
corporation for class A, B, or C licensure shall surrender any 9101  
personal license of a similar nature that the officer or 9102  
qualifying agent possesses. 9103

(3) Upon written notification to the director, completion 9104  
of an application similar to that for original licensure, 9105  
surrender of the corporation's current license, and payment of a 9106  
twenty-five-dollar fee, a corporation's class A, B, or C license 9107  
may be transferred to another corporation. 9108

(4) Upon written notification to the director, completion 9109  
of an application similar to that for an individual seeking 9110  
class A, B, or C licensure, payment of a twenty-five-dollar fee, 9111

and, if the individual was the only individual that qualified a corporation for licensure, surrender of the corporation's license, any officer or qualifying agent who qualified a corporation for licensure under this chapter may obtain a similar license in the individual's own name without reexamination. A request by an officer or qualifying agent for an individual license shall not affect a corporation's license unless the individual is the only individual that qualified the corporation for licensure or all the other individuals who qualified the corporation for licensure submit such requests.

(G) If a corporation is for any reason no longer associated with an individual who qualified it for licensure under this chapter, an officer of the corporation shall notify the director of that fact by certified mail, return receipt requested, within ten days after the association terminates. If the notification is so given, the individual was the only individual that qualified the corporation for licensure, and the corporation submits the name of another officer or qualifying agent to qualify the corporation for the license within thirty days after the association terminates, the corporation may continue to operate in the business of private investigation, the business of security services, or both businesses in this state under that license for ninety days after the association terminates. If the officer or qualifying agent whose name is submitted satisfies the requirements of divisions (A) (1) and (F) (1) of this section, the director shall issue a new license to the corporation within that ninety-day period. The names of more than one individual may be submitted.

**Sec. 4751.01.** As used in this chapter:

(A) "Health-care licensing agency" means any department,

division, board, section of a board, or other government unit 9142  
that is authorized by a statute of this or another state to 9143  
issue a license, certificate, permit, card, or other authority 9144  
to do either of the following in the context of health care: 9145

(1) Engage in a specific profession, occupation, or 9146  
occupational activity; 9147

(2) Have charge of and operate certain specified 9148  
equipment, machinery, or premises. 9149

(B) "Licensed health services executive" means an 9150  
individual who holds a valid health services executive license. 9151

(C) "Licensed nursing home administrator" means an 9152  
individual who holds a valid nursing home administrator license. 9153

~~(D) "Licensed temporary nursing home administrator" means~~ 9154  
~~an individual who holds a valid temporary nursing home~~ 9155  
~~administrator license.~~ 9156

~~(E)~~ "Long-term services and supports setting" means any 9157  
institutional or community-based setting in which medical, 9158  
health, psychosocial, habilitative, rehabilitative, or personal 9159  
care services are provided to individuals on a post-acute care 9160  
basis. 9161

~~(F)~~ (E) "Nursing home" means a nursing home as defined by 9162  
or under the authority of section 3721.01 of the Revised Code, 9163  
or a nursing home operated by a governmental agency. 9164

~~(G)~~ (F) "Nursing home administration" means planning, 9165  
organizing, directing, and managing the operation of a nursing 9166  
home. 9167

~~(H)~~ (G) "Nursing home administrator" means any individual 9168  
who engages in the practice of nursing home administration, 9169

whether or not the individual shares the functions and duties of 9170  
nursing home administration with one or more other individuals. 9171

~~(I)~~ (H) "Valid health services executive license" means a 9172  
health services executive license to which all of the following 9173  
apply: 9174

(1) It was issued by the board of executives of long-term 9175  
services and supports under section 4751.21, 4751.23, 4751.25, 9176  
or 4751.33 of the Revised Code; 9177

(2) It was not sold, fraudulently furnished, or 9178  
fraudulently obtained in violation of division ~~(F)~~ (E) of 9179  
section 4751.10 of the Revised Code; 9180

(3) It is current and in good standing. 9181

~~(J)~~ (I) "Valid nursing home administrator license" means a 9182  
nursing home administrator license to which all of the following 9183  
apply: 9184

(1) It was issued by the board under section 4751.20, 9185  
4751.201, 4751.23, 4751.24, or 4751.33 of the Revised Code; 9186

(2) It was not sold, fraudulently furnished, or 9187  
fraudulently obtained in violation of division (F) of section 9188  
4751.10 of the Revised Code; 9189

(3) It is current and in good standing. 9190

~~(K) "Valid temporary nursing home administrator license" 9191  
means a temporary nursing home administrator license to which 9192  
all of the following apply: 9193~~

~~(1) It was issued by the board under section 4751.202, 9194  
4751.23, or 4751.33 of the Revised Code; 9195~~

~~(2) It was not sold, fraudulently furnished, or 9196~~

~~fraudulently obtained in violation of division (F) of section  
4751.10 of the Revised Code;~~ 9197  
9198

~~(3) It is current and in good standing.~~ 9199

**Sec. 4751.10.** No person shall knowingly do any of the 9200  
following: 9201

(A) Operate a nursing home unless it is under the 9202  
supervision of an administrator whose principal occupation is 9203  
nursing home administration or hospital administration and who 9204  
is a licensed nursing home administrator ~~or licensed temporary~~ 9205  
~~nursing home administrator;~~ 9206

(B) Practice or offer to practice nursing home 9207  
administration unless the person is a licensed nursing home 9208  
administrator ~~or licensed temporary nursing home administrator;~~ 9209

(C) Use any of the following unless the person is a 9210  
licensed nursing home administrator: 9211

(1) The title "licensed nursing home administrator," 9212  
"nursing home administrator," "licensed assistant nursing home 9213  
administrator," or "assistant nursing home administrator"; 9214

(2) The acronym "LNHA," "L.N.H.A.," "NHA," "N.H.A.," 9215  
"LANHA," "L.A.N.H.A.," "ANHA," or "A.N.H.A." after the person's 9216  
name; 9217

(3) Any other words, letters, signs, cards, or devices 9218  
that tend to indicate or imply that the person is a licensed 9219  
nursing home administrator. 9220

~~(D) Use any of the following unless the person is a  
licensed temporary nursing home administrator:—~~ 9221  
9222

~~(1) The title "licensed temporary nursing home~~ 9223

~~administrator," "temporary nursing home administrator,"~~ 9224  
~~"licensed temporary assistant nursing home administrator," or~~ 9225  
~~"temporary assistant nursing home administrator";~~ 9226

~~(2) The acronym "LTNHA," "L.T.N.H.A.," "TNHA," "T.N.H.A.,"~~ 9227  
~~"LTANHA," "L.T.A.N.H.A.," "TANHA," or "T.A.N.H.A." after the~~ 9228  
~~person's name;~~ 9229

~~(3) Any other words, letters, signs, cards, or devices~~ 9230  
~~that tend to indicate or imply that the person is a licensed~~ 9231  
~~temporary nursing home administrator.~~ 9232

~~(E)~~ Use any of the following unless the person is a 9233  
licensed health services executive: 9234

(1) The title "licensed health services executive" or 9235  
"health services executive"; 9236

(2) The acronym "LHSE," "L.H.S.E.," "HSE," or "H.S.E." 9237  
after the person's name; 9238

(3) Any other words, letters, signs, cards, or devices 9239  
that tend to indicate or imply that the person is a licensed 9240  
health services executive. 9241

~~(F)~~ (E) Sell, fraudulently furnish, fraudulently obtain, 9242  
or aid or abet another person in selling, fraudulently 9243  
furnishing, or fraudulently obtaining ~~any~~ either of the 9244  
following: 9245

(1) A nursing home administrator license; 9246

(2) ~~A temporary nursing home administrator license;~~ 9247

~~(3)~~ A health services executive license. 9248

~~(G)~~ (F) Otherwise violate any of the provisions of this 9249  
chapter or the rules adopted under section 4751.04 of the 9250

Revised Code.	9251
<b>Sec. 4751.101.</b> Nothing in this chapter or the rules	9252
adopted under it shall be construed as requiring either of the	9253
following:	9254
(A) An individual to be a licensed health services	9255
executive in order to do either of the following:	9256
(1) Practice nursing home administration;	9257
(2) Serve in a leadership position at a long-term services	9258
and supports setting or direct the practices of others in such a	9259
setting.	9260
(B) An applicant for a nursing home administrator license	9261
<del>or temporary nursing home administrator license</del> who is employed	9262
by an institution for the care and treatment of the sick to	9263
demonstrate proficiency in any medical techniques or to meet any	9264
medical educational qualifications or medical standards not in	9265
accord with the remedial care and treatment provided by the	9266
institution if all of the following apply to the institution:	9267
(1) It is operated exclusively for patients who use	9268
spiritual means for healing and for whom the acceptance of	9269
medical care is inconsistent with their religious beliefs.	9270
(2) It is accredited by a national accrediting	9271
organization.	9272
(3) It is exempt from federal income taxation under	9273
section 501 of the "Internal Revenue Code of 1986," 26 U.S.C.	9274
501.	9275
(4) It provides twenty-four hour nursing care pursuant to	9276
the exemption in division (E) of section 4723.32 of the Revised	9277
Code from the licensing requirements of Chapter 4723. of the	9278

Revised Code. 9279

**Sec. 4751.102.** Every operator of a nursing home shall 9280  
report to the board of executives of long-term services and 9281  
supports the name and license number of each licensed nursing 9282  
home administrator ~~and licensed temporary nursing home~~ 9283  
~~administrator~~ who practices nursing home administration at the 9284  
nursing home not later than ten days after the following dates: 9285

(A) The date the licensed nursing home administrator ~~or~~ 9286  
~~licensed temporary nursing home administrator~~ begins to practice 9287  
nursing home administration at the nursing home; 9288

(B) The date the licensed nursing home administrator ~~or~~ 9289  
~~licensed temporary nursing home administrator~~ ceases to practice 9290  
nursing home administration at the nursing home. 9291

**Sec. 4751.20.** (A) Subject to section 4751.32 of the 9292  
Revised Code, the board of executives of long-term services and 9293  
supports shall issue a nursing home administrator license to an 9294  
individual under this section if all of the following 9295  
requirements are satisfied: 9296

(1) The individual has submitted to the board a completed 9297  
application for the license in accordance with rules adopted 9298  
under section 4751.04 of the Revised Code. 9299

(2) If the individual is required by rules adopted under 9300  
section 4751.04 of the Revised Code to serve as a nursing home 9301  
administrator in training, the individual has paid to the board 9302  
the administrator in training fee of fifty dollars. 9303

(3) The individual is at least twenty-one years of age. 9304

(4) The individual has successfully completed educational 9305  
requirements and work experience specified in rules adopted 9306

under section 4751.04 of the Revised Code, including, if so 9307  
required by the rules, experience obtained as a nursing home 9308  
administrator in training. 9309

(5) The individual has complied with section 4776.02 of 9310  
the Revised Code regarding a criminal records check. 9311

(6) The board, in accordance with section 9.79 of the 9312  
Revised Code, has determined that the results of the criminal 9313  
records check do not make the individual ineligible for the 9314  
license. 9315

(7) The Except as provided in division (B) of this 9316  
section, the individual has passed the licensing examination 9317  
administered under section 4751.15 of the Revised Code. 9318

(8) The individual has paid to the board a license fee of 9319  
two hundred fifty dollars. 9320

(9) The individual has satisfied any additional 9321  
requirements as may be prescribed in rules adopted under section 9322  
4751.04 of the Revised Code. 9323

(B) Beginning January 1, 2025, the operator of a nursing 9324  
home may request that the board issue a nursing home 9325  
administrator license to an individual who meets the 9326  
requirements specified in division (A) of this section but has 9327  
not passed the licensing examination administered under section 9328  
4751.15 of the Revised Code, in order to fill a vacancy in the 9329  
position of nursing home administrator at the nursing home 9330  
resulting from a death, illness, or other unexpected cause. An 9331  
individual issued a license under division (B) of this section 9332  
shall submit to the board, not later than one hundred eighty 9333  
days after a license is issued, satisfactory evidence that the 9334  
individual has passed the licensing examination administered 9335

under section 4751.15 of the Revised Code. 9336

(C) A nursing home administrator license shall certify 9337  
that the individual to whom it was issued has met the applicable 9338  
requirements of this chapter and any applicable rules adopted 9339  
under section 4751.04 of the Revised Code and is authorized to 9340  
practice nursing home administration while the license is valid. 9341

**Sec. 4751.23.** (A) Subject to section 4751.32 of the 9342  
Revised Code, the board of executives of long-term services and 9343  
supports may issue to a licensed nursing home administrator, ~~9344  
licensed temporary nursing home administrator,~~ or licensed 9345  
health services executive a duplicate of the individual's 9346  
nursing home administrator license, ~~temporary nursing home 9347  
administrator license,~~ or health services executive license if 9348  
the license or temporary license has been lost, mutilated, or 9349  
destroyed and the individual does both of the following: 9350

(1) Submits to the board a notarized statement explaining 9351  
the conditions of the loss, mutilation, or destruction; 9352

(2) Pays to the board a fee of twenty-five dollars. 9353

(B) Subject to section 4751.32 of the Revised Code, the 9354  
board may issue to a licensed nursing home administrator, ~~9355  
licensed temporary nursing home administrator,~~ or licensed 9356  
health services executive whose name has been legally changed a 9357  
duplicate of the individual's nursing home administrator 9358  
license, ~~temporary nursing home administrator license,~~ or health 9359  
services executive license that has the individual's new name if 9360  
the individual does all of the following: 9361

(1) Submits to the board a certified copy of the court 9362  
order or marriage license establishing the change of name; 9363

(2) Returns to the board the license or temporary license 9364

that has the individual's previous name; 9365

(3) Pays to the board a fee of twenty-five dollars. 9366

**Sec. 4751.24.** (A) Subject to section 4751.32 of the 9367  
Revised Code, a nursing home administrator license is valid for 9368  
~~one year~~ two years and may be renewed and reinstated in 9369  
accordance with this section. 9370

(B) If a licensed nursing home administrator intends to 9371  
continue to practice nursing home administration without 9372  
interruption after the administrator's license expires, the 9373  
administrator shall apply to the board of executives of long- 9374  
term services and supports for a renewed nursing home 9375  
administrator license. Subject to section 4751.32 of the Revised 9376  
Code, the board shall renew the license if the administrator 9377  
does all of the following before the license expires: 9378

(1) Submits to the board a completed application for 9379  
license renewal in accordance with rules adopted under section 9380  
4751.04 of the Revised Code; 9381

(2) Pays to the board the license renewal fee of ~~three~~ six 9382  
hundred dollars; 9383

(3) Submits to the board satisfactory evidence of having 9384  
attended such continuing education programs or courses of study 9385  
as may be prescribed in rules adopted under section 4751.04 of 9386  
the Revised Code; 9387

(4) Satisfies any other requirements as may be prescribed 9388  
in rules adopted under section 4751.04 of the Revised Code. 9389

(C) If a nursing home administrator license issued under 9390  
section 4751.20 or 4751.201 of the Revised Code is not renewed 9391  
before it expires, the individual who held the license may apply 9392

to the board for the license's reinstatement. Subject to section 9393  
4751.32 of the Revised Code, the board shall reinstate the 9394  
license if the individual does all of the following not later 9395  
than one year after the date the license expired: 9396

(1) Submits to the board the completed application for 9397  
license reinstatement in accordance with rules adopted under 9398  
section 4751.04 of the Revised Code; 9399

(2) Pays to the board the license reinstatement fee equal 9400  
to the sum of the following: 9401

(a) Three hundred dollars; 9402

(b) Fifty dollars for each calendar quarter that occurs 9403  
during the period beginning on the date the license expires and 9404  
ending on the last day of the calendar quarter during which the 9405  
individual applies for license reinstatement, up to a maximum of 9406  
two hundred dollars. 9407

(3) Submits to the board satisfactory evidence of having 9408  
attended such continuing education programs or courses of study 9409  
as may be prescribed in rules adopted by the board under section 9410  
4751.04 of the Revised Code; 9411

(4) Satisfies any other requirements as may be prescribed 9412  
in rules adopted under section 4751.04 of the Revised Code. 9413

(D) A licensed nursing home administrator who determines 9414  
to temporarily abandon the practice of nursing home 9415  
administration shall notify the board in writing immediately. 9416  
The former administrator may thereafter resume the practice of 9417  
nursing home administration within the state upon complying with 9418  
the requirements of this section regarding ~~annual~~ biennial 9419  
license renewal or license reinstatement, whichever is 9420  
applicable. 9421

**Sec. 4751.32.** (A) Except as provided in division (D) of 9422  
this section, the board of executives of long-term services and 9423  
supports may take any of the actions authorized by division (B) 9424  
of this section against an individual who has applied for or 9425  
holds a nursing home administrator license, ~~temporary nursing~~ 9426  
~~home administrator license,~~ or health services executive license 9427  
if any of the following apply to the individual: 9428

(1) The individual has failed to satisfy any requirement 9429  
established by this chapter or the rules adopted under section 9430  
4751.04 of the Revised Code that must be satisfied to obtain the 9431  
license or temporary license. 9432

(2) The individual has violated, or failed to comply with 9433  
a requirement of, this chapter or a rule adopted under section 9434  
4751.04 of the Revised Code regarding the practice of nursing 9435  
home administration, including the requirements of sections 9436  
4751.40 and 4751.41 of the Revised Code. 9437

(3) The individual is unfit or incompetent to practice 9438  
nursing home administration, serve in a leadership position at a 9439  
long-term services and supports setting, or direct the practices 9440  
of others in such a setting by reason of negligence, habits, or 9441  
other causes, including the individual's habitual or excessive 9442  
use or abuse of drugs, alcohol, or other substances. 9443

(4) The individual has acted in a manner inconsistent with 9444  
the health and safety of either of the following: 9445

(a) The residents of the nursing home at which the 9446  
individual practices nursing home administration; 9447

(b) The consumers of services and supports provided by a 9448  
long-term services and supports setting at which the individual 9449  
serves in a leadership position or directs the practices of 9450

others.	9451
(5) The individual has been convicted of, or pleaded guilty to, either of the following in a court of competent jurisdiction, either within or without this state:	9452 9453 9454
(a) A felony;	9455
(b) An offense of moral turpitude that constitutes a misdemeanor in this state.	9456 9457
(6) The individual made a false, fraudulent, deceptive, or misleading statement in seeking to obtain, or obtaining, a nursing home administrator license, <del>temporary nursing home administrator license,</del> or health services executive license.	9458 9459 9460 9461
(7) The individual made a fraudulent misrepresentation in attempting to obtain, or obtaining, money or anything of value in the practice of nursing home administration or while serving in a leadership position at a long-term services and supports setting or directing the practices of others in such a setting.	9462 9463 9464 9465 9466
(8) The individual has substantially deviated from the board's code of ethics.	9467 9468
(9) Another health care licensing agency has taken any of the following actions against the individual for any reason other than nonpayment of a fee:	9469 9470 9471
(a) Denied, refused to renew or reinstate, limited, revoked, or suspended, or accepted the surrender of, a license or other authorization to practice;	9472 9473 9474
(b) Imposed probation;	9475
(c) Issued a censure or other reprimand.	9476
(10) The individual has failed to do any of the following:	9477

(a) Cooperate with an investigation conducted by the board under section 4751.31 of the Revised Code;	9478 9479
(b) Respond to or comply with a subpoena issued by the board in an investigation of the individual;	9480 9481
(c) Comply with any disciplinary action the board has taken against the individual pursuant to this section.	9482 9483
(B) The following are the actions that the board may take for the purpose of division (A) of this section:	9484 9485
(1) Deny the individual any of the following:	9486
(a) A nursing home administrator license under section 4751.20, 4751.201, 4751.23, or 4751.24 of the Revised Code;	9487 9488
(b) <del>A temporary nursing home administrator license under section 4751.202 or 4751.23 of the Revised Code;</del>	9489 9490
<del>(c) A health services executive license under section 4751.21, 4751.23, or 4751.25 of the Revised Code.</del>	9491 9492
(2) Suspend the individual's nursing home administrator license, <del>temporary nursing home administrator license,</del> or health services executive license;	9493 9494 9495
(3) Revoke the individual's nursing home administrator license, <del>temporary nursing home administrator license,</del> or health services executive license, either permanently or for a period of time the board specifies;	9496 9497 9498 9499
(4) Place a limitation on the individual's nursing home administrator license, <del>temporary nursing home administrator license,</del> or health services executive license;	9500 9501 9502
(5) Place the individual on probation;	9503
(6) Issue a written reprimand of the individual;	9504

(7) Impose on the individual a civil penalty, fine, or 9505  
other sanction specified in rules adopted under section 4751.04 9506  
of the Revised Code. 9507

(C) The board shall take actions authorized by division 9508  
(B) of this section in accordance with Chapter 119. of the 9509  
Revised Code, except that the board may enter into a consent 9510  
agreement with an individual to resolve an alleged violation of 9511  
this chapter or a rule adopted under section 4751.04 of the 9512  
Revised Code in lieu of making an adjudication regarding the 9513  
alleged violation. A consent agreement constitutes the board's 9514  
findings and order with respect to the matter addressed in the 9515  
consent agreement if the board ratifies the consent agreement. 9516  
Any admissions or findings included in a proposed consent 9517  
agreement have no force or effect if the board refuses to ratify 9518  
the consent agreement. 9519

