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Regular Session

2021-2022

Am. Sub. S. B. No. 131

Senators Roegner, McColley

Cosponsors: Senators Cirino, Hackett, Lang, Romanchuk, Johnson, Antonio, Blessing, Brenner, Craig, Dolan, Gavarone, Hoagland, Peterson, Reineke, Sykes, Thomas, Williams, Yuko Representatives Grendell, Humphrey, Carruthers, Fowler Arthur, Fraizer, Hillyer, John, Lampton, Riedel, Roemer, Stewart, Swearingen

A BILL

To amend sections 109.73, 109.77, 109.771, 109.78, 1
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4783.04, 5123.161, 5123.45, 5126.25, 5902.02, 55
5903.04, 6109.04, and 6111.46; to enact sections 56
3746.041, 4796.01, 4796.02, 4796.03, 4796.04, 57
4796.05, 4796.08, 4796.10, 4796.11, 4796.12, 58
4796.13, 4796.20, 4796.21, 4796.22, 4796.23, 59
4796.24, 4796.25, 4796.26, 4796.30, and 4796.35; 60
and to repeal sections 921.08, 1322.24, 4707.12, 61
4740.08, and 4757.25 of the Revised Code to 62
require an occupational licensing authority to 63
issue a license or government certification to 64
an applicant who holds a license, government 65
certification, or private certification or has 66
satisfactory work experience in another state 67
under certain circumstances, to specify that 68
individuals may not register as credit services 69
organizations, to specify that individuals may 70
not be licensed as manufacturers or wholesalers 71
of fireworks, and to maintain State Teacher 72
Retirement System membership for certain school 73
psychologists. 74

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

Section 1. That sections 4796.01, 4796.02, 4796.03, 75
4796.04, 4796.05, 4796.08, 4796.10, 4796.11, 4796.12, 4796.13, 76
4796.20, 4796.21, 4796.22, 4796.23, 4796.24, 4796.25, 4796.26, 77
4796.30, and 4796.35 of the Revised Code be enacted to read as 78
follows: 79

Sec. 4796.01. As used in this chapter: 80

(A) "License" means an authorization evidenced by a 81
license, certificate, registration, permit, card, or other 82
authority that is issued or conferred by a licensing authority 83
to an individual by which the individual has or claims the 84
privilege to engage in a profession, occupation, or occupational 85
activity over which the licensing authority has jurisdiction. 86

(B) "Licensing authority" means a state agency or 87
political subdivision that issues licenses or government 88
certifications. 89

(C) "State agency" has the same meaning as in section 1.60 90
of the Revised Code. 91

(D) "Political subdivision" means a county, township, 92
municipal corporation, or any other body corporate and politic 93
that is responsible for government activities in a geographic 94
area smaller than that of the state. 95

(E) "Out-of-state occupational license" means a license, 96
certificate, registration, permit, card, or other authority that 97
is issued or conferred by one of the uniformed services or the 98
government of another state to an individual by which the 99
individual has or claims the privilege to engage in a 100
profession, occupation, or occupational activity over which that 101
service or state has jurisdiction. 102

(F) (1) "Government certification" means authorization from 103
a licensing authority, one of the uniformed services, or the 104
government of another state to an individual who meets 105
qualifications related to a profession, occupation, or 106
occupational activity to which both of the following apply: 107

(a) Only an individual holding the authorization may use a 108
specific title or titles when advertising or holding the 109

individual's self out to engage in the profession, occupation, 110
or occupational activity. 111

(b) An individual is not required to have the 112
authorization to engage in the profession, occupation, or 113
occupational activity in the respective jurisdiction. 114

(2) "Government certification" does not include a license 115
or an out-of-state occupational license. 116

(G) "Private certification" means authorization from a 117
private organization to an individual who meets qualifications 118
determined by the organization related to the performance of a 119
profession, occupation, or occupational activity and by which 120
the individual may hold the individual's self out as certified 121
by the organization. 122

(H) "National standard" means a standard declared by a 123
national organization to be the preferred standard for licensure 124
of a profession if both of the following apply: 125

(1) The standard is required by at least forty-five 126
states, including this state, to receive a license or government 127
certification for the respective profession, occupation, or 128
occupational activity. 129

(2) The standard includes both of the following: 130

(a) A uniform quantitative minimum education or experience 131
requirement; 132

(b) A requirement to pass a national examination. 133

(I) "Uniform quantitative minimum education or experience 134
requirement" means a quantitative minimum education or 135
experience requirement that is identical in all states that 136
adopt a national standard. 137

(J) "National examination" means an examination that is 138
substantially similar in all states that adopt a national 139
standard. 140

(K) "Good standing" means that the individual's out-of- 141
state occupational license, government certification, or private 142
certification, as applicable, is not restricted or limited by 143
the entity that regulates the out-of-state license, government 144
certification, or private certification. 145

(L) "Armed forces of the United States" means the army, 146
navy, air force, marine corps, space force, coast guard, or any 147
other reserve components of those forces. 148

(M) "Uniformed services" means the armed forces of the 149
United States; the commissioned corps of the national oceanic 150
and atmospheric administration; the commissioned corps of the 151
public health service; or any reserve components of those 152
forces; and such other service as may be designated by congress. 153

Sec. 4796.02. For purposes of any law requiring a 154
licensing authority to issue a license or government 155
certification under this chapter to an individual who holds a 156
license or government certification issued by another state, 157
"another state," "any other state," and "home state" include the 158
uniformed services. This section does not apply to any provision 159
of a law governing a profession, occupation, or occupational 160
activity that does not require an individual who holds a license 161
or government certification in another state to be issued a 162
license or government certification under this chapter. 163

Sec. 4796.03. Except as otherwise provided in this 164
chapter, a licensing authority shall issue a license or 165
government certification to an applicant if the licensing 166

authority determines that all of the following apply: 167

(A) The applicant holds either of the following: 168

(1) A substantially similar out-of-state occupational 169
license that authorizes the applicant to engage in the same 170
profession, occupation, or occupational activity as the license 171
or government certification for which the applicant is applying 172
in this state; 173

(2) A government certification in the same profession, 174
occupation, or occupational activity as the license or 175
government certification for which the applicant is applying in 176
this state from one of the uniformed services or a state that 177
does not issue an out-of-state occupational license for the 178
respective profession, occupation, or occupational activity. 179

(B) (1) Except as provided in division (B) (2) of this 180
section, the applicant has held the out-of-state occupational 181
license or government certification for at least one year 182
immediately preceding the date the application is submitted and 183
has been actively engaged in the practice of the same 184
profession, occupation, or occupational activity as the license 185
or government certification for which the applicant is applying 186
in this state for at least one of the five years immediately 187
preceding the date the application is submitted. 188

(2) A licensing authority may waive the requirement that 189
an applicant has held the out-of-state occupational license or 190
government certification for at least one year immediately 191
preceding the date the application is submitted and has been 192
actively engaged in the practice of the profession, occupation, 193
or occupational activity for one of the five years immediately 194
preceding the date the application is submitted. 195

(C) The applicant is in good standing in all jurisdictions 196
in which the applicant holds an out-of-state occupational 197
license or government certification to practice the same 198
profession, occupation, or occupational activity for which the 199
applicant is applying in this state. 200

(D) (1) Except as provided in division (D) (2) of this 201
section, the applicant was required to satisfy minimum 202
education, training, or experience requirements or pass an 203
examination to receive the out-of-state occupational license or 204
government certification. 205

(2) Division (D) (1) of this section does not apply if the 206
applicable law governing the license or government certification 207
for which the applicant is applying in this state does not 208
require an applicant to do at least one of the following to 209
receive the license or government certification: 210

(a) Satisfy minimum education, training, or experience 211
requirements; 212

(b) Pass an examination. 213

(E) The applicant has not surrendered or had revoked a 214
license, out-of-state occupational license, or government 215
certification because of negligence or intentional misconduct 216
related to the applicant's work in the same profession, 217
occupation, or occupational activity for which the applicant is 218
applying in this state. 219

(F) The applicant pays a fee to the licensing authority 220
that is equal to one of the following, as determined by the 221
licensing authority: 222

(1) The renewal fee for license or government 223
certification holders under the applicable law; 224

(2) The initial licensure fee for applicants to be issued 225
the license or government certification under the applicable 226
law; 227

(3) The fee in effect before the effective date of this 228
section for applicants who hold an out-of-state occupational 229
license or government certification to be issued the license or 230
government certification under the applicable law. 231

(G) The applicant has not been convicted of, found guilty 232
pursuant to a judicial finding of, or plead guilty to a criminal 233
offense for which a licensing authority may deny an application 234
for a license or government certification or that would 235
otherwise disqualify the applicant for the license or government 236
certification under the applicable law of this state governing 237
the profession, occupation, or occupational activity for which 238
the applicant is applying. 239

Sec. 4796.04. Except as otherwise provided in this 240
chapter, a licensing authority shall issue a license or 241
government certification to an applicant if the licensing 242
authority determines that all of the following apply: 243

(A) (1) Except as provided in division (A) (2) of this 244
section, the applicant has held a private certification for at 245
least two years immediately preceding the date the application 246
is submitted and has been actively engaged in the same 247
profession, occupation, or occupational activity as the license 248
or government certification for which the applicant is applying 249
in this state in a state that does not issue an out-of-state 250
occupational license or government certification for the 251
respective profession, occupation, or occupational activity for 252
at least two of the five years immediately preceding the date 253
the application is submitted. 254

(2) A licensing authority may waive the requirement that 255
an applicant has held the private certification for at least two 256
years immediately preceding the date the application is 257
submitted and has been actively engaged in the practice of the 258
profession, occupation, or occupational activity for two of the 259
five years immediately preceding the date the application is 260
submitted. 261

(B) The applicant is in good standing with the private 262
organization that issued the private certification. 263

(C) The applicant meets the requirements specified under 264
divisions (E) to (G) of section 4796.03 of the Revised Code. 265

Sec. 4796.05. (A) Except as otherwise provided in this 266
chapter, a licensing authority shall issue a license or 267
government certification to an applicant if the licensing 268
authority determines that an applicant satisfies divisions (B) 269
and (C) of this section. 270

(B) (1) Except as provided in division (B) (2) of this 271
section, the applicant has been actively engaged in the same 272
profession, occupation, or occupational activity as the license 273
or government certification for which the applicant is applying 274
in this state for at least three of the five years immediately 275
preceding the date the application is submitted in either of the 276
following: 277

(a) A state that does not issue an out-of-state 278
occupational license or government certification for the 279
respective profession, occupation, or occupational activity; 280

(b) Service of the uniformed services. 281

(2) A licensing authority may waive the requirement that 282
an applicant has been actively engaged in the practice of the 283

profession, occupation, or occupational activity for three of 284
the five years immediately preceding the date the application is 285
submitted. 286

(C) The applicant meets the requirements under divisions 287
(E) to (G) of section 4796.03 of the Revised Code. 288

Sec. 4796.08. (A) If a licensing authority requires an 289
applicant to pass an examination on this state's laws and rules 290
governing the applicable profession, occupation, or occupational 291
activity to receive a license or government certification under 292
the applicable law, a licensing authority may require an 293
applicant to pass the examination to receive a license or 294
government certification under this chapter. 295

(B) If a licensing authority requires an applicant under 296
the law governing the applicable profession, occupation, or 297
occupational activity to submit to a criminal records check to 298
receive a license or government certification, the licensing 299
authority shall require an applicant to submit to the criminal 300
records check to receive a license or government certification 301
under this chapter. 302

(C) If a licensing authority requires an applicant under 303
the law governing the applicable profession, occupation, or 304
occupational activity to satisfy a financial responsibility 305
requirement to receive a license or government certification, 306
the licensing authority shall require an applicant to satisfy 307
the requirement to receive a license or government certification 308
under this chapter. 309

(D) If a federal law, rule, or regulation requires the 310
state to impose a requirement on an applicant with which the 311
applicant must comply to receive a license or government 312

certification as a condition for the state to receive federal 313
funding, the licensing authority may require an applicant to 314
satisfy that requirement to receive a license or government 315
certification under this chapter. 316

Sec. 4796.10. If an applicant would be disqualified from 317
obtaining a license or government certification under this 318
chapter because of a conviction, judicial finding of guilt, or 319
plea of guilty to a disqualifying criminal offense as described 320
in division (G) of section 4796.03 of the Revised Code, the 321
licensing authority may, in accordance with rules adopted under 322
section 4796.30 of the Revised Code, issue a restricted or 323
limited license or government certification to the applicant, 324
provided the limitation or restriction is relevant to the 325
offense. 326

Sec. 4796.11. If the law governing the applicable 327
profession, occupation, or occupational activity allows or 328
requires a licensing authority to take disciplinary action 329
against an applicant, including but not limited to refusing to 330
issue, limiting, or restricting a license or government 331
certification for a reason that is not related to minimum 332
education, training, or experience requirements or an 333
examination requirement, the licensing authority may apply the 334
applicable provision of law to an applicant under this chapter 335
in the same manner as to an applicant for an initial license 336
under the applicable law. 337

Sec. 4796.12. If the law governing the applicable 338
profession, occupation, or occupational activity allows a 339
licensing authority to determine the fitness to practice of an 340
applicant who has not been engaged in the practice of the 341
profession, occupation, or occupational activity for a period of 342

time specified in that law and to impose terms and conditions on 343
the applicant to receive a license or government certification, 344
the licensing authority may apply the requirements of that law 345
to an applicant under this chapter. 346

Sec. 4796.13. If the law governing the applicable 347
profession, occupation, or occupational activity allows or 348
requires a licensing authority to deny an applicant a license or 349
government certification if the applicant was subject to 350
discipline by an entity that regulates a license, out-of-state 351
occupational license, or government certification, the licensing 352
authority may apply the applicable provision of law to an 353
applicant under this chapter. 354

Sec. 4796.20. (A) Except as provided in division (B) of 355
this section, a licensing authority shall provide an applicant 356
with a written decision to issue or reject a license or 357
government certification under this chapter or take any other 358
action under this chapter within sixty days after receiving a 359
complete application. For purposes of this division, an 360
application shall not be considered complete until any required 361
examination or criminal records check under divisions (A) and 362
(B) of section 4796.08 of the Revised Code is complete. 363

(B) If an applicant is the subject of a complaint, 364
allegation, or investigation that relates to information 365
provided in the application, unprofessional conduct, a violation 366
of a law regulating a profession, occupation, or occupational 367
activity, or an alleged crime pending before a court, 368
administrative agency, licensing authority, or other entity that 369
regulates a license, out-of-state occupational license, or 370
government certification, a licensing authority shall not issue 371
or deny a license or government certification to the applicant 372

under this chapter until the complaint, allegation, or 373
investigation is resolved to the satisfaction of the licensing 374
authority. A licensing authority shall provide the applicant 375
with a written decision to issue or reject a license or 376
government certification under this chapter or take any other 377
action under this chapter within sixty days after the complaint, 378
allegation, or investigation is resolved to the satisfaction of 379
the licensing authority. 380

Sec. 4796.21. An applicant who is issued a license or 381
government certification under this chapter is subject to the 382
laws regulating the practice of the applicable occupation or 383
profession in this state and is subject to the licensing 384
authority's jurisdiction. 385

An applicant who is issued a license or government 386
certification under this chapter may practice the applicable 387
occupation or profession in this state only within the scope and 388
practice that is permitted under Ohio law and that does not 389
exceed the applicant's training. 390

Sec. 4796.22. (A) Except as provided in division (B) of 391
this section, a license or government certification issued under 392
this chapter shall be considered a license or government 393
certification issued under the laws regulating the practice of 394
the applicable occupation or profession in this state. 395
Provisions of law applicable to a license or government 396
certification issued to an applicant who does not obtain a 397
license or government certification under this chapter apply in 398
the same manner to licenses and government certifications issued 399
under this chapter. 400

(B) A licensing authority may, for purposes of verifying 401
licensure status in this state with an entity that licenses the 402

same profession, occupation, or occupational activity in another 403
state, require an applicant issued a license or government 404
certification under this chapter to satisfy a national standard 405
to have that license or government certification verified as a 406
license or government certification issued by this state. A 407
licensing authority may require satisfaction of a national 408
standard under this division only if both of the following 409
apply: 410

(1) An applicant for a license or government certification 411
under the laws of this state governing the profession, 412
occupation, or occupational activity is required to satisfy the 413
national standard to receive the license or government 414
certification. 415

(2) The licensing authority posts notice of the 416
requirement to satisfy the national standard on the web site 417
maintained by the licensing authority. 418

(C) If a licensing authority elects to require 419
satisfaction of a national standard under division (B) of this 420
section and the law governing the license or government 421
certification in effect immediately before the effective date of 422
this section required an applicant who holds an out-of-state 423
occupational license or government certification to satisfy a 424
requirement that is less restrictive than a requirement 425
described in division (B), (C), (D), (E), or (F) of section 426
4796.03 of the Revised Code to receive the license or government 427
certification, the licensing authority shall do the following: 428

(1) Apply the less restrictive requirement to an applicant 429
who satisfied the national standard; 430

(2) Apply the requirements of section 4796.03, 4796.04, or 431

4796.05 of the Revised Code to an applicant who did not satisfy 432
the national standard. 433

Sec. 4796.23. A licensing authority may prohibit an 434
individual who is issued a license or government certification 435
under this chapter from using the license or government 436
certification to obtain a substantially similar license or 437
government certification in another state if the licensing 438
authority determines that allowing the individual to do so would 439
jeopardize any reciprocal licensing agreement with the other 440
state that is in effect on the effective date of this section. 441

Sec. 4796.24. An individual who holds a license issued 442
pursuant to an interstate licensure compact to which Ohio is a 443
party is not required to obtain a license under this chapter to 444
practice in this state. 445

A licensing authority may prohibit an individual who is 446
issued a license under this chapter from using the license to 447
obtain a license through an interstate licensure compact if the 448
licensing authority determines that allowing the individual to 449
do so would jeopardize the state's membership in the compact. 450

Sec. 4796.25. This chapter does not apply to any of the 451
following: 452

(A) Licenses issued under Chapter 3796. of the Revised 453
Code; 454

(B) Licenses issued pursuant to rules prescribed under 455
Section 5 of Article IV, Ohio Constitution; 456

(C) Commercial fishing licenses issued under section 457
1533.342 of the Revised Code; 458