(D) The board shall not refuse to issue an initial nursing 9520  
home administrator license, ~~temporary nursing home administrator~~ 9521  
~~license,~~ or health services executive license, unless the 9522  
refusal is in accordance with section 9.79 of the Revised Code. 9523

**Sec. 4751.33.** (A) The board of executives of long-term 9524  
services and supports may, in its discretion, reissue a nursing 9525  
home administrator license, ~~temporary nursing home administrator~~ 9526  
~~license,~~ or health services executive license to any individual 9527  
whose license or temporary license has been revoked. Application 9528  
for the reissuance shall not be made prior to one year after 9529  
revocation and shall be made in such manner as the board may 9530  
direct. 9531

(B) If an individual who has been convicted of, or pleaded 9532  
guilty to, a felony is subsequently pardoned by the governor of 9533  
the state where such conviction or plea was had or by the 9534

president of the United States, or receives a final release 9535  
granted by the adult parole authority of this state or its 9536  
equivalent agency of another state, the board may, in its 9537  
discretion, on application of the individual and on the 9538  
submission of evidence satisfactory to the board, restore the 9539  
individual's nursing home administrator license, ~~temporary~~ 9540  
~~nursing home administrator license,~~ or health services executive 9541  
license. 9542

**Sec. 4751.40.** Each licensed nursing home administrator, ~~—~~ 9543  
~~licensed temporary nursing home administrator,~~ and licensed 9544  
health services executive shall report to the board of 9545  
executives of long-term services and supports any change in any 9546  
of the following not later than ten days after the change: 9547

(A) The individual's residence mailing address; 9548

(B) The name and address of each place at which the 9549  
individual practices nursing home administration; 9550

(C) The name and address of each long-term services and 9551  
supports setting at which the individual serves in a leadership 9552  
position or directs the practices of others. 9553

**Sec. 4751.41.** Every licensed nursing home administrator, ~~—~~ 9554  
~~licensed temporary nursing home administrator,~~ and licensed 9555  
health services executive shall display the individual's license 9556  
or temporary license in the place at which the individual 9557  
practices nursing home administration and the long-term services 9558  
and supports setting at which the individual serves in a 9559  
leadership position or directs the practices of others. 9560

**Sec. 4751.45.** An individual who is a licensed nursing home 9561  
administrator, ~~licensed temporary nursing home administrator,~~ or 9562  
licensed health services executive may request that the board of 9563

executives of long-term services and supports provide to a 9564  
licensing board or agency of another state verification of the 9565  
individual's licensure status under this chapter and other 9566  
related information in the board's possession. The board shall 9567  
provide the licensing board or agency of the other state the 9568  
verification and other related information so requested if the 9569  
individual pays to the board the fee for this service. The board 9570  
shall adopt a rule under section 4751.04 of the Revised Code 9571  
establishing the fee. 9572

**Sec. 4753.06.** No person is eligible for licensure as a 9573  
speech-language pathologist or audiologist unless: 9574

(A) The person has obtained a broad general education to 9575  
serve as a background for the person's specialized academic 9576  
training and preparatory professional experience. Such 9577  
background may include study from among the areas of human 9578  
psychology, sociology, psychological and physical development, 9579  
the physical sciences, especially those that pertain to acoustic 9580  
and biological phenomena, and human anatomy and physiology, 9581  
including neuroanatomy and neurophysiology. 9582

(B) If the person seeks licensure as a speech-language 9583  
pathologist, the person submits to the state speech and hearing 9584  
professionals board an official transcript demonstrating that 9585  
the person has at least a master's degree in speech-language 9586  
pathology or the equivalent as determined by the board. The 9587  
person's academic credit must include course work accumulated in 9588  
the completion of a well-integrated course of study approved by 9589  
the board and delineated by rule dealing with the normal aspects 9590  
of human communication, development and disorders thereof, and 9591  
clinical techniques for the evaluation and the improvement or 9592  
eradication of such disorders. The course work must have been 9593

completed at colleges or universities accredited by regional or 9594  
national accrediting organizations recognized by the board. 9595

(C) ~~Except as provided in division (F)(1)(b) of this~~ 9596  
~~section, if~~ If the person seeks licensure as an audiologist, the 9597  
person submits to the board an official transcript demonstrating 9598  
that the person has at least a doctor of audiology degree or the 9599  
equivalent as determined by the board. The person's academic 9600  
credit must include course work accumulated in the completion of 9601  
a well-integrated course of study approved by the board and 9602  
delineated by rules dealing with the normal aspects of human 9603  
hearing, balance, and related development and clinical 9604  
evaluation, audiologic diagnosis, and treatment of disorders of 9605  
human hearing, balance, and related development. The course work 9606  
must have been completed in an audiology program that is 9607  
accredited by an organization recognized by the United States 9608  
department of education and operated by a college or university 9609  
accredited by a regional or national accrediting organization 9610  
recognized by the board. 9611

(D) The person submits to the board evidence of the 9612  
completion of appropriate, supervised clinical experience in the 9613  
professional area, speech-language pathology or audiology, for 9614  
which licensure is requested, dealing with a variety of 9615  
communication disorders. The appropriateness of the experience 9616  
shall be determined under rules of the board. This experience 9617  
shall have been obtained in an accredited college or university, 9618  
in a cooperating program of an accredited college or university, 9619  
or in another program approved by the board. 9620

(E) The person submits to the board evidence that the 9621  
person has passed the examination for licensure to practice 9622  
speech-language pathology or audiology pursuant to division (B) 9623

of section 4753.05 of the Revised Code. 9624

~~(F)(1)(F)~~ In the case of either of the following a person 9625  
seeking licensure as a speech-language pathologist, the person 9626  
presents to the board written evidence that the person has 9627  
obtained professional experience+ 9628

~~(a) The person seeks licensure as a speech language~~ 9629  
~~pathologist;~~ 9630

~~(b) The person seeks licensure as an audiologist and does~~ 9631  
~~not meet the requirements of division (C) of this section~~ 9632  
~~regarding a doctor of audiology degree, but before January 1,~~ 9633  
~~2006, the person met the requirements of division (E) of this~~ 9634  
~~section regarding a master's degree in audiology as that~~ 9635  
~~division existed on December 31, 2005.~~ 9636

~~(2)~~The professional experience shall be appropriately 9637  
supervised as determined by board rule. The amount of 9638  
professional experience shall be determined by board rule and 9639  
shall be bona fide clinical work that has been accomplished in 9640  
~~the major professional area, speech-language pathology or~~ 9641  
~~audiology, in which licensure is being sought. If the person~~ 9642  
~~seeks licensure as a speech language pathologist, this~~ This 9643  
experience shall not begin until the requirements of divisions 9644  
(B), (D), and (E) of this section have been completed unless 9645  
approved by the board. ~~If the person seeks licensure as an~~ 9646  
~~audiologist, this experience shall not begin until the~~ 9647  
~~requirements of division (B) of this section, as that division~~ 9648  
~~existed on December 31, 2005, and divisions (D) and (E) of this~~ 9649  
~~section have been completed unless approved by the board. Before~~ 9650  
beginning the supervised professional experience pursuant to 9651  
this section, the applicant ~~for licensure to practice speech~~ 9652  
~~language pathology or audiology shall obtain a conditional~~ 9653

license pursuant to section 4753.071 of the Revised Code. 9654

**Sec. 4753.071.** A person who is required to meet the 9655  
supervised professional experience requirement of division (F) 9656  
of section 4753.06 of the Revised Code shall submit to the state 9657  
speech and hearing professionals board an application for a 9658  
conditional license. The application shall include a plan for 9659  
the content of the supervised\_professional experience on a form 9660  
the board shall prescribe. The board shall issue the conditional 9661  
license to the applicant if the applicant meets the requirements 9662  
of section 4753.06 of the Revised Code, other than the 9663  
requirement to have obtained the supervised professional 9664  
experience, and pays to the board the appropriate fee for a 9665  
conditional license. An applicant may not begin employment until 9666  
the conditional license has been issued. 9667

A conditional license authorizes an individual to practice 9668  
speech-language pathology ~~or audiology~~ while completing the 9669  
supervised professional experience as required by division (F) 9670  
of section 4753.06 of the Revised Code. A person holding a 9671  
conditional license may practice speech-language pathology ~~or~~ 9672  
~~audiology~~ while working under the supervision of a person fully 9673  
licensed in accordance with this chapter. A conditional license 9674  
is valid for eighteen months unless suspended or revoked 9675  
pursuant to section 3123.47 or 4753.10 of the Revised Code. 9676

A person holding a conditional license may perform 9677  
services for which payment will be sought under the medicare 9678  
program or the medicaid program but all requests for payment for 9679  
such services shall be made by the person who supervises the 9680  
person performing the services. 9681

**Sec. 4753.12.** Nothing in this chapter shall be construed 9682  
to: 9683

(A) Prohibit a person other than an individual from 9684  
engaging in the business of speech-language pathology or 9685  
audiology without licensure if it employs a licensed individual 9686  
in the direct practice of speech-language pathology and 9687  
audiology. Such entity shall file a statement with the state 9688  
speech and hearing professionals board, on a form approved by 9689  
the board for this purpose, swearing that it submits itself to 9690  
the rules of the board and the provisions of this chapter which 9691  
the board determines applicable. 9692

(B) Prevent or restrict the practice of a person employed 9693  
as a speech-language pathologist or audiologist by any agency of 9694  
the federal government. 9695

(C) Restrict the activities and services of a student or 9696  
intern in speech-language pathology or audiology from pursuing a 9697  
course of study leading to a degree in these areas at a college 9698  
or university accredited by a recognized regional or national 9699  
accrediting body or in one of its cooperating clinical training 9700  
facilities, if these activities and services are supervised by a 9701  
person licensed in the area of study or certified by the 9702  
American speech-language-hearing association in the area of 9703  
study and if the student is designated by a title such as 9704  
"speech-language pathology intern," "audiology intern," 9705  
"trainee," or other such title clearly indicating the training 9706  
status. 9707

(D) Prevent a person from performing speech-language 9708  
pathology ~~or audiology~~ services when performing these services 9709  
in pursuit of the required supervised professional experience as 9710  
prescribed in section 4753.06 of the Revised Code and that 9711  
person has been issued a conditional license pursuant to section 9712  
4753.071 of the Revised Code. 9713

(E) Restrict a speech-language pathologist or audiologist 9714  
who holds the certification of the American speech-language- 9715  
hearing association, or who is licensed as a speech-language 9716  
pathologist or audiologist in another state and who has made 9717  
application to the board for a license in this state from 9718  
practicing speech-language pathology or audiology without a 9719  
valid license pending the disposition of the application. 9720

(F) Restrict a person not a resident of this state from 9721  
offering speech-language pathology or audiology services in this 9722  
state if such services are performed for not more than one 9723  
period of thirty consecutive calendar days in any year, if the 9724  
person is licensed in the state of the person's residence or 9725  
certified by the American speech-language-hearing association 9726  
and files a statement as prescribed by the board in advance of 9727  
providing these services. Such person shall be subject to the 9728  
rules of the board and the provisions of this chapter. 9729

(G) Restrict a person licensed under Chapter 4747. of the 9730  
Revised Code from engaging in the duties as defined in that 9731  
chapter related to measuring, testing, and counseling for the 9732  
purpose of identifying or modifying hearing conditions in 9733  
connection with the fitting, dispensing, or servicing of a 9734  
hearing aid, or affect the authority of hearing aid dealers to 9735  
deal in hearing aids or advertise the practice of dealing in 9736  
hearing aids in accordance with Chapter 4747. of the Revised 9737  
Code. 9738

(H) Restrict a physician from engaging in the practice of 9739  
medicine and surgery or osteopathic medicine and surgery or 9740  
prevent any individual from carrying out any properly delegated 9741  
responsibilities within the normal practice of medicine and 9742  
surgery or osteopathic medicine and surgery. 9743

(I) Restrict a person registered or licensed under Chapter 9744  
4723. of the Revised Code from performing those acts and 9745  
utilizing those procedures that are within the scope of the 9746  
practice of professional or practical nursing as defined in 9747  
Chapter 4723. of the Revised Code and the ethics of the nursing 9748  
profession, provided such a person does not claim to the public 9749  
to be a speech-language pathologist or audiologist. 9750

(J) Restrict an individual licensed as an audiologist 9751  
under this chapter from fitting, selling, or dispensing hearing 9752  
aids. 9753

(K) Authorize the practice of medicine and surgery or 9754  
entitle a person licensed pursuant to this chapter to engage in 9755  
the practice of medicine or surgery or any of its branches. 9756

(L) Restrict a person licensed pursuant to Chapter 4755. 9757  
of the Revised Code from performing those acts and utilizing 9758  
those procedures that are within the scope of the practice of 9759  
occupational therapy or occupational therapy assistant as 9760  
defined in Chapter 4755. of the Revised Code, provided the 9761  
person does not claim to the public to be a speech-language 9762  
pathologist or audiologist. 9763

**Sec. 4755.01.** (A) There is hereby created the Ohio 9764  
occupational therapy, physical therapy, and athletic trainers 9765  
board consisting of sixteen residents of this state, who shall 9766  
be appointed by the governor with the advice and consent of the 9767  
senate. The board shall be composed of a physical therapy 9768  
section, an occupational therapy section, and an athletic 9769  
trainers section. 9770

(1) ~~Five-Four~~ members of the board shall be physical 9771  
therapists who are licensed to practice physical therapy and who 9772

have been engaged in or actively associated with the practice of 9773  
physical therapy in this state for at least five years 9774  
immediately preceding appointment. One member shall be a 9775  
licensed physical therapist assistant who has been engaged in or 9776  
actively associated with the practice of assisting in the 9777  
provision of physical therapy treatments in this state for at 9778  
least five years immediately preceding appointment. Such members 9779  
of the board shall sit on the physical therapy section. The 9780  
physical therapy section also shall consist of four additional 9781  
members, appointed by the governor with the advice and consent 9782  
of the senate, who satisfy the same qualifications as the 9783  
members of the board sitting on the physical therapy section, 9784  
but who are not members of the board. Of the additional physical 9785  
therapy section members, at least three shall be physical 9786  
therapists. The fourth additional member shall be either a 9787  
physical therapist or a physical therapist assistant. Of the 9788  
additional physical therapy section members whose terms commence 9789  
on August 28, 2007, one shall be for a term of one year, one for 9790  
a term of two years, one for a term of three years, and one for 9791  
a term of four years. Such additional members of the physical 9792  
therapy section are vested with only such powers and shall 9793  
perform only such duties as relate to the affairs of that 9794  
section. 9795

(2) Four members of the board shall be occupational 9796  
therapists and one member shall be a licensed occupational 9797  
therapy assistant, all of whom have been engaged in or actively 9798  
associated with the practice of occupational therapy or practice 9799  
as an occupational therapy assistant in this state for at least 9800  
five years immediately preceding appointment. Such members of 9801  
the board shall sit on the occupational therapy section. 9802

(3) Four members of the board shall be athletic trainers 9803

who have been engaged in the practice of athletic training in 9804  
Ohio for at least five years immediately preceding appointment. 9805  
One member of the board shall be a physician licensed to 9806  
practice medicine and surgery in this state. Such members of the 9807  
board shall sit on the athletic trainers section. 9808

(4) One member of the board shall represent the public. 9809  
This member shall sit on the board and shall attend each year at 9810  
least three meetings of the physical therapy section, three 9811  
meetings of the occupational therapy section, and three meetings 9812  
of the athletic trainers section. 9813

(B) Except for the terms of office specified in division 9814  
(A) (1) of this section for the additional members of the 9815  
physical therapy section commencing on August 28, 2007, terms 9816  
for the members of the board and the additional members of the 9817  
physical therapy section are for three years. Each member's term 9818  
shall commence on the twenty-eighth day of August and end on the 9819  
twenty-seventh day of August. Each member shall serve subsequent 9820  
to the expiration of the member's term until the member's 9821  
successor is appointed and qualifies, or until a period of 9822  
ninety days has elapsed, whichever occurs first. A member shall 9823  
not serve for more than three consecutive terms. All vacancies 9824  
shall be filled in the manner prescribed for the regular 9825  
appointments and are limited to the unexpired terms. 9826

(C) Each member of the board and each additional member of 9827  
the physical therapy section, before entering upon the official 9828  
duties of office, shall do both of the following: 9829

(1) Subscribe to and file with the secretary of state the 9830  
constitutional oath of office; 9831

(2) Sign and file with the executive director of the board 9832

a notarized statement that the member has read and understands 9833  
sections 121.22 and 149.43 of the Revised Code and the 9834  
provisions of Chapter 119. of the Revised Code that are 9835  
applicable to the duties of the board. 9836

(D) Annually, upon the qualification of the member or 9837  
members appointed in that year, the board shall organize by 9838  
selecting from its members a president and secretary. Each 9839  
section of the board shall independently organize by selecting 9840  
from its members a chairperson and secretary. 9841

(E) A majority of the members of the board constitutes a 9842  
quorum to transact and vote on the business of the board. A 9843  
majority of the members of each section constitutes a quorum to 9844  
transact and vote on the affairs of that section. 9845

(F) Each member of the board and each additional member of 9846  
the physical therapy section shall receive an amount fixed 9847  
pursuant to division (J) of section 124.15 of the Revised Code 9848  
for each day employed in the discharge of official duties. In 9849  
addition, each member of the board and each additional member of 9850  
the physical therapy section shall receive the member's actual 9851  
and necessary expenses incurred in the performance of official 9852  
duties. 9853

(G) The board of trustees of the Ohio occupational therapy 9854  
association may recommend, after any term expires or vacancy 9855  
occurs in an occupational therapy position, at least three 9856  
persons to fill each such position or vacancy on the board, and 9857  
the governor may make the appointment from the persons so 9858  
recommended. The executive board of the Ohio chapter of the 9859  
American physical therapy association may recommend, after any 9860  
term expires or vacancy occurs in a physical therapy position, 9861  
at least three persons to fill each such vacancy on the board, 9862

and the governor may make appointments from the persons so 9863  
recommended. The Ohio athletic trainers association shall 9864  
recommend to the governor at least three persons when any term 9865  
expires or any vacancy occurs in an athletic trainer position. 9866  
The governor may select one of the association's recommendations 9867  
in making such an appointment. 9868

(H) The board shall meet as a whole to determine all 9869  
administrative, personnel, and budgetary matters. The executive 9870  
director of the board appointed by the board shall not be a 9871  
physical therapist, an occupational therapist, or an athletic 9872  
trainer who has been licensed to practice physical therapy, 9873  
occupational therapy, or as an athletic trainer in this state 9874  
within three years immediately preceding appointment. The 9875  
executive director shall execute, under the direction of the 9876  
board, the policies, orders, directives, and administrative 9877  
functions of the board and shall direct, under rules adopted by 9878  
the board, the work of all persons employed by the board. Upon 9879  
the request of the board, the executive director shall report to 9880  
the board on any matter. The executive director shall serve at 9881  
the pleasure of the board. 9882

(I) The occupational therapy section of the board shall 9883  
have the authority to act on behalf of the board on matters 9884  
concerning the practice of occupational therapy and, in 9885  
particular, the examination of applicants, the issuance of 9886  
licenses, and the suspension or revocation of licenses to 9887  
practice as an occupational therapist or occupational therapy 9888  
assistant. The physical therapy section of the board shall have 9889  
the authority to act on behalf of the board on matters 9890  
concerning the practice of physical therapy and, in particular, 9891  
the examination, licensure, and suspension or revocation of 9892  
licensure of applicants, physical therapists, and physical 9893

therapist assistants. The athletic trainers section of the board 9894  
shall have the authority to act on behalf of the board on 9895  
matters concerning the practice of athletic training and, in 9896  
particular, the examination, licensure, and suspension or 9897  
revocation of licensure of applicants and athletic trainers. All 9898  
actions taken by any section of the board under this division 9899  
shall be in accordance with Chapter 119. of the Revised Code. 9900

**Sec. 4755.062.** The occupational therapy section of the 9901  
Ohio occupational therapy, physical therapy, and athletic 9902  
trainers board may contract with the Ohio occupational therapy 9903  
association, or its successor organization, for assistance in 9904  
performing any duties prescribed in rules adopted under division 9905  
~~(I)~~(H) of section 4755.06 of the Revised Code. 9906

**Sec. 4757.02.** (A) Except as provided in division (C) of 9907  
this section and section 4757.41 of the Revised Code: 9908

(1) No person shall engage in or claim to the public to be 9909  
engaging in the practice of professional counseling for a fee, 9910  
salary, or other consideration unless the person is currently 9911  
licensed under this chapter as a licensed professional clinical 9912  
counselor or licensed professional counselor. 9913

(2) No person shall practice or claim to the public to be 9914  
practicing social work for a fee, salary, or other consideration 9915  
unless the person is currently licensed under this chapter as an 9916  
independent social worker or a social worker. 9917

(3) No person shall claim to the public to be a social 9918  
work assistant unless the person is currently registered under 9919  
this chapter as a social work assistant. 9920

(4) No person shall engage in the practice of marriage and 9921  
family therapy or claim to the public to be engaging in the 9922

practice of marriage and family therapy unless the person is 9923  
currently licensed under this chapter as a marriage and family 9924  
therapist. 9925

(B) (1) No person shall use the title "licensed 9926  
professional clinical counselor," "licensed professional 9927  
counselor," or any other title or description incorporating the 9928  
word "counselor" or any initials used to identify persons acting 9929  
in those capacities unless currently authorized under this 9930  
chapter by licensure to act in the capacity indicated by the 9931  
title or initials. 9932