(D) Licenses issued under Chapter 4506. of the Revised 459

<u>Code;</u>	460
<u>(E) Physician certificates to recommend treatment with</u>	461
<u>medical marijuana issued under section 4731.30 of the Revised</u>	462
<u>Code;</u>	463
<u>(F) Money transmitter licenses issued under section</u>	464
<u>1315.04 of the Revised Code;</u>	465
<u>(G) Lottery sales agent licenses issued under section</u>	466
<u>3770.05 of the Revised Code;</u>	467
<u>(H) Licenses issued under Chapter 3905. of the Revised</u>	468
<u>Code;</u>	469
<u>(I) Fantasy contest operator licenses issued under section</u>	470
<u>3774.02 of the Revised Code;</u>	471
<u>(J) Teledentistry permits issued under section 4715.43 of</u>	472
<u>the Revised Code;</u>	473
<u>(K) Physician training certificates issued under section</u>	474
<u>4731.291 of the Revised Code;</u>	475
<u>(L) Podiatrist training certificates issued under section</u>	476
<u>4731.573 of the Revised Code;</u>	477
<u>(M) Licenses issued under Chapter 4740. of the Revised</u>	478
<u>Code;</u>	479
<u>(N) Licenses issued by a political subdivision to an</u>	480
<u>individual by which the individual has or claims the privilege</u>	481
<u>to act as a tradesperson as defined in section 4740.01 of the</u>	482
<u>Revised Code in the political subdivision's jurisdiction.</u>	483
<u>Sec. 4796.26. Notwithstanding any requirement in the</u>	484
<u>Revised Code that a licensing authority grant a license or</u>	485
<u>government certification in accordance with this chapter, the</u>	486

licensing authority shall not grant the license or government 487
certification under this chapter unless both of the following 488
apply: 489

(A) The applicant is applying for the license or 490
government certification in the applicant's capacity as an 491
individual; 492

(B) One of the following applies: 493

(1) If the applicant seeks licensure or certification 494
under section 4796.03 or 4796.04 of the Revised Code, the 495
applicant held the applicable out-of-state occupational license, 496
government certification, or private certification in the 497
applicant's capacity as an individual; 498

(2) If the applicant seeks licensure or certification 499
under section 4796.05 of the Revised Code, the applicant 500
personally engaged in the profession, occupation, or 501
occupational activity in a state that does not issue the 502
occupational license or government certification for which the 503
applicant is applying in this state. 504

Sec. 4796.30. Each licensing authority shall adopt rules 505
as necessary to implement this chapter, including rules 506
regarding issuing restricted or limited licenses or government 507
certifications under section 4796.10 of the Revised Code. 508

Sec. 4796.35. A political subdivision shall not prohibit 509
an individual who holds a license or government certification 510
issued by a state agency under this chapter from engaging in the 511
respective profession, occupation, or occupational activity in 512
the political subdivision's jurisdiction. 513

Section 2. That sections 109.73, 109.77, 109.771, 109.78, 514
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6109.04, and 6111.46 be amended and section 3746.041 of the 555
Revised Code be enacted to read as follows: 556

Sec. 109.73. (A) The Ohio peace officer training 557
commission shall recommend rules to the attorney general with 558
respect to all of the following: 559

(1) The approval, or revocation of approval, of peace 560
officer training schools administered by the state, counties, 561
municipal corporations, public school districts, technical 562
college districts, and the department of natural resources; 563

(2) Minimum courses of study, attendance requirements, and 564
equipment and facilities to be required at approved state, 565
county, municipal, and department of natural resources peace 566
officer training schools; 567

(3) Minimum qualifications for instructors at approved 568
state, county, municipal, and department of natural resources 569
peace officer training schools; 570

(4) The requirements of minimum basic training that peace 571
officers appointed to probationary terms shall complete before 572
being eligible for permanent appointment, which requirements 573
shall include training in the handling of the offense of 574
domestic violence, other types of domestic violence-related 575
offenses and incidents, and protection orders and consent 576

agreements issued or approved under section 2919.26 or 3113.31 577
of the Revised Code; crisis intervention training; and training 578
in the handling of missing children and child abuse and neglect 579
cases; and training in handling violations of section 2905.32 of 580
the Revised Code; and the time within which such basic training 581
shall be completed following appointment to a probationary term; 582

(5) The requirements of minimum basic training that peace 583
officers not appointed for probationary terms but appointed on 584
other than a permanent basis shall complete in order to be 585
eligible for continued employment or permanent appointment, 586
which requirements shall include training in the handling of the 587
offense of domestic violence, other types of domestic violence- 588
related offenses and incidents, and protection orders and 589
consent agreements issued or approved under section 2919.26 or 590
3113.31 of the Revised Code, crisis intervention training, and 591
training in the handling of missing children and child abuse and 592
neglect cases, and training in handling violations of section 593
2905.32 of the Revised Code, and the time within which such 594
basic training shall be completed following appointment on other 595
than a permanent basis; 596

(6) Categories or classifications of advanced in-service 597
training programs for peace officers, including programs in the 598
handling of the offense of domestic violence, other types of 599
domestic violence-related offenses and incidents, and protection 600
orders and consent agreements issued or approved under section 601
2919.26 or 3113.31 of the Revised Code, in crisis intervention, 602
and in the handling of missing children and child abuse and 603
neglect cases, and in handling violations of section 2905.32 of 604
the Revised Code, and minimum courses of study and attendance 605
requirements with respect to such categories or classifications; 606

(7) Permitting persons, who are employed as members of a campus police department appointed under section 1713.50 of the Revised Code; who are employed as police officers by a qualified nonprofit corporation police department pursuant to section 1702.80 of the Revised Code; who are appointed and commissioned as bank, savings and loan association, savings bank, credit union, or association of banks, savings and loan associations, savings banks, or credit unions police officers, as railroad police officers, or as hospital police officers pursuant to sections 4973.17 to 4973.22 of the Revised Code; or who are appointed and commissioned as amusement park police officers pursuant to section 4973.17 of the Revised Code, to attend approved peace officer training schools, including the Ohio peace officer training academy, and to receive certificates of satisfactory completion of basic training programs, if the private college or university that established the campus police department; qualified nonprofit corporation police department; bank, savings and loan association, savings bank, credit union, or association of banks, savings and loan associations, savings banks, or credit unions; railroad company; hospital; or amusement park sponsoring the police officers pays the entire cost of the training and certification and if trainee vacancies are available;

(8) Permitting undercover drug agents to attend approved peace officer training schools, other than the Ohio peace officer training academy, and to receive certificates of satisfactory completion of basic training programs, if, for each undercover drug agent, the county, township, or municipal corporation that employs that undercover drug agent pays the entire cost of the training and certification;

(9) (a) The requirements for basic training programs for

bailiffs and deputy bailiffs of courts of record of this state 638
and for criminal investigators employed by the state public 639
defender that those persons shall complete before they may carry 640
a firearm while on duty; 641

(b) The requirements for any training received by a 642
bailiff or deputy bailiff of a court of record of this state or 643
by a criminal investigator employed by the state public defender 644
prior to June 6, 1986, that is to be considered equivalent to 645
the training described in division (A) (9) (a) of this section. 646

(10) Establishing minimum qualifications and requirements 647
for certification for dogs utilized by law enforcement agencies; 648

(11) Establishing minimum requirements for certification 649
of persons who are employed as correction officers in a full- 650
service jail, five-day facility, or eight-hour holding facility 651
or who provide correction services in such a jail or facility; 652

(12) Establishing requirements for the training of humane 653
society agents under section 1717.061 of the Revised Code, 654
including, without limitation, a requirement that the agents 655
receive instruction on traditional animal husbandry methods and 656
training techniques, including customary owner-performed 657
practices; 658

(13) Permitting tactical medical professionals to attend 659
approved peace officer training schools, including the Ohio 660
peace officer training academy, to receive training of the type 661
described in division (A) (14) of this section and to receive 662
certificates of satisfactory completion of training programs 663
described in that division; 664

(14) The requirements for training programs that tactical 665
medical professionals shall complete to qualify them to carry 666

firearms while on duty under section 109.771 of the Revised Code, which requirements shall include at least the firearms training specified in division (A) of section 109.748 of the Revised Code;

(15) Procedures and requirements for a portion of basic training that peace officers complete in proper interactions with civilians during traffic stops and other in-person encounters as specified in division (B) (4) of section 109.803 of the Revised Code and including the topics of instruction listed for active duty peace officers under divisions (B) (4) (a) to (d) of that section.

(B) The commission shall appoint an executive director, with the approval of the attorney general, who shall hold office during the pleasure of the commission. The executive director shall perform such duties assigned by the commission. The executive director shall receive a salary fixed pursuant to Chapter 124. of the Revised Code and reimbursement for expenses within the amounts available by appropriation. The executive director may appoint officers, employees, agents, and consultants as the executive director considers necessary, prescribe their duties, and provide for reimbursement of their expenses within the amounts available for reimbursement by appropriation and with the approval of the commission.

(C) The commission may do all of the following:

(1) Recommend studies, surveys, and reports to be made by the executive director regarding the carrying out of the objectives and purposes of sections 109.71 to 109.77 of the Revised Code;

(2) Visit and inspect any peace officer training school

that has been approved by the executive director or for which 696
application for approval has been made; 697

(3) Make recommendations, from time to time, to the 698
executive director, the attorney general, and the general 699
assembly regarding the carrying out of the purposes of sections 700
109.71 to 109.77 of the Revised Code; 701

(4) Report to the attorney general from time to time, and 702
to the governor and the general assembly at least annually, 703
concerning the activities of the commission; 704

(5) Establish fees for the services the commission offers 705
under sections 109.71 to 109.79 of the Revised Code, including, 706
but not limited to, fees for training, certification, and 707
testing; 708

(6) Perform such other acts as are necessary or 709
appropriate to carry out the powers and duties of the commission 710
as set forth in sections 109.71 to 109.77 of the Revised Code. 711

(D) In establishing the requirements, under division (A) 712
(12) of this section, the commission may consider any portions 713
of the curriculum for instruction on the topic of animal 714
husbandry practices, if any, of the Ohio state university 715
college of veterinary medicine. No person or entity that fails 716
to provide instruction on traditional animal husbandry methods 717
and training techniques, including customary owner-performed 718
practices, shall qualify to train a humane society agent for 719
appointment under section 1717.06 of the Revised Code. 720

(E) (1) As used in this division, "license" has the same 721
meaning as in section 4796.01 of the Revised Code, except that 722
it includes a certificate of completion of a training program 723
required under sections 109.71 to 109.804 of the Revised Code. 724

"License" does not include a certificate of completion of a 725
firearm basic training program under division (B) (1) of section 726
109.78 of the Revised Code or a certificate of completion of any 727
firearm requalification training program. 728

(2) Notwithstanding any requirement for a license issued 729
by the commission, the commission shall issue a license in 730
accordance with Chapter 4796. of the Revised Code to an 731
individual if either of the following applies: 732

(a) The individual holds a license in another state. 733

(b) The individual has satisfactory work experience, a 734
government certification, or a private certification as 735
described in that chapter in the same profession, occupation, or 736
occupational activity as the profession, occupation, or 737
occupational activity for which the license is required in this 738
state in a state that does not require such a license. 739

Sec. 109.77. (A) As used in this section: 740

(1) "Felony" has the same meaning as in section 109.511 of 741
the Revised Code. 742

(2) "Companion animal" has the same meaning as in section 743
959.131 of the Revised Code. 744

(B) (1) Notwithstanding any general, special, or local law 745
or charter to the contrary, and except as otherwise provided in 746
this section, no person shall receive an original appointment on 747
a permanent basis as any of the following unless the person 748
previously has been awarded a certificate by the executive 749
director of the Ohio peace officer training commission attesting 750
to the person's satisfactory completion of an approved state, 751
county, municipal, or department of natural resources peace 752
officer basic training program: 753

(a) A peace officer of any county, township, municipal corporation, regional transit authority, or metropolitan housing authority;	754 755 756
(b) A natural resources law enforcement staff officer, forest-fire investigator, wildlife officer, or natural resources officer of the department of natural resources;	757 758 759
(c) An employee of a park district under section 511.232 or 1545.13 of the Revised Code;	760 761
(d) An employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code;	762 763
(e) A state university law enforcement officer;	764
(f) A special police officer employed by the department of mental health and addiction services pursuant to section 5119.08 of the Revised Code or the department of developmental disabilities pursuant to section 5123.13 of the Revised Code;	765 766 767 768
(g) An enforcement agent of the department of public safety whom the director of public safety designates under section 5502.14 of the Revised Code;	769 770 771
(h) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code;	772 773
(i) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and	774 775 776 777 778 779 780 781

1544. of Title 49 of the Code of Federal Regulations, as 782
amended; 783

(j) A gaming agent employed under section 3772.03 of the 784
Revised Code. 785

(2) Every person who is appointed on a temporary basis or 786
for a probationary term or on other than a permanent basis as 787
any of the following shall forfeit the appointed position unless 788
the person previously has completed satisfactorily or, within 789
the time prescribed by rules adopted by the attorney general 790
pursuant to section 109.74 of the Revised Code, satisfactorily 791
completes a state, county, municipal, or department of natural 792
resources peace officer basic training program for temporary or 793
probationary officers and is awarded a certificate by the 794
director attesting to the satisfactory completion of the 795
program: 796

(a) A peace officer of any county, township, municipal 797
corporation, regional transit authority, or metropolitan housing 798
authority; 799

(b) A natural resources law enforcement staff officer, 800
park officer, forest officer, preserve officer, wildlife 801
officer, or state watercraft officer of the department of 802
natural resources; 803

(c) An employee of a park district under section 511.232 804
or 1545.13 of the Revised Code; 805

(d) An employee of a conservancy district who is 806
designated pursuant to section 6101.75 of the Revised Code; 807

(e) A special police officer employed by the department of 808
mental health and addiction services pursuant to section 5119.08 809
of the Revised Code or the department of developmental 810

disabilities pursuant to section 5123.13 of the Revised Code; 811

(f) An enforcement agent of the department of public 812
safety whom the director of public safety designates under 813
section 5502.14 of the Revised Code; 814

(g) A special police officer employed by a port authority 815
under section 4582.04 or 4582.28 of the Revised Code; 816

(h) A special police officer employed by a municipal 817
corporation at a municipal airport, or other municipal air 818
navigation facility, that has scheduled operations, as defined 819
in section 119.3 of Title 14 of the Code of Federal Regulations, 820
14 C.F.R. 119.3, as amended, and that is required to be under a 821
security program and is governed by aviation security rules of 822
the transportation security administration of the United States 823
department of transportation as provided in Parts 1542. and 824
1544. of Title 49 of the Code of Federal Regulations, as 825
amended. 826

(3) For purposes of division (B) of this section, a state, 827
county, municipal, or department of natural resources peace 828
officer basic training program, regardless of whether the 829
program is to be completed by peace officers appointed on a 830
permanent or temporary, probationary, or other nonpermanent 831
basis, shall include training in the handling of the offense of 832
domestic violence, other types of domestic violence-related 833
offenses and incidents, protection orders and consent agreements 834
issued or approved under section 2919.26 or 3113.31 of the 835
Revised Code, crisis intervention training, and training on 836
companion animal encounters and companion animal behavior. The 837
requirement to complete training in the handling of the offense 838
of domestic violence, other types of domestic violence-related 839
offenses and incidents, and protection orders and consent 840

agreements issued or approved under section 2919.26 or 3113.31 841
of the Revised Code does not apply to any person serving as a 842
peace officer on March 27, 1979, and the requirement to complete 843
training in crisis intervention does not apply to any person 844
serving as a peace officer on April 4, 1985. Any person who is 845
serving as a peace officer on April 4, 1985, who terminates that 846
employment after that date, and who subsequently is hired as a 847
peace officer by the same or another law enforcement agency 848
shall complete training in crisis intervention as prescribed by 849
rules adopted by the attorney general pursuant to section 850
109.742 of the Revised Code. No peace officer shall have 851
employment as a peace officer terminated and then be reinstated 852
with intent to circumvent this section. 853

(4) Division (B) of this section does not apply to any 854
person serving on a permanent basis on March 28, 1985, as a park 855
officer, forest officer, preserve officer, wildlife officer, or 856
state watercraft officer of the department of natural resources 857
or as an employee of a park district under section 511.232 or 858
1545.13 of the Revised Code, to any person serving on a 859
permanent basis on March 6, 1986, as an employee of a 860
conservancy district designated pursuant to section 6101.75 of 861
the Revised Code, to any person serving on a permanent basis on 862
January 10, 1991, as a preserve officer of the department of 863
natural resources, to any person employed on a permanent basis 864
on July 2, 1992, as a special police officer by the department 865
of mental health and addiction services pursuant to section 866
5119.08 of the Revised Code or by the department of 867
developmental disabilities pursuant to section 5123.13 of the 868
Revised Code, to any person serving on a permanent basis on May 869
17, 2000, as a special police officer employed by a port 870
authority under section 4582.04 or 4582.28 of the Revised Code, 871

to any person serving on a permanent basis on March 19, 2003, as 872
a special police officer employed by a municipal corporation at 873
a municipal airport or other municipal air navigation facility 874
described in division (A)(19) of section 109.71 of the Revised 875
Code, to any person serving on a permanent basis on June 19, 876
1978, as a state university law enforcement officer pursuant to 877
section 3345.04 of the Revised Code and who, immediately prior 878
to June 19, 1978, was serving as a special police officer 879
designated under authority of that section, or to any person 880
serving on a permanent basis on September 20, 1984, as a liquor 881
control investigator, known after June 30, 1999, as an 882
enforcement agent of the department of public safety, engaged in 883
the enforcement of Chapters 4301. and 4303. of the Revised Code. 884

(5) Division (B) of this section does not apply to any 885
person who is appointed as a regional transit authority police 886
officer pursuant to division (Y) of section 306.35 of the 887
Revised Code if, on or before July 1, 1996, the person has 888
completed satisfactorily an approved state, county, municipal, 889
or department of natural resources peace officer basic training 890
program and has been awarded a certificate by the executive 891
director of the Ohio peace officer training commission attesting 892
to the person's satisfactory completion of such an approved 893
program and if, on July 1, 1996, the person is performing peace 894
officer functions for a regional transit authority. 895

(C) No person, after September 20, 1984, shall receive an 896
original appointment on a permanent basis as a veterans' home 897
police officer designated under section 5907.02 of the Revised 898
Code unless the person previously has been awarded a certificate 899
by the executive director of the Ohio peace officer training 900
commission attesting to the person's satisfactory completion of 901
an approved police officer basic training program. Every person 902

who is appointed on a temporary basis or for a probationary term 903
or on other than a permanent basis as a veterans' home police 904
officer designated under section 5907.02 of the Revised Code 905
shall forfeit that position unless the person previously has 906
completed satisfactorily or, within one year from the time of 907
appointment, satisfactorily completes an approved police officer 908
basic training program. 909

(D) No bailiff or deputy bailiff of a court of record of 910
this state and no criminal investigator who is employed by the 911
state public defender shall carry a firearm, as defined in 912
section 2923.11 of the Revised Code, while on duty unless the 913
bailiff, deputy bailiff, or criminal investigator has done or 914
received one of the following: 915

(1) Has been awarded a certificate by the executive 916
director of the Ohio peace officer training commission, which 917
certificate attests to satisfactory completion of an approved 918
state, county, or municipal basic training program for bailiffs 919
and deputy bailiffs of courts of record and for criminal 920
investigators employed by the state public defender that has 921
been recommended by the Ohio peace officer training commission; 922

(2) Has successfully completed a firearms training program 923
approved by the Ohio peace officer training commission prior to 924
employment as a bailiff, deputy bailiff, or criminal 925
investigator; 926

(3) Prior to June 6, 1986, was authorized to carry a 927
firearm by the court that employed the bailiff or deputy bailiff 928
or, in the case of a criminal investigator, by the state public 929
defender and has received training in the use of firearms that 930
the Ohio peace officer training commission determines is 931
equivalent to the training that otherwise is required by 932

division (D) of this section. 933

(E) (1) Before a person seeking a certificate completes an 934
approved peace officer basic training program, the executive 935
director of the Ohio peace officer training commission shall 936
request the person to disclose, and the person shall disclose, 937
any previous criminal conviction of or plea of guilty of that 938
person to a felony. 939

(2) Before a person seeking a certificate completes an 940
approved peace officer basic training program, the executive 941
director shall request a criminal history records check on the 942
person. The executive director shall submit the person's 943
fingerprints to the bureau of criminal identification and 944
investigation, which shall submit the fingerprints to the 945
federal bureau of investigation for a national criminal history 946
records check. 947

Upon receipt of the executive director's request, the 948
bureau of criminal identification and investigation and the 949
federal bureau of investigation shall conduct a criminal history 950
records check on the person and, upon completion of the check, 951
shall provide a copy of the criminal history records check to 952
the executive director. The executive director shall not award 953
any certificate prescribed in this section unless the executive 954
director has received a copy of the criminal history records 955
check on the person to whom the certificate is to be awarded. 956

(3) The executive director of the commission shall not 957
award a certificate prescribed in this section to a person who 958
has been convicted of or has pleaded guilty to a felony or who 959
fails to disclose any previous criminal conviction of or plea of 960
guilty to a felony as required under division (E) (1) of this 961
section. 962

(4) The executive director of the commission shall revoke 963
the certificate awarded to a person as prescribed in this 964
section, and that person shall forfeit all of the benefits 965
derived from being certified as a peace officer under this 966
section, if the person, before completion of an approved peace 967
officer basic training program, failed to disclose any previous 968
criminal conviction of or plea of guilty to a felony as required 969
under division (E)(1) of this section. 970

(F)(1) Regardless of whether the person has been awarded 971
the certificate or has been classified as a peace officer prior 972
to, on, or after October 16, 1996, the executive director of the 973
Ohio peace officer training commission shall revoke any 974
certificate that has been awarded to a person as prescribed in 975
this section if the person does either of the following: 976

(a) Pleads guilty to a felony committed on or after 977
January 1, 1997; 978

(b) Pleads guilty to a misdemeanor committed on or after 979
January 1, 1997, pursuant to a negotiated plea agreement as 980
provided in division (D) of section 2929.43 of the Revised Code 981
in which the person agrees to surrender the certificate awarded 982
to the person under this section. 983

(2) The executive director of the commission shall suspend 984
any certificate that has been awarded to a person as prescribed 985
in this section if the person is convicted, after trial, of a 986
felony committed on or after January 1, 1997. The executive 987
director shall suspend the certificate pursuant to division (F) 988
(2) of this section pending the outcome of an appeal by the 989
person from that conviction to the highest court to which the 990
appeal is taken or until the expiration of the period in which 991
an appeal is required to be filed. If the person files an appeal 992

that results in that person's acquittal of the felony or 993
conviction of a misdemeanor, or in the dismissal of the felony 994
charge against that person, the executive director shall 995
reinstate the certificate awarded to the person under this 996
section. If the person files an appeal from that person's 997
conviction of the felony and the conviction is upheld by the 998
highest court to which the appeal is taken or if the person does 999
not file a timely appeal, the executive director shall revoke 1000
the certificate awarded to the person under this section. 1001

(G) (1) If a person is awarded a certificate under this 1002
section and the certificate is revoked pursuant to division (E) 1003
(4) or (F) of this section, the person shall not be eligible to 1004
receive, at any time, a certificate attesting to the person's 1005
satisfactory completion of a peace officer basic training 1006
program. 1007

(2) The revocation or suspension of a certificate under 1008
division (E) (4) or (F) of this section shall be in accordance 1009
with Chapter 119. of the Revised Code. 1010

(H) (1) A person who was employed as a peace officer of a 1011
county, township, or municipal corporation of the state on 1012
January 1, 1966, and who has completed at least sixteen years of 1013
full-time active service as such a peace officer, or equivalent 1014
service as determined by the executive director of the Ohio 1015
peace officer training commission, may receive an original 1016
appointment on a permanent basis and serve as a peace officer of 1017
a county, township, or municipal corporation, or as a state 1018
university law enforcement officer, without complying with the 1019
requirements of division (B) of this section. 1020

(2) Any person who held an appointment as a state highway 1021
trooper on January 1, 1966, may receive an original appointment 1022

on a permanent basis and serve as a peace officer of a county, 1023
township, or municipal corporation, or as a state university law 1024
enforcement officer, without complying with the requirements of 1025
division (B) of this section. 1026

(I) No person who is appointed as a peace officer of a 1027
county, township, or municipal corporation on or after April 9, 1028
1985, shall serve as a peace officer of that county, township, 1029
or municipal corporation unless the person has received training 1030
in the handling of missing children and child abuse and neglect 1031
cases from an approved state, county, township, or municipal 1032
police officer basic training program or receives the training 1033
within the time prescribed by rules adopted by the attorney 1034
general pursuant to section 109.741 of the Revised Code. 1035

(J) No part of any approved state, county, or municipal 1036
basic training program for bailiffs and deputy bailiffs of 1037
courts of record and no part of any approved state, county, or 1038
municipal basic training program for criminal investigators 1039
employed by the state public defender shall be used as credit 1040
toward the completion by a peace officer of any part of the 1041
approved state, county, or municipal peace officer basic 1042
training program that the peace officer is required by this 1043
section to complete satisfactorily. 1044

(K) This section does not apply to any member of the 1045
police department of a municipal corporation in an adjoining 1046
state serving in this state under a contract pursuant to section 1047
737.04 of the Revised Code. 1048

(L) The executive director of the commission shall issue a 1049
certificate of completion of a training program required under 1050
this section in accordance with Chapter 4796. of the Revised 1051
Code to an individual if either of the following applies: 1052

(1) The individual holds a certificate of completion of 1053
such a program in another state. 1054

(2) The individual has satisfactory work experience, a 1055
government certification, or a private certification as 1056
described in that chapter in the same profession, occupation, or 1057
occupational activity as the profession, occupation, or 1058
occupational activity for which the certificate is required in 1059
this state in a state that does not require completion of such a 1060
training program. 1061

Sec. 109.771. (A) A tactical medical professional may 1062
carry firearms while on duty in the same manner, to the same 1063
extent, and in the same areas as a law enforcement officer of 1064
the law enforcement agency the professional is serving, if all 1065
of the following apply: 1066

(1) The law enforcement agency that the tactical medical 1067
professional is serving has specifically authorized the 1068
professional to carry firearms while on duty. 1069

(2) The tactical medical professional has done or received 1070
one of the following: 1071

(a) The professional has been awarded a certificate by the 1072
executive director of the Ohio peace officer training 1073
commission, which certificate attests to satisfactory completion 1074
of an approved state, county, or municipal basic training 1075
program or a program at the Ohio peace officer training academy 1076
that qualifies the professional to carry firearms while on duty 1077
and that conforms to the rules adopted under section 109.748 of 1078
the Revised Code. 1079

(b) Prior to or during employment as a tactical medical 1080
professional and prior to ~~the effective date of this section~~ 1081

June 1, 2018, the professional has successfully completed a 1082
firearms training program, other than one described in division 1083
(A) (2) (a) of this section, that was approved by the Ohio peace 1084
officer training commission. 1085

(B) A tactical medical professional to whom division (A) 1086
of this section applies and who is carrying one or more firearms 1087
under authority of that division has protection from potential 1088
civil or criminal liability for any conduct occurring while 1089
carrying the firearm or firearms to the same extent as a law 1090
enforcement officer of the law enforcement agency the 1091
professional is serving has such protection. 1092

(C) The executive director of the commission shall issue a 1093
certificate of completion of a training program required under 1094
this section in accordance with Chapter 4796. of the Revised 1095
Code to an individual if either of the following applies: 1096

(1) The individual holds a certificate of completion of 1097
such a program in another state. 1098

(2) The individual has satisfactory work experience, a 1099
government certification, or a private certification as 1100
described in that chapter as a tactical medical professional who 1101
carries a firearm while on duty in a state that does not require 1102
completion of such a training program. 1103

Sec. 109.78. (A) The executive director of the Ohio peace 1104
officer training commission, on behalf of the commission and in 1105
accordance with rules promulgated by the attorney general, shall 1106
certify persons who have satisfactorily completed approved 1107
training programs designed to qualify persons for positions as 1108
special police, security guards, or persons otherwise privately 1109
employed in a police capacity and issue appropriate certificates 1110

to such persons. Application for approval of a training program 1111
designed to qualify persons for such positions shall be made to 1112
the commission. An application for approval shall be submitted 1113
to the commission with a fee of one hundred twenty-five dollars, 1114
which fee shall be refunded if the application is denied. Such 1115
programs shall cover only duties and jurisdiction of such 1116
security guards and special police privately employed in a 1117
police capacity when such officers do not qualify for training 1118
under section 109.71 of the Revised Code. A person attending an 1119
approved basic training program administered by the state shall 1120
pay to the agency administering the program the cost of the 1121
person's participation in the program as determined by the 1122
agency. A person attending an approved basic training program 1123
administered by a county or municipal corporation shall pay the 1124
cost of the person's participation in the program, as determined 1125
by the administering subdivision, to the county or the municipal 1126
corporation. A person who is issued a certificate for 1127
satisfactory completion of an approved basic training program 1128
shall pay to the commission a fee of fifteen dollars. A 1129
duplicate of a lost, spoliated, or destroyed certificate may be 1130
issued upon application and payment of a fee of fifteen dollars. 1131
Such certificate or the completion of twenty years of active 1132
duty as a peace officer shall satisfy the educational 1133
requirements for appointment or commission as a special police 1134
officer or special deputy of a political subdivision of this 1135
state. 1136

(B) (1) The executive director of the Ohio peace officer 1137
training commission, on behalf of the commission and in 1138
accordance with rules promulgated by the attorney general, shall 1139
certify basic firearms training programs, and shall issue 1140
certificates to class A, B, or C licensees or prospective class 1141

A, B, or C licensees under Chapter 4749. of the Revised Code and 1142
to registered or prospective employees of such class A, B, or C 1143
licensees who have satisfactorily completed a basic firearms 1144
training program of the type described in division (A)(1) of 1145
section 4749.10 of the Revised Code. 1146

Application for approval of a basic firearms training 1147
program shall be made to the commission. An application shall be 1148
submitted to the commission with a fee of one hundred dollars, 1149
which fee shall be refunded if the application is denied. 1150

A person who is issued a certificate for satisfactory 1151
completion of an approved basic firearms training program shall 1152
pay a fee of ten dollars to the commission. A duplicate of a 1153
lost, spoliated, or destroyed certificate may be issued upon 1154
application and payment of a fee of five dollars. 1155

(2) The executive director, on behalf of the commission 1156
and in accordance with rules promulgated by the attorney 1157
general, also shall certify firearms requalification training 1158
programs and instructors for the annual requalification of class 1159
A, B, or C licensees under Chapter 4749. of the Revised Code and 1160
registered or prospective employees of such class A, B, or C 1161
licensees who are authorized to carry a firearm under section 1162
4749.10 of the Revised Code. Application for approval of a 1163
training program or instructor for such purpose shall be made to 1164
the commission. Such an application shall be submitted to the 1165
commission with a fee of fifty dollars, which fee shall be 1166
refunded if the application is denied. 1167

(3) The executive director, upon request, also shall 1168
review firearms training received within three years prior to 1169
November 23, 1985, by any class A, B, or C licensee or 1170
prospective class A, B, or C licensee, or by any registered or 1171

prospective employee of any class A, B, or C licensee under 1172
Chapter 4749. of the Revised Code to determine if the training 1173
received is equivalent to a basic firearms training program that 1174
includes twenty hours of handgun training and five hours of 1175
training in the use of other firearms, if any other firearm is 1176
to be used. If the executive director determines the training 1177
was received within the three-year period and that it is 1178
equivalent to such a program, the executive director shall issue 1179
written evidence of approval of the equivalency training to the 1180
licensee or employee. 1181

(C) There is hereby established in the state treasury the 1182
peace officer private security fund, which shall be used by the 1183
Ohio peace officer training commission to administer the 1184
training program to qualify persons for positions as special 1185
police, security guards, or other private employment in a police 1186
capacity, as described in division (A) of this section, and the 1187
training program in basic firearms and the training program for 1188
firearms requalification, both as described in division (B) of 1189
this section. All fees paid to the commission by applicants for 1190
approval of a training program designed to qualify persons for 1191
such private police positions, basic firearms training program, 1192
or a firearms requalification training program or instructor, as 1193
required by division (A) or (B) of this section, by persons who 1194
satisfactorily complete a private police training program or a 1195
basic firearms training program, as required by division (A) or 1196
(B) of this section, or by persons who satisfactorily requalify 1197
in firearms use, as required by division (B) (2) of section 1198
4749.10 of the Revised Code, shall be transmitted to the 1199
treasurer of state for deposit in the fund. The fund shall be 1200
used only for the purpose set forth in this division. 1201

(D) (1) Subject to division (D) (2) of this section, no 1202

public or private educational institution or superintendent of 1203
the state highway patrol shall employ a person as a special 1204
police officer, as a security guard, or for a similar law 1205
enforcement or security position, who has not received a 1206
certificate of having satisfactorily completed an approved basic 1207
peace officer training program, unless the person has completed 1208
twenty years of active duty as a peace officer. 1209

(2) Division (D)(1) of this section does not apply to a 1210
person who is employed by a school district board of education 1211
or governing body of a community school established under 1212
Chapter 3314. of the Revised Code, STEM school established under 1213
Chapter 3326. of the Revised Code, or chartered nonpublic school 1214
and who has been authorized by a board or governing body to 1215
voluntarily go armed within a school safety zone within which 1216
the board or governing body has authority, if both of the 1217
following apply with respect to the employment and person: 1218

(a) The person is within the category of persons 1219
authorized to go armed within a school safety zone specified 1220
under division (D)(1)(d) of section 2923.122 of the Revised 1221
Code. 1222

(b) The person is not being employed as a special police 1223
officer or security officer. 1224

(E) The general assembly, in amending division (D) of this 1225
section pursuant to H.B. 99 of the 134th general assembly, 1226
hereby declares that the purpose of those amendments is to 1227
expressly overrule the decision of the Ohio Supreme Court in the 1228
case *Gabbard v. Madison Local School Dist. Bd. of Edn., Slip* 1229
Opinion No. 2021-Ohio-2067. 1230

(F) The executive director of the commission shall issue a 1231

certificate of completion of a training program required under 1232
division (A) of this section in accordance with Chapter 4796. of 1233
the Revised Code to an individual if either of the following 1234
applies: 1235

(1) The individual holds a certificate of completion of 1236
such a program in another state. 1237

(2) The individual has satisfactory work experience, a 1238
government certification, or a private certification as 1239
described in that chapter in the same profession, occupation, or 1240
occupational activity as the profession, occupation, or 1241
occupational activity for which the certificate is required in 1242
this state in a state that does not require completion of such a 1243
training program. 1244

Sec. 109.804. (A) (1) The Ohio peace officer training 1245
commission shall develop and conduct a chief of police training 1246
course lasting forty hours for newly appointed chiefs of police 1247
appointed on or after January 1, 2018. The commission shall 1248
determine the course topics, which shall include diversity 1249
training with an emphasis on historical perspectives and 1250
community-police relations, and shall establish criteria for 1251
what constitutes successful completion of the course. The 1252
commission shall conduct the course at the Ohio peace officer 1253
training academy and shall offer the course at least 1254
semiannually. 1255

(2) The executive director of the commission shall issue a 1256
certificate of completion of a training program required under 1257
this section in accordance with Chapter 4796. of the Revised 1258
Code to a newly appointed chief of police if either of the 1259
following applies: 1260

(a) The person holds a certificate of completion of such a program in another state. 1261
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(b) The person has satisfactory work experience, a government certification, or a private certification as described in that chapter as a chief of police in a state that does not require completion of such a training program. 1263
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(B) A newly appointed chief of police may request an equivalency exemption from a portion of the forty hours of the chief of police training course by submitting to the Ohio peace officer training commission, not more than ten calendar days following the person's appointment as a chief of police, evidence of training or qualification in the subject area of the exempted portion. 1267
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(C) Upon presentation of evidence by a newly appointed chief of police that because of a medical disability or other good cause the newly appointed chief of police is unable to complete the chief of police training course, the Ohio peace officer training commission may defer the requirement for the newly appointed chief of police to complete the chief of police training course until the disability or cause terminates. 1274
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(D) A newly appointed chief of police appointed on or after January 1, 2018, shall attend a chief of police training course conducted by the Ohio peace officer training commission pursuant to division (A) of this section not later than six months after the person's appointment as a chief of police. While attending the chief of police training course, a newly appointed chief of police shall receive compensation in the same manner and amounts as if carrying out the powers and duties of the office of chief of police. The costs of conducting the chief of police training course shall be paid from state funds 1281
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appropriated to the attorney general. The cost of meals, 1291
lodging, and travel of a newly appointed chief of police 1292
attending the chief of police training course shall be paid from 1293
the budget of the entity for which the newly appointed chief of 1294
police was appointed. 1295

(E) As used in this section: 1296

"Newly appointed chief of police" means a person appointed 1297
chief of police under section 505.49, 737.05, or 737.15 of the 1298
Revised Code or any administrative official that is responsible 1299
for the daily administration and supervision of peace officers 1300
in a law enforcement agency who did not hold the office of chief 1301
of police on the date the person was appointed chief of police. 1302