(2) No person shall use the title "social worker," 9933  
"independent social worker," "social work assistant," or any 9934  
other title or description incorporating the words "social 9935  
worker" or any initials used to identify persons acting in those 9936  
capacities unless the person is currently authorized by 9937  
licensure or registration under this chapter to act in the 9938  
capacity indicated by the title or initials. 9939

(3) No person shall use the title "marriage and family 9940  
therapist" or any initials used to identify persons acting in 9941  
that capacity unless the person is currently authorized by 9942  
licensure under this chapter to act in the capacity indicated by 9943  
the title or initials. 9944

(C) (1) Divisions (A) (1) to (3) of this section do not 9945  
apply to the practice of marriage and family therapy by a person 9946  
holding a valid license or temporary license as a marriage and 9947  
family therapist under this chapter or holding a valid license 9948  
as an independent marriage and family therapist under this 9949  
chapter. 9950

(2) Division (A) (4) of this section does not apply to the 9951

following persons licensed or registered under this chapter: 9952  
licensed professional clinical counselors, licensed professional 9953  
counselors, independent social workers, social workers, and 9954  
social work assistants. 9955

**Sec. 4757.22.** (A) The counselors professional standards 9956  
committee of the counselor, social worker, and marriage and 9957  
family therapist board shall issue a license to practice as a 9958  
licensed professional clinical counselor to each applicant who 9959  
submits a properly completed application, pays the fee 9960  
established under section 4757.31 of the Revised Code, and meets 9961  
the requirements specified in division (B) of this section. 9962

(B) (1) To be eligible for a licensed professional clinical 9963  
counselor license, an individual must meet the following 9964  
requirements: 9965

(a) The individual must hold a graduate degree in 9966  
counseling as described in division (B) (2) of this section. 9967

(b) The individual must complete a minimum of ninety 9968  
quarter hours or sixty semester hours of graduate credit in 9969  
counselor training acceptable to the committee, including 9970  
instruction in the following areas: 9971

(i) Clinical psychopathology, personality, and abnormal 9972  
behavior; 9973

(ii) Evaluation of mental and emotional disorders; 9974

(iii) Diagnosis of mental and emotional disorders; 9975

(iv) Methods of prevention, intervention, and treatment of 9976  
mental and emotional disorders. 9977

(c) The individual must complete, in either a private or 9978  
clinical counseling setting, supervised experience in counseling 9979

that is of a type approved by the committee, is supervised by a 9980  
licensed professional clinical counselor or other qualified 9981  
professional approved by the committee, and is in the following 9982  
amounts: 9983

(i) In the case of an individual holding only a master's 9984  
degree, not less than two years of experience, which must be 9985  
completed after the award of the master's degree; 9986

(ii) In the case of an individual holding a doctorate, not 9987  
less than one year of experience, which must be completed after 9988  
the award of the doctorate. 9989

(d) The individual must pass a field evaluation that meets 9990  
the following requirements: 9991

(i) Has been completed by the applicant's instructors, 9992  
employers, supervisors, or other persons determined by the 9993  
committee to be competent to evaluate an individual's 9994  
professional competence; 9995

(ii) Includes documented evidence of the quality, scope, 9996  
and nature of the applicant's experience and competence in 9997  
diagnosing and treating mental and emotional disorders. 9998

(e) The individual must pass an examination administered 9999  
by the board for the purpose of determining ability to practice 10000  
as a licensed professional clinical counselor. 10001

(2) To meet the requirement of division (B) (1) (a) of this 10002  
section, a graduate degree in counseling obtained from a 10003  
counseling program in this state after January 1, 2018, must be 10004  
from one of the following: 10005

(a) A counseling program accredited by the council for 10006  
accreditation of counseling and related educational programs; 10007

(b) A counseling education program approved by the board	10008
in accordance with rules adopted by the board under division <del>(G)</del>	10009
<u>(F)</u> of this section.	10010
(3) All of the following meet the educational requirements	10011
of division (B) (1) (b) of this section:	10012
(a) A clinical mental health counseling program accredited	10013
by the council for accreditation of counseling and related	10014
educational programs;	10015
<del>(b) Until January 1, 2018, a mental health counseling</del>	10016
<del>program accredited by the council for accreditation of</del>	10017
<del>counseling and related educational programs;</del>	10018
<del>(e)</del> A graduate degree in counseling issued by another	10019
state from a clinical mental health counseling program, a	10020
clinical rehabilitation counseling program, or an addiction	10021
counseling program that is accredited by the council for	10022
accreditation of counseling and related educational programs;	10023
<del>(d)</del> <u>(c)</u> A counseling education program approved by the	10024
board in accordance with rules adopted under division <del>(G)</del> <u>(F)</u> of	10025
this section.	10026
(C) To be accepted by the committee for purposes of	10027
division (B) of this section, counselor training must include at	10028
least the following:	10029
(1) Instruction in human growth and development;	10030
counseling theory; counseling techniques; group dynamics,	10031
processing, and counseling; appraisal of individuals; research	10032
and evaluation; professional, legal, and ethical	10033
responsibilities; social and cultural foundations; and lifestyle	10034
and career development;	10035

(2) Participation in a supervised practicum and clinical internship in counseling. 10036  
10037

~~(D) The committee may issue a temporary license to an applicant who meets all of the requirements to be licensed under this section, pending the receipt of transcripts or action by the committee to issue a license to practice as a licensed professional clinical counselor.~~ 10038  
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~~(E)~~ An individual may not sit for the licensing examination unless the individual meets the educational requirements to be licensed under this section. An individual who is denied admission to the licensing examination may appeal the denial in accordance with Chapter 119. of the Revised Code. 10043  
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~~(F)~~ (E) The board shall adopt any rules necessary for the committee to implement this section. The rules shall do both of the following: 10048  
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(1) Establish criteria for the committee to use in determining whether an applicant's training should be accepted and supervised experience approved; 10051  
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10053

(2) Establish course content requirements for qualifying counseling degrees issued by institutions in other states from clinical mental health counseling programs, clinical rehabilitation counseling programs, and addiction counseling programs that are not accredited by the council for accreditation of counseling and related educational programs. 10054  
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Rules adopted under this division shall be adopted in accordance with Chapter 119. of the Revised Code. 10060  
10061

~~(G) (1)~~ (F) (1) The board may adopt rules to temporarily approve a counseling education program created after January 1, 2018, that has not been accredited by the council for 10062  
10063  
10064

accreditation of counseling and related educational programs. If 10065  
the board adopts rules under this division, the board shall do 10066  
all of the following in the rules: 10067

(a) Create an application process under which a program 10068  
administrator may apply to the board for approval of the 10069  
program; 10070

(b) Identify the educational requirements that an 10071  
individual must satisfy to receive a graduate degree in 10072  
counseling from the approved program; 10073

(c) Establish a time period during which an individual may 10074  
use an unaccredited degree granted under the program to satisfy 10075  
the requirements of divisions (B) (1) (a) and (b) of this section; 10076

(d) Specify that, if the program is denied accreditation, 10077  
a student enrolled in the program before the accreditation is 10078  
denied may apply for licensure before completing the program 10079  
and, on receiving a degree from the program, is considered to 10080  
satisfy divisions (B) (1) (a) and (b) of this section. 10081

(2) A degree from a counseling education program approved 10082  
by the board pursuant to the rules adopted under division ~~(G) (1)~~ 10083  
(F) (1) of this section satisfies the requirements of divisions 10084  
(B) (1) (a) and (b) of this section for the time period approved 10085  
by the board. 10086

**Sec. 4757.27.** (A) The social workers professional 10087  
standards committee of the counselor, social worker, and 10088  
marriage and family therapist board shall issue a license as an 10089  
independent social worker to each applicant who submits a 10090  
properly completed application, pays the fee established under 10091  
section 4757.31 of the Revised Code, and meets the requirements 10092  
specified in division (B) of this section. An independent social 10093

worker license shall clearly indicate each academic degree 10094  
earned by the person to whom it has been issued. 10095

(B) To be eligible for a license as an independent social 10096  
worker, an individual must meet the following requirements: 10097

(1) The individual must hold a master's degree in social 10098  
work from an educational institution accredited by the council 10099  
on social work education or an educational institution in 10100  
candidacy for accreditation by the council. 10101

(2) The individual must complete at least two years of 10102  
post-master's degree social work experience supervised by an 10103  
independent social worker. 10104

(3) The individual must pass an examination administered 10105  
by the board for the purpose of determining ability to practice 10106  
as an independent social worker. 10107

~~(C) The committee may issue a temporary license to an 10108  
applicant who meets all of the requirements to be licensed under 10109  
this section, pending the receipt of transcripts or action by 10110  
the committee to issue a license as an independent social 10111  
worker. 10112~~

~~(D) The board shall adopt any rules necessary for the 10113  
committee to implement this section, including criteria for the 10114  
committee to use in determining whether an applicant's training 10115  
should be accepted and supervised experience approved. Rules 10116  
adopted under this division shall be adopted in accordance with 10117  
Chapter 119. of the Revised Code. 10118~~

**Sec. 4757.301.** On receipt of an application for a license 10119  
as a marriage and family therapist, the counselor, social 10120  
worker, and marriage and family therapist board may issue a 10121  
temporary license to an individual who qualifies under division 10122

(A) of section 4757.30 of the Revised Code for licensure as a marriage and family therapist ~~or divisions (A) and (C) of section 4757.30 of the Revised Code for licensure as an independent marriage and family therapist~~, except that the individual is awaiting the next opportunity to take an examination required by the board under that division. The temporary license allows the holder to engage in the practice of ~~independent marriage and family therapy or marriage and family therapy~~ as appropriate and is valid from the date of issuance until the earlier of one year from that date, the date the applicant withdraws from taking the examination, the date the applicant is notified that the applicant failed the examination, or the date the applicant's license is issued under section 4757.30 of the Revised Code. A temporary license may not be renewed.

**Sec. 4757.33.** (A) Except as provided in ~~division~~ divisions (B) and (C) of this section, each person who holds a license or certificate of registration issued under this chapter shall complete during the period that the license or certificate is in effect not less than thirty clock hours of continuing professional education as a condition of receiving a renewed license or certificate. To have a lapsed license or certificate of registration restored, a person shall complete the number of hours of continuing education specified by the counselor, social worker, and marriage and family therapist board in rules it shall adopt in accordance with Chapter 119. of the Revised Code.

The professional standards committees of the counselor, social worker, and marriage and family therapist board shall adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and procedures to be followed by the committees in conducting the continuing education approval

process, which shall include registering individuals and 10154  
entities to provide continuing education programs approved by 10155  
the board. 10156

(B) In the case of a person who holds a certificate of 10157  
registration issued under section 4757.29 of the Revised Code, 10158  
the person shall complete during the period that the certificate 10159  
is in effect not less than fifteen clock hours of continuing 10160  
professional education as a condition of receiving a renewed 10161  
certificate. 10162

(C) The board may waive the continuing education 10163  
requirements established under this section for persons who are 10164  
unable to fulfill them because of military service, illness, 10165  
residence abroad, or any other reason the committee considers 10166  
acceptable. 10167

**Sec. 4757.41.** (A) This chapter shall not apply to the 10168  
following: 10169

(1) A person certified by the state board of education 10170  
under Chapter 3319. of the Revised Code while performing any 10171  
services within the person's scope of employment by a board of 10172  
education or by a private school meeting the standards 10173  
prescribed by the state board of education under division (D) of 10174  
section 3301.07 of the Revised Code or in a program operated 10175  
under Chapter 5126. of the Revised Code for training individuals 10176  
with developmental disabilities; 10177

(2) Psychologists, independent school psychologists, or 10178  
school psychologists licensed under Chapter 4732. of the Revised 10179  
Code; 10180

(3) Members of other professions licensed, certified, or 10181  
registered by this state while performing services within the 10182

recognized scope, standards, and ethics of their respective 10183  
professions; 10184

(4) Rabbis, priests, Christian science practitioners, 10185  
clergy, or members of religious orders and other individuals 10186  
participating with them in pastoral counseling when the 10187  
counseling activities are within the scope of the performance of 10188  
their regular or specialized ministerial duties and are 10189  
performed under the auspices or sponsorship of an established 10190  
and legally cognizable church, denomination, or sect or an 10191  
integrated auxiliary of a church as defined in federal tax 10192  
regulations, paragraph (g) (5) of 26 C.F.R. 1.6033-2 (1995), and 10193  
when the individual rendering the service remains accountable to 10194  
the established authority of that church, denomination, sect, or 10195  
integrated auxiliary; 10196

(5) Any person who is not licensed under this chapter as a 10197  
licensed professional clinical counselor, licensed professional 10198  
counselor, independent social worker, or social worker and is 10199  
employed in the civil service as defined in section 124.01 of 10200  
the Revised Code while engaging in professional counseling or 10201  
social work as a civil service employee, if on July 10, 2014, 10202  
the person has at least two years of service in that capacity; 10203

(6) A student in an accredited educational institution 10204  
while carrying out activities that are part of the student's 10205  
prescribed course of study if the activities are supervised as 10206  
required by the educational institution and if the student does 10207  
not hold herself or himself out as a person licensed or 10208  
registered under this chapter; 10209

(7) An individual who holds a license or certificate under 10210  
Chapter 4758. of the Revised Code who is acting within the scope 10211  
of the individual's license or certificate as a member of the 10212

profession of chemical dependency counseling or prevention	10213
services;	10214
(8) Any person employed by the American red cross while	10215
engaging in activities relating to services for military	10216
families and veterans and disaster relief, as described in the	10217
"American National Red Cross Act," 33 Stat. 599 (1905), 36	10218
U.S.C.A. 1, as amended;	10219
(9) Members of labor organizations who hold union	10220
counselor certificates while performing services in their	10221
official capacity as union counselors;	10222
(10) Any person employed in a hospital as defined in	10223
section 3727.01 of the Revised Code or in a nursing home as	10224
defined in section 3721.01 of the Revised Code while providing	10225
as a hospital employee or nursing home employee, respectively,	10226
social services other than counseling and the use of	10227
psychosocial interventions and social psychotherapy;	10228
(11) A vocational rehabilitation professional who is	10229
providing rehabilitation services to individuals under section	10230
3304.17 of the Revised Code, or holds certification by the	10231
commission on rehabilitation counselor certification and is	10232
providing rehabilitation counseling services consistent with the	10233
commission's standards;	10234
(12) A caseworker not licensed under this chapter as an	10235
independent social worker or social worker who is employed by a	10236
public children services agency under section 5153.112 of the	10237
Revised Code.	10238
(B) Divisions (A) (5) and (10) of this section do not	10239
prevent a person described in those divisions from obtaining a	10240
license or certificate of registration under this chapter.	10241

(C) Except as provided in divisions (A) and (D) of this section, no employee in the service of the state, including public employees as defined by Chapter 4117. of the Revised Code, shall engage in the practice of professional counseling, social work, or marriage and family therapy without the appropriate license issued by the board. Failure to comply with this division constitutes nonfeasance under section 124.34 of the Revised Code or just cause under a collective bargaining agreement. Nothing in this division restricts the director of administrative services from developing new classifications related to this division or from reassigning affected employees to appropriate classifications based on the employee's duties and qualifications.

(D) Except as provided in division (A) of this section, an employee who was engaged in the practice of professional counseling, social work, or marriage and family therapy in the service of the state prior to July 10, 2014, including public employees as defined by Chapter 4117. of the Revised Code, shall comply with division (C) of this section within two years after July 10, 2014. Any such employee who fails to comply shall be removed from employment.

(E) Nothing in this chapter prevents a public children services agency from employing as a caseworker a person not licensed under this chapter as an independent social worker or social worker who has the qualifications specified in section 5153.112 of the Revised Code.

**Sec. 4758.20.** (A) The chemical dependency professionals board shall adopt rules to establish, specify, or provide for all of the following:

(1) Fees for the purposes authorized by section 4758.21 of

the Revised Code;	10272
(2) If the board, pursuant to section 4758.221 of the Revised Code, elects to administer examinations for individuals seeking to act as substance abuse professionals in a U.S. department of transportation drug and alcohol testing program, the board's administration of the examinations;	10273 10274 10275 10276 10277
(3) For the purpose of section 4758.23 of the Revised Code, codes of ethical practice and professional conduct for individuals who hold a license, certificate, or endorsement issued under this chapter;	10278 10279 10280 10281
(4) For the purpose of section 4758.24 of the Revised Code, all of the following:	10282 10283
(a) The documents that an individual seeking such a license, certificate, or endorsement must submit to the board;	10284 10285
(b) Requirements to obtain the license, certificate, or endorsement that are in addition to the requirements established under sections 4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 4758.44, 4758.45, 4758.46, 4758.47, and 4758.48 of the Revised Code. The additional requirements may include preceptorships.	10286 10287 10288 10289 10290
(c) The period of time that an individual whose registered applicant certificate has expired must wait before applying for a new registered applicant certificate.	10291 10292 10293
(5) For the purpose of section 4758.28 of the Revised Code, requirements for approval of continuing education courses of study for individuals who hold a license, certificate, or endorsement issued under this chapter;	10294 10295 10296 10297
(6) For the purpose of section 4758.30 of the Revised Code, the intervention for and treatment of an individual	10298 10299

holding a license, certificate, or endorsement issued under this chapter whose abilities to practice are impaired due to abuse of or dependency on alcohol or other drugs or other physical or mental condition;

(7) Requirements governing reinstatement of a suspended or revoked license, certificate, or endorsement under division (C) of section 4758.30 of the Revised Code, including requirements for determining the amount of time an individual must wait to apply for reinstatement;

(8) For the purpose of section 4758.31 of the Revised Code, methods of ensuring that all records the board holds pertaining to an investigation remain confidential during the investigation;

(9) Criteria for employees of the board to follow when performing their duties under division (B) of section 4758.35 of the Revised Code;

(10) For the purpose of division (A) (1) of section 4758.39 and division (A) (1) of section 4758.40 of the Revised Code, course requirements for a degree in a behavioral science or nursing that shall, at a minimum, include at least forty semester hours in all of the following courses:

~~(a) Theories of counseling and psychotherapy;~~

~~(b) Counseling procedures;~~

~~(c) Group process and techniques;~~

~~(d) Relationship therapy;~~

~~(e) Research methods and statistics;~~

~~(f) Fundamentals of assessment and diagnosis, including~~

<del>measurement and appraisal;</del>	10327
<del>(g) Psychopathology;</del>	10328
<del>(h) Human development;</del>	10329
<del>(i) Cultural competence in counseling;</del>	10330
<del>(j) Ethics.</del> <u>may include specific content areas and minimum</u>	10331
<u>hours for course requirements;</u>	10332
(11) For the purpose of division (A) (2) of section 4758.39	10333
of the Revised Code, the number of hours of compensated work or	10334
supervised internship experience that an individual must have	10335
and the number of those hours that must be in clinical	10336
supervisory experience;	10337
(12) For the purpose of division (A) (3) of section	10338
4758.39, division (A) (3) of section 4758.40, division (A) (3) of	10339
section 4758.41, and divisions (A) (3) and (D) (3) of section	10340
4758.42 of the Revised Code, both of the following:	10341
(a) The number of hours of training in chemical dependency	10342
an individual must have;	10343
(b) Training requirements for chemical dependency that	10344
shall, at a minimum, include qualifications for the individuals	10345
who provide the training and the content areas covered in the	10346
training.	10347
(13) For the purpose of division (A) (2) of section	10348
4758.40, division (A) (2) of section 4758.41, and division (A) (2)	10349
of section 4758.42 of the Revised Code, the number of hours of	10350
compensated work or supervised internship experience that an	10351
individual must have;	10352
(14) For the purpose of division (B) (2) (b) of section	10353

4758.40 and division (B) (2) of section 4758.41 of the Revised Code, requirements for the forty clock hours of training on the version of the diagnostic and statistical manual of mental disorders that is current at the time of the training, including the number of the clock hours that must be on substance-related disorders, the number of the clock hours that must be on chemical dependency conditions, and the number of the clock hours that must be on awareness of other mental and emotional disorders;

(15) For the purpose of division (A) (1) of section 4758.41 of the Revised Code, course requirements for a degree in a behavioral science or nursing;

(16) For the purpose of division (C) (2) of section 4758.42 of the Revised Code, education requirements for chemical dependency;

(17) For the purpose of division (C) (3) of section 4758.42 of the Revised Code, requirements for programs that provide practicum experience in chemical dependency;

(18) For the purpose of division (A) of section 4758.43 of the Revised Code, both of the following:

(a) The number of hours of training in chemical dependency counseling that an individual must have;

(b) Training requirements for chemical dependency counseling that shall, at a minimum, include qualifications for the individuals who provide the training and the content areas covered in the training.