"Law enforcement agency" means a municipal or township 1303
police department, or any other entity authorized by statute to 1304
appoint peace officers to enforce criminal laws and who have the 1305
statutory power of arrest. "Law enforcement agency" does not 1306
include a county sheriff's office, the state highway patrol, or 1307
the bureau of criminal identification and investigation. 1308

Sec. 147.01. (A) The secretary of state may appoint and 1309
commission as notaries public as many persons who meet the 1310
qualifications of division (B) of this section as the secretary 1311
of state considers necessary. 1312

(B) In order for a person to qualify to be appointed and 1313
commissioned as a notary public, except as provided in division 1314
(F) of this section, the person shall demonstrate to the 1315
secretary of state that the person satisfies all of the 1316
following: 1317

(1) The person has attained the age of eighteen years. 1318

(2) (a) Except as provided in division (B) (2) (b) of this 1319

section, the person is a legal resident of this state. 1320

(b) The person is not a legal resident of this state, but 1321
is an attorney admitted to the practice of law in this state by 1322
the Ohio supreme court, and has the person's principal place of 1323
business or the person's primary practice in this state. 1324

(3) (a) Except as provided in division (B) (3) (b) of this 1325
section, the person has submitted a criminal records check 1326
report completed within the preceding six months in accordance 1327
with section 147.022 of the Revised Code demonstrating that the 1328
applicant has not been convicted of or pleaded guilty or no 1329
contest to a disqualifying offense as determined in accordance 1330
with section 9.79 of the Revised Code. 1331

(b) An attorney admitted to the practice of law in this 1332
state shall not be required to submit a criminal records check 1333
when applying to be appointed a notary public. 1334

(4) (a) Except as provided in divisions (B) (4) (b) and (c) 1335
of this section, the person has successfully completed an 1336
educational program and passed a test administered by the 1337
entities authorized by the secretary of state as required under 1338
section 147.021 of the Revised Code. 1339

(b) An attorney who is commissioned as a notary public in 1340
this state prior to September 20, 2019, shall not be required to 1341
complete an education program or pass a test as required in 1342
division (B) (4) (a) of this section. 1343

(c) Any attorney who applies to become commissioned as a 1344
notary public in this state after September 20, 2019, shall not 1345
be required to pass a test as required in division (B) (4) (a) of 1346
this section, but shall be required to complete an education 1347
program required by that division. 1348

(C) A notary public shall be appointed and commissioned as 1349
a notary public for the state. The secretary of state may revoke 1350
a commission issued to a notary public upon presentation of 1351
satisfactory evidence of official misconduct or incapacity. 1352

(D) The secretary of state shall oversee the processing of 1353
notary public applications and shall issue all notary public 1354
commissions. The secretary of state shall oversee the creation 1355
and maintenance of the online database of notaries public 1356
commissioned in this state pursuant to section 147.051 of the 1357
Revised Code. The secretary of state may perform all other 1358
duties as required by this section. The entities authorized by 1359
the secretary of state pursuant to section 147.021 or 147.63 of 1360
the Revised Code shall administer the educational program and 1361
required test or course of instruction and examination, as 1362
applicable. 1363

(E) All submissions to the secretary of state for 1364
receiving and renewing commissions, or notifications made under 1365
section 147.05 of the Revised Code, shall be done 1366
electronically. 1367

(F) The secretary of state shall appoint and commission as 1368
a notary public for the state an applicant who is commissioned 1369
or licensed as a notary public in another state in accordance 1370
with Chapter 4796. of the Revised Code. 1371

Sec. 147.63. (A) A notary public who has been duly 1372
appointed and commissioned under section 147.01 of the Revised 1373
Code, and who is a resident of this state, may apply to the 1374
secretary of state to be authorized to act as an online notary 1375
public during the term of that notary public's commission. A 1376
state resident commissioned as a notary public qualifies to be 1377
an online notary public by paying the fee described in section 1378

147.631 of the Revised Code and submitting to the secretary of 1379
state an application in the form prescribed by the secretary 1380
that demonstrates to the satisfaction of the secretary that the 1381
applicant will comply with the standards adopted in rules under 1382
section 147.62 of the Revised Code and that the applicant is 1383
otherwise qualified to be an online notary. 1384

(B) (1) Before an individual may be authorized to act as an 1385
online notary public, that individual shall successfully 1386
complete a course of instruction approved by the secretary of 1387
state and pass an examination based on the course. The content 1388
of the course shall include notarial rules, procedures, and 1389
ethical obligations pertaining to online notarization contained 1390
in sections 147.60 to 147.66 of the Revised Code or in any other 1391
law or rules of this state. The course may be taken in 1392
conjunction with the educational program required under section 1393
147.021 of the Revised Code for a notary public commission. 1394

(2) The secretary of state shall approve one business 1395
entity comprised of bar associations with statewide scope and 1396
regional presence that have expertise and experience in notary 1397
laws and processes to provide the course and administer the 1398
examination to become an online notary. 1399

(C) The application required under division (A) of this 1400
section shall be transmitted electronically to the secretary of 1401
state and shall include all of the following information: 1402

(1) The applicant's full legal name and official notary 1403
public name to be used in acting as an online notary public; 1404

(2) A description of the technology the applicant intends 1405
to use in performing online notarizations; 1406

(3) A certification that the applicant will comply with 1407

the rules adopted under section 147.62 of the Revised Code;	1408
(4) An electronic mail address of the applicant;	1409
(5) Any decrypting instructions, keys, codes, or software necessary to enable the application to be read;	1410 1411
(6) Proof of successful completion of the course and passage of the examination required under division (B) of this section;	1412 1413 1414
(7) A disclosure of any and all license or commission revocations or other professional disciplinary actions taken against the applicant;	1415 1416 1417
(8) Any other information that the secretary of state may require.	1418 1419
(D) (1) If the secretary of state is satisfied that an applicant meets the standards adopted in rules under section 147.62 of the Revised Code, and that the applicant is otherwise qualified to be an online notary public, then the secretary shall issue to the applicant a written authorization to perform online notarizations.	1420 1421 1422 1423 1424 1425
<u>The secretary of state shall issue a written authorization to perform online notarizations to an applicant who holds an authorization or license to perform online notarizations in another state in accordance with Chapter 4796. of the Revised Code.</u>	1426 1427 1428 1429 1430
(2) Except as provided in division (D) (4) of this section, the authorization shall expire when the notary public's commission expires or is revoked under section 147.03, 147.031, or 147.032 of the Revised Code.	1431 1432 1433 1434
(3) (a) Except as provided in division (D) (5) of this	1435

section, the authorization shall be renewed when the notary 1436
public's commission is renewed. 1437

(b) An authorization to perform online notarizations that 1438
is set to expire shall not be renewed unless the notary submits 1439
to the secretary of state through the entity authorized in this 1440
section all of the following: 1441

(i) A fee, set by the secretary of state, of not more than 1442
four times the fee prescribed in division (B) (2) of section 1443
147.031 of the Revised Code; 1444

(ii) An application for renewal on a form prescribed by 1445
the secretary; 1446

(iii) Evidence of having completed continuing education, 1447
as required under division (G) of this section. 1448

(c) If a notary public's online notarization authorization 1449
expires before the notary submits the application for renewal, 1450
the secretary of state shall not renew that expired 1451
authorization but shall permit that person to apply for a new 1452
online notarization authorization. 1453

(4) An authorization to perform online notarizations 1454
granted to an attorney admitted to the practice of law in this 1455
state by the Ohio supreme court shall expire on the earlier of 1456
five years after the date the authorization is granted or when 1457
the attorney's term of office as a notary public ends. 1458

(5) An attorney authorized to perform online notarizations 1459
may apply to renew the attorney's authorization three months 1460
prior to the authorization's expiration date. 1461

(6) (a) The secretary may deny an application for an online 1462
notary public if any of the required information is missing or 1463

incorrect on the application form. 1464

(b) The secretary may also deny an application if the 1465
technology the applicant identifies pursuant to division (C)(2) 1466
of this section does not conform to the standards developed by 1467
the secretary pursuant to section 147.62 of the Revised Code. 1468

(E) Nothing in this section shall be construed as 1469
prohibiting an online notary public from receiving, installing, 1470
and utilizing a software update to the technology that the 1471
online notary public disclosed pursuant to division (C)(2) of 1472
this section if that software update does not result in a 1473
technology that is materially different from the technology that 1474
the online notary public disclosed pursuant to division (C)(2) 1475
of this section. 1476

(F)(1) If a notary public changes either the hardware or 1477
the software that the notary intends to use to carry out online 1478
notarizations, then the notary shall inform the secretary of 1479
this intent on a form prescribed by the secretary. 1480

(2) If the secretary determines that the new hardware or 1481
software does not meet the standards prescribed in rules under 1482
section 147.62 of the Revised Code, then the secretary may 1483
suspend or revoke the notary's authority to perform online 1484
notarizations. 1485

(G)(1) The secretary of state shall not renew an online 1486
notarization authorization unless the applicant has completed 1487
continuing education as required under rules adopted pursuant to 1488
division (G)(2) of this section. 1489

(2) The secretary shall adopt rules in accordance with 1490
Chapter 119. of the Revised Code related to continuing education 1491
requirements for an online notarization authorization. The rules 1492

shall specify the number of hours of continuing education a 1493
notary must complete over the duration of the notary's license 1494
and may specify content to be included in the continuing 1495
education. 1496

Sec. 169.16. (A) No person, on behalf of any other person, 1497
shall engage in any activity for the purpose of locating, 1498
delivering, recovering, or assisting in the recovery of 1499
unclaimed funds or contents of a safe deposit box, and receive a 1500
fee, compensation, commission, or other remuneration for such 1501
activity, without first having obtained a certificate of 1502
registration from the director of commerce in accordance with 1503
this section. 1504

(B) An application for a certificate of registration shall 1505
be in writing and in the form prescribed by the director. The 1506
application shall be accompanied by a recent full-face color 1507
photograph of the applicant and notarized reference letters from 1508
two reputable witnesses. The application shall, at a minimum, 1509
provide all of the following: 1510

(1) The applicant's full name, home address, and work 1511
address; 1512

(2) The name, address, and telephone number of the two 1513
witnesses who have provided the reference letters; 1514

(3) A statement that the applicant has not, during the 1515
five-year period immediately preceding the submission of the 1516
application, violated division (A) of this section on or after 1517
the effective date of this section, or division (C) of section 1518
169.13 of the Revised Code; 1519

(4) A statement that the applicant has not been convicted 1520
of, or pleaded guilty to, any disqualifying offense as 1521

determined in accordance with section 9.79 of the Revised Code; 1522

(5) The notarized signature of the applicant immediately 1523
following an acknowledgment that any false or perjured statement 1524
subjects the applicant to criminal liability under section 1525
2921.13 of the Revised Code. 1526

(C) Upon the filing of the application with the division 1527
of unclaimed funds, the division may investigate the applicant 1528
to verify the information provided in the application and to 1529
determine the applicant's eligibility for a certificate of 1530
registration under this section. False information on an 1531
application is grounds for the denial or revocation of the 1532
applicant's certificate of registration. 1533

~~(D) The~~ (1) Except as provided in division (D) (2) of this 1534
section, the director shall issue a certificate of registration 1535
to an applicant if the director finds that the following 1536
conditions are met: 1537

~~(1) (a)~~ The applicant has not, during the five-year period 1538
immediately preceding the submission of the application, 1539
violated division (A) of this section on or after the effective 1540
date of this section, or division (C) of section 169.13 of the 1541
Revised Code; 1542

~~(2) (b)~~ The applicant has not been convicted of, or 1543
pleaded guilty to, any disqualifying offense as determined in 1544
accordance with section 9.79 of the Revised Code. 1545

~~(3) (c)~~ The applicant's general fitness command the 1546
confidence of the public and warrant the belief that the 1547
applicant's business will be conducted honestly and fairly. 1548

(2) The director shall issue a certificate of registration 1549
in accordance with Chapter 4796. of the Revised Code to an 1550

applicant if either of the following applies: 1551

(a) The applicant holds a license or certificate of 1552
registration in another state. 1553

(b) The applicant has satisfactory work experience, a 1554
government certification, or a private certification as 1555
described in that chapter in the same profession, occupation, or 1556
occupational activity as the profession, occupation, or 1557
occupational activity for which the certificate of registration 1558
is required in this state in a state that does not issue such a 1559
license or certificate of registration. 1560

(E) ~~The A certificate of registration issued pursuant to~~ 1561
~~division (D) of this section~~ may be renewed annually if the 1562
director finds that the following conditions are met: 1563

(1) The applicant submits a renewal application form 1564
prescribed by the director. 1565

(2) The applicant meets the conditions set forth in 1566
divisions (D) (1) (a) and ~~(3) (c)~~ of this section. 1567

(3) The applicant has not, during the ten-year period 1568
immediately preceding the submission of the renewal application 1569
but excluding any time before the initial issuance of the 1570
certificate of registration, been convicted of, or pleaded 1571
guilty to, any felony or any offense involving moral turpitude, 1572
including theft, attempted theft, falsification, tampering with 1573
records, securing writings by deception, fraud, forgery, and 1574
perjury. 1575

(4) The applicant's certificate of registration is not 1576
subject to an order of revocation by the director. 1577

Sec. 173.21. (A) The office of the state long-term care 1578

ombudsman program, through the state long-term care ombudsman 1579
and the regional long-term care ombudsman programs, shall 1580
require each representative of the office to complete a training 1581
and certification program in accordance with this section and to 1582
meet the continuing education requirements established under 1583
this section. 1584

(B) The department of aging shall adopt rules in 1585
accordance with Chapter 119. of the Revised Code specifying the 1586
content of training programs for representatives of the office 1587
of the state long-term care ombudsman program. Training for 1588
representatives other than those who are volunteers providing 1589
services through regional long-term care ombudsman programs 1590
shall include instruction regarding federal, state, and local 1591
laws, rules, and policies on long-term care facilities and 1592
community-based long-term care services; investigative 1593
techniques; and other topics considered relevant by the 1594
department and shall consist of the following: 1595

(1) A minimum of forty clock hours of basic instruction, 1596
which shall be completed before the trainee is permitted to 1597
handle complaints without the supervision of a representative of 1598
the office certified under this section; 1599

(2) An additional sixty clock hours of instruction, which 1600
shall be completed within the first fifteen months of 1601
employment; 1602

(3) An internship of twenty clock hours, which shall be 1603
completed within the first twenty-four months of employment, 1604
including instruction in, and observation of, basic nursing care 1605
and long-term care provider operations and procedures. The 1606
internship shall be performed at a site that has been approved 1607
as an internship site by the state long-term care ombudsman. 1608

- (4) One of the following, which shall be completed within 1609
the first twenty-four months of employment: 1610
- (a) Observation of a survey conducted by the director of 1611
health to certify a nursing facility to participate in the 1612
medicaid program; 1613
- (b) Observation of an inspection conducted by the director 1614
of mental health and addiction services to license a residential 1615
facility under section 5119.34 of the Revised Code that provides 1616
accommodations, supervision, and personal care services for 1617
three to sixteen unrelated adults. 1618
- (5) Any other training considered appropriate by the 1619
department. 1620
- (C) Any person who for a period of at least six months 1621
prior to June 11, 1990, served as an ombudsman through the long- 1622
term care ombudsman program established by the department of 1623
aging under section 173.01 of the Revised Code shall not be 1624
required to complete a training program. Such a person and 1625
persons who complete a training program shall take an 1626
examination administered by the department of aging. On 1627
attainment of a passing score, the person shall be certified by 1628
the department as a representative of the office. The department 1629
shall issue the person an identification card, which the 1630
representative shall show at the request of any person with whom 1631
the representative deals while performing the representative's 1632
duties and which shall be surrendered at the time the 1633
representative separates from the office. 1634
- (D) The state ombudsman and each regional program shall 1635
conduct training programs for volunteers on their respective 1636
staffs in accordance with the rules of the department of aging 1637

adopted under division (B) of this section. Training programs 1638
may be conducted that train volunteers to complete some, but not 1639
all, of the duties of a representative of the office. Each 1640
regional office shall bear the cost of training its 1641
representatives who are volunteers. On completion of a training 1642
program, the representative shall take an examination 1643
administered by the department of aging. On attainment of a 1644
passing score, a volunteer shall be certified by the department 1645
as a representative authorized to perform services specified in 1646
the certification. The department shall issue an identification 1647
card, which the representative shall show at the request of any 1648
person with whom the representative deals while performing the 1649
representative's duties and which shall be surrendered at the 1650
time the representative separates from the office. Except as a 1651
supervised part of a training program, no volunteer shall 1652
perform any duty unless the volunteer is certified as a 1653
representative having received appropriate training for that 1654
duty. 1655

(E) The state ombudsman shall provide technical assistance 1656
to regional programs conducting training programs for volunteers 1657
and shall monitor the training programs. 1658

(F) Prior to scheduling an observation of a certification 1659
survey or licensing inspection for purposes of division (B) (4) 1660
of this section, the state ombudsman shall obtain permission to 1661
have the survey or inspection observed from both the long-term 1662
care facility at which the survey or inspection is to take place 1663
and, as the case may be, the director of health or director of 1664
mental health and addiction services. 1665

(G) Notwithstanding the requirements for a certification 1666
under this section, the department shall issue a certificate as 1667

a representative of the office of the state long-term care 1668
ombudsman program in accordance with Chapter 4796. of the 1669
Revised Code to a person if either of the following applies: 1670

(1) The person holds a license or certificate in another 1671
state. 1672

(2) The person has satisfactory work experience, a 1673
government certification, or a private certification as 1674
described in that chapter as a representative of a state long- 1675
term care ombudsman program in a state that does not issue that 1676
license or certificate. 1677

(H) The department of aging shall establish continuing 1678
education requirements for representatives of the office. 1679

Sec. 173.391. (A) Subject to section 173.381 of the 1680
Revised Code and except as provided in division (I) of this 1681
section, the department of aging or its designee shall do all of 1682
the following in accordance with Chapter 119. of the Revised 1683
Code: 1684

(1) Certify a provider to provide services, including 1685
community-based long-term care services, under a program the 1686
department administers if the provider satisfies the 1687
requirements for certification established by rules adopted 1688
under division (B) of this section and pays the fee, if any, 1689
established by rules adopted under division (G) of this section; 1690

(2) When required to do so by rules adopted under division 1691
(B) of this section, take one or more of the following 1692
disciplinary actions against a provider certified under division 1693
(A) (1) of this section: 1694

(a) Issue a written warning; 1695

(b) Require the submission of a plan of correction or evidence of compliance with requirements identified by the department;	1696 1697 1698
(c) Suspend referrals;	1699
(d) Remove clients;	1700
(e) Impose a fiscal sanction such as a civil monetary penalty or an order that unearned funds be repaid;	1701 1702
(f) Suspend the certification;	1703
(g) Revoke the certification;	1704
(h) Impose another sanction.	1705
(3) Except as provided in division (E) of this section, hold hearings when there is a dispute between the department or its designee and a provider concerning actions the department or its designee takes regarding a decision not to certify the provider under division (A)(1) of this section or a disciplinary action under divisions (A)(2)(e) to (h) of this section.	1706 1707 1708 1709 1710 1711
(B) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code establishing certification requirements and standards for determining which type of disciplinary action to take under division (A)(2) of this section in individual situations. The rules shall establish procedures for all of the following:	1712 1713 1714 1715 1716 1717
(1) Ensuring that providers comply with sections 173.38 and 173.381 of the Revised Code;	1718 1719
(2) Evaluating the services provided by the providers to ensure that the services are provided in a quality manner advantageous to the individual receiving the services;	1720 1721 1722

(3) In a manner consistent with section 173.381 of the Revised Code, determining when to take disciplinary action under division (A) (2) of this section and which disciplinary action to take;

(4) Determining what constitutes another sanction for purposes of division (A) (2) (h) of this section.

(C) The procedures established in rules adopted under division (B) (2) of this section shall require that all of the following be considered as part of an evaluation described in division (B) (2) of this section:

(1) The provider's experience and financial responsibility;

(2) The provider's ability to comply with standards for the services, including community-based long-term care services, that the provider provides under a program the department administers;

(3) The provider's ability to meet the needs of the individuals served;

(4) Any other factor the director considers relevant.

(D) The rules adopted under division (B) (3) of this section shall specify that the reasons disciplinary action may be taken under division (A) (2) of this section include good cause, including misfeasance, malfeasance, nonfeasance, confirmed abuse or neglect, financial irresponsibility, or other conduct the director determines is injurious, or poses a threat, to the health or safety of individuals being served.

(E) Subject to division (F) of this section, the department is not required to hold hearings under division (A)

(3) of this section if any of the following conditions apply: 1751

(1) Rules adopted by the director of aging pursuant to 1752
this chapter require the provider to be a party to a provider 1753
agreement; hold a license, certificate, or permit; or maintain a 1754
certification, any of which is required or issued by a state or 1755
federal government entity other than the department of aging, 1756
and either of the following is the case: 1757

(a) The provider agreement has not been entered into or 1758
the license, certificate, permit, or certification has not been 1759
obtained or maintained. 1760

(b) The provider agreement, license, certificate, permit, 1761
or certification has been denied, revoked, not renewed, or 1762
suspended or has been otherwise restricted. 1763

(2) The provider's certification under this section has 1764
been denied, suspended, or revoked for any of the following 1765
reasons: 1766

(a) A government entity of this state, other than the 1767
department of aging, has terminated or refused to renew any of 1768
the following held by, or has denied any of the following sought 1769
by, a provider: a provider agreement, license, certificate, 1770
permit, or certification. Division (E) (2) (a) of this section 1771
applies regardless of whether the provider has entered into a 1772
provider agreement in, or holds a license, certificate, permit, 1773
or certification issued by, another state. 1774

(b) The provider or a principal owner or manager of the 1775
provider who provides direct care has entered a guilty plea for, 1776
or has been convicted of, an offense materially related to the 1777
medicaid program. 1778

(c) A principal owner or manager of the provider who 1779

provides direct care has entered a guilty plea for, been 1780
convicted of, or been found eligible for intervention in lieu of 1781
conviction for an offense listed or described in divisions (A) 1782
(3) (a) to (e) of section 109.572 of the Revised Code, but only 1783
if the provider, principal owner, or manager does not meet 1784
standards specified by the director in rules adopted under 1785
section 173.38 of the Revised Code. 1786

(d) The department or its designee is required by section 1787
173.381 of the Revised Code to deny or revoke the provider's 1788
certification. 1789

(e) The United States department of health and human 1790
services has taken adverse action against the provider and that 1791
action impacts the provider's participation in the medicaid 1792
program. 1793

(f) The provider has failed to enter into or renew a 1794
provider agreement with the PASSPORT administrative agency, as 1795
that term is defined in section 173.42 of the Revised Code, that 1796
administers programs on behalf of the department of aging in the 1797
region of the state in which the provider is certified to 1798
provide services. 1799

(g) The provider has not billed or otherwise submitted a 1800
claim to the department for payment under the medicaid program 1801
in at least two years. 1802

(h) The provider denied or failed to provide the 1803
department or its designee access to the provider's facilities 1804
during the provider's normal business hours for purposes of 1805
conducting an audit or structural compliance review. 1806

(i) The provider has ceased doing business. 1807

(j) The provider has voluntarily relinquished its 1808

certification for any reason. 1809

(3) The provider's provider agreement with the department 1810
of medicaid has been suspended under section 5164.36 of the 1811
Revised Code. 1812

(4) The provider's provider agreement with the department 1813
of medicaid is denied or revoked because the provider or its 1814
owner, officer, authorized agent, associate, manager, or 1815
employee has been convicted of an offense that caused the 1816
provider agreement to be suspended under section 5164.36 of the 1817
Revised Code. 1818

(F) If the department does not hold hearings when any 1819
condition described in division (E) of this section applies, the 1820
department shall send a notice to the provider describing a 1821
decision not to certify the provider under division (A) (1) of 1822
this section or the disciplinary action the department is taking 1823
under divisions (A) (2) (e) to (h) of this section. The notice 1824
shall be sent to the provider's address that is on record with 1825
the department and may be sent by regular mail. 1826

(G) The director of aging may adopt rules in accordance 1827
with Chapter 119. of the Revised Code establishing a fee to be 1828
charged by the department of aging or its designee for 1829
certification issued under division (A) of this section. 1830

(H) Any amounts collected by the department or its 1831
designee under this section shall be deposited in the state 1832
treasury to the credit of the provider certification fund, which 1833
is hereby created. Money credited to the fund shall be used to 1834
pay for services, including community-based long-term care 1835
services, to pay for administrative costs associated with 1836
provider certification under this section, and to pay for 1837

administrative costs related to the publication of the Ohio 1838
long-term care consumer guide. 1839

(I) The director shall certify a provider in accordance 1840
with Chapter 4796. of the Revised Code if either of the 1841
following applies: 1842

(1) The provider is licensed or certified in another 1843
state. 1844

(2) The provider has satisfactory work experience, a 1845
government certification, or a private certification as 1846
described in that chapter as a provider of community-based long- 1847
term care services under a state program in a state that does 1848
not issue that license or certificate. 1849

Sec. 173.422. (A) The department of aging shall certify 1850
individuals who meet certification requirements established by 1851
rule to provide long-term care consultations for purposes of 1852
sections 173.42 and 173.421 of the Revised Code. The director of 1853
aging shall adopt rules in accordance with Chapter 119. of the 1854
Revised Code governing the certification process and 1855
requirements. The rules shall specify the education, experience, 1856
or training in long-term care a person must have to qualify for 1857
certification. 1858

(B) Notwithstanding the requirements for a certification 1859
under division (A) of this section, the department shall issue a 1860
certification to provide long-term care consultations in 1861
accordance with Chapter 4796. of the Revised Code to a person if 1862
either of the following applies: 1863

(1) The person holds a license or certification in another 1864
state. 1865

(2) The person has satisfactory work experience, a 1866

government certification, or a private certification as 1867
described in that chapter as a provider of long-term care 1868
consultations in a state that does not issue that license or 1869
certification. 1870

Sec. 503.41. (A) A board of township trustees, by 1871
resolution, may regulate and require the registration of massage 1872
establishments and their employees within the unincorporated 1873
territory of the township. In accordance with sections 503.40 to 1874
503.49 of the Revised Code, for that purpose, the board, by a 1875
majority vote of all members, may adopt, amend, administer, and 1876
enforce regulations within the unincorporated territory of the 1877
township. 1878

(B) A board may adopt regulations and amendments under 1879
this section only after public hearing at not fewer than two 1880
regular sessions of the board. The board shall cause to be 1881
published in a newspaper of general circulation in the township, 1882
or as provided in section 7.16 of the Revised Code, notice of 1883
the public hearings, including the time, date, and place, once a 1884
week for two weeks immediately preceding the hearings. The board 1885
shall make available proposed regulations or amendments to the 1886
public at the office of the board. 1887

(C) Regulations or amendments adopted by the board are 1888
effective thirty days after the date of adoption unless, within 1889
thirty days after the adoption of the regulations or amendments, 1890
the township fiscal officer receives a petition, signed by a 1891
number of qualified electors residing in the unincorporated area 1892
of the township equal to not less than ten per cent of the total 1893
vote cast for all candidates for governor in the area at the 1894
most recent general election at which a governor was elected, 1895
requesting the board to submit the regulations or amendments to 1896

the electors of the area for approval or rejection at the next 1897
primary or general election occurring at least ninety days after 1898
the board receives the petition. 1899

No regulation or amendment for which the referendum vote 1900
has been requested is effective unless a majority of the votes 1901
cast on the issue is in favor of the regulation or amendment. 1902
Upon certification by the board of elections that a majority of 1903
the votes cast on the issue was in favor of the regulation or 1904
amendment, the regulation or amendment takes immediate effect. 1905

(D) The board shall make available regulations it adopts 1906
or amends to the public at the office of the board and shall 1907
cause to be published once a notice of the availability of the 1908
regulations in a newspaper of general circulation in the 1909
township within ten days after their adoption or amendment. 1910

(E) Nothing in sections 503.40 to 503.49 of the Revised 1911
Code shall be construed to allow a board of township trustees to 1912
regulate the practice of any limited branch of medicine 1913
specified in section 4731.15 of the Revised Code or the practice 1914
of providing therapeutic massage by a licensed physician, a 1915
licensed chiropractor, a licensed podiatrist, a licensed nurse, 1916
or any other licensed health professional. As used in this 1917
division, "licensed" means licensed, certified, or registered to 1918
practice in this state. 1919

(F) If a township adopts regulations to require the 1920
registration of massage establishments and their employees, the 1921
township shall comply with Chapter 4796. of the Revised Code. 1922

Sec. 715.27. (A) Any municipal corporation may: 1923

(1) Regulate the erection of fences, billboards, signs, 1924
and other structures, within the municipal corporation, and 1925

provide for the removal and repair of insecure billboards, 1926
signs, and other structures; 1927

(2) Regulate the construction and repair of wires, poles, 1928
plants, and all equipment to be used for the generation and 1929
application of electricity; 1930

(3) Provide for the licensing of house movers; plumbers; 1931
sewer tappers; vault cleaners; and specialty contractors who are 1932
not required to hold a valid license issued pursuant to Chapter 1933
4740. of the Revised Code; 1934

(4) Require all specialty contractors other than those who 1935
hold a valid license issued pursuant to Chapter 4740. of the 1936
Revised Code, to successfully complete an examination, test, or 1937
demonstration of technical skills, and may impose a fee and 1938
additional requirements for a license or registration to engage 1939
in their respective occupations within the jurisdiction of the 1940
municipal corporation. 1941

(B) No municipal corporation shall require any specialty 1942
contractor who holds a valid license issued pursuant to Chapter 1943
4740. of the Revised Code to complete an examination, test, or 1944
demonstration of technical skills to engage in the type of 1945
contracting for which the license is held, within the municipal 1946
corporation. 1947

(C) A municipal corporation may require a specialty 1948
contractor who holds a valid license issued pursuant to Chapter 1949
4740. of the Revised Code to register with the municipal 1950
corporation and pay any fee the municipal corporation imposes 1951
before that specialty contractor may engage within the municipal 1952
corporation in the type of contracting for which the license is 1953
held. Any fee shall be the same for all specialty contractors 1954

who engage in the same type of contracting. A municipal 1955
corporation may require a bond and proof of all of the 1956
following: 1957

(1) Insurance pursuant to division (B) (4) of section 1958
4740.06 of the Revised Code; 1959

(2) Compliance with Chapters 4121. and 4123. of the 1960
Revised Code; 1961

(3) Registration with the tax department of the municipal 1962
corporation. 1963

If a municipal corporation requires registration, imposes 1964
such a fee, or requires a bond or proof of the items listed in 1965
divisions (C) (1), (2), and (3) of this section, the municipal 1966
corporation immediately shall permit a contractor who presents 1967
proof of holding a valid license issued pursuant to Chapter 1968
4740. of the Revised Code, who registers, pays the fee, obtains 1969
a bond, and submits the proof described under divisions (C) (1), 1970
(2), and (3) of this section, as required, to engage in the type 1971
of contracting for which the license is held, within the 1972
municipal corporation. 1973

(D) A municipal corporation may revoke the registration of 1974
a contractor registered with that municipal corporation for good 1975
cause shown. Good cause shown includes the failure of a 1976
contractor to maintain a bond or the items listed in divisions 1977
(C) (1), (2), and (3) of this section, if the municipal 1978
corporation requires those. 1979

(E) A municipal corporation that licenses specialty 1980
contractors pursuant to division (A) (3) of this section may 1981
accept, for purposes of satisfying its licensing requirements, a 1982
valid license issued pursuant to Chapter 4740. of the Revised 1983

Code that a specialty contractor holds, for the construction, 1984
replacement, maintenance, or repair of one-family, two-family, 1985
or three-family dwelling houses or accessory structures 1986
incidental to those dwelling houses. 1987

(F) A municipal corporation shall not register a specialty 1988
contractor who is required to hold a license under Chapter 4740. 1989
of the Revised Code but does not hold a valid license issued 1990
under that chapter. 1991

(G) If a municipal corporation regulates a profession, 1992
occupation, or occupational activity under this section, the 1993
municipal corporation shall comply with Chapter 4796. of the 1994
Revised Code. 1995

(H) As used in this section, "specialty contractor" means 1996
a heating, ventilating, and air conditioning contractor, 1997
refrigeration contractor, electrical contractor, plumbing 1998
contractor, or hydronics contractor, as those contractors are 1999
described in Chapter 4740. of the Revised Code. 2000

Sec. 903.07. (A) On and after the date that is established 2001
in rules by the director of agriculture, both of the following 2002
apply: 2003

(1) The management and handling of manure at a major 2004
concentrated animal feeding facility, including the land 2005
application of manure or the removal of manure from a manure 2006
storage or treatment facility, shall be conducted only by or 2007
under the supervision of a person holding a livestock manager 2008
certification issued under this section. A person managing or 2009
handling manure who is acting under the instructions and control 2010
of a person holding a livestock manager certification is 2011
considered to be under the supervision of the certificate holder 2012

if the certificate holder is responsible for the actions of the 2013
person and is available when needed even though the certificate 2014
holder is not physically present at the time of the manure 2015
management or handling. 2016

(2) No person shall transport and land apply annually or 2017
buy, sell, or land apply annually the volume of manure 2018
established in rules adopted by the director under division (D) 2019
(5) of section 903.10 of the Revised Code unless the person 2020
holds a livestock manager certification issued under this 2021
section. 2022

(B) The Except as provided in division (D) of this 2023
section, the director shall issue a livestock manager 2024
certification to a person who has submitted a complete 2025
application for certification on a form prescribed and provided 2026
by the director, together with the appropriate application fee, 2027
and who has completed successfully the required training and has 2028
passed the required examination. The director may suspend or 2029
revoke a livestock manager certification and may reinstate a 2030
suspended or revoked livestock manager certification in 2031
accordance with rules. 2032

(C) Information required to be included in an application 2033
for a livestock manager certification, the amount of the 2034
application fee, requirements regarding training and the 2035
examination, requirements governing the management and handling 2036
of manure, including the land application of manure, and 2037
requirements governing the keeping of records regarding the 2038
handling of manure, including the land application of manure, 2039
shall be established in rules. 2040

(D) The director shall issue a livestock manager 2041
certification in accordance with Chapter 4796. of the Revised 2042

Code to an individual if either of the following applies: 2043

(1) The individual holds a certification in another state. 2044

(2) The individual has satisfactory work experience, a 2045
government certification, or a private certification as 2046
described in that chapter as a livestock manager in a state that 2047
does not issue that license. 2048

Sec. 905.321. (A) Beginning September thirtieth of the 2049
third year after ~~the effective date of this section~~ August 21, 2050
2014, no person shall apply fertilizer for the purposes of 2051
agricultural production unless that person has been certified to 2052
do so by the director of agriculture under this section and 2053
rules or is acting under the instructions and control of a 2054
person who is so certified. 2055

(B) ~~A~~ Except as otherwise provided in this division, a 2056
person shall be certified to apply fertilizer for purposes of 2057
agricultural production in accordance with rules. A person that 2058
has been so certified shall comply with requirements and 2059
procedures established in those rules. 2060

The director shall issue a certification to apply 2061
fertilizer for purposes of agricultural production in accordance 2062
with Chapter 4796. of the Revised Code to an individual if 2063
either of the following applies: 2064

(1) The individual holds a license or certification in 2065
another state. 2066

(2) The individual has satisfactory work experience, a 2067
government certification, or a private certification as 2068
described in that chapter as a fertilizer applicator in a state 2069
that does not issue that license or certification. 2070

(C) A person that has been licensed as a commercial applicator under section 921.06 of the Revised Code or as a private applicator under section 921.11 of the Revised Code may apply to be certified under this section, but shall not be required to pay the application fee for certification established in rules adopted under section 905.322 of the Revised Code.

Sec. 917.09. (A) The director of agriculture may issue the following types of licenses:

- (1) Producer;
- (2) Processor;
- (3) Milk dealer;
- (4) Raw milk retailer;
- (5) Weigher, sampler, or tester;
- (6) Milk hauler.

(B) The director may adopt rules establishing categories for each type of license that are based on the grade or type of dairy product with which the licensee is involved.

(C) Except as provided in section 917.091 of the Revised Code and division (J) of this section, no person shall act as or hold the person's self out as a producer; processor; milk dealer; raw milk retailer; weigher, sampler, or tester; or milk hauler unless the person holds a valid license issued by the director under this section.