(19) For the purpose of division (A) (1) of section 4758.44 of the Revised Code, the number of hours of compensated work experience in prevention services that an individual must have

and the number of those hours that must be in administering or 10383  
supervising the services; 10384

(20) For the purpose of division (A) (2) of section 4758.44 10385  
of the Revised Code, the field of study in which an individual 10386  
must obtain at least a bachelor's degree; 10387

(21) For the purpose of division (A) (3) of section 10388  
4758.44, division (A) (3) of section 4758.45, and division (D) of 10389  
section 4758.46 of the Revised Code, both of the following: 10390

(a) The number of hours of prevention-related education 10391  
that an individual must have; 10392

(b) Requirements for prevention-related education. 10393

(22) For the purpose of division (A) (4) of section 4758.44 10394  
of the Revised Code, the number of hours of administrative or 10395  
supervisory education that an individual must have; 10396

(23) For the purpose of division (A) (1) of section 4758.45 10397  
of the Revised Code, the number of hours of compensated or 10398  
volunteer work, field placement, intern, or practicum experience 10399  
in prevention services that an individual must have and the 10400  
number of those hours that must be in planning or delivering the 10401  
services; 10402

(24) For the purpose of division (A) (2) of section 4758.45 10403  
of the Revised Code, the field of study in which an individual 10404  
must obtain at least an associate's degree; 10405

(25) For the purpose of division (C) of section 4758.46 of 10406  
the Revised Code, the number of hours of compensated or 10407  
volunteer work, field placement, intern, or practicum experience 10408  
in prevention services that an individual must have; 10409

(26) Standards for the one hundred hours of compensated 10410

work or supervised internship in gambling disorder direct	10411
clinical experience required by division (B) (2) of section	10412
4758.48 of the Revised Code;	10413
(27) For the purpose of section 4758.51 of the Revised	10414
Code, continuing education requirements for individuals who hold	10415
a license, certificate, or endorsement issued under this	10416
chapter;	10417
(28) For the purpose of section 4758.51 of the Revised	10418
Code, the number of hours of continuing education that an	10419
individual must complete to have an expired license,	10420
certificate, or endorsement restored under section 4758.26 of	10421
the Revised Code;	10422
(29) For the purpose of divisions (A) and (B) of section	10423
4758.52 of the Revised Code, training requirements for chemical	10424
dependency counseling;	10425
(30) The duties, which may differ, of all of the	10426
following:	10427
(a) An independent chemical dependency counselor-clinical	10428
supervisor licensed under this chapter who supervises a chemical	10429
dependency counselor III under section 4758.56 of the Revised	10430
Code;	10431
(b) An independent chemical dependency counselor-clinical	10432
supervisor, independent chemical dependency counselor, or	10433
chemical dependency counselor III licensed under this chapter	10434
who supervises a chemical dependency counselor assistant under	10435
section 4758.59 of the Revised Code;	10436
(c) A prevention consultant or prevention specialist	10437
certified under this chapter who supervises a prevention	10438
specialist assistant or registered applicant under section	10439

4758.61 of the Revised Code.	10440
(31) The duties of an independent chemical dependency counselor licensed under this chapter who holds the gambling disorder endorsement who supervises a chemical dependency counselor III with the gambling disorder endorsement under section 4758.62 of the Revised Code.	10441 10442 10443 10444 10445
(32) Anything else necessary to administer this chapter.	10446
(B) All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code and any applicable federal laws and regulations.	10447 10448 10449
(C) When it adopts rules under this section, the board may consider standards established by any national association or other organization representing the interests of those involved in chemical dependency counseling or prevention services.	10450 10451 10452 10453
<b>Sec. 4758.26.</b> (A) Subject to section 4758.30 of the Revised Code, a license, certificate, or endorsement issued under this chapter expires the following period of time after it is issued:	10454 10455 10456 10457
(1) In the case of an initial chemical dependency counselor assistant certificate, thirteen months;	10458 10459
(2) In the case of any other license, certificate, or endorsement, two years.	10460 10461
(B) Subject to section 4758.30 of the Revised Code and except as provided in section 4758.27 of the Revised Code, the chemical dependency professionals board shall renew a license, certificate, or endorsement issued under this chapter in accordance with the standard renewal procedure established under Chapter 4745. of the Revised Code if the individual seeking the	10462 10463 10464 10465 10466 10467

renewal pays the renewal fee established under section 4758.21 10468  
of the Revised Code and does the following: 10469

(1) In the case of an individual seeking renewal of an 10470  
initial chemical dependency counselor assistant certificate, 10471  
satisfies the additional training requirement established under 10472  
section 4758.52 of the Revised Code; 10473

(2) In the case of any other individual, satisfies the 10474  
continuing education requirements established under section 10475  
4758.51 of the Revised Code. 10476

(C) Subject to section 4758.30 of the Revised Code and 10477  
except as provided in section 4758.27 of the Revised Code, a 10478  
license, certificate, or endorsement issued under this chapter 10479  
that has expired may be restored if the individual seeking the 10480  
restoration, not later than ~~two years~~ one year after the 10481  
license, certificate, or endorsement expires, applies for 10482  
restoration of the license, certificate, or endorsement. The 10483  
board shall issue a restored license, certificate, or 10484  
endorsement to the individual if the individual pays the renewal 10485  
fee established under section 4758.21 of the Revised Code and 10486  
does the following: 10487

(1) In the case of an individual whose initial chemical 10488  
dependency counselor assistant certificate expired, satisfies 10489  
the additional training requirement established under section 10490  
4758.52 of the Revised Code; 10491

(2) In the case of any other individual, satisfies the 10492  
continuing education requirements established under section 10493  
4758.51 of the Revised Code for restoring the license, 10494  
certificate, or endorsement. 10495

The board shall not require an individual to take an 10496

examination as a condition of having an expired license, 10497  
certificate, or endorsement restored under this section. 10498

**Sec. 4758.51.** (A) Except as provided in division (C) of 10499  
this section and in accordance with rules adopted under section 10500  
4758.20 of the Revised Code, each individual who holds a 10501  
license, certificate, or endorsement issued under this chapter, 10502  
other than an initial chemical dependency counselor assistant 10503  
certificate, shall complete during the period that the license, 10504  
certificate, or endorsement is in effect not less than the 10505  
following number of clock hours of continuing education as a 10506  
condition of receiving a renewed license, certificate, or 10507  
endorsement: 10508

(1) In the case of an individual holding a prevention 10509  
specialist assistant certificate, twenty; 10510

(2) In the case of an individual holding a gambling 10511  
disorder endorsement, six; 10512

(3) In the case of any other individual, ~~forty~~thirty, 10513  
except as follows: 10514

(a) If the individual is age sixty-five years or older, 10515  
twenty; 10516

(b) If the individual holds an international certificate 10517  
from the international certification and reciprocity consortium, 10518  
the number of clock hours required by the consortium. 10519

(B) Except as provided in division (C) of this section, an 10520  
individual whose license, certificate, or endorsement issued 10521  
under this chapter, other than an initial chemical dependency 10522  
counselor assistant certificate, has expired shall complete the 10523  
number of hours of continuing education specified in rules 10524  
adopted under section 4758.20 of the Revised Code as a condition 10525

of receiving a restored license, certificate, or endorsement. 10526

(C) The chemical dependency professionals board may waive 10527  
the continuing education requirements established under this 10528  
section for individuals who are unable to fulfill them because 10529  
of military service, illness, residence outside the United 10530  
States, or any other reason the board considers acceptable. 10531

**Sec. 4765.10.** (A) The state board of emergency medical, 10532  
fire, and transportation services shall do all of the following: 10533

(1) Administer and enforce the provisions of this chapter 10534  
and the rules adopted under it; 10535

(2) Approve, in accordance with procedures established in 10536  
rules adopted under section 4765.11 of the Revised Code, 10537  
examinations that demonstrate competence to have a certificate 10538  
to practice renewed without completing a continuing education 10539  
~~program~~requirements; 10540

(3) Advise applicants for state or federal emergency 10541  
medical services funds, review and comment on applications for 10542  
these funds, and approve the use of all state and federal funds 10543  
designated solely for emergency medical service programs unless 10544  
federal law requires another state agency to approve the use of 10545  
all such federal funds; 10546

(4) Serve as a statewide clearinghouse for discussion, 10547  
inquiry, and complaints concerning emergency medical services; 10548

(5) Make recommendations to the general assembly on 10549  
legislation to improve the delivery of emergency medical 10550  
services; 10551

(6) Maintain a toll-free long distance telephone number 10552  
through which it shall respond to questions about emergency 10553

medical services; 10554

(7) Work with appropriate state offices in coordinating 10555  
the training of firefighters and emergency medical service 10556  
personnel. Other state offices that are involved in the training 10557  
of firefighters or emergency medical service personnel shall 10558  
cooperate with the board and its committees and subcommittees to 10559  
achieve this goal. 10560

(8) Provide a liaison to the state emergency operation 10561  
center during those periods when a disaster, as defined in 10562  
section 5502.21 of the Revised Code, has occurred in this state 10563  
and the governor has declared an emergency as defined in that 10564  
section. 10565

(B) The board may do any of the following: 10566

(1) Investigate complaints concerning emergency medical 10567  
services and emergency medical service organizations as it 10568  
determines necessary; 10569

(2) Enter into reciprocal agreements with other states 10570  
that have standards for accreditation of emergency medical 10571  
services training and continuing education programs and for 10572  
certification of first responders, EMTs-basic, EMTs-I, 10573  
paramedics, firefighters, or fire safety inspectors that are 10574  
substantially similar to those established under this chapter 10575  
and the rules adopted under it; 10576

(3) Establish a statewide public information system and 10577  
public education programs regarding emergency medical services; 10578

(4) Establish an injury prevention program. 10579

(C) The state board of emergency medical, fire, and 10580  
transportation services shall not regulate any profession that 10581

otherwise is regulated by another board, commission, or similar regulatory entity. 10582  
10583

**Sec. 4765.11.** (A) The state board of emergency medical, 10584  
fire, and transportation services shall adopt, and may amend and 10585  
rescind, rules in accordance with Chapter 119. of the Revised 10586  
Code and divisions (C) and (D) of this section that establish 10587  
all of the following: 10588

(1) Procedures for its governance and the control of its 10589  
actions and business affairs; 10590

(2) Standards for the performance of emergency medical 10591  
services by first responders, emergency medical technicians- 10592  
basic, emergency medical technicians-intermediate, and emergency 10593  
medical technicians-paramedic; 10594

(3) Application fees for certificates of accreditation, 10595  
~~certificates of approval,~~ certificates to teach, and 10596  
certificates to practice, which shall be deposited into the 10597  
trauma and emergency medical services fund created in section 10598  
4513.263 of the Revised Code; 10599

(4) Criteria for determining when the application or 10600  
renewal fee for a certificate to practice may be waived because 10601  
an applicant cannot afford to pay the fee; 10602

(5) Procedures for issuance and renewal of certificates of 10603  
accreditation, ~~certificates of approval,~~ certificates to teach, 10604  
and certificates to practice, including any measures necessary 10605  
to implement section 9.79 of the Revised Code and any procedures 10606  
necessary to ensure that adequate notice of renewal is provided 10607  
in accordance with division (D) of section 4765.30 of the 10608  
Revised Code; 10609

(6) Procedures for suspending or revoking certificates of 10610

accreditation, <del>certificates of approval,</del> certificates to teach,	10611
and certificates to practice;	10612
(7) Grounds for suspension or revocation of a certificate	10613
to practice issued under section 4765.30 of the Revised Code and	10614
for taking any other disciplinary action against a first	10615
responder, EMT-basic, EMT-I, or paramedic;	10616
(8) Procedures for taking disciplinary action against a	10617
first responder, EMT-basic, EMT-I, or paramedic;	10618
(9) Standards for certificates of accreditation <del>and</del>	10619
<del>certificates of approval;</del>	10620
(10) Qualifications for certificates to teach;	10621
(11) Requirements for a certificate to practice;	10622
(12) The curricula, number of hours of instruction and	10623
training, and instructional materials to be used in adult and	10624
pediatric emergency medical services training <u>and continuing</u>	10625
<u>education programs</u> <del>and adult and pediatric emergency medical</del>	10626
<del>services continuing education programs;</del>	10627
(13) Procedures for conducting courses in recognizing	10628
symptoms of life-threatening allergic reactions and in	10629
calculating proper dosage levels and administering injections of	10630
epinephrine to adult and pediatric patients who suffer life-	10631
threatening allergic reactions;	10632
(14) Examinations for certificates to practice;	10633
(15) Procedures for administering examinations for	10634
certificates to practice;	10635
(16) Procedures for approving examinations that	10636
demonstrate competence to have a certificate to practice renewed	10637

without completing ~~an~~ emergency medical services continuing education ~~program~~requirements; 10638  
10639

(17) Procedures for granting extensions and exemptions of emergency medical services continuing education requirements; 10640  
10641

(18) Specifications of the emergency medical services that first responders are authorized to perform under section 4765.35 of the Revised Code, that EMTs-basic are authorized to perform under section 4765.37 of the Revised Code, that EMTs-I are authorized to perform under section 4765.38 of the Revised Code, and that paramedics are authorized to perform under section 4765.39 of the Revised Code; 10642  
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(19) Standards and procedures for implementing the requirements of section 4765.06 of the Revised Code, including designations of the persons who are required to report information to the board and the types of information to be reported; 10649  
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(20) Procedures for administering the emergency medical services grant program established under section 4765.07 of the Revised Code; 10654  
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(21) Procedures consistent with Chapter 119. of the Revised Code for appealing decisions of the board; 10657  
10658

(22) Minimum qualifications and peer review and quality improvement requirements for persons who provide medical direction to emergency medical service personnel, including, subject to division (B) of section 4765.42 of the Revised Code, qualifications for a physician to be eligible to serve as the medical director of an emergency medical service organization or a member of its cooperating physician advisory board; 10659  
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(23) The manner in which a patient, or a patient's parent, 10666

guardian, or custodian, may consent to the board releasing 10667  
identifying information about the patient under division (D) of 10668  
section 4765.102 of the Revised Code; 10669

(24) Circumstances under which a training or continuing 10670  
education program ~~or continuing education program, or portion of~~ 10671  
~~either type of program,~~ may be taught by a person who does not 10672  
hold a certificate to teach issued under section 4765.23 of the 10673  
Revised Code; 10674

(25) Certification cycles for certificates issued under 10675  
sections 4765.23 and 4765.30 of the Revised Code and 10676  
certificates issued by the executive director of the state board 10677  
of emergency medical, fire, and transportation services under 10678  
section 4765.55 of the Revised Code that establish a common 10679  
expiration date for all certificates; 10680

(26) Procedures and requirements for accrediting emergency 10681  
medical services training and continuing education programs 10682  
under one certificate of accreditation. An accredited program 10683  
shall offer both training and continuing education services. The 10684  
rules adopted under division (A) (26) of this section shall 10685  
specify all of the following: 10686

(a) The steps that the operator of a training program 10687  
accredited prior to the effective date of this amendment shall 10688  
take in order to offer continuing education courses; 10689

(b) The steps the operator of a continuing education 10690  
program accredited prior to the effective date of this amendment 10691  
shall take in order to offer training courses; 10692

(c) The steps any person certified as an emergency medical 10693  
instructor or an emergency medical services continuing education 10694  
teacher prior to the effective date of this amendment shall take 10695

to retain certification in order to teach both training and 10696  
continuing education courses. 10697

(B) The board may adopt, and may amend and rescind, rules 10698  
in accordance with Chapter 119. of the Revised Code and 10699  
divisions (C) and (D) of this section that establish any of the 10700  
following: 10701

(1) Specifications of information that may be collected 10702  
under the trauma system registry and incidence reporting system 10703  
created under section 4765.06 of the Revised Code; 10704

(2) Standards and procedures for implementing any of the 10705  
recommendations made by any committees of the board or under 10706  
section 4765.04 of the Revised Code; 10707

(3) Procedures and requirements for conducting background 10708  
checks on applicants for the issuance and renewal of 10709  
certificates of accreditation, certificates to teach, and 10710  
certificates to practice in accordance with section 109.578 of 10711  
the Revised Code; 10712

(4) Any other rules necessary to implement this chapter. 10713

(C) In developing and administering rules adopted under 10714  
this chapter, the state board of emergency medical, fire, and 10715  
transportation services shall consult with regional directors 10716  
and regional advisory boards appointed under section 4765.05 of 10717  
the Revised Code and emphasize the special needs of pediatric 10718  
and geriatric patients. 10719

(D) On and after the effective date of this amendment, the 10720  
executive director shall not require certification to practice 10721  
as an emergency medical services assistant instructor and shall 10722  
not adopt or enforce rules or issue a certificate regarding the 10723  
position of an emergency medical services assistant instructor. 10724

Any emergency medical services assistant instructor certificate 10725  
that was issued in accordance with rules adopted under division 10726  
(A) of this section prior to the effective date of this 10727  
amendment remain valid only until the expiration date of the 10728  
certificate, subject to any conditions or responsibilities of 10729  
retaining the validity of that certificate. The certificate 10730  
shall not be renewed. The board shall adopt, amend, or rescind 10731  
rules in accordance with Chapter 119. of the Revised Code in 10732  
order to effectuate this division. 10733

(E) Except as otherwise provided in this division, before 10734  
adopting, amending, or rescinding any rule under this chapter, 10735  
the board shall submit the proposed rule to the director of 10736  
public safety for review. The director may review the proposed 10737  
rule for not more than sixty days after the date it is 10738  
submitted. If, within this sixty-day period, the director 10739  
approves the proposed rule or does not notify the board that the 10740  
rule is disapproved, the board may adopt, amend, or rescind the 10741  
rule as proposed. If, within this sixty-day period, the director 10742  
notifies the board that the proposed rule is disapproved, the 10743  
board shall not adopt, amend, or rescind the rule as proposed 10744  
unless at least twelve members of the board vote to adopt, 10745  
amend, or rescind it. 10746

This division does not apply to an emergency rule adopted 10747  
in accordance with section 119.03 of the Revised Code. 10748

**Sec. 4765.15.** A person seeking to operate an emergency 10749  
medical services training and continuing education program shall 10750  
submit a completed application for accreditation to the state 10751  
board of emergency medical, fire, and transportation services on 10752  
a form the board shall prescribe and furnish. The application 10753  
shall be accompanied by the appropriate application fee 10754

established in rules adopted under section 4765.11 of the Revised Code. 10755  
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~~A person seeking to operate an emergency medical services continuing education program shall submit a completed application for approval to the board on a form the board shall prescribe and furnish. The application shall be accompanied by the appropriate application fee established in rules adopted under section 4765.11 of the Revised Code.~~ 10757  
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The board shall administer the accreditation ~~and approval processes~~ process pursuant to rules adopted under section 4765.11 of the Revised Code. In administering ~~these processes~~ this process, the board may authorize other persons to evaluate applications for accreditation ~~or approval~~ and may accept the recommendations made by those persons. 10763  
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The board may cause an investigation to be made into the accuracy of the information submitted in any application for accreditation ~~or approval~~. If an investigation indicates that false, misleading, or incomplete information has been submitted to the board in connection with any application for accreditation ~~or approval~~, the board shall conduct a hearing on the matter in accordance with Chapter 119. of the Revised Code. 10769  
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**Sec. 4765.16.** (A) All courses offered through an emergency medical services training and continuing education program ~~or an emergency medical services continuing education program~~, other than ambulance driving, shall be developed under the direction of a physician who specializes in emergency medicine. Each course that deals with trauma care shall be developed in consultation with a physician who specializes in trauma surgery. Except as specified by the state board of emergency medical, fire, and transportation services pursuant to rules adopted 10776  
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under section 4765.11 of the Revised Code, each course offered 10785  
through a training and continuing education program ~~or~~ 10786  
~~continuing education program~~ shall be taught by a person who 10787  
holds the appropriate certificate to teach issued under section 10788  
4765.23 of the Revised Code. 10789

(B) ~~A~~ All training ~~program~~ for first responders shall meet 10790  
the standards established in rules adopted by the board under 10791  
section 4765.11 of the Revised Code. The ~~program~~ training shall 10792  
include courses in both of the following areas for at least the 10793  
number of hours established by the board's rules: 10794

(1) Emergency victim care; 10795

(2) Reading and interpreting a trauma victim's vital 10796  
signs. 10797

(C) ~~A~~ All training ~~program~~ for emergency medical 10798  
technicians-basic shall meet the standards established in rules 10799  
adopted by the board under section 4765.11 of the Revised Code. 10800  
The ~~program~~ training shall include courses in each of the 10801  
following areas for at least the number of hours established by 10802  
the board's rules: 10803

(1) Emergency victim care; 10804

(2) Reading and interpreting a trauma victim's vital 10805  
signs; 10806

(3) Triage protocols for adult and pediatric trauma 10807  
victims; 10808

(4) In-hospital training; 10809

(5) Clinical training; 10810

(6) Training as an ambulance driver. 10811

Each operator of a training and continuing education 10812  
program for emergency medical technicians-basic shall allow any 10813  
pupil in the twelfth grade in a secondary school who is at least 10814  
seventeen years old and who otherwise meets the requirements for 10815  
admission into such a ~~training~~ program to be admitted to and 10816  
complete the program and, as part of ~~the~~ training, to ride in an 10817  
ambulance with emergency medical technicians-basic, emergency 10818  
medical technicians-intermediate, and emergency medical 10819  
technicians-paramedic. Each emergency medical service 10820  
organization shall allow pupils participating in training 10821  
~~programs~~ to ride in an ambulance with emergency medical 10822  
technicians-basic, advanced emergency medical technicians- 10823  
intermediate, and emergency medical technicians-paramedic. 10824

(D) ~~A~~ All training ~~program~~ for emergency medical 10825  
technicians-intermediate shall meet the standards established in 10826  
rules adopted by the board under section 4765.11 of the Revised 10827  
Code. The ~~program~~ training shall include, or require as a 10828  
prerequisite, the training specified in division (C) of this 10829  
section and courses in each of the following areas for at least 10830  
the number of hours established by the board's rules: 10831