(D) Each person desiring a license shall submit to the director a license application on a form prescribed by the director, accompanied by a license fee in an amount specified in

rules adopted under section 917.02 of the Revised Code. The 2098
applicant shall specify on the application the type of license 2099
and category requested and shall include any other information 2100
required by rules adopted under section 917.02 of the Revised 2101
Code. 2102

(E) Each applicant for a weigher, sampler, or tester 2103
license or registration, prior to issuance of the license or 2104
registration, shall pass an examination that is given in 2105
accordance with section 917.08 of the Revised Code and rules 2106
adopted under section 917.02 of the Revised Code. 2107

Each applicant for any other type of license issued under 2108
this section, prior to issuance of the license, shall pass an 2109
inspection that is made in accordance with rules adopted under 2110
section 917.02 of the Revised Code. 2111

(F) The director shall not issue a license to an applicant 2112
unless the director determines, through an inspection or 2113
otherwise, that the applicant is in compliance with the 2114
requirements set forth in this chapter and the rules adopted 2115
under it. 2116

(G) Examinations that must be passed prior to issuance of 2117
a weigher, sampler, or tester license, inspections that must be 2118
passed prior to issuance of any other type of license issued 2119
under this section, procedures for issuing and renewing 2120
licenses, and license terms and renewal periods shall comply 2121
with rules adopted under section 917.02 of the Revised Code. 2122

(H) Suspension and revocation of licenses shall comply 2123
with section 917.22 of the Revised Code and rules adopted under 2124
section 917.02 of the Revised Code. 2125

(I) Each licensed weigher, sampler, and tester annually 2126

shall meet the continuing education requirements established in 2127
rules adopted under division (B) of section 917.02 of the 2128
Revised Code. 2129

(J) A person whose religion prohibits the person from 2130
obtaining a license under this section, in place of a license, 2131
shall register with the director as a producer; processor; milk 2132
dealer; raw milk retailer; weigher, sampler, or tester; or milk 2133
hauler. 2134

The person claiming the exemption from licensure shall 2135
register on a form prescribed by the director and shall meet any 2136
other registration requirements contained in rules adopted under 2137
section 917.02 of the Revised Code. Upon receiving the person's 2138
registration form and determining that the person has satisfied 2139
all requirements for registration, the director shall notify the 2140
person that the person is registered to lawfully operate as a 2141
producer; processor; milk dealer; raw milk retailer; weigher, 2142
sampler, or tester; or milk hauler. 2143

A registrant is subject to all provisions governing 2144
licensees, such as provisions concerning testing, sampling, and 2145
inspection of dairy products. A registrant is subject to 2146
provisions governing issuance of a temporary weigher, sampler, 2147
or tester license under section 917.091 of the Revised Code. A 2148
registration shall be renewed, suspended, and revoked under the 2149
same terms as a license. 2150

(K) Notwithstanding the requirements for a license or 2151
registration under this section, the director shall issue a 2152
license or registration to operate as a producer; processor; 2153
milk dealer; raw milk retailer; weigher, sampler, or tester; or 2154
milk hauler, as applicable, in accordance with Chapter 4796. of 2155
the Revised Code to an individual if either of the following 2156

applies: 2157

(1) The individual holds a license or registration in 2158
another state. 2159

(2) The individual has satisfactory work experience, a 2160
government certification, or a private certification as 2161
described in that chapter as a producer; processor; milk dealer; 2162
raw milk retailer; weigher, sampler, or tester; or milk hauler, 2163
as applicable, in a state that does not issue the applicable 2164
license or registration. 2165

Sec. 917.091. The director of agriculture may issue a 2166
temporary weigher, sampler, or tester license to an applicant 2167
upon determining that the applicant has met all qualifications 2168
for licensure under section 917.09 of the Revised Code except 2169
successful completion of an examination. A temporary weigher, 2170
sampler, or tester license is effective for ninety days from the 2171
date of issuance. An applicant who has not taken an examination 2172
for licensure may receive no more than three temporary weigher, 2173
sampler, or tester licenses. An applicant who takes and fails an 2174
examination for licensure may receive no more than two temporary 2175
weigher, sampler, or tester licenses. Chapter 4796. of the 2176
Revised Code does not apply to a temporary license issued under 2177
this section. 2178

Sec. 921.06. (A) (1) No individual shall do any of the 2179
following without having a commercial applicator license issued 2180
by the director of agriculture: 2181

(a) Apply pesticides for a pesticide business without 2182
direct supervision; 2183

(b) Apply pesticides as part of the individual's duties 2184
while acting as an employee of the United States government, a 2185

state, county, township, or municipal corporation, or a park 2186
district, port authority, or sanitary district created under 2187
Chapter 1545., 4582., or 6115. of the Revised Code, 2188
respectively; 2189

(c) Apply restricted use pesticides. Division (A) (1) (c) of 2190
this section does not apply to a private applicator or an 2191
immediate family member or a subordinate employee of a private 2192
applicator who is acting under the direct supervision of that 2193
private applicator. 2194

(d) If the individual is the owner of a business other 2195
than a pesticide business or an employee of such an owner, apply 2196
pesticides at any of the following publicly accessible sites 2197
that are located on the property: 2198

(i) Food service operations that are licensed under 2199
Chapter 3717. of the Revised Code; 2200

(ii) Retail food establishments that are licensed under 2201
Chapter 3717. of the Revised Code; 2202

(iii) Golf courses; 2203

(iv) Rental properties of more than four apartment units 2204
at one location; 2205

(v) Hospitals or medical facilities as defined in section 2206
3701.01 of the Revised Code; 2207

(vi) Child day-care centers or school child day-care 2208
centers as defined in section 5104.01 of the Revised Code; 2209

(vii) Facilities owned or operated by a school district 2210
established under Chapter 3311. of the Revised Code, including 2211
an educational service center, a community school established 2212
under Chapter 3314. of the Revised Code, or a chartered or 2213

nonchartered nonpublic school that meets minimum standards 2214
established by the state board of education; 2215

(viii) State institutions of higher education as defined 2216
in section 3345.011 of the Revised Code, nonprofit institutions 2217
holding a certificate of authorization pursuant to Chapter 1713. 2218
of the Revised Code, institutions holding a certificate of 2219
registration from the state board of career colleges and schools 2220
and program authorization for an associate or bachelor's degree 2221
program issued under section 3332.05 of the Revised Code, and 2222
private institutions exempt from regulation under Chapter 3332. 2223
of the Revised Code as prescribed in section 3333.046 of the 2224
Revised Code; 2225

(ix) Food processing establishments as defined in section 2226
3715.021 of the Revised Code; 2227

(x) Any other site designated by rule. 2228

(e) Conduct authorized diagnostic inspections. 2229

(2) Divisions (A) (1) (a) to (d) of this section do not 2230
apply to an individual who is acting as a trained serviceperson 2231
under the direct supervision of a commercial applicator. 2232

(3) Licenses shall be issued for a period of time 2233
established by rule and shall be renewed in accordance with 2234
deadlines established by rule. The fee for each such license 2235
shall be established by rule. If a license is not issued or 2236
renewed, the application fee shall be retained by the state as 2237
payment for the reasonable expense of processing the 2238
application. The director shall by rule classify by pesticide- 2239
use category licenses to be issued under this section. A single 2240
license may include more than one pesticide-use category. No 2241
individual shall be required to pay an additional license fee if 2242

the individual is licensed for more than one category. 2243

The fee for each license or renewal does not apply to an 2244
applicant who is an employee of the department of agriculture 2245
whose job duties require licensure as a commercial applicator as 2246
a condition of employment. 2247

(B) Application for a commercial applicator license shall 2248
be made on a form prescribed by the director. Each application 2249
for a license shall state the pesticide-use category or 2250
categories of license for which the applicant is applying and 2251
other information that the director determines essential to the 2252
administration of this chapter. 2253

~~(C) If~~ (1) Except as provided in division (C) (2) of this 2254
section, if the director finds that the applicant is competent 2255
to apply pesticides and conduct diagnostic inspections and that 2256
the applicant has passed both the general examination and each 2257
applicable pesticide-use category examination as required under 2258
division (A) of section 921.12 of the Revised Code, the director 2259
shall issue a commercial applicator license limited to the 2260
pesticide-use category or categories for which the applicant is 2261
found to be competent. If the director rejects an application, 2262
the director may explain why the application was rejected, 2263
describe the additional requirements necessary for the applicant 2264
to obtain a license, and return the application. The applicant 2265
may resubmit the application without payment of any additional 2266
fee. 2267

(2) The director shall issue a commercial applicator 2268
license in accordance with Chapter 4796. of the Revised Code to 2269
an individual if either of the following applies: 2270

(a) The individual holds a commercial applicator license 2271

in another state. 2272

(b) The individual has satisfactory work experience, a 2273
government certification, or a private certification as 2274
described in that chapter as a commercial applicator in a state 2275
that does not issue that license. 2276

A license issued under this division shall be limited to 2277
the pesticide-use category or categories for which the applicant 2278
is licensed in another state or has satisfactory work 2279
experience, a government certification, or a private 2280
certification in that state. 2281

(D) (1) A person who is a commercial applicator shall be 2282
deemed to hold a private applicator's license for purposes of 2283
applying pesticides on agricultural commodities that are 2284
produced by the commercial applicator. 2285

(2) A commercial applicator shall apply pesticides only in 2286
the pesticide-use category or categories in which the applicator 2287
is licensed under this chapter. 2288

(E) All money collected under this section shall be 2289
credited to the pesticide, fertilizer, and lime program fund 2290
created in section 921.22 of the Revised Code. 2291

Sec. 921.11. (A) (1) No individual shall apply restricted 2292
use pesticides unless the individual is one of the following: 2293

(a) Licensed under section 921.06 of the Revised Code; 2294

(b) Licensed under division (B) of this section; 2295

(c) A trained serviceperson who is acting under the direct 2296
supervision of a commercial applicator; 2297

(d) An immediate family member or a subordinate employee 2298

of a private applicator who is acting under the direct 2299
supervision of that private applicator. 2300

(2) No individual shall directly supervise the application 2301
of a restricted use pesticide unless the individual is one of 2302
the following: 2303

(a) Licensed under section 921.06 of the Revised Code; 2304

(b) Licensed under division (B) of this section. 2305

~~(B) The (1) Subject to division (B) (2) of this section,~~ 2306
the director of agriculture shall adopt rules to establish 2307
standards and procedures for the licensure of private 2308
applicators. An individual shall apply for a private applicator 2309
license to the director, on forms prescribed by the director. 2310
The individual shall include in the application the pesticide- 2311
use category or categories of the license for which the 2312
individual is applying and any other information that the 2313
director determines is essential to the administration of this 2314
chapter. The fee for each license shall be established by rule. 2315
Licenses shall be issued for a period of time established by 2316
rule and shall be renewed in accordance with deadlines 2317
established by rule. If a license is not issued or renewed, the 2318
state shall retain any fee submitted as payment for reasonable 2319
expenses of processing the application. 2320

(2) The director shall issue a private applicator license 2321
in accordance with Chapter 4796. of the Revised Code to an 2322
individual if either of the following applies: 2323

(a) The individual holds a private applicator license in 2324
another state. 2325

(b) The individual has satisfactory work experience, a 2326
government certification, or a private certification as 2327

described in that chapter as a private applicator in a state 2328
that does not issue that license. 2329

A license issued under this division shall be limited to 2330
the pesticide-use category or categories for which the applicant 2331
is licensed in another state or has satisfactory work 2332
experience, a government certification, or a private 2333
certification in that state. 2334

(C) An individual who is licensed under this section shall 2335
use or directly supervise the use of a restricted use pesticide 2336
only for the purpose of producing agricultural commodities on 2337
property that is owned or rented by the individual or the 2338
individual's employer. 2339

(D) All money collected under this section shall be 2340
credited to the pesticide, fertilizer, and lime program fund 2341
created in section 921.22 of the Revised Code. 2342

Sec. 921.12. (A) The director of agriculture shall require 2343
each applicant for a license by examination under section 921.06 2344
or 921.11 of the Revised Code to be examined on the applicant's 2345
knowledge and competency in each of the following: 2346

(1) This chapter and rules adopted under it; 2347

(2) The proper use, handling, and application of 2348
pesticides and, if the applicant is applying for a license under 2349
section 921.06 of the Revised Code, in the conducting of 2350
diagnostic inspections in the pesticide-use categories for which 2351
the applicant has applied. 2352

(B) Each application for renewal of a license provided for 2353
in section 921.06 of the Revised Code shall be filed prior to 2354
the deadline established by rule. If filed after the deadline, a 2355
penalty of fifty per cent shall be assessed and added to the 2356

original fee and shall be paid by the applicant before the 2357
renewal license is issued. However, if a license issued under 2358
section 921.06 or 921.11 of the Revised Code is not renewed 2359
within one hundred eighty days after the date of expiration, the 2360
licensee shall be required to take another examination on this 2361
chapter and rules adopted under it and on the proper use, 2362
handling, and application of pesticides and, if applicable, the 2363
proper conducting of diagnostic inspections in the pesticide-use 2364
categories for which the licensee has been licensed. 2365

(C) A person who fails to pass an examination under 2366
division (A) or (B) of this section is not entitled to an 2367
adjudication under Chapter 119. of the Revised Code for that 2368
failure. 2369

(D) The holder of a commercial applicator license may 2370
renew the license within one hundred eighty days after the date 2371
of expiration without re-examination unless the director 2372
determines that a new examination is necessary to insure that 2373
the holder continues to meet the requirements of changing 2374
technology and to assure a continuing level of competence and 2375
ability to use pesticides safely and properly. 2376

(E) The holder of a private applicator license may renew 2377
the license within one hundred eighty days after the date of 2378
expiration without re-examination unless the director determines 2379
that a new examination is necessary to insure that the holder 2380
continues to meet the requirements of changing technology and to 2381
assure a continuing level of competence and ability to use 2382
pesticides safely and properly. 2383

(F) Instead of requiring a commercial applicator or 2384
private applicator to complete re-examination successfully under 2385
division (D) or (E) of this section, the director may require, 2386

in accordance with criteria established by rule, the commercial 2387
applicator or private applicator to participate in training 2388
programs that are designed to foster knowledge of new technology 2389
and to ensure a continuing level of competence and ability to 2390
use pesticides safely and properly. The director or the 2391
director's representative may provide the training or may 2392
authorize a third party to do so. In order for such 2393
authorization to occur, the third party and its training program 2394
shall comply with standards and requirements established by 2395
rule. 2396

Sec. 921.24. No person shall do any of the following: 2397

(A) Apply, use, directly supervise such application or 2398
use, or recommend a pesticide for use inconsistent with the 2399
pesticide's labeling, treatment standards, or other restrictions 2400
imposed by the director of agriculture; 2401

(B) Act as a commercial applicator without being licensed 2402
to do so; 2403

(C) Use any restricted use pesticide, unless the person is 2404
licensed to do so, is a trained serviceperson acting under the 2405
direct supervision of a commercial applicator, or is an 2406
immediate family member or a subordinate employee of a private 2407
applicator under the direct supervision of that private 2408
applicator; 2409

(D) Refuse or fail to keep or maintain records required by 2410
the director in rules adopted under this chapter, or to make 2411
reports when and as required by the director in rules adopted 2412
under this chapter; 2413

(E) Falsely or fraudulently represent the effect of 2414
pesticides or methods to be utilized; 2415

(F) Apply known ineffective or improper materials;	2416
(G) Operate in a negligent manner, which includes the operation of faulty or unsafe equipment;	2417 2418
(H) Impersonate any federal, state, county, or municipal official;	2419 2420
(I) Make false or fraudulent records, invoices, or reports;	2421 2422
(J) Fail to provide training to trained servicepersons in the application of pesticides;	2423 2424
(K) Fail to provide direct supervision as specified in rules adopted under division (C) of section 921.16 of the Revised Code;	2425 2426 2427
(L) Distribute a misbranded or adulterated pesticide;	2428
(M) Use fraud or misrepresentation in making application for a license or registration or renewal of a license or registration;	2429 2430 2431
(N) Refuse, fail, or neglect to comply with any limitation or restriction of a license or registration issued under this chapter or rules adopted thereunder;	2432 2433 2434
(O) Aid or abet a licensee or another person in violating this chapter or rules adopted thereunder;	2435 2436
(P) Make a false or misleading statement in an inspection concerning any infestation of pests or the use of pesticides;	2437 2438
(Q) Refuse or fail to comply with this chapter, the rules adopted thereunder, or any lawful order of the director;	2439 2440
(R) Distribute restricted use pesticides to the ultimate user without a pesticide dealer's license;	2441 2442

(S) Except as provided in division (F) of section 921.26	2443
of the Revised Code, distribute restricted use pesticides to an	2444
ultimate user who is not licensed under section 921.06, 921.08,	2445
or 921.11 of the Revised Code and rules adopted under this	2446
chapter;	2447
(T) Use any pesticide that is under an experimental use	2448
permit contrary to the provisions of the permit;	2449
(U) Engage in fraudulent business practices;	2450
(V) Dispose of any pesticide product or container in such	2451
a manner as to have unreasonable adverse effects on the	2452
environment;	2453
(W) Display any pesticide in any manner to produce	2454
unreasonable adverse effects on the environment, or to	2455
contaminate adjacent food, feed, or other products;	2456
(X) Apply any pesticide by aircraft without being licensed	2457
as a commercial applicator;	2458
(Y) Distribute a pesticide that is not registered with the	2459
director;	2460
(Z) Fail to properly supervise a trained serviceperson.	2461
Sec. 921.26. (A) The penalties provided for violations of	2462
this chapter do not apply to any of the following:	2463
(1) Any carrier while lawfully engaged in transporting a	2464
pesticide or device within this state, if that carrier, upon	2465
request, permits the director of agriculture to copy all records	2466
showing the transactions in the movement of the pesticides or	2467
devices;	2468
(2) Public officials of this state and the federal	2469

government, other than commercial applicators employed by the 2470
federal government, the state, or a political subdivision, while 2471
engaged in the performance of their official duties in 2472
administering state or federal pesticide laws or rules, or while 2473
engaged in pesticide research; 2474

(3) The manufacturer or shipper of a pesticide for 2475
experimental use only by or under supervision of an agency of 2476
this state or of the federal government authorized by law to 2477
conduct research in the field of pesticides, provided that the 2478
manufacturer or shipper is not required to obtain an 2479
experimental use permit from the United States environmental 2480
protection agency; 2481

(4) The manufacturer or shipper of a substance being 2482
tested in which its purpose only is to determine its value for 2483
pesticide purposes or to determine its toxicity or other 2484
properties, and from which the user does not expect to receive 2485
any benefit in pest control from its use; 2486

(5) Persons conducting laboratory research involving 2487
pesticides; 2488

(6) Persons who incidentally use pesticides. The 2489
incidental use shall involve only the application of general use 2490
pesticides. If a person incidentally uses a pesticide, the 2491
pesticide shall be applied in strict accordance with the 2492
manufacturer's label for general use purposes. If further 2493
applications are necessary following the incidental use 2494
application, a pesticide applicator shall apply the pesticide. 2495

(B) No pesticide or device shall be considered in 2496
violation of this chapter when intended solely for export to a 2497
foreign country, and when prepared or packed according to the 2498

specifications or directions of the purchaser. If the pesticide 2499
or device is not so exported, this chapter applies. 2500

(C) No person who is licensed, regulated, or registered 2501
under section 921.02, 921.03, 921.06, ~~921.08~~, 921.09, 921.11, or 2502
921.13 of the Revised Code shall be required to obtain a license 2503
or permit to operate or to be otherwise regulated in such 2504
capacity by any local ordinance, or to meet any other condition 2505
except as otherwise provided by statute or rule of the United 2506
States or of this state. 2507

(D) Section 921.09 of the Revised Code does not apply to 2508
an individual who uses only ground equipment for the individual 2509
or for the individual's neighbors, provided that the individual 2510
meets all of the following requirements: 2511

(1) Is licensed under section 921.11 of the Revised Code; 2512

(2) Operates farm property and operates and maintains 2513
pesticide application equipment primarily for the individual's 2514
own use; 2515

(3) Is not regularly engaged in the business of applying 2516
pesticides for hire or does not publicly hold oneself out as a 2517
pesticide applicator; 2518

(4) Meets any other requirement established by rule. 2519

(E) Section 921.06 of the Revised Code relating to 2520
licenses and requirements for their issuance does not apply to 2521
licensed physicians or veterinarians applying pesticides to 2522
human beings or other animals during the normal course of their 2523
practice, provided that they are not regularly engaged in the 2524
business of applying pesticides for hire amounting to a 2525
principal or regular occupation or do not publicly hold 2526
themselves out as commercial applicators. 2527

(F) Division (S) of section 921.24 of the Revised Code 2528
does not apply to a pesticide dealer who distributes restricted 2529
use pesticides to a nonresident who is licensed in another state 2530
having a state plan approved by the United States environmental 2531
protection agency. 2532

Sec. 926.30. (A) No licensed handler or employee of a 2533
licensed handler who receives an agricultural commodity from a 2534
producer, either for sale or for storage under a bailment 2535
agreement, shall perform a quality test on the commodity for the 2536
purpose of applying a premium, discount, or conditioning charge 2537
unless the person making the test has passed an examination on 2538
the subject that is approved by the director of agriculture. 2539
~~Upon~~ Except as provided in division (D) of this section, upon 2540
application by a person who has passed the examination, the 2541
director shall issue to the person an agricultural commodity 2542
tester certificate that shall be valid for a period of three 2543
years. Except as otherwise provided in this division, an 2544
agricultural commodity tester shall pass an examination on 2545
agricultural commodity testing approved by the director prior to 2546
each renewal of a certificate. The director may exempt from the 2547
examination requirement for certificate renewal an agricultural 2548
commodity tester who, during the year prior to expiration of the 2549
certificate, successfully completes training on agricultural 2550
commodity testing that has been approved by the director. The 2551
director shall establish by rule standards that such training 2552
must meet in order to be approved by the director. The rules 2553
shall require the training to include instructions in the use of 2554
the official grain standards of the United States as a basis for 2555
determining the quality of the commodities tested by an 2556
agricultural commodity tester. An agricultural commodity tester 2557
certificate issued prior to ~~the effective date of this amendment~~ 2558

July 29, 1998, shall be considered to be valid until the date on 2559
which, at the time of issuance, it was scheduled to expire. Upon 2560
expiration of the certificate, the examination requirement for 2561
renewal shall apply. 2562

(B) The director may determine that retraining or review 2563
is necessary for the tester as a result of changes in or 2564
amendments to the official grain standards of the United States, 2565
or if the director has reason to believe that retraining is 2566
necessary as a result of complaints relating to the tester's 2567
inability to accurately test commodities according to the 2568
official grain standards. A fee to cover the cost of issuing 2569
certificates and administering the educational program shall be 2570
established by rule of the director adopted under Chapter 119. 2571
of the Revised Code and shall be deposited into the commodity 2572
handler regulatory program fund created in section 926.19 of the 2573
Revised Code. 2574

(C) The director may suspend or revoke the certificate of 2575
an agricultural commodity tester in accordance with Chapter 119. 2576
of the Revised Code for failure or inability of the tester to 2577
apply the official grain standards of the United States in 2578
testing the quality of an agricultural commodity. 2579

(D) The director shall issue an agricultural commodity 2580
tester certificate in accordance with Chapter 4796. of the 2581
Revised Code to an individual if either of the following 2582
applies: 2583

(1) The individual holds a license or certificate in 2584
another state. 2585

(2) The individual has satisfactory work experience, a 2586
government certification, or a private certification as 2587

described in that chapter as a agricultural commodity tester in 2588
a state that does not issue that license. 2589

Sec. 928.02. (A) (1) The director of agriculture shall 2590
establish a program to monitor and regulate hemp cultivation and 2591
processing in this state. Under the program, the director shall 2592
issue hemp cultivation licenses and hemp processing licenses in 2593
accordance with rules adopted under section 928.03 of the 2594
Revised Code. 2595

(2) As authorized by the director, the department of 2596
agriculture or a university may cultivate or process hemp 2597
without a hemp cultivation license or hemp processing license 2598
for research purposes. 2599

(B) Except as authorized under division (A) (2) or (E) of 2600
this section, any person that wishes to cultivate hemp shall 2601
apply for and obtain a hemp cultivation license from the 2602
director in accordance with rules adopted under section 928.03 2603
of the Revised Code. Except as authorized under division (A) (2) 2604
or (E) of this section, any person that wishes to process hemp 2605
shall apply for and obtain a hemp processing license from the 2606
director in accordance with those rules. Such licenses are valid 2607
for three years unless earlier suspended or revoked by the 2608
director. 2609

(C) The department, a university, or any person may, 2610
without a hemp cultivation license or hemp processing license, 2611
possess, buy, or sell hemp or a hemp product. 2612

(D) Notwithstanding any other provision of the Revised 2613
Code to the contrary, the addition of hemp or a hemp product to 2614
any other product does not adulterate that other product. 2615

(E) The director shall issue a hemp cultivation license or 2616

hemp processing license in accordance with Chapter 4796. of the 2617
Revised Code to an individual if either of the following 2618
applies: 2619

(1) The individual holds the applicable license in another 2620
state. 2621

(2) The individual has satisfactory work experience, a 2622
government certification, or a private certification as 2623
described in that chapter as a hemp cultivator or hemp processor 2624
in a state that does not issue the applicable license. 2625

Sec. 943.09. Licenses~~—~~(A) Except as provided in division 2626
(B) of this section, licenses shall be issued by the department 2627
of agriculture to weighers under such rules and regulations as 2628
the department shall prescribe. Each weigher shall display ~~his~~ 2629
the weigher's license in a conspicuous place on or adjacent to 2630
the weighing facility operated by such weigher. A weigher's 2631
license may be revoked for a violation of section 943.11 of the 2632
Revised Code or of the rules and regulations of the department 2633
relating thereto. The license of any weigher convicted of a 2634
violation of such section shall be promptly revoked. A weigher's 2635
license, unless revoked, shall expire on the thirty-first day of 2636
March of each year and shall be renewed according to the 2637
standard renewal procedure of sections 4745.01 to 4745.03, 2638
inclusive, of the Revised Code. 2639

(B) The director of agriculture shall issue a weigher's 2640
license in accordance with Chapter 4796. of the Revised Code to 2641
an individual if either of the following applies: 2642

(1) The individual holds a license in another state. 2643

(2) The individual has satisfactory work experience, a 2644
government certification, or a private certification as 2645

described in that chapter as a weigher in a state that does not 2646
issue that license. 2647

Sec. 956.05. (A) (1) No person shall act as or perform the 2648
functions of a dog broker in this state without a dog broker 2649
license issued by the director of agriculture in accordance with 2650
this section and rules adopted under section 956.03 of the 2651
Revised Code. 2652

(2) The director shall not issue a license under this 2653
section unless the director determines that the applicant will 2654
act as or perform the functions of a dog broker in accordance 2655
with this chapter and rules adopted under it. 2656

(B) A person who is proposing to act as or perform the 2657
functions of a dog broker shall submit an application for a 2658
license to the director. During the month of December, but 2659
before the first day of January of the next year, a person who 2660
is proposing to continue to act as or perform the functions of a 2661
dog broker shall obtain a license from the director for the 2662
following year. 2663

(C) The director shall issue a dog broker license in 2664
accordance with Chapter 4796. of the Revised Code to a person if 2665
either of the following applies: 2666

(1) The person holds a license in another state. 2667

(2) The person has satisfactory work experience, a 2668
government certification, or a private certification as 2669
described in that chapter as a dog broker in a state that does 2670
not issue that license. 2671

Sec. 956.06. (A) (1) No person shall operate an animal 2672
rescue for dogs without first registering with the director of 2673
agriculture in accordance with division (C) of this section or 2674

rules adopted under section 956.03 of the Revised Code, as 2675
applicable. A registration is valid for one year. 2676

(2) A registration may be renewed. An application for 2677
renewal shall be submitted to the director at least ninety days 2678
prior to the expiration of the registration. 2679

(3) The director shall not charge a registration fee to an 2680
animal rescue for dogs. However, if a person fails to renew a 2681
registration prior to its expiration, the director shall charge 2682
the person a late renewal fee of two hundred dollars. 2683

(B) The director shall maintain a database of all persons 2684
that are registered to operate an animal rescue for dogs in this 2685
state. 2686

(C) The director shall issue an animal rescue license for 2687
dogs registration in accordance with Chapter 4796. of the 2688
Revised Code to a person if either of the following applies: 2689

(1) The person holds a license or registration in another 2690
state. 2691

(2) The person has satisfactory work experience, a 2692
government certification, or a private certification as 2693
described in that chapter as an animal rescue for dogs operator 2694
in a state that does not issue that license or registration. 2695

Sec. 1315.23. (A) Upon the filing of an application for an 2696
original license to engage in the business of cashing checks, 2697
and the payment of the fees for investigation and licensure, the 2698
superintendent of financial institutions shall investigate the 2699
financial condition and responsibility and general fitness of 2700
the applicant. As part of that investigation, the superintendent 2701
shall request that the superintendent of the bureau of criminal 2702
identification and investigation investigate and determine, with 2703

respect to the applicant, whether the bureau has any information 2704
gathered under section 109.57 of the Revised Code that pertains 2705
to that applicant. 2706

~~(B) The (1) Except as provided in division (B) (2) of this~~ 2707
~~section, the~~ superintendent shall issue a license, which shall 2708
apply to all check-cashing business locations of the applicant, 2709
if the superintendent determines that the applicant meets all 2710
the following requirements: 2711

~~(1) (a)~~ The applicant is financially sound and has a net 2712
worth of at least twenty-five thousand dollars. The applicant's 2713
net worth shall be computed according to generally accepted 2714
accounting principles. The applicant shall maintain a net worth 2715
of at least twenty-five thousand dollars throughout the 2716
licensure period. 2717

~~(2) (b)~~ The applicant has the ability and fitness in the 2718
capacity involved to engage in the business of cashing checks. 2719

~~(3) (c)~~ The applicant has not been convicted of, or has 2720
not pleaded guilty or no contest to, a disqualifying offense 2721
determined in accordance with section 9.79 of the Revised Code. 2722

~~(4) (d)~~ The applicant has never had a check-cashing 2723
license revoked. 2724

(2) The superintendent shall issue a license to engage in 2725
the business of cashing checks in accordance with Chapter 4796. 2726
of the Revised Code to an applicant if either of the following 2727
applies: 2728

(a) The applicant holds a license in another state. 2729

(b) The applicant has satisfactory work experience, a 2730
government certification, or a private certification as 2731

described in that chapter in the business of cashing checks in a 2732
state that does not issue that license. 2733

(C) (1) A license issued to a check-cashing business shall 2734
remain in full force and effect through the thirty-first day of 2735
December following its date of issuance, unless earlier 2736
surrendered, suspended, or revoked. 2737

(2) Each check-cashing business shall conspicuously post 2738
and at all times display in every business location its check- 2739
cashing license. No check-cashing license is transferable or 2740
assignable. 2741

(D) A check-cashing business voluntarily may surrender its 2742
license at any time by giving written notice to the 2743
superintendent and sending, by certified mail, to the 2744
superintendent all license documents issued to it pursuant to 2745
sections 1315.21 to 1315.28 of the Revised Code. 2746

(E) (1) A check-cashing business annually may apply to the 2747
superintendent for a renewal of its license on or after the 2748
first day of December of the year in which its existing license 2749
expires. 2750

(2) If a check-cashing business files an application for a 2751
renewal license with the superintendent before the first day of 2752
January of any year, the license sought to be renewed shall 2753
continue in full force and effect until the issuance by the 2754
superintendent of the renewal license applied for or until ten 2755
days after the superintendent has given the check-cashing 2756
business notice of the superintendent's refusal to issue a 2757
renewal license. 2758

(F) The superintendent may, except as otherwise provided 2759
in this division, suspend, revoke, or refuse an original or 2760

renewal license for failure to comply with this section or for 2761
any violation of section 1315.28 of the Revised Code. If a 2762
suspension, revocation, or refusal of an original or renewal 2763
license is based on a violation of section 1315.28 of the 2764
Revised Code that is committed, without the licensee's 2765
knowledge, at a check-cashing business location of the licensee, 2766
the suspension or revocation applies only to that check-cashing 2767
business location. In all other cases, a suspension, revocation, 2768
or refusal of an original or renewal license applies to all 2769
check-cashing business locations of the licensee. The 2770
superintendent shall not refuse an original license to an 2771
applicant because of a criminal conviction unless the refusal is 2772
in accordance with section 9.79 of the Revised Code. 2773

(G) No original or renewal license shall be suspended, 2774
revoked, or refused except after a hearing in accordance with 2775
Chapter 119. of the Revised Code. In suspending a license under 2776
this division, the superintendent shall establish the length of 2777
the suspension, provided that no suspension may be for a period 2778
exceeding one year. The superintendent's decision to revoke, 2779
suspend, or refuse an original or renewal license may be 2780
appealed pursuant to Chapter 119. of the Revised Code. 2781

(H) Upon revocation of a license, the licensee shall 2782
immediately send, by certified mail, all license documents 2783
issued pursuant to sections 1310.21 to 1310.28 of the Revised 2784
Code to the superintendent. 2785

(I) The superintendent may, in lieu of a suspension or 2786
revocation of a license, impose a fine of not more than one 2787
thousand dollars for each violation. 2788

Sec. 1321.04. ~~Upon (A)~~ Except as otherwise provided in 2789
division (B) of this section, upon the filing of an application 2790

under section 1321.03 of the Revised Code and payment of fees 2791
pursuant to section 1321.20 of the Revised Code, the division of 2792
financial institutions shall investigate the facts concerning 2793
the applicant and the requirements provided for in divisions (A) 2794
(1) and ~~(B)~~(2) of this section. 2795

The division shall approve the application and issue and 2796
deliver a license to the applicant if the division finds both of 2797
the following: 2798

~~(A)~~(1) That the financial responsibility, experience, and 2799
general fitness of the applicant and of the members thereof, if 2800
the applicant is a partnership or an association, and of the 2801
officers and directors thereof, if the applicant is a 2802
corporation, are such as to warrant the belief that the business 2803
will be operated lawfully, honestly, and fairly under sections 2804
1321.01 to 1321.19 of the Revised Code and within the purposes 2805
of those sections, that the applicant has fully complied with 2806
those sections, and that the applicant is qualified to act as a 2807
licensed lender; 2808

~~(B)~~(2) That the applicant has available for the operation 2809
of such business cash or moneys deposited in a readily 2810
accessible fund or account of not less than twenty-five thousand 2811
dollars. 2812

If the division does not so find, it shall enter an order 2813
denying such application and forthwith notify the applicant of 2814
the denial, the grounds for the denial, and the applicant's 2815
reasonable opportunity to be heard on the action in accordance 2816
with Chapter 119. of the Revised Code. In the event of denial, 2817
the division shall return the license fee but shall retain the 2818
investigation fee. 2819

(B) The division shall issue and deliver a license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 2820
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(1) The applicant holds a license in another state. 2823

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter in the business of lending money, credit, or choses in action in amounts of five thousand dollars or less in a state that does not issue that license. 2824
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Sec. 1321.37. (A) Application for an original or renewal license to make short-term loans shall be in writing, under oath, and in the form prescribed by the superintendent of financial institutions, and shall contain the name and address of the applicant, the location where the business of making loans is to be conducted, and any further information as the superintendent requires. At the time of making an application for an original license, the applicant shall pay to the superintendent a nonrefundable investigation fee of two hundred dollars. No investigation fee or any portion thereof shall be refunded after an original license has been issued. The application for an original or renewal license shall be accompanied by an original or renewal license fee, for each business location of one thousand dollars, except that applications for original licenses issued on or after the first day of July for any year shall be accompanied by an original license fee of five hundred dollars, and except that an application for an original or renewal license, for a nonprofit corporation that is incorporated under Chapter 1702. of the Revised Code, shall be accompanied by an original or renewal license fee, for each business location, that is one-half of the 2829
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fee otherwise required. All fees paid to the superintendent 2850
pursuant to this division shall be deposited into the state 2851
treasury to the credit of the consumer finance fund. 2852

(B) Upon the filing of an application for an original 2853
license and, with respect to an application filed for a renewal 2854
license, on a schedule determined by the superintendent by rule 2855
adopted pursuant to section 1321.43 of the Revised Code, and the 2856
payment of fees in accordance with division (A) of this section, 2857
the superintendent shall investigate the facts concerning the 2858
applicant and the requirements provided by this division. The 2859
superintendent shall request the superintendent of the bureau of 2860
criminal identification and investigation, or a vendor approved 2861
by the bureau, to conduct a criminal records check based on the 2862
applicant's fingerprints in accordance with section 109.572 of 2863
the Revised Code. Notwithstanding division (K) of section 121.08 2864
of the Revised Code, the superintendent of financial 2865
institutions shall request that criminal record information from 2866
the federal bureau of investigation be obtained as part of the 2867
criminal records check. The superintendent of financial 2868
institutions shall conduct a civil records check. The 2869
superintendent shall approve an application and issue an 2870
original or renewal license to the applicant if the 2871
superintendent finds all of the following: 2872

(1) The financial responsibility, experience, and general 2873
fitness of the applicant are such as to warrant the belief that 2874
the business of making loans will be operated lawfully, 2875
honestly, and fairly under sections 1321.35 to 1321.48 of the 2876
Revised Code and within the purposes of those sections; that the 2877
applicant has fully complied with those sections and any rule or 2878
order adopted or issued pursuant to section 1321.43 of the 2879
Revised Code; and that the applicant is qualified to engage in 2880

the business of making loans under sections 1321.35 to 1321.48 2881
of the Revised Code. 2882

(2) The applicant is financially sound and has a net worth 2883
of not less than one hundred thousand dollars, or in the case of 2884
a nonprofit corporation that is incorporated under Chapter 1702. 2885
of the Revised Code, a net worth of not less than fifty thousand 2886
dollars. The applicant's net worth shall be computed according 2887
to generally accepted accounting principles. 2888

(3) The applicant has never had revoked a license to make 2889
loans under sections 1321.35 to 1321.48 of the Revised Code, 2890
under former sections 1315.35 to 1315.44 of the Revised Code, or 2891
to do business under sections 1315.21 to 1315.30 of the Revised 2892
Code. 2893

(4) Neither the applicant nor any senior officer, or 2894
partner of the applicant, has pleaded guilty to or been 2895
convicted of a disqualifying offense as determined in accordance 2896
with section 9.79 of the Revised Code. 2897

(5) Neither the applicant nor any senior officer, or 2898
partner of the applicant, has been subject to any adverse 2899
judgment for conversion, embezzlement, misappropriation of 2900
funds, fraud, misfeasance or malfeasance, or breach of fiduciary 2901
duty, or if the applicant or any of those other persons has been 2902
subject to such a judgment, the applicant has proven to the 2903
superintendent, by a preponderance of the evidence, that the 2904
applicant's or other person's activities and employment record 2905
since the judgment show that the applicant or other person is 2906
honest and truthful and there is no basis in fact for believing 2907
that the applicant or other person will be subject to such a 2908
judgment again. 2909

(C) If the superintendent finds that the applicant does not meet the requirements of division (B) of this section, or the superintendent finds that the applicant knowingly or repeatedly contracts with or employs persons to directly engage in lending activities who have been convicted of a felony crime listed in division (B)(5) of this section, the superintendent shall issue an order denying the application for an original or renewal license and giving the applicant an opportunity for a hearing on the denial in accordance with Chapter 119. of the Revised Code. The superintendent shall notify the applicant of the denial, the grounds for the denial, and the applicant's opportunity for a hearing. If the application is denied, the superintendent shall return the annual license fee but shall retain the investigation fee.