(1) Recognizing symptoms of life-threatening allergic 10832  
reactions and in calculating proper dosage levels and 10833  
administering injections of epinephrine to persons who suffer 10834  
life-threatening allergic reactions, conducted in accordance 10835  
with rules adopted by the board under section 4765.11 of the 10836  
Revised Code; 10837

(2) Venous access procedures; 10838

(3) Cardiac monitoring and electrical interventions to 10839  
support or correct the cardiac function. 10840

(E) ~~A-All~~ training ~~program~~ for emergency medical 10841  
technicians-paramedic shall meet the standards established in 10842  
rules adopted by the board under section 4765.11 of the Revised 10843  
Code. The ~~program~~ training shall include, or require as a 10844  
prerequisite, the training specified in divisions (C) and (D) of 10845  
this section and courses in each of the following areas for at 10846  
least the number of hours established by the board's rules: 10847

(1) Medical terminology; 10848

(2) Venous access procedures; 10849

(3) Airway procedures; 10850

(4) Patient assessment and triage; 10851

(5) Acute cardiac care, including administration of 10852  
parenteral injections, electrical interventions, and other 10853  
emergency medical services; 10854

(6) Emergency and trauma victim care beyond that required 10855  
under division (C) of this section; 10856

(7) Clinical training beyond that required under division 10857  
(C) of this section. 10858

(F) ~~A-All~~ continuing education ~~program~~ for first 10859  
responders, EMTs-basic, EMTs-I, or paramedics shall meet the 10860  
standards established in rules adopted by the board under 10861  
section 4765.11 of the Revised Code. ~~A-All~~ continuing education 10862  
~~program~~ shall include instruction and training in subjects 10863  
established by the board's rules for at least the number of 10864  
hours established by the board's rules. The continuing education 10865  
requirements for paramedics shall not require more than seventy- 10866  
five hours of continuing education for every three-year 10867  
certification cycle. 10868

**Sec. 4765.17.** (A) The state board of emergency medical, 10869  
fire, and transportation services shall issue the appropriate 10870  
certificate of accreditation ~~or certificate of approval~~ to an 10871  
applicant who meets the requirements of section 4765.16 of the 10872  
Revised Code. The board shall grant or deny a certificate of 10873  
accreditation ~~or certificate of approval~~ within one hundred 10874  
twenty days of receipt of the application. The board may issue a 10875  
certificate of accreditation ~~or certificate of approval~~ on a 10876  
provisional basis to an applicant who is in substantial 10877  
compliance with the requirements of section 4765.16 of the 10878  
Revised Code or renew a certificate of accreditation ~~or~~ 10879  
~~certificate of approval~~ on a provisional basis to an applicant 10880  
who is of good reputation and is in substantial compliance with 10881  
the requirements of section 4765.16 of the Revised Code. The 10882  
board shall inform an applicant receiving such a certificate of 10883  
the conditions that must be met to complete compliance with 10884  
section 4765.16 of the Revised Code. 10885

(B) Except as provided in division (C) of this section, a 10886  
certificate of accreditation ~~or certificate of approval~~ is valid 10887  
for up to five years and may be renewed by the board pursuant to 10888  
procedures and standards established in rules adopted under 10889  
section 4765.11 of the Revised Code. An application for renewal 10890  
shall be accompanied by the appropriate renewal fee established 10891  
in rules adopted under section 4765.11 of the Revised Code. 10892

(C) A certificate of accreditation ~~or certificate of~~ 10893  
~~approval~~ issued on a provisional basis is valid for the length 10894  
of time established by the board. If the board finds that the 10895  
holder of such a certificate has met the conditions it specifies 10896  
under division (A) of this section, the board shall issue the 10897  
appropriate certificate of accreditation ~~or certificate of~~ 10898  
~~approval~~. 10899

(D) A certificate of accreditation is valid only for the emergency medical services training and continuing education program or programs for which it is issued. The holder of a certificate of accreditation may apply to operate additional training and continuing education programs in accordance with rules adopted by the board under section 4765.11 of the Revised Code. Any additional training and continuing education programs shall expire on the expiration date of the applicant's current certificate. A certificate of ~~approval is valid only for the emergency medical services continuing education program for which it is issued.~~ Neither accreditation is not transferable.

(E) The holder of a certificate of accreditation ~~or a certificate of approval~~ may offer courses at more than one location in accordance with rules adopted under section 4765.11 of the Revised Code.

**Sec. 4765.18.** The state board of emergency medical, fire, and transportation services may suspend or revoke a certificate of accreditation ~~or a certificate of approval~~ issued under section 4765.17 of the Revised Code for any of the following reasons:

(A) Violation of this chapter or any rule adopted under it;

(B) Furnishing of false, misleading, or incomplete information to the board;

(C) The signing of an application or the holding of a certificate of accreditation by a person who has pleaded guilty to or has been convicted of a felony, or has pleaded guilty to or been convicted of a crime involving moral turpitude;

(D) The signing of an application or the holding of a

certificate of accreditation by a person who is addicted to the 10929  
use of any controlled substance or has been adjudicated 10930  
incompetent for that purpose by a court, as provided in section 10931  
5122.301 of the Revised Code; 10932

(E) Violation of any commitment made in an application for 10933  
a certificate of accreditation ~~or certificate of approval~~; 10934

(F) Presentation to prospective students of misleading, 10935  
false, or fraudulent information relating to the emergency 10936  
medical services training and continuing education program ~~or~~ 10937  
~~emergency medical services continuing education program~~, 10938  
employment opportunities, or opportunities for enrollment in 10939  
accredited institutions of higher education after entering or 10940  
completing courses offered by the operator of a program; 10941

(G) Failure to maintain in a safe and sanitary condition 10942  
premises and equipment used in conducting courses of study; 10943

(H) Failure to maintain financial resources adequate for 10944  
the satisfactory conduct of courses of study or to retain a 10945  
sufficient number of certified instructors; 10946

(I) Discrimination in the acceptance of students upon the 10947  
basis of race, color, religion, sex, or national origin. 10948

**Sec. 4765.22.** A person seeking a certificate to teach in 10949  
an emergency medical services training and continuing education 10950  
program ~~or an emergency medical services continuing education~~ 10951  
~~program~~ shall submit a completed application for certification 10952  
to the state board of emergency medical, fire, and 10953  
transportation services on a form the board shall prescribe and 10954  
furnish. The application shall be accompanied by the appropriate 10955  
application fee established in rules adopted under section 10956  
4765.11 of the Revised Code. 10957

**Sec. 4765.23.** The state board of emergency medical, fire, and transportation services shall issue a certificate to teach in an emergency medical services training and continuing education program ~~or an emergency medical services continuing education program~~ to any applicant who it determines meets the qualifications established in rules adopted under section 4765.11 of the Revised Code. The certificate shall indicate ~~each~~ the type of instruction and training the certificate holder may teach under the certificate.

A certificate to teach shall have a certification cycle established by the board and may be renewed by the board pursuant to rules adopted under section 4765.11 of the Revised Code. An application for renewal shall be accompanied by the appropriate renewal fee established in rules adopted under section 4765.11 of the Revised Code.

The board may suspend or revoke a certificate to teach pursuant to rules adopted under section 4765.11 of the Revised Code.

**Sec. 4765.24.** The operator of an accredited training and continuing education program for first responders shall issue a certificate of completion in first responder training to each student who successfully completes the training ~~program~~ described in division (B) of section 4765.16 of the Revised Code.

The operator of an accredited training and continuing education program for emergency medical technicians-basic shall issue a certificate of completion in emergency medical services training-basic to each student who successfully completes the EMT-basic ~~program~~ training described in division (C) of section 4765.16 of the Revised Code.

The operator of an accredited training and continuing 10988  
education program for emergency medical technicians-intermediate 10989  
shall issue a certificate of completion in emergency medical 10990  
services training-intermediate to each student who successfully 10991  
completes the EMT-I ~~program~~ training described in division (D) 10992  
of section 4765.16 of the Revised Code. 10993

The operator of an accredited training and continuing 10994  
education program for emergency medical technicians-paramedic 10995  
shall issue a certificate of completion in emergency medical 10996  
services training-paramedic to each student who successfully 10997  
completes the training ~~program~~ described in division (E) of 10998  
section 4765.16 of the Revised Code. 10999

The operator of an ~~approved emergency medical services~~ 11000  
accredited training and continuing education program shall issue 11001  
the appropriate certificate of completion in emergency medical 11002  
services continuing education to each student who successfully 11003  
completes ~~a~~ any continuing education ~~program~~ requirements 11004  
described in division (F) of section 4765.16 of the Revised 11005  
Code. 11006

**Sec. 4765.29.** (A) The state board of emergency medical, 11007  
fire, and transportation services shall provide for the 11008  
examination of applicants for certification to practice as first 11009  
responders, emergency medical technicians-basic, emergency 11010  
medical technicians-intermediate, and emergency medical 11011  
technicians-paramedic. The examinations shall be established by 11012  
the board in rules adopted under section 4765.11 of the Revised 11013  
Code. The board may administer the examinations or contract with 11014  
other persons to administer the examinations. In either case, 11015  
the examinations shall be administered pursuant to procedures 11016  
established in rules adopted under section 4765.11 of the 11017

Revised Code and shall be offered at various locations in the 11018  
state selected by the board. 11019

Except as provided in division (B) of this section, an 11020  
applicant shall not be permitted to take an examination for the 11021  
same certificate to practice more than three times since last 11022  
receiving the certificate of completion pursuant to section 11023  
4765.24 of the Revised Code that qualifies the applicant to take 11024  
the examination unless the applicant receives another 11025  
certificate of completion that qualifies the applicant to take 11026  
the examination. 11027

(B) On request of an applicant who fails three 11028  
examinations for the same certificate to practice, the board may 11029  
direct the applicant to complete a specific portion of an 11030  
accredited emergency medical services training and continuing 11031  
education program. If the applicant provides satisfactory proof 11032  
to the board that the applicant has successfully completed that 11033  
portion of the program, the applicant shall be permitted to take 11034  
the examination. 11035

**Sec. 4765.30.** All of the following apply to the state 11036  
board of emergency medical, fire, and transportation services 11037  
with respect to issuing and renewing certificates to practice: 11038

(A) The board shall issue a certificate to practice as a 11039  
first responder to an applicant who meets all of the following 11040  
conditions: 11041

(1) Holds the appropriate certificate of completion issued 11042  
in accordance with section 4765.24 of the Revised Code; 11043

(2) Passes the appropriate examination conducted under 11044  
section 4765.29 of the Revised Code; 11045

(3) Is not in violation of any provision of this chapter 11046

or the rules adopted under it;	11047
(4) Meets any other certification requirements established	11048
in rules adopted under section 4765.11 of the Revised Code.	11049
(B) The board shall issue a certificate to practice as an	11050
emergency medical technician-basic to an applicant who meets all	11051
of the following conditions:	11052
(1) Holds the appropriate certificate of completion issued	11053
in accordance with section 4765.24 of the Revised Code;	11054
(2) Passes the appropriate examination conducted under	11055
section 4765.29 of the Revised Code;	11056
(3) Is not in violation of any provision of this chapter	11057
or the rules adopted under it;	11058
(4) Meets any other certification requirements established	11059
in rules adopted under section 4765.11 of the Revised Code.	11060
(C) The board shall issue a certificate to practice as an	11061
emergency medical technician-intermediate or emergency medical	11062
technician-paramedic to an applicant who meets all of the	11063
following conditions:	11064
(1) Holds a certificate to practice as an emergency	11065
medical technician-basic;	11066
(2) Holds the appropriate certificate of completion issued	11067
in accordance with section 4765.24 of the Revised Code;	11068
(3) Passes the appropriate examination conducted under	11069
section 4765.29 of the Revised Code;	11070
(4) Is not in violation of any provision of this chapter	11071
or the rules adopted under it;	11072
(5) Meets any other certification requirements established	11073

in rules adopted under section 4765.11 of the Revised Code. 11074

(D) A certificate to practice shall have a certification 11075  
cycle established by the board and may be renewed by the board 11076  
pursuant to rules adopted under section 4765.11 of the Revised 11077  
Code. Not later than sixty days prior to the expiration date of 11078  
an individual's certificate to practice, the board shall notify 11079  
the individual of the scheduled expiration. 11080

An application for renewal shall be accompanied by the 11081  
appropriate renewal fee established in rules adopted under 11082  
section 4765.11 of the Revised Code, unless the board waives the 11083  
fee on determining pursuant to those rules that the applicant 11084  
cannot afford to pay the fee. Except as provided in division (B) 11085  
of section 4765.31 of the Revised Code, the application shall 11086  
include evidence of either of the following: 11087

(1) That the applicant received a certificate of 11088  
completion from the appropriate emergency medical services 11089  
training and continuing education program pursuant to section 11090  
4765.24 of the Revised Code; 11091

(2) That the applicant has successfully passed an 11092  
examination that demonstrates the competence to have a 11093  
certificate renewed without completing ~~an~~ emergency medical 11094  
services continuing education ~~program~~ requirements. The board 11095  
shall approve such examinations in accordance with rules adopted 11096  
under section 4765.11 of the Revised Code. 11097

(E) The board shall not require an applicant for renewal 11098  
of a certificate to practice to take an examination as a 11099  
condition of renewing the certificate. This division does not 11100  
preclude the use of examinations by operators of ~~approved~~ 11101  
accredited emergency medical services training and continuing 11102

education programs as a condition for issuance of a certificate 11103  
of completion in emergency medical services continuing 11104  
education. 11105

**Sec. 4765.31.** (A) Except as provided in division (B) of 11106  
this section, a first responder, emergency medical technician- 11107  
basic, emergency medical technician-intermediate, and emergency 11108  
medical technician-paramedic shall complete ~~an all~~ emergency 11109  
medical services continuing education ~~program requirements~~ or 11110  
pass an examination approved by the state board of emergency 11111  
medical, fire, and transportation services under division (A) of 11112  
section 4765.10 of the Revised Code prior to the expiration of 11113  
the individual's certificate to practice. Completion of the 11114  
continuing education requirements for EMTs-I or paramedics 11115  
satisfies the continuing education requirements for renewing the 11116  
certificate to practice as an EMT-basic held by an EMT-I or 11117  
paramedic. 11118

(B) (1) An applicant for renewal of a certificate to 11119  
practice may apply to the board, in writing, for an extension to 11120  
complete the continuing education requirements established under 11121  
division (A) of this section. The board may grant such an 11122  
extension and determine the length of the extension. The board 11123  
may authorize the applicant to continue to practice during the 11124  
extension as if the certificate to practice had not expired. 11125

(2) An applicant for renewal of a certificate to practice 11126  
may apply to the board, in writing, for an exemption from the 11127  
continuing education requirements established under division (A) 11128  
of this section. The board may exempt an individual or a group 11129  
of individuals from all or any part of the continuing education 11130  
requirements due to active military service, unusual 11131  
circumstance, emergency, special hardship, or any other cause 11132

considered reasonable by the board. 11133

(C) Decisions of whether to grant an extension or 11134  
exemption under division (B) of this section shall be made by 11135  
the board pursuant to procedures established in rules adopted 11136  
under section 4765.11 of the Revised Code. 11137

**Sec. 4765.49.** (A) A first responder, emergency medical 11138  
technician-basic, emergency medical technician-intermediate, or 11139  
emergency medical technician-paramedic is not liable in damages 11140  
in a civil action for injury, death, or loss to person or 11141  
property resulting from the individual's administration of 11142  
emergency medical services, unless the services are administered 11143  
in a manner that constitutes willful or wanton misconduct. A 11144  
physician, physician assistant designated by a physician, or 11145  
registered nurse designated by a physician, any of whom is 11146  
advising or assisting in the emergency medical services by means 11147  
of any communication device or telemetering system, is not 11148  
liable in damages in a civil action for injury, death, or loss 11149  
to person or property resulting from the individual's advisory 11150  
communication or assistance, unless the advisory communication 11151  
or assistance is provided in a manner that constitutes willful 11152  
or wanton misconduct. Medical directors and members of 11153  
cooperating physician advisory boards of emergency medical 11154  
service organizations are not liable in damages in a civil 11155  
action for injury, death, or loss to person or property 11156  
resulting from their acts or omissions in the performance of 11157  
their duties, unless the act or omission constitutes willful or 11158  
wanton misconduct. 11159

(B) A political subdivision, joint ambulance district, 11160  
joint emergency medical services district, or other public 11161  
agency, and any officer or employee of a public agency or of a 11162

private organization operating under contract or in joint 11163  
agreement with one or more political subdivisions, that provides 11164  
emergency medical services, or that enters into a joint 11165  
agreement or a contract with the state, any political 11166  
subdivision, joint ambulance district, or joint emergency 11167  
medical services district for the provision of emergency medical 11168  
services, is not liable in damages in a civil action for injury, 11169  
death, or loss to person or property arising out of any actions 11170  
taken by a first responder, EMT-basic, EMT-I, or paramedic 11171  
working under the officer's or employee's jurisdiction, or for 11172  
injury, death, or loss to person or property arising out of any 11173  
actions of licensed medical personnel advising or assisting the 11174  
first responder, EMT-basic, EMT-I, or paramedic, unless the 11175  
services are provided in a manner that constitutes willful or 11176  
wanton misconduct. 11177

(C) A student who is enrolled in an emergency medical 11178  
services training and continuing education program accredited 11179  
under section 4765.17 of the Revised Code ~~or an emergency-~~ 11180  
~~medical services continuing education program approved under~~ 11181  
~~that section~~ is not liable in damages in a civil action for 11182  
injury, death, or loss to person or property resulting from 11183  
either of the following: 11184

(1) The student's administration of emergency medical 11185  
services or patient care or treatment, if the services, care, or 11186  
treatment is administered while the student is under the direct 11187  
supervision and in the immediate presence of an EMT-basic, EMT- 11188  
I, paramedic, registered nurse, physician assistant, or 11189  
physician and while the student is receiving clinical training 11190  
that is required by the program, unless the services, care, or 11191  
treatment is provided in a manner that constitutes willful or 11192  
wanton misconduct; 11193

(2) The student's training as an ambulance driver, unless 11194  
the driving is done in a manner that constitutes willful or 11195  
wanton misconduct. 11196

(D) An EMT-basic, EMT-I, paramedic, or other operator, who 11197  
holds a valid commercial driver's license issued pursuant to 11198  
Chapter 4506. of the Revised Code or driver's license issued 11199  
pursuant to Chapter 4507. of the Revised Code and who is 11200  
employed by an emergency medical service organization that is 11201  
not owned or operated by a political subdivision as defined in 11202  
section 2744.01 of the Revised Code, is not liable in damages in 11203  
a civil action for injury, death, or loss to person or property 11204  
that is caused by the operation of an ambulance by the EMT- 11205  
basic, EMT-I, paramedic, or other operator while responding to 11206  
or completing a call for emergency medical services, unless the 11207  
operation constitutes willful or wanton misconduct or does not 11208  
comply with the precautions of section 4511.03 of the Revised 11209  
Code. An emergency medical service organization is not liable in 11210  
damages in a civil action for any injury, death, or loss to 11211  
person or property that is caused by the operation of an 11212  
ambulance by its employee or agent, if this division grants the 11213  
employee or agent immunity from civil liability for the injury, 11214  
death, or loss. 11215

(E) An employee or agent of an emergency medical service 11216  
organization who receives requests for emergency medical 11217  
services that are directed to the organization, dispatches first 11218  
responders, EMTs-basic, EMTs-I, or paramedics in response to 11219  
those requests, communicates those requests to those employees 11220  
or agents of the organization who are authorized to dispatch 11221  
first responders, EMTs-basic, EMTs-I, or paramedics, or performs 11222  
any combination of these functions for the organization, is not 11223  
liable in damages in a civil action for injury, death, or loss 11224

to person or property resulting from the individual's acts or 11225  
omissions in the performance of those duties for the 11226  
organization, unless an act or omission constitutes willful or 11227  
wanton misconduct. 11228

(F) A person who is performing the functions of a first 11229  
responder, EMT-basic, EMT-I, or paramedic under the authority of 11230  
the laws of a state that borders this state and who provides 11231  
emergency medical services to or transportation of a patient in 11232  
this state is not liable in damages in a civil action for 11233  
injury, death, or loss to person or property resulting from the 11234  
person's administration of emergency medical services, unless 11235  
the services are administered in a manner that constitutes 11236  
willful or wanton misconduct. A physician, physician assistant 11237  
designated by a physician, or registered nurse designated by a 11238  
physician, any of whom is licensed to practice in the adjoining 11239  
state and who is advising or assisting in the emergency medical 11240  
services by means of any communication device or telemetering 11241  
system, is not liable in damages in a civil action for injury, 11242  
death, or loss to person or property resulting from the person's 11243  
advisory communication or assistance, unless the advisory 11244  
communication or assistance is provided in a manner that 11245  
constitutes willful or wanton misconduct. 11246

(G) A person certified under section 4765.23 of the 11247  
Revised Code to teach in an emergency medical services training 11248  
~~and continuing education program or emergency medical services~~ 11249  
~~continuing education program~~, and a person who teaches at the 11250  
Ohio fire academy established under section 3737.33 of the 11251  
Revised Code or in a fire service training program described in 11252  
division (A) of section 4765.55 of the Revised Code, is not 11253  
liable in damages in a civil action for injury, death, or loss 11254  
to person or property resulting from the person's acts or 11255

omissions in the performance of the person's duties, unless an 11256  
act or omission constitutes willful or wanton misconduct. 11257

(H) In the accreditation of emergency medical services 11258  
training and continuing education programs ~~or approval of~~ 11259  
~~emergency medical services continuing education programs~~, the 11260  
state board of emergency medical, fire, and transportation 11261  
services and any person or entity authorized by the board to 11262  
evaluate applications for accreditation ~~or approval~~ are not 11263  
liable in damages in a civil action for injury, death, or loss 11264  
to person or property resulting from their acts or omissions in 11265  
the performance of their duties, unless an act or omission 11266  
constitutes willful or wanton misconduct. 11267

(I) A person authorized by an emergency medical service 11268  
organization to review the performance of first responders, 11269  
EMTs-basic, EMTs-I, and paramedics or to administer quality 11270  
assurance programs is not liable in damages in a civil action 11271  
for injury, death, or loss to person or property resulting from 11272  
the person's acts or omissions in the performance of the 11273  
person's duties, unless an act or omission constitutes willful 11274  
or wanton misconduct. 11275

**Sec. 4765.50.** (A) Except as provided in division (D) of 11276  
this section, no person shall represent that the person is a 11277  
first responder, an emergency medical technician-basic or EMT- 11278  
basic, an emergency medical technician-intermediate or EMT-I, or 11279  
an emergency medical technician-paramedic or paramedic unless 11280  
appropriately certified under section 4765.30 of the Revised 11281  
Code. 11282

~~(B) (1)~~ (B) No person shall operate an emergency medical 11283  
services training and continuing education program without a 11284  
certificate of accreditation issued under section 4765.17 of the 11285

Revised Code.	11286
<del>(2) No person shall operate an emergency medical services</del>	11287
<del>continuing education program without a certificate of approval</del>	11288
<del>issued under section 4765.17 of the Revised Code.</del>	11289
(C) No public or private entity shall advertise or	11290
disseminate information leading the public to believe that the	11291
entity is an emergency medical service organization, unless that	11292
entity actually provides emergency medical services.	11293
(D) A person who is performing the functions of a first	11294
responder, EMT-basic, EMT-I, or paramedic under the authority of	11295
the laws of a jurisdiction other than this state, who is	11296
employed by or serves as a volunteer with an emergency medical	11297
service organization based in that state, and provides emergency	11298
medical services to or transportation of a patient in this state	11299
is not in violation of division (A) of this section.	11300
A person who is performing the functions of a first	11301
responder, EMT-basic, EMT-I, or paramedic under a reciprocal	11302
agreement authorized by section 4765.10 of the Revised Code is	11303
not in violation of division (A) of this section.	11304
(E) On and after November 3, 2002, no physician shall	11305
purposefully do any of the following:	11306
(1) Admit an adult trauma patient to a hospital that is	11307
not an adult trauma center for the purpose of providing adult	11308
trauma care;	11309
(2) Admit a pediatric trauma patient to a hospital that is	11310
not a pediatric trauma center for the purpose of providing	11311
pediatric trauma care;	11312
(3) Fail to transfer an adult or pediatric trauma patient	11313

to an adult or pediatric trauma center in accordance with 11314  
applicable federal law, state law, and adult or pediatric trauma 11315  
protocols and patient transfer agreements adopted under section 11316  
3727.09 of the Revised Code. 11317

**Sec. 4765.55.** (A) The executive director of the state 11318  
board of emergency medical, fire, and transportation services, 11319  
with the advice and counsel of the firefighter and fire safety 11320  
inspector training committee of the state board of emergency 11321  
medical, fire, and transportation services, shall assist in the 11322  
establishment and maintenance by any state agency, or any 11323  
county, township, city, village, school district, or educational 11324  
service center of a fire service training program for the 11325  
training of all persons in positions of any fire training 11326  
certification level approved by the executive director, 11327  
including full-time paid firefighters, part-time paid 11328  
firefighters, volunteer firefighters, and fire safety inspectors 11329  
in this state. The executive director, with the advice and 11330  
counsel of the committee, shall adopt rules to regulate those 11331  
firefighter and fire safety inspector training programs, and 11332  
other training programs approved by the executive director. The 11333  
rules may include, but need not be limited to, training 11334  
curriculum, certification examinations, training schedules, 11335  
minimum hours of instruction, attendance requirements, required 11336  
equipment and facilities, basic physical requirements, and 11337  
methods of training for all persons in positions of any fire 11338  
training certification level approved by the executive director, 11339  
including full-time paid firefighters, part-time paid 11340  
firefighters, volunteer firefighters, and fire safety 11341  
inspectors. The rules adopted to regulate training programs for 11342  
volunteer firefighters shall not require more than thirty-six 11343  
hours of training. 11344

The executive director, with the advice and counsel of the committee, shall provide for the classification and chartering of fire service training programs in accordance with rules adopted under division (B) of this section, and may take action against any chartered training program or applicant, in accordance with rules adopted under divisions (B) (4) and (5) of this section, for failure to meet standards set by the adopted rules.

(B) The executive director, with the advice and counsel of the firefighter and fire safety inspector training committee of the state board of emergency medical, fire, and transportation services, shall adopt, and may amend or rescind, rules under Chapter 119. of the Revised Code that establish all of the following:

(1) Requirements for, and procedures for chartering, the training programs regulated by this section;

(2) Requirements for, and requirements and procedures for obtaining and renewing, an instructor certificate to teach the training programs and continuing education classes regulated by this section;

(3) Requirements for, and requirements and procedures for obtaining and renewing, any of the fire training certificates regulated by this section;

(4) Grounds and procedures for suspending, revoking, restricting, or refusing to issue or renew any of the certificates or charters regulated by this section, which grounds shall be limited to one of the following:

(a) Failure to satisfy the education or training requirements of this section;

(b) Conviction of a felony offense;	11374
(c) Conviction of a misdemeanor involving moral turpitude;	11375
(d) Conviction of a misdemeanor committed in the course of practice;	11376 11377
(e) In the case of a chartered training program or applicant, failure to meet standards set by the rules adopted under this division.	11378 11379 11380
(5) Grounds and procedures for imposing and collecting fines, not to exceed one thousand dollars, in relation to actions taken under division (B) (4) of this section against persons holding certificates and charters regulated by this section, the fines to be deposited into the trauma and emergency medical services fund established under section 4513.263 of the Revised Code;	11381 11382 11383 11384 11385 11386 11387
(6) Continuing education requirements for certificate holders, including a requirement that credit shall be granted for in-service training programs conducted by local entities; <u>The continuing education requirements shall not require more than thirty-six hours of continuing education every three-year certification cycle. Local entities may require additional continuing education, provided that completion of such additional continuing education is not required for renewal of certification.</u>	11388 11389 11390 11391 11392 11393 11394 11395 11396
(7) Procedures for considering the granting of an extension or exemption of fire service continuing education requirements;	11397 11398 11399
(8) Certification cycles for which the certificates and charters regulated by this section are valid;	11400 11401

(9) If determined necessary by the executive director, 11402  
procedures and requirements for conducting background checks on 11403  
applicants for the issuance and renewal of certification as a 11404  
fire safety inspector in accordance with section 109.578 of the 11405  
Revised Code. 11406

~~(C)~~ (C) (1) The executive director, with the advice and 11407  
counsel of the firefighter and fire safety inspector training 11408  
committee of the state board of emergency medical, fire, and 11409  
transportation services, shall issue or renew an instructor 11410  
certificate to teach the training programs and continuing 11411  
education classes regulated by this section to any applicant 11412  
that the executive director determines meets the qualifications 11413  
established in rules adopted under division (B) of this section, 11414  
and may take disciplinary action against an instructor 11415  
certificate holder or applicant in accordance with rules adopted 11416  
under division (B) of this section. ~~The~~ 11417

(2) On and after the effective date of this amendment, the 11418  
executive director shall not require certification to practice 11419  
as an assistant fire instructor and shall not adopt or enforce 11420  
rules or issue a certificate regarding the position of assistant 11421  
fire instructor. Any assistant fire instructor certificate that 11422  
was issued in accordance with rules adopted under division (B) 11423  
of this section prior to the effective date of this amendment 11424  
remains valid until the expiration date of the certificate, 11425  
subject to any conditions or responsibilities of retaining the 11426  
validity of that certificate. The certificate shall not be 11427  
renewed. The executive director shall adopt, amend, or rescind 11428  
rules in accordance with Chapter 119. of the Revised Code in 11429  
order to effectuate division (C) (2) of this section. 11430

(3) The executive director, with the advice and counsel of 11431

the committee, shall charter or renew the charter of any 11432  
training program that the executive director determines meets 11433  
the qualifications established in rules adopted under division 11434  
(B) of this section, and may take disciplinary action against 11435  
the holder of a charter in accordance with rules adopted under 11436  
division (B) of this section. 11437

(D) The executive director shall issue or renew a fire 11438  
training certificate for a firefighter, a fire safety inspector, 11439  
or another position of any fire training certification level 11440  
approved by the executive director, to any applicant that the 11441  
executive director determines meets the qualifications 11442  
established in rules adopted under division (B) of this section 11443  
and may take disciplinary actions against a certificate holder 11444  
or applicant in accordance with rules adopted under division (B) 11445  
of this section. 11446

(E) Certificates issued under this section shall be on a 11447  
form prescribed by the executive director, with the advice and 11448  
counsel of the firefighter and fire safety inspector training 11449  
committee of the state board of emergency medical, fire, and 11450  
transportation services. 11451

(F) (1) The executive director, with the advice and counsel 11452  
of the firefighter and fire safety inspector training committee 11453  
of the state board of emergency medical, fire, and 11454  
transportation services, shall establish criteria for evaluating 11455  
the standards maintained by other states and the branches of the 11456  
United States military for firefighter, fire safety inspector, 11457  
and fire instructor training programs, and other training 11458  
programs recognized by the executive director, to determine 11459  
whether the standards are equivalent to those established under 11460  
this section and shall establish requirements and procedures for 11461

issuing a certificate to each person who presents proof to the executive director of having satisfactorily completed a training program that meets those standards.

(2) The executive director, with the committee's advice and counsel, shall adopt rules establishing requirements and procedures for issuing a fire training certificate in lieu of completing a chartered training program.

(G) Nothing in this section invalidates any other section of the Revised Code relating to the fire training academy. Section 4765.11 of the Revised Code does not affect any powers and duties granted to the executive director under this section.

(H) Notwithstanding any provision of division (B) (4) of this section to the contrary, the executive director shall not adopt rules for refusing to issue any of the certificates or charters regulated by this section to an applicant because of a criminal conviction unless the rules establishing grounds and procedures for refusal are in accordance with section 9.79 of the Revised Code.

**Sec. 4769.01.** As used in this chapter:

(A) "Medicare" means the program established by Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended.

(B) "Balance billing" means charging or collecting from a medicare beneficiary an amount in excess of the medicare reimbursement rate for medicare-covered services or supplies provided to a medicare beneficiary, except when medicare is the secondary insurer. When medicare is the secondary insurer, the health care practitioner may pursue full reimbursement under the terms and conditions of the primary coverage and, if applicable,

the charge allowed under the terms and conditions of the 11491  
appropriate provider contract, from the primary insurer, but the 11492  
medicare beneficiary cannot be balance billed above the medicare 11493  
reimbursement rate for a medicare-covered service or supply. 11494  
"Balance billing" does not include charging or collecting 11495  
deductibles or coinsurance required by the program. 11496

(C) "Health care practitioner" means all of the following: 11497

(1) A dentist or dental hygienist licensed under Chapter 11498  
4715. of the Revised Code; 11499

(2) A registered or licensed practical nurse licensed 11500  
under Chapter 4723. of the Revised Code; 11501

(3) An optometrist licensed under Chapter 4725. of the 11502  
Revised Code; 11503

(4) A dispensing optician, spectacle dispensing optician, 11504  
~~contact lens dispensing optician,~~ or spectacle-contact lens 11505  
dispensing optician licensed under Chapter 4725. of the Revised 11506  
Code; 11507

(5) A pharmacist licensed under Chapter 4729. of the 11508  
Revised Code; 11509

(6) A physician authorized under Chapter 4731. of the 11510  
Revised Code to practice medicine and surgery, osteopathic 11511  
medicine and surgery, or podiatry; 11512

(7) A physician assistant authorized under Chapter 4730. 11513  
of the Revised Code to practice as a physician assistant; 11514

(8) A practitioner of a limited branch of medicine issued 11515  
a certificate under Chapter 4731. of the Revised Code; 11516

(9) A psychologist licensed under Chapter 4732. of the 11517

Revised Code;	11518
(10) A chiropractor licensed under Chapter 4734. of the Revised Code;	11519 11520
(11) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;	11521 11522
(12) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	11523 11524
(13) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;	11525 11526
(14) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	11527 11528
(15) A licensed professional clinical counselor, licensed professional counselor, social worker, or independent social worker licensed, or a social work assistant registered, under Chapter 4757. of the Revised Code;	11529 11530 11531 11532
(16) A dietitian licensed under Chapter 4759. of the Revised Code;	11533 11534
(17) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	11535 11536
(18) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code.	11537 11538 11539 11540
<b>Sec. 4779.03.</b> No person shall use the titles "licensed orthotist," "licensed prosthetist," "licensed orthotist-prosthetist," or "licensed pedorthist," the initials "L.O.," "L.P.," "L.O.P.," or "L.Ped.," or any other title or initials to	11541 11542 11543 11544

represent that the person is licensed to practice orthotics, 11545  
prosthetics, or pedorthics, unless the person holds a current, 11546  
valid license issued or renewed under this chapter. 11547

~~No person shall use any title or initials to represent 11548  
that the person is licensed to practice orthotics, prosthetics, 11549  
orthotics and prosthetics, or pedorthics as a temporarily 11550  
licensed orthotist, prosthetist, or pedorthist, unless the 11551  
person holds a current, valid temporary license issued or 11552  
renewed under this chapter. 11553~~

**Sec. 4779.10.** (A) Except as provided in division (B) of 11554  
this section, to be eligible for a license to practice 11555  
orthotics, an applicant must meet the following requirements: 11556

~~(1) On the date of application, the applicant has 11557  
practiced orthotics for not less than eight months under the 11558  
supervision of an individual licensed under this chapter to 11559  
practice orthotics. 11560~~

~~(2) The applicant has completed an orthotics residency 11561  
program approved by the Ohio occupational therapy, physical 11562  
therapy, and athletic trainers board under section 4779.27 of 11563  
the Revised Code. 11564~~

~~(3)~~ (2) One of the following is the case: 11565

(a) The applicant holds a bachelor's degree in orthotics 11566  
and prosthetics from an accredited college or university whose 11567  
orthotics and prosthetics program is recognized by the board 11568  
under section 4779.25 of the Revised Code or an equivalent 11569  
educational credential from a foreign educational institution 11570  
recognized by the board. 11571

(b) The applicant holds a bachelor's degree in a subject 11572  
other than orthotics and prosthetics or an equivalent 11573

educational credential from a foreign educational institution 11574  
recognized by the board and has completed a certificate program 11575  
in orthotics recognized by the board under section 4779.26 of 11576  
the Revised Code. 11577

(B) The board may issue a license to practice orthotics to 11578  
an applicant with unique and exceptional qualifications who 11579  
meets the requirements to be issued the license established by 11580  
rules adopted under section 4779.08 of the Revised Code. 11581

**Sec. 4779.11.** (A) Except as provided in division (B) of 11582  
this section, to be eligible for a license to practice 11583  
prosthetics, an applicant must meet the following requirements: 11584

~~(1) On the date of application, the applicant has 11585  
practiced prosthetics for not less than eight months under the 11586  
supervision of an individual licensed under this chapter to 11587  
practice prosthetics. 11588~~

~~(2) The applicant has completed a prosthetics residency 11589  
program approved by the Ohio occupational therapy, physical 11590  
therapy, and athletic trainers board under section 4779.27 of 11591  
the Revised Code. 11592~~

~~(3)~~ (2) One of the following is the case: 11593

(a) The applicant holds a bachelor's degree in orthotics 11594  
and prosthetics from an accredited college or university whose 11595  
orthotics and prosthetics program is recognized by the board 11596  
under section 4779.25 of the Revised Code or an equivalent 11597  
educational credential from a foreign educational institution 11598  
recognized by the board. 11599

(b) The applicant holds a bachelor's degree in a subject 11600  
other than orthotics and prosthetics or an equivalent 11601  
educational credential from a foreign educational institution 11602

recognized by the board and has completed a certificate program 11603  
in prosthetics recognized by the board under section 4779.26 of 11604  
the Revised Code. 11605

(B) The board may issue a license to practice prosthetics 11606  
to an applicant with unique and exceptional qualifications who 11607  
meets the requirements to be issued the license established by 11608  
rules adopted under section 4779.08 of the Revised Code. 11609

**Sec. 4779.12.** (A) Except as provided in division (B) of 11610  
this section, to be eligible for a license to practice orthotics 11611  
and prosthetics, an applicant must meet the following 11612  
requirements: 11613

~~(1) On the date of application, the applicant has 11614  
practiced orthotics and prosthetics for not less than eight- 11615  
months under the supervision of an individual licensed under 11616  
this chapter to practice orthotics and prosthetics. 11617~~

~~(2)~~The applicant has completed an orthotics and 11618  
prosthetics residency program approved by the Ohio occupational 11619  
therapy, physical therapy, and athletic trainers board under 11620  
section 4779.27 of the Revised Code. 11621

~~(3)~~(2) One of the following is the case: 11622

(a) The applicant holds a bachelor's degree in orthotics 11623  
and prosthetics from an accredited college or university whose 11624  
orthotics and prosthetics program is recognized by the board 11625  
under section 4779.25 of the Revised Code or an equivalent 11626  
educational credential from a foreign educational institution 11627  
recognized by the board. 11628

(b) The applicant holds a bachelor's degree in a subject 11629  
other than orthotics and prosthetics or an equivalent 11630  
educational credential from a foreign educational institution 11631

recognized by the board and has completed a certificate program 11632  
in orthotics and prosthetics recognized by the board under 11633  
section 4779.26 of the Revised Code. 11634

(B) The board may issue a license to practice orthotics 11635  
and prosthetics to an applicant with unique and exceptional 11636  
qualifications who meets the requirements to be issued the 11637  
license established by rules adopted under section 4779.08 of 11638  
the Revised Code. 11639

**Sec. 4779.13.** To be eligible for a license to practice 11640  
pedorthics, an applicant must meet ~~all~~both of the following 11641  
requirements: 11642

~~(A) On the date of application, has practiced pedorthics~~ 11643  
~~for not less than eight months under the supervision of an~~ 11644  
~~individual licensed under this chapter to practice pedorthics;~~ 11645

~~(B)~~ Holds a high school diploma or certificate of high 11646  
school equivalence issued by the department of education, or a 11647  
primary-secondary education or higher education agency of 11648  
another state; 11649

~~(C)~~(B) Has completed the education, training, and 11650  
experience required to take the certification examination 11651  
developed by the Ohio occupational therapy, physical therapy, 11652  
and athletic trainers board for certification in pedorthics or 11653  
an equivalent successor organization recognized by the board. 11654

**Sec. 4779.17.** The Ohio occupational therapy, physical 11655  
therapy, and athletic trainers board shall issue a license under 11656  
section 4779.09 of the Revised Code to practice orthotics, 11657  
prosthetics, orthotics and prosthetics, or pedorthics without 11658  
examination to an applicant who meets all of the following 11659  
requirements: 11660

(A) Applies to the board in accordance with section 11661  
4779.09 of the Revised Code; 11662

(B) Holds a license to practice orthotics, prosthetics, 11663  
orthotics and prosthetics, or pedorthics issued by the 11664  
appropriate authority of another state; 11665

(C) One of the following applies: 11666

(1) In the case of an applicant for a license to practice 11667  
orthotics, the applicant meets the requirements in ~~divisions (A)~~ 11668  
~~(2) and (3)~~ division (A) of section 4779.10 of the Revised Code. 11669

(2) In the case of an applicant for a license to practice 11670  
prosthetics, the applicant meets the requirements in ~~divisions~~ 11671  
~~(A) (2) and (3)~~ division (A) of section 4779.11 of the Revised 11672  
Code. 11673

(3) In the case of an applicant for a license to practice 11674  
orthotics and prosthetics, the applicant meets the requirements 11675  
in ~~divisions (A) (2) and (3)~~ division (A) of section 4779.12 of 11676  
the Revised Code. 11677

(4) In the case of an applicant for a license to practice 11678  
pedorthics, the applicant meets the requirements in ~~divisions~~ 11679  
~~(B) and (C)~~ of section 4779.13 of the Revised Code. 11680

(D) All fees received by the board under this section 11681  
shall be deposited in the state treasury to the credit of the 11682  
occupational licensing and regulatory fund established in 11683  
section 4743.05 of the Revised Code. 11684

**Sec. 4798.05.** Notwithstanding any contrary provision of 11685  
the Revised Code, no occupational licensing board shall require 11686  
a photograph or physical description of an applicant who is an 11687  
individual as a condition of issuing or renewing an occupational 11688

license, specialty occupational license for medical 11689  
reimbursement, certification, or registration. 11690

Sec. 4798.06. An occupational licensing board may allow an 11691  
individual who is required to complete continuing education for 11692  
renewal of an occupational license, specialty occupational 11693  
license for medical reimbursement, or certification to do so 11694  
virtually. 11695

**Sec. 5126.22.** (A) Employees who hold the following 11696  
positions in a county board of developmental disabilities are 11697  
management employees: 11698

assistant superintendent 11699

director of business 11700

director of personnel 11701

adult services director 11702

workshop director 11703

habilitation manager 11704

director of residential services 11705

principal (director of children services) 11706

program or service supervisor 11707

plant manager 11708

production manager 11709

service and support administration supervisor 11710

investigative agent 11711

confidential employees as defined in section 4117.01 of 11712

the Revised Code 11713

positions designated by the director of developmental disabilities as having managerial or supervisory responsibilities and duties	11714 11715 11716
positions designated by the county board in accordance with division (D) of this section.	11717 11718
(B) Employees who hold the following positions in a board are professional employees:	11719 11720
personnel licensed or certified pursuant to Chapter 3319. of the Revised Code	11721 11722
early intervention specialist	11723
physical development specialist	11724
habilitation specialist	11725
work adjustment specialist	11726
placement specialist	11727
vocational evaluator	11728
psychologist	11729
occupational therapist	11730
speech and language pathologist	11731
recreation specialist	11732
behavior management specialist	11733
physical therapist	11734
supportive home services specialist	11735
licensed practical nurse or registered nurse	11736
rehabilitation counselor	11737

doctor of medicine and surgery or of osteopathic medicine	11738
and surgery	11739
dentist	11740
service and support administrator	11741
conditional status service and support administrator	11742
social worker	11743
any position that is not a management position and for	11744
which the standards for certification established by the	11745
director of developmental disabilities under section 5126.25 of	11746
the Revised Code require a bachelor's or higher degree	11747
professional positions designated by the director	11748
professional positions designated by the county board in	11749
accordance with division (D) of this section.	11750
(C) Employees who hold positions in a board that are	11751
neither management positions nor professional positions are	11752
service employees. Service employee positions include:	11753
workshop specialist	11754
workshop specialist assistant	11755
contract procurement specialist	11756
community employment specialist	11757
any assistant to a professional employee certified to	11758
provide, or supervise the provision of, <del>adult services or</del>	11759
service and support administration	11760
<u>any assistant to a professional employee providing or</u>	11761
<u>supervising the provision of adult services</u>	11762

service positions designated by the director 11763

service positions designated by a county board in 11764  
accordance with division (D) of this section. 11765

(D) A county board may designate a position only if the 11766  
position does not include directly providing, or supervising 11767  
employees who directly provide, service or instruction to 11768  
individuals with developmental disabilities. 11769

(E) If a county board desires to have a position 11770  
established that is not specifically listed in this section that 11771  
includes directly providing, or supervising employees who 11772  
directly provide, services or instruction to individuals with 11773  
developmental disabilities, the board shall submit to the 11774  
director a written description of the position and request that 11775  
the director designate the position as a management, 11776  
professional, or service position under this section. The 11777  
director shall consider each request submitted under this 11778  
division and respond within thirty days. If the director 11779  
approves the request, the director shall designate the position 11780  
as a management, professional, or service position. 11781

(F) A county board shall not terminate its employment of 11782  
any management, professional, or service employee solely because 11783  
a position is added to or eliminated from those positions listed 11784  
in this section or because a position is designated or no longer 11785  
designated by the director or a county board. 11786

**Sec. 5126.25.** (A) The director of developmental 11787  
disabilities shall adopt rules under division (C) of this 11788  
section establishing uniform standards and procedures for the 11789  
certification and registration of persons, other than the 11790  
persons described in division (I) of this section, who are 11791

seeking employment with or are employed by either of the 11792  
following: 11793

(1) A county board of developmental disabilities; 11794

(2) An entity that contracts with a county board to 11795  
operate programs and services for individuals with developmental 11796  
disabilities. 11797

(B) No person shall be employed in a position for which 11798  
certification or registration is required pursuant to the rules 11799  
adopted under this section without the certification or 11800  
registration that is required for that position. The person 11801  
shall not be employed or shall not continue to be employed if 11802  
the required certification or registration is denied, revoked, 11803  
or not renewed. 11804

(C) The director shall adopt rules in accordance with 11805  
Chapter 119. of the Revised Code as the director considers 11806  
necessary to implement and administer this section, including 11807  
rules establishing all of the following: 11808

(1) Positions of employment that are subject to this 11809  
section and, for each position, whether a person must receive 11810  
certification or receive registration to be employed in that 11811  
position; 11812

(2) Requirements that must be met to receive the 11813  
certification or registration required to be employed in a 11814  
particular position, including standards regarding education, 11815  
specialized training, and experience, taking into account the 11816  
needs of individuals with developmental disabilities and the 11817  
specialized techniques needed to serve them, except that the 11818  
rules shall not require a person designated as a service 11819  
employee under section 5126.22 of the Revised Code to have or 11820

obtain a bachelor's or higher degree; 11821

(3) Procedures to be followed in applying for initial 11822  
certification or registration and for renewing the certification 11823  
or registration. 11824

(4) Requirements that must be met for renewal of 11825  
certification or registration, which may include continuing 11826  
education and professional training requirements; 11827

(5) Subject to section 5126.23 of the Revised Code, 11828  
grounds for which certification or registration may be denied, 11829  
suspended, or revoked and procedures for appealing the denial, 11830  
suspension, or revocation. 11831

(D) Each person seeking certification or registration for 11832  
employment shall apply in the manner established in rules 11833  
adopted under this section. 11834

(E) (1) Except as provided in division (E) (2) of this 11835  
section, the superintendent of each county board is responsible 11836  
for taking all actions regarding certification and registration 11837  
of employees, other than the position of superintendent, ~~early-~~ 11838  
~~intervention supervisor,~~ early intervention specialist, or 11839  
investigative agent. For the position of superintendent, ~~early-~~ 11840  
~~intervention supervisor,~~ early intervention specialist, or 11841  
investigative agent, the director of developmental disabilities 11842  
is responsible for taking all such actions. 11843

Actions that may be taken by the superintendent or 11844  
director include issuing, renewing, denying, suspending, and 11845  
revoking certification and registration. All actions shall be 11846  
taken in accordance with the rules adopted under this section. 11847

The superintendent may charge a fee to persons applying 11848  
for certification or registration. The superintendent shall 11849

establish the amount of the fee according to the costs the 11850  
county board incurs in administering its program for 11851  
certification and registration of employees. 11852

A person subject to the denial, suspension, or revocation 11853  
of certification or registration may appeal the decision. The 11854  
appeal shall be made in accordance with the rules adopted under 11855  
this section. 11856

(2) Pursuant to division (C) of section 5126.05 of the 11857  
Revised Code, the superintendent may enter into a contract with 11858  
any other entity under which the entity is given authority to 11859  
carry out all or part of the superintendent's responsibilities 11860  
under division (E) (1) of this section. 11861

(F) A person with valid certification or registration 11862  
under this section on the effective date of any rules adopted 11863  
under this section that increase the standards applicable to the 11864  
certification or registration shall have such period as the 11865  
rules prescribe, but not less than one year after the effective 11866  
date of the rules, to meet the new certification or registration 11867  
standards. 11868

(G) A person with valid certification or registration is 11869  
qualified to be employed according to that certification or 11870  
registration by any county board or entity contracting with a 11871  
county board. 11872

(H) The director shall monitor county boards to ensure 11873  
that their employees and the employees of their contracting 11874  
entities have the applicable certification or registration 11875  
required under this section and that the employees are 11876  
performing only those functions they are authorized to perform 11877  
under the certification or registration. The superintendent of 11878

each county board or the superintendent's designee shall 11879  
maintain in appropriate personnel files evidence acceptable to 11880  
the director that the employees have met the requirements. On 11881  
request, representatives of the department of developmental 11882  
disabilities shall be given access to the evidence. 11883

(I) The certification and registration requirements of 11884  
this section and the rules adopted under it do not apply to 11885  
either of the following: 11886

(1) A person who holds a valid license issued or 11887  
certificate issued under Chapter 3319. of the Revised Code and 11888  
performs no duties other than teaching or supervision of a 11889  
teaching program; 11890

(2) A person who holds a valid license or certificate 11891  
issued under Title XLVII of the Revised Code and performs only 11892  
those duties governed by the license or certificate. 11893

(J) (1) Beginning January 1, 2025, the rules adopted under 11894  
this section shall not require an individual employed by a 11895  
county board of developmental disabilities to be certified to 11896  
provide, or supervise the provision of, adult services. 11897

(2) Beginning on the date that is one year after the 11898  
effective date of this amendment, the rules adopted under this 11899  
section shall not establish varying levels of certification for 11900  
an individual to receive an investigative agent certification 11901  
and instead shall establish uniform qualifications for all 11902  
applicants and a process for converting any existing 11903  
certificates of varying levels to a single level of 11904  
certification for investigative agents. 11905

**Sec. 5164.95.** (A) As used in this section, "telehealth 11906  
service" means a health care service delivered to a patient 11907

through the use of interactive audio, video, or other 11908  
telecommunications or electronic technology from a site other 11909  
than the site where the patient is located. 11910

(B) The department of medicaid shall establish standards 11911  
for medicaid payments for health care services the department 11912  
determines are appropriate to be covered by the medicaid program 11913  
when provided as telehealth services. The standards shall be 11914  
established in rules adopted under section 5164.02 of the 11915  
Revised Code. 11916

In accordance with section 5162.021 of the Revised Code, 11917  
the medicaid director shall adopt rules authorizing the 11918  
directors of other state agencies to adopt rules regarding the 11919  
medicaid coverage of telehealth services under programs 11920  
administered by the other state agencies. Any such rules adopted 11921  
by the medicaid director or the directors of other state 11922  
agencies are not subject to the requirements of division (F) of 11923  
section 121.95 of the Revised Code. 11924

(C) (1) To the extent permitted under rules adopted under 11925  
section 5164.02 of the Revised Code and applicable federal law, 11926  
the following practitioners are eligible to provide telehealth 11927  
services covered pursuant to this section: 11928

(a) A physician licensed under Chapter 4731. of the 11929  
Revised Code to practice medicine and surgery, osteopathic 11930  
medicine and surgery, or podiatric medicine and surgery; 11931

(b) A psychologist, independent school psychologist, or 11932  
school psychologist licensed under Chapter 4732. of the Revised 11933  
~~Code or under rules adopted in accordance with sections 3301.07~~ 11934  
~~and 3319.22 of the Revised Code;~~ 11935

(c) A physician assistant licensed under Chapter 4730. of 11936

the Revised Code;	11937
(d) A clinical nurse specialist, certified nurse-midwife,	11938
or certified nurse practitioner licensed under Chapter 4723. of	11939
the Revised Code;	11940
(e) An independent social worker, independent marriage and	11941
family therapist, or professional clinical counselor licensed	11942
under Chapter 4757. of the Revised Code;	11943
(f) An independent chemical dependency counselor licensed	11944
under Chapter 4758. of the Revised Code;	11945
(g) A supervised practitioner or supervised trainee;	11946
(h) An audiologist or speech-language pathologist licensed	11947
under Chapter 4753. of the Revised Code;	11948
(i) An audiology aide or speech-language pathology aide,	11949
as defined in section 4753.072 of the Revised Code, or an	11950
individual holding a conditional license under section 4753.071	11951
of the Revised Code;	11952
(j) An occupational therapist or physical therapist	11953
licensed under Chapter 4755. of the Revised Code;	11954
(k) An occupational therapy assistant or physical	11955
therapist assistant licensed under Chapter 4755. of the Revised	11956
Code.	11957
(l) A dietitian licensed under Chapter 4759. of the	11958
Revised Code;	11959
(m) A chiropractor licensed under Chapter 4734. of the	11960
Revised Code;	11961
(n) A pharmacist licensed under Chapter 4729. of the	11962
Revised Code;	11963

(o) A genetic counselor licensed under Chapter 4778. of the Revised Code;	11964 11965
(p) An optometrist licensed under Chapter 4725. of the Revised Code to practice optometry <del>under a therapeutic</del> <del>pharmaceutical agents certificate;</del>	11966 11967 11968
(q) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	11969 11970
(r) A certified Ohio behavior analyst certified under Chapter 4783. of the Revised Code;	11971 11972
(s) A practitioner who provides services through a medicaid school program;	11973 11974
(t) Subject to section 5119.368 of the Revised Code, a practitioner authorized to provide services and supports certified under section 5119.36 of the Revised Code through a community mental health services provider or community addiction services provider;	11975 11976 11977 11978 11979
(u) Any other practitioner the medicaid director considers eligible to provide telehealth services.	11980 11981
(2) In accordance with division (B) of this section and to the extent permitted under rules adopted under section 5164.02 of the Revised Code and applicable federal law, the following provider types are eligible to submit claims for medicaid payments for providing telehealth services:	11982 11983 11984 11985 11986
(a) Any practitioner described in division (C) (1) of this section, except for those described in divisions (C) (1) (g), (i), and (k) of this section;	11987 11988 11989
(b) A professional medical group;	11990

(c) A federally qualified health center or federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;	11991 11992 11993
(d) A rural health clinic;	11994
(e) An ambulatory health care clinic;	11995
(f) An outpatient hospital;	11996
(g) A medicaid school program;	11997
(h) Subject to section 5119.368 of the Revised Code, a community mental health services provider or community addiction services provider that offers services and supports certified under section 5119.36 of the Revised Code;	11998 11999 12000 12001
(i) Any other provider type the medicaid director considers eligible to submit the claims for payment.	12002 12003
(D) (1) When providing telehealth services under this section, a practitioner shall comply with all requirements under state and federal law regarding the protection of patient information. A practitioner shall ensure that any username or password information and any electronic communications between the practitioner and a patient are securely transmitted and stored.	12004 12005 12006 12007 12008 12009 12010
(2) When providing telehealth services under this section, every practitioner site shall have access to the medical records of the patient at the time telehealth services are provided.	12011 12012 12013
<b>Section 2.</b> That existing sections 109.572, 169.16, 1716.05, 1716.08, 1716.99, 2925.01, 3310.41, 3319.22, 3701.74, 3737.881, 3772.13, 3772.131, 3905.471, 3905.81, 4709.07, 4709.10, 4713.28, 4715.13, 4715.141, 4715.21, 4715.25, 4717.01, 4717.02, 4717.03, 4717.04, 4717.05, 4717.06, 4717.07, 4717.08,	12014 12015 12016 12017 12018

4717.09, 4717.11, 4717.13, 4717.15, 4717.36, 4717.41, 4723.01, 12019  
4723.07, 4723.08, 4723.091, 4723.092, 4723.114, 4723.18, 12020  
4723.181, 4723.35, 4723.48, 4723.481, 4723.50, 4723.72, 4723.73, 12021  
4723.75, 4723.79, 4725.01, 4725.011, 4725.02, 4725.07, 4725.09, 12022  
4725.091, 4725.092, 4725.12, 4725.13, 4725.15, 4725.16, 4725.18, 12023  
4725.19, 4725.20, 4725.24, 4725.27, 4725.34, 4725.35, 4725.40, 12024  
4725.41, 4725.44, 4725.48, 4725.49, 4725.50, 4725.51, 4725.52, 12025  
4725.53, 4725.63, 4725.66, 4725.67, 4729.01, 4729.12, 4729.15, 12026  
4731.16, 4731.17, 4731.19, 4732.01, 4732.02, 4732.05, 4732.09, 12027  
4732.10, 4732.11, 4732.12, 4732.13, 4732.14, 4732.141, 4732.142, 12028  
4732.17, 4732.171, 4732.173, 4732.18, 4732.19, 4732.20, 4732.21, 12029  
4732.22, 4732.221, 4732.24, 4732.31, 4732.33, 4734.211, 4735.27, 12030  
4741.17, 4743.09, 4749.03, 4751.01, 4751.10, 4751.101, 4751.102, 12031  
4751.20, 4751.23, 4751.24, 4751.32, 4751.33, 4751.40, 4751.41, 12032  
4751.45, 4753.06, 4753.071, 4753.12, 4755.01, 4755.062, 4757.02, 12033  
4757.22, 4757.27, 4757.301, 4757.33, 4757.41, 4758.20, 4758.26, 12034  
4758.51, 4765.10, 4765.11, 4765.15, 4765.16, 4765.17, 4765.18, 12035  
4765.22, 4765.23, 4765.24, 4765.29, 4765.30, 4765.31, 4765.49, 12036  
4765.50, 4765.55, 4769.01, 4779.03, 4779.10, 4779.11, 4779.12, 12037  
4779.13, 4779.17, 5126.22, 5126.25, and 5164.95 of the Revised 12038  
Code are hereby repealed. 12039

**Section 3.** That sections 3319.2212, 4717.051, 4723.17, 12040  
4723.19, 4723.76, 4725.14, 4725.17, 4725.171, 4725.58, 4751.202, 12041  
and 4779.18 of the Revised Code are hereby repealed. 12042

**Section 4.** (A) For the purposes of this section, 12043  
"occupational licensing board" has the same meaning as in 12044  
section 4798.01 of the Revised Code. 12045

(B) Pursuant to division (E) of section 101.62 of the 12046  
Revised Code, the following occupational licensing boards are 12047  
hereby renewed and, subject to the revisions prescribed by this 12048

act, the statutes creating, empowering, governing, and	12049
regulating those boards are continued:	12050
(1) The Department of Aging described in Chapter 173. of	12051
the Revised Code;	12052
(2) The Attorney General described in Chapter 109. of the	12053
Revised Code;	12054
(3) The Board of Building Standards created under section	12055
3781.07 of the Revised Code;	12056
(4) The Chemical Dependency Professionals Board created	12057
under section 4758.10 of the Revised Code;	12058
(5) The State Chiropractic Board described in Chapter	12059
4734. of the Revised Code;	12060
(6) The Counselor, Social Worker, and Marriage and Family	12061
Therapist Board created under section 4757.03 of the Revised	12062
Code;	12063
(7) The State Dental Board described in section 4715.02 of	12064
the Revised Code;	12065
(8) The Department of Developmental Disabilities described	12066
in Chapter 5123. of the Revised Code;	12067
(9) The Board of Embalmers and Funeral Directors created	12068
under section 4717.02 of the Revised Code;	12069
(10) The State Board of Emergency Medical, Fire, and	12070
Transportation Services created under section 4765.02 of the	12071
Revised Code;	12072
(11) The State Fire Marshal described in Chapter 3737. of	12073
the Revised Code;	12074
(12) The Department of Insurance created under section	12075

3901.01 of the Revised Code;	12076
(13) The Board of Nursing described in section 4723.02 of the Revised Code;	12077 12078
(14) The Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board created under section 4755.01 of the Revised Code;	12079 12080 12081
(15) The State Board of Pharmacy created under section 4729.02 of the Revised Code;	12082 12083
(16) The State Board of Psychology described in section 4732.02 of the Revised Code;	12084 12085
(17) The State Speech and Hearing Professionals Board described in section 4753.05 of the Revised Code;	12086 12087
(18) The Veterinary Medical Licensing Board created under section 4741.02 of the Revised Code; and	12088 12089
(19) The State Vision Professionals Board created under section 4725.031 of the Revised Code.	12090 12091
(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.	12092 12093 12094 12095 12096
<b>Section 5.</b> (A) The extension of the duration of the certificates of licensure to practice optometry by this act applies to certificates of licensure that are issued or renewed on or after the effective date of this section. Certificates of licensure to practice optometry in effect on the effective date of this section continue in effect until the last day of December of the next even-numbered year. The state vision	12097 12098 12099 12100 12101 12102 12103

professionals board shall accept any continuing education 12104  
completed by a license holder on or after October 1, 2022, to 12105  
renew the license. 12106

(B) The extension of the duration of dispensing optician 12107  
licenses by this act applies to licenses that are issued or 12108  
renewed on or after the effective date of this section. 12109  
Dispensing optician licenses in effect on the effective date of 12110  
this section continue in effect until the last day of December 12111  
of the next odd-numbered year. The board shall accept any 12112  
continuing education completed by a license holder on or after 12113  
October 1, 2022, to renew the license. 12114

(C) If the state vision professionals board has adopted a 12115  
rule or other requirement relating to the duration of 12116  
certificates of licensure extended by this act, the board shall 12117  
revise its rules to comply with this act. 12118

**Section 6.** Notwithstanding the repeal by H.B. 509 of the 12119  
134th General Assembly of section 4751.202 of the Revised Code, 12120  
the Board of Executives of Long-Term Services and Supports may 12121  
continue issuing temporary nursing home administrator licenses 12122  
in accordance with that section, as that section existed 12123  
immediately prior to its repeal. 12124

On and after January 1, 2025, the Board of Executives of 12125  
Long-Term Services and Supports shall not issue any new 12126  
temporary nursing home administrator licenses, and instead may 12127  
issue licenses in accordance with division (B) of section 12128  
4751.20 of the Revised Code, as amended by H.B. 509 of the 134th 12129  
General Assembly. A licensed temporary nursing home 12130  
administrator who intends to continue to practice nursing home 12131  
administration after a temporary license expires after that date 12132  
must obtain a nursing home administrator license under section 12133

4751.20 of the Revised Code. If the holder of the temporary 12134  
license fails to obtain a nursing home administrator license, 12135  
the holder shall cease practicing in this state. 12136

**Section 7.** (A) Notwithstanding the amendment of sections 12137  
in Chapter 4725. of the Revised Code in this act, which no 12138  
longer provides for ocularist licenses and contact lens 12139  
dispensing optician licenses, a valid ocularist license or valid 12140  
contact lens dispensing optician license held by an individual 12141  
on or after the effective date of this section is valid for the 12142  
duration of that license term. 12143

(B) An individual who holds a valid ocularist license 12144  
issued under former division (C) of section 4725.48 of the 12145  
Revised Code as of the effective date of this section may 12146  
maintain and renew the individual's ocularist license in 12147  
accordance with rules adopted by the state vision professionals 12148  
board under former division (A) (1) (d) of section 4725.51 of the 12149  
Revised Code until December 31, 2024. 12150

An individual who holds a valid contact lens dispensing 12151  
optician license issued under division (B) of section 4725.48 of 12152  
the Revised Code as of the effective date of this section may 12153  
maintain and renew the individual's contact lens dispensing 12154  
optician license in accordance with rules adopted by the state 12155  
vision professionals board under former division (A) (1) (b) of 12156  
section 4725.51 of the Revised Code until December 31, 2024. 12157

(C) The board may issue initial ocularist licenses and 12158  
contact lens dispensing optician licenses until December 31, 12159  
2024. 12160

**Section 8.** (A) The repeal by this act of section 4717.051 12161  
of the Revised Code takes effect December 31, 2024. 12162

(B) The amendment by this act of sections 4717.01, 12163  
4717.02, 4717.03, 4717.04, 4717.06, 4717.07, 4717.08, 4717.09, 12164  
4717.11, 4717.13, 4717.15, 4717.36, and 4717.41 of the Revised 12165  
Code takes effect December 31, 2024. 12166

**Section 9.** Section 4755.01 of the Revised Code, as amended 12167  
by this act, does not affect the terms of members of the Ohio 12168  
Occupational Therapy, Physical therapy, and Athletic Trainers 12169  
Board or the Physical Therapy Section of the Board serving on 12170  
the effective date of this section. The member of the Board who 12171  
is required to be a licensed physical therapist assistant under 12172  
section 4755.01 of the Revised Code, as amended by this act, 12173  
shall be appointed to fill the first Board vacancy occurring on 12174  
or after the effective date of this section caused by a physical 12175  
therapist board member described in division (A) (1) of section 12176  
4755.01 of the Revised Code no longer serving as a member of the 12177  
Board. 12178

**Section 10.** The amendment by this act of sections 1716.05 12179  
and 1716.99 of the Revised Code takes effect December 31, 2024. 12180

**Section 11.** The following agencies are retained under 12181  
division (E) of section 101.83 of the Revised Code and expire at 12182  
the end of December 31, 2024: 12183

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A Chiropractic Loan Repayment Advisory Board R.C. 3702.987

B Holocaust and Genocide Memorial Education Commission R.C. 197.03

**Section 12.** The State Board of Psychology shall begin 12185

licensing independent school psychologists and school 12186  
psychologists, as provided for by H.B. 509 of the 134th General 12187  
Assembly, not later than January 1, 2025. All of the following 12188  
apply regarding the transition: 12189

(A) The Board shall coordinate with the State Board of 12190  
Education to transition to school psychologist licensure under 12191  
Chapter 4732. of the Revised Code, as provided for by H.B. 509 12192  
of the 134th General Assembly, any school psychologists licensed 12193  
under rules adopted in accordance with sections 3301.07 and 12194  
3319.22 of the Revised Code, as those rules existed immediately 12195  
prior to the effective date of this section. 12196

(B) Notwithstanding the elimination by this act of all 12197  
references to "school psychologist licensed by the state board 12198  
of education" and individuals holding a "school psychologist 12199  
license issued under rules adopted under section 3319.22 of the 12200  
Revised Code," any such individuals may continue to be regulated 12201  
as specified in both of the following, until such time that the 12202  
state board of education ceases licensing school psychologists, 12203  
as provided for in section 3319.22 of the Revised Code, as 12204  
amended by H.B. 509 of the 134th General Assembly: 12205

(1) Chapter 4732. of the Revised Code, as that chapter 12206  
existed immediately prior to the effective date of this section; 12207

(2) Rules adopted in accordance with section 3319.22 of 12208  
the Revised Code, as those rules existed immediately prior to 12209  
the effective date of this section. 12210

(C) A school psychologist licensed under Chapter 4732. of 12211  
the Revised Code, as it existed immediately prior to the 12212  
effective date of this section, may continue to be regulated as 12213  
a school psychologist under Chapter 4732. of the Revised Code, 12214

as it existed immediately prior to the effective date of this 12215  
section, until the State Board of Psychology converts such a 12216  
license into an independent school psychologist license, as 12217  
provided for by H.B. 509 of the 134th General Assembly. 12218

**Section 13.** Section 3319.22 of the Revised Code as 12219  
presented in this act takes effect on the later of April 12, 12220  
2023, or the effective date of this section. April 12, 2023, is 12221  
the effective date of an earlier amendment to that section by 12222  
H.B. 442 of the 133rd General Assembly. 12223

**Section 14.** That the version of section 4723.481 of the 12224  
Revised Code that is scheduled to take effect September 30, 12225  
2024, be amended to read as follows: 12226

**Sec. 4723.481.** This section establishes standards and 12227  
conditions regarding the authority of an advanced practice 12228  
registered nurse who is designated as a clinical nurse 12229  
specialist, certified nurse-midwife, or certified nurse 12230  
practitioner to prescribe and personally furnish drugs and 12231  
therapeutic devices under a license issued under section 4723.42 12232  
of the Revised Code. 12233

(A) ~~Except as provided in division (F) of this section, a~~ 12234  
A clinical nurse specialist, certified nurse-midwife, or 12235  
certified nurse practitioner shall not prescribe or furnish any 12236  
drug or therapeutic device that is listed on the exclusionary 12237  
formulary established in rules adopted under section 4723.50 of 12238  
the Revised Code. 12239

(B) The prescriptive authority of a clinical nurse 12240  
specialist, certified nurse-midwife, or certified nurse 12241  
practitioner shall not exceed the prescriptive authority of the 12242  
collaborating physician or podiatrist, including the 12243

collaborating physician's authority to treat chronic pain with 12244  
controlled substances and products containing tramadol as 12245  
described in section 4731.052 of the Revised Code. 12246

(C) (1) Except as provided in division (C) (2) or (3) of 12247  
this section, a clinical nurse specialist, certified nurse- 12248  
midwife, or certified nurse practitioner may prescribe to a 12249  
patient a schedule II controlled substance only if all of the 12250  
following are the case: 12251

(a) The patient has a terminal condition, as defined in 12252  
section 2133.01 of the Revised Code. 12253

(b) A physician initially prescribed the substance for the 12254  
patient. 12255

(c) The prescription is for an amount that does not exceed 12256  
the amount necessary for the patient's use in a single, seventy- 12257  
two-hour period. 12258

(2) The restrictions on prescriptive authority in division 12259  
(C) (1) of this section do not apply if a clinical nurse 12260  
specialist, certified nurse-midwife, or certified nurse 12261  
practitioner issues the prescription to the patient from any of 12262  
the following ~~locations~~entities: 12263

(a) A hospital as defined in section 3722.01 of the 12264  
Revised Code; 12265

(b) An entity owned or controlled, in whole or in part, by 12266  
a hospital or by an entity that owns or controls, in whole or in 12267  
part, one or more hospitals; 12268

(c) A health care facility operated by the department of 12269  
mental health and addiction services or the department of 12270  
developmental disabilities; 12271

(d) A nursing home licensed under section 3721.02 of the Revised Code or by a political subdivision certified under section 3721.09 of the Revised Code;	12272 12273 12274
(e) A county home or district home operated under Chapter 5155. of the Revised Code that is certified under the medicare or medicaid program;	12275 12276 12277
(f) A hospice care program, as defined in section 3712.01 of the Revised Code;	12278 12279
(g) A community mental health services provider, as defined in section 5122.01 of the Revised Code;	12280 12281
(h) An ambulatory surgical facility, as defined in section 3702.30 of the Revised Code;	12282 12283
(i) A freestanding birthing center, as defined in section 3701.503 of the Revised Code;	12284 12285
(j) A federally qualified health center, as defined in section 3701.047 of the Revised Code;	12286 12287
(k) A federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;	12288 12289
(l) A health care office or facility operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;	12290 12291 12292 12293
(m) A site where a medical practice is operated, but only if the practice is comprised of one or more physicians who also are owners of the practice; the practice is organized to provide direct patient care; and the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner providing services at the site has a standard care arrangement	12294 12295 12296 12297 12298 12299

and collaborates with at least one of the physician owners who 12300  
practices primarily at that site; 12301

(n) A residential care facility, as defined in section 12302  
3721.01 of the Revised Code. 12303

(3) A clinical nurse specialist, certified nurse-midwife, 12304  
or certified nurse practitioner shall not issue to a patient a 12305  
prescription for a schedule II controlled substance from a 12306  
convenience care clinic even if the clinic is owned or operated 12307  
by an entity specified in division (C) (2) of this section. 12308

(D) A pharmacist who acts in good faith reliance on a 12309  
prescription issued by a clinical nurse specialist, certified 12310  
nurse-midwife, or certified nurse practitioner under division 12311  
(C) (2) of this section is not liable for or subject to any of 12312  
the following for relying on the prescription: damages in any 12313  
civil action, prosecution in any criminal proceeding, or 12314  
professional disciplinary action by the state board of pharmacy 12315  
under Chapter 4729. of the Revised Code. 12316

(E) A clinical nurse specialist, certified nurse-midwife, 12317  
or certified nurse practitioner shall comply with section 12318  
3719.061 of the Revised Code if the nurse prescribes for a 12319  
minor, as defined in that section, an opioid analgesic, as 12320  
defined in section 3719.01 of the Revised Code. 12321

~~(F) Until the board of nursing establishes a new formulary 12322  
in rules adopted under section 4723.50 of the Revised Code, a 12323  
clinical nurse specialist, certified nurse midwife, or certified 12324  
nurse practitioner who prescribes or furnishes any drug or 12325  
therapeutic device shall do so in accordance with the formulary 12326  
established by the board prior to April 6, 2017. 12327~~

**Section 15.** That existing section 4723.481 of the Revised 12328

Code that is scheduled to take effect September 30, 2024, is 12329  
hereby repealed. 12330

**Section 16.** Sections 14 and 15 of this act take effect 12331  
September 30, 2024. 12332

**Section 17.** That sections 4715.14, 4715.24, and 4715.27 of 12333  
the Revised Code be amended to read as follows: 12334

**Sec. 4715.14.** (A) (1) ~~Each person who is licensed to~~ 12335  
~~practice dentistry in Ohio shall, on or before the first day of~~ 12336  
~~January of each even-numbered year, register with the state-~~ 12337  
~~dental board.~~A license to practice dentistry in Ohio issued under 12338  
section 4715.12 of the Revised Code is valid for a two-year 12339  
period unless revoked or suspended. A license expires on the 12340  
date that is two years from the date of issuance and may be 12341  
registered for additional two-year periods.~~The~~ 12342

The registration shall be made on a form prescribed by the 12343  
board and furnished by the secretary, shall include the 12344  
licensee's name, address, license number, and such other 12345  
reasonable information as the board may consider necessary, and 12346  
shall include payment of a biennial registration fee of three 12347  
hundred twelve dollars. If the licensee is a mobile dental 12348  
facility operator as defined in section 4715.70 of the Revised 12349  
Code, the licensee shall so specify on the form and include any 12350  
other information the board considers necessary to monitor 12351  
compliance with sections 4715.71 and 4715.72 of the Revised 12352  
Code. ~~Subject~~ 12353

Subject to division (C) of this section, a registration 12354  
shall be in effect for the two-year period beginning on the 12355  
first day of January of the even-numbered year and ending on the 12356  
last day of December of the following odd-numbered year, and 12357

~~shall~~ be renewed in accordance with the standard renewal 12358  
procedure of sections 4745.01 to 4745.03 of the Revised Code. 12359

(2) (a) Except as provided in division (A) (2) (b) of this 12360  
section, in the case of a licensee seeking registration who 12361  
prescribes or personally furnishes opioid analgesics or 12362  
benzodiazepines, as defined in section 3719.01 of the Revised 12363  
Code, the licensee shall certify to the board whether the 12364  
licensee has been granted access to the drug database 12365  
established and maintained by the state board of pharmacy 12366  
pursuant to section 4729.75 of the Revised Code. 12367

(b) The requirement in division (A) (2) (a) of this section 12368  
does not apply if any of the following is the case: 12369

(i) The state board of pharmacy notifies the state dental 12370  
board pursuant to section 4729.861 of the Revised Code that the 12371  
licensee has been restricted from obtaining further information 12372  
from the drug database. 12373

(ii) The state board of pharmacy no longer maintains the 12374  
drug database. 12375

(iii) The licensee does not practice dentistry in this 12376  
state. 12377

(3) If a licensee certifies to the state dental board that 12378  
the licensee has been granted access to the drug database and 12379  
the board finds through an audit or other means that the 12380  
licensee has not been granted access, the board may take action 12381  
under section 4715.30 of the Revised Code. 12382

(B) A licensed dentist who desires to temporarily retire 12383  
from practice and who has given the board notice in writing to 12384  
that effect shall be granted such a retirement, provided only 12385  
that at that time all previous registration fees and additional 12386

costs of reinstatement have been paid. 12387

(C) ~~Not later than the thirty-first day of January of an~~ 12388  
~~even-numbered year, the~~ The board shall send a notice by 12389  
certified mail to a dentist who fails to renew a license in 12390  
accordance with division (A) of this section. The notice shall 12391  
state all of the following: 12392

(1) That the board has not received the registration form 12393  
and fee described in that division; 12394

(2) That the license shall remain valid and in good 12395  
standing until the ~~first day of April following the last day of~~ 12396  
~~December of the odd-numbered year in date that is three months~~ 12397  
after the date by which the dentist was scheduled to renew if 12398  
the dentist remains in compliance with all other applicable 12399  
provisions of this chapter and any rule adopted under it; 12400

(3) That the license may be renewed until the ~~first day of~~ 12401  
~~April following the last day of December of the odd-numbered~~ 12402  
~~year in date that is three months after the date by which the~~ 12403  
dentist was scheduled to renew by the payment of the biennial 12404  
registration fee and an additional fee of one hundred twenty- 12405  
seven dollars to cover the cost of late renewal; 12406

(4) That unless the board receives the registration form 12407  
and fee before the ~~first day of April following the last day of~~ 12408  
~~December of the odd-numbered year in date that is three months~~ 12409  
after the date by which the dentist was scheduled to renew, the 12410  
board may, on or after ~~the relevant first day of April~~that date, 12411  
initiate disciplinary action against the dentist pursuant to 12412  
Chapter 119. of the Revised Code; 12413

(5) That a dentist whose license has been suspended as a 12414  
result of disciplinary action initiated pursuant to division (C) 12415

(4) of this section may be reinstated by the payment of the 12416  
biennial registration fee and an additional fee of three hundred 12417  
eighty-one dollars to cover the cost of reinstatement. 12418

(D) Each dentist licensed to practice, whether a resident 12419  
or not, shall notify the secretary in writing or electronically 12420  
of any change in the dentist's office address or employment 12421  
within ten days after such change has taken place. On the first 12422  
day of July of every even-numbered year, the secretary shall 12423  
issue a printed roster of the names and addresses so registered. 12424

(E) Forty dollars of each biennial registration fee shall 12425  
be paid to the dentist loan repayment fund created under section 12426  
3702.95 of the Revised Code. 12427

**Sec. 4715.24.** (A) ~~Each person who is licensed to practice~~ 12428  
~~as a dental hygienist in Ohio shall, on or before the first day~~ 12429  
~~of January of each even-numbered year, register with the state~~ 12430  
~~dental board.~~ A license to practice as a dental hygienist in Ohio 12431  
issued under section 4715.21 of the Revised Code is valid for a 12432  
two-year period unless revoked or suspended. A license expires 12433  
on the date that is two years from the date of issuance and may 12434  
be registered for additional two-year periods, unless the person 12435  
is temporarily retired pursuant to section 4715.241 of the 12436  
Revised Code. ~~The~~ 12437

The registration shall be made on a form prescribed by the 12438  
board and furnished by the secretary, shall include the 12439  
licensee's name, address, license number, and such other 12440  
reasonable information as the board may consider necessary, and 12441  
shall include payment of a biennial registration fee of one 12442  
hundred forty-four dollars. This fee shall be paid to the 12443  
treasurer of state. All such registrations shall be ~~in effect~~ 12444  
~~for the two-year period beginning on the first day of January of~~ 12445

~~each even numbered year and ending on the last day of December~~ 12446  
~~of the following odd numbered year, and shall be renewed in~~ 12447  
accordance with the standard renewal procedure of sections 12448  
4745.01 to 4745.03 of the Revised Code. The failure of a 12449  
licensee to renew registration in accordance with this section 12450  
shall result in the automatic suspension of the licensee's 12451  
license to practice as a dental hygienist, unless the licensee 12452  
is temporarily retired pursuant to section 4715.241 of the 12453  
Revised Code. 12454

(B) Any dental hygienist whose license has been 12455  
automatically suspended under this section may be reinstated on 12456  
application to the board on a form prescribed by the board for 12457  
licensure reinstatement and payment of the biennial registration 12458  
fee and in addition thereto thirty-nine dollars to cover the 12459  
costs of reinstatement. 12460

(C) The license of a dental hygienist shall be exhibited 12461  
in a conspicuous place in the room in which the dental hygienist 12462  
practices. Each dental hygienist licensed to practice, whether a 12463  
resident or not, shall notify the secretary in writing or 12464  
electronically of any change in the dental hygienist's office 12465  
address or employment within ten days after the change takes 12466  
place. 12467

(D) Ten dollars of each biennial registration fee 12468  
collected under division (A) or (B) of this section shall be 12469  
paid to the dental hygienist loan repayment fund established 12470  
under section 3702.967 of the Revised Code. 12471

**Sec. 4715.27.** The state dental board may issue a license 12472  
to an applicant who furnishes satisfactory proof of being at 12473  
least eighteen years of age and who demonstrates, to the 12474  
satisfaction of the board, knowledge of the laws, regulations, 12475

and rules governing the practice of a dental hygienist; who 12476  
proves, to the satisfaction of the board, intent to practice as 12477  
a dental hygienist in this state; who is a graduate from an 12478  
accredited school of dental hygiene and who holds a license by 12479  
examination from a similar dental board, and who passes an 12480  
examination as prescribed by the board relating to dental 12481  
hygiene. 12482

~~Upon payment of seventy three dollars and upon application 12483  
endorsed by an accredited dental hygiene school in this state, 12484  
the state dental board may without examination issue a teacher's 12485  
certificate to a dental hygienist, authorized to practice in 12486  
another state or country. A teacher's certificate shall be 12487  
subject to annual renewal in accordance with the standard 12488  
renewal procedure of sections 4745.01 to 4745.03 of the Revised 12489  
Code, and shall not be construed as authorizing anything other 12490  
than teaching or demonstrating the skills of a dental hygienist 12491  
in the educational programs of the accredited dental hygiene 12492  
school which endorsed the application. 12493~~

**Section 18.** That existing sections 4715.14, 4715.24, and 12494  
4715.27 of the Revised Code are hereby repealed. 12495

**Section 19.** That section 4715.421 of the Revised Code is 12496  
hereby repealed. 12497

**Section 20.** Sections 17, 18, and 19 of this act take 12498  
effect January 1, 2025. 12499

**Section 21.** The General Assembly, applying the principle 12500  
stated in division (B) of section 1.52 of the Revised Code that 12501  
amendments are to be harmonized if reasonably capable of 12502  
simultaneous operation, finds that the following sections, 12503  
presented in this act as composites of the sections as amended 12504

by the acts indicated, are the resulting versions of the 12505  
sections in effect prior to the effective date of the sections 12506  
as presented in this act: 12507

Section 3701.74 of the Revised Code as amended by both 12508  
H.B. 232 and H.B. 483 of the 130th General Assembly. 12509

Section 4715.141 of the Revised Code as amended by both 12510  
H.B. 190 and H.B. 215 of the 128th General Assembly. 12511

Section 4723.50 of the Revised Code as amended by H.B. 12512  
231, H.B. 341, and S.B. 331, all of the 133rd General Assembly. 12513

Section 4731.19 of the Revised Code as amended by both 12514  
H.B. 263 and H.B. 442 of the 133rd General Assembly. 12515

Section 4732.14 of the Revised Code as amended by both 12516  
H.B. 83 and H.B. 98 of the 130th General Assembly. 12517

Section 4757.41 of the Revised Code as amended by both 12518  
H.B. 158 and H.B. 230 of the 131st General Assembly. 12519

Section 4776.01 of the Revised Code as amended by both 12520  
H.B. 166 and S.B. 57 of the 133rd General Assembly. 12521

Section 5123.441 of the Revised Code as amended by both 12522  
H.B. 158 and H.B. 483 of the 131st General Assembly. 12523

Section 5123.45 of the Revised Code as amended by both 12524  
H.B. 158 and H.B. 483 of the 131st General Assembly. 12525