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

(E) Notwithstanding any provision of this section to the contrary, the superintendent shall issue an original license in

accordance with Chapter 4796. of the Revised Code to an 2941
applicant if either of the following applies: 2942

(1) The applicant holds a license in another state. 2943

(2) The applicant has satisfactory work experience, a 2944
government certification, or a private certification as 2945
described in that chapter as a short-term lender in a state that 2946
does not issue that license. 2947

Sec. 1321.53. (A) (1) An application for a certificate of 2948
registration under sections 1321.51 to 1321.60 of the Revised 2949
Code shall contain an undertaking by the applicant to abide by 2950
those sections. The application shall be in writing, under oath, 2951
and in the form prescribed by the division of financial 2952
institutions, and shall contain any information that the 2953
division may require. Applicants that are foreign corporations 2954
shall obtain and maintain a license pursuant to Chapter 1703. of 2955
the Revised Code before a certificate is issued or renewed. 2956

(2) Upon the filing of the application and the payment by 2957
the applicant of a nonrefundable two-hundred-dollar 2958
investigation fee and a nonrefundable three-hundred-dollar 2959
annual registration fee, the division shall investigate the 2960
relevant facts. If the application involves investigation 2961
outside this state, the applicant may be required by the 2962
division to advance sufficient funds to pay any of the actual 2963
expenses of such investigation, when it appears that these 2964
expenses will exceed two hundred dollars. An itemized statement 2965
of any of these expenses which the applicant is required to pay 2966
shall be furnished to the applicant by the division. No 2967
certificate shall be issued unless all the required fees have 2968
been submitted to the division. 2969

(3) The investigation undertaken upon application shall 2970
include both a civil and criminal records check of the applicant 2971
including any individual whose identity is required to be 2972
disclosed in the application. Where the applicant is a business 2973
entity the superintendent shall have the authority to require a 2974
civil and criminal background check of those persons that in the 2975
determination of the superintendent have the authority to direct 2976
and control the operations of the applicant. 2977

(4) (a) Notwithstanding division (K) of section 121.08 of 2978
the Revised Code, the superintendent of financial institutions 2979
shall obtain a criminal history records check and, as part of 2980
that records check, request that criminal record information 2981
from the federal bureau of investigation be obtained. To fulfill 2982
this requirement, the superintendent shall request the 2983
superintendent of the bureau of criminal identification and 2984
investigation, or a vendor approved by the bureau, to conduct a 2985
criminal records check based on the applicant's fingerprints or, 2986
if the fingerprints are unreadable, based on the applicant's 2987
social security number, in accordance with section 109.572 of 2988
the Revised Code. 2989

(b) Any fee required under division (C) (3) of section 2990
109.572 of the Revised Code shall be paid by the applicant. 2991

(5) If an application for a certificate of registration 2992
does not contain all of the information required under division 2993
(A) of this section, and if such information is not submitted to 2994
the division within ninety days after the superintendent 2995
requests the information in writing, including by electronic 2996
transmission or facsimile, the superintendent may consider the 2997
application withdrawn. 2998

(6) If the division finds that the financial 2999

responsibility, experience, and general fitness of the applicant 3000
command the confidence of the public and warrant the belief that 3001
the business will be operated honestly and fairly in compliance 3002
with the purposes of sections 1321.51 to 1321.60 of the Revised 3003
Code and the rules adopted thereunder, and that the applicant 3004
has the applicable net worth and assets required by division ~~(B)~~ 3005
(C) of this section, the division shall thereupon issue a 3006
certificate of registration to the applicant. The superintendent 3007
shall not use a credit score as the sole basis for a 3008
registration denial. 3009

(a) (i) Certificates of registration issued on or after 3010
July 1, 2010, shall annually expire on the thirty-first day of 3011
December, unless renewed by the filing of a renewal application 3012
and payment of a three-hundred-dollar nonrefundable annual 3013
registration fee and any assessment as determined by the 3014
superintendent pursuant to division (A) (6) (a) (ii) of this 3015
section on or before the last day of December of each year. No 3016
other fee or assessment shall be required of a registrant by the 3017
state or any political subdivision of this state. 3018

(ii) If the renewal fees billed by the superintendent 3019
pursuant to division (A) (6) (a) (i) of this section are less than 3020
the estimated expenditures of the consumer finance section of 3021
the division of financial institutions, as determined by the 3022
superintendent, for the following fiscal year, the 3023
superintendent may assess each registrant at a rate sufficient 3024
to equal in the aggregate the difference between the renewal 3025
fees billed and the estimated expenditures. Each registrant 3026
shall pay the assessed amount to the superintendent prior to the 3027
last day of June. In no case shall the assessment exceed ten 3028
cents per each one hundred dollars of interest (excluding 3029
charge-off recoveries), points, loan origination charges, and 3030

credit line charges collected by that registrant during the 3031
previous calendar year. If such an assessment is imposed, it 3032
shall not be less than two hundred fifty dollars per registrant 3033
and shall not exceed thirty thousand dollars less the total 3034
renewal fees paid pursuant to division (A)(6)(a)(i) of this 3035
section by each registrant. 3036

(b) Registrants shall timely file renewal applications on 3037
forms prescribed by the division and provide any further 3038
information that the division may require. If a renewal 3039
application does not contain all of the information required 3040
under this section, and if that information is not submitted to 3041
the division within ninety days after the superintendent 3042
requests the information in writing, including by electronic 3043
transmission or facsimile, the superintendent may consider the 3044
application withdrawn. 3045

(c) Renewal shall not be granted if the applicant's 3046
certificate of registration is subject to an order of 3047
suspension, revocation, or an unpaid and past due fine imposed 3048
by the superintendent. 3049

(d) If the division finds the applicant does not meet the 3050
conditions set forth in this section, it shall issue a notice of 3051
intent to deny the application, and forthwith notify the 3052
applicant of the denial, the grounds for the denial, and the 3053
applicant's reasonable opportunity to be heard on the action in 3054
accordance with Chapter 119. of the Revised Code. 3055

(7) If there is a change of five per cent or more in the 3056
ownership of a registrant, the division may make any 3057
investigation necessary to determine whether any fact or 3058
condition exists that, if it had existed at the time of the 3059
original application for a certificate of registration, the fact 3060

or condition would have warranted the division to deny the 3061
application under division (A) (6) of this section. If such a 3062
fact or condition is found, the division may, in accordance with 3063
Chapter 119. of the Revised Code, revoke the registrant's 3064
certificate. 3065

(B) Notwithstanding division (A) of this section, the 3066
division shall issue a certificate of registration in accordance 3067
with Chapter 4796. of the Revised Code to an applicant if either 3068
of the following applies: 3069

(1) The applicant holds a license or certificate in 3070
another state. 3071

(2) The applicant has satisfactory work experience, a 3072
government certification, or a private certification as 3073
described in that chapter as a general loan lender in a state 3074
that does not issue that license. 3075

(C) Each registrant that engages in lending under sections 3076
1321.51 to 1321.60 of the Revised Code shall maintain both of 3077
the following: 3078

(1) A net worth of at least fifty thousand dollars; 3079

(2) For each certificate of registration, assets of at 3080
least fifty thousand dollars either in use or readily available 3081
for use in the conduct of the business. 3082

~~(C)~~ (D) Not more than one place of business shall be 3083
maintained under the same certificate, but the division may 3084
issue additional certificates to the same registrant upon 3085
compliance with sections 1321.51 to 1321.60 of the Revised Code, 3086
governing the issuance of a single certificate. No change in the 3087
place of business of a registrant to a location outside the 3088
original municipal corporation shall be permitted under the same 3089

certificate without the approval of a new application, the 3090
payment of the registration fee and, if required by the 3091
superintendent, the payment of an investigation fee of two 3092
hundred dollars. When a registrant wishes to change its place of 3093
business within the same municipal corporation, it shall give 3094
written notice of the change in advance to the division, which 3095
shall provide a certificate for the new address without cost. If 3096
a registrant changes its name, prior to making loans under the 3097
new name it shall give written notice of the change to the 3098
division, which shall provide a certificate in the new name 3099
without cost. Sections 1321.51 to 1321.60 of the Revised Code do 3100
not limit the loans of any registrant to residents of the 3101
community in which the registrant's place of business is 3102
situated. Each certificate shall be kept conspicuously posted in 3103
the place of business of the registrant and is not transferable 3104
or assignable. 3105

~~(D)~~ (E) Sections 1321.51 to 1321.60 of the Revised Code do 3106
not apply to any of the following: 3107

(1) Entities chartered and lawfully doing business under 3108
the authority of any law of this state, another state, or the 3109
United States as a bank, savings bank, trust company, savings 3110
and loan association, or credit union, or a subsidiary of any 3111
such entity, which subsidiary is regulated by a federal banking 3112
agency and is owned and controlled by such a depository 3113
institution; 3114

(2) Life, property, or casualty insurance companies 3115
licensed to do business in this state; 3116

(3) Any person that is a lender making a loan pursuant to 3117
sections 1321.01 to 1321.19 or sections 1321.62 to 1321.701 of 3118
the Revised Code or a business loan as described in division (B) 3119

(6) of section 1343.01 of the Revised Code; 3120

(4) Any political subdivision, or any governmental or 3121
other public entity, corporation, instrumentality, or agency, in 3122
or of the United States or any state of the United States, or 3123
any entity described in division (B)(3) of section 1343.01 of 3124
the Revised Code; 3125

(5) A college or university, or controlled entity of a 3126
college or university, as those terms are defined in section 3127
1713.05 of the Revised Code. 3128

~~(E)~~-(F) No person engaged in the business of selling 3129
tangible goods or services related to tangible goods may receive 3130
or retain a certificate under sections 1321.51 to 1321.60 of the 3131
Revised Code for such place of business. 3132

Sec. 1321.64. (A) An application for a license shall 3133
contain an undertaking by the applicant to abide by those 3134
sections. The application shall be in writing, under oath, and 3135
in the form prescribed by the superintendent of financial 3136
institutions, and shall contain any information that the 3137
superintendent may require. Applicants that are foreign 3138
corporations shall obtain and maintain a license pursuant to 3139
Chapter 1703. of the Revised Code before a license is issued or 3140
renewed. 3141

(B) Upon the filing of the application and the payment by 3142
the applicant of a nonrefundable investigation fee of two 3143
hundred dollars, a nonrefundable annual registration fee of 3144
three hundred dollars, and any additional fee required by the 3145
NMLSR, the division of financial institutions shall investigate 3146
the relevant facts. If the application involves investigation 3147
outside this state, the applicant may be required by the 3148

division to advance sufficient funds to pay any of the actual 3149
expenses of the investigation when it appears that these 3150
expenses will exceed two hundred dollars. An itemized statement 3151
of any of these expenses which the applicant is required to pay 3152
shall be furnished to the applicant by the division. A license 3153
shall not be issued unless all the required fees have been 3154
submitted to the division. 3155

(C) (1) The investigation undertaken upon receipt of an 3156
application shall include both a civil and criminal records 3157
check of any control person. 3158

(2) (a) Notwithstanding division (K) of section 121.08 of 3159
the Revised Code, the superintendent shall obtain a criminal 3160
records check on each control person and, as part of that 3161
records check, request that criminal records information from 3162
the federal bureau of investigation be obtained. To fulfill this 3163
requirement, the superintendent shall do either of the 3164
following: 3165

(i) Request the superintendent of the bureau of criminal 3166
identification and investigation, or a vendor approved by the 3167
bureau, to conduct a criminal records check based on the control 3168
person's fingerprints or, if the fingerprints are unreadable, 3169
based on the control person's social security number, in 3170
accordance with section 109.572 of the Revised Code; 3171

(ii) Authorize the NMLSR to request a criminal records 3172
check of the control person. 3173

(b) Any fee required under division (C) (3) of section 3174
109.572 of the Revised Code or by the NMLSR shall be paid by the 3175
applicant. 3176

(D) If an application for a license does not contain all 3177

of the information required under division (A) of this section, 3178
and if such information is not submitted to the division or to 3179
the NMLSR within ninety days after the superintendent or the 3180
NMLSR requests the information in writing, including by 3181
electronic transmission or facsimile, the superintendent may 3182
consider the application withdrawn. 3183

(E) If the superintendent of financial institutions finds 3184
that the financial responsibility, experience, and general 3185
fitness of the applicant command the confidence of the public 3186
and warrant the belief that the business will be operated 3187
honestly and fairly in compliance with the purposes of sections 3188
1321.62 to 1321.702 of the Revised Code and the rules adopted 3189
thereunder, and that the applicant has the requisite net worth 3190
and assets required under section 1321.65 of the Revised Code, 3191
the superintendent shall issue a license to the applicant. The 3192
license shall be valid until the thirty-first day of December of 3193
the year in which it is issued. A person may be licensed under 3194
both sections 1321.51 to 1321.60 and sections 1321.62 to 3195
1321.702 of the Revised Code. 3196

(F) If the superintendent finds that the applicant does 3197
not meet the conditions set forth in this section, the 3198
superintendent shall issue a notice of intent to deny the 3199
application, and promptly notify the applicant of the denial, 3200
the grounds for the denial, and the applicant's reasonable 3201
opportunity to be heard on the action in accordance with Chapter 3202
119. of the Revised Code. 3203

(G) Notwithstanding any provision of this section to the 3204
contrary, the superintendent shall issue a license in accordance 3205
with Chapter 4796. of the Revised Code to an applicant if either 3206
of the following applies: 3207

(1) The applicant holds a license in another state. 3208

(2) The applicant has satisfactory work experience, a 3209
government certification, or a private certification as 3210
described in that chapter as a consumer installment loan lender 3211
in a state that does not issue that license. 3212

Sec. 1321.74. (A) Application for a license as a premium 3213
finance company shall be in writing, under oath, in the form 3214
prescribed by the division of financial institutions. An 3215
applicant also shall provide the form of premium finance 3216
agreement it intends to use in doing business under sections 3217
1321.71 to 1321.83 of the Revised Code. Upon the filing of an 3218
application and the payment of the license fee, and upon deposit 3219
of an investigation fee not to exceed three hundred dollars if 3220
the investigation can be conducted in this state or the 3221
estimated costs of the investigation if it must be conducted 3222
outside this state, the division shall make an investigation of 3223
each applicant and shall issue a license if the applicant is 3224
qualified in accordance with sections 1321.71 to 1321.83 of the 3225
Revised Code. An itemized statement of any investigation 3226
expenses incurred which the applicant is required to pay shall 3227
be furnished the applicant by the division, and only the actual 3228
cost of such investigation shall be paid by the applicant, but 3229
at no time shall the investigation fee be less than two hundred 3230
dollars. If the division does not so find, it shall, within a 3231
reasonable period of time after it has received the application, 3232
at the request of the applicant, give the applicant opportunity 3233
for a hearing conducted in accordance with Chapter 119. of the 3234
Revised Code. 3235

(B) (1) The division shall, except as provided in division 3236

(B) (2) of this section, issue or renew a license when it is 3237

satisfied that the applicant: 3238

(a) Is competent and trustworthy and intends to act in 3239
good faith in the capacity involved by the license applied for; 3240

(b) Has a good business reputation and has had experience, 3241
training, or education so as to be qualified in the business for 3242
which the license is applied for; 3243

(c) If a corporation, is a corporation incorporated under 3244
the laws of this state or is a foreign corporation authorized to 3245
transact business in this state; 3246

(d) Has a net worth of at least fifty thousand dollars, as 3247
determined in accordance with generally accepted accounting 3248
principles; 3249

(e) With respect to the issuance of a license, has filed 3250
with the division a form of premium finance agreement that 3251
complies with sections 1321.71 to 1321.83 of the Revised Code. 3252

(2) The division shall not refuse to issue a license to an 3253
applicant because of a criminal conviction unless the refusal is 3254
in accordance with section 9.79 of the Revised Code. 3255

(C) Not more than one place of business shall be 3256
maintained under the same license, but the division may issue 3257
additional licenses to the same licensee upon compliance with 3258
sections 1321.71 to 1321.83 of the Revised Code. 3259

No change in the place of business of a licensee to a 3260
location outside the original municipal corporation shall be 3261
permitted under the same license without the approval of a new 3262
application, the payment of the license fee as determined by the 3263
superintendent of financial institutions pursuant to section 3264
1321.20 of the Revised Code, and, if required by the 3265

superintendent, the payment of an investigation fee of two 3266
hundred dollars. If a licensee wishes to change its place of 3267
business within the same municipal corporation, it shall give 3268
written notice of the change in advance to the division, which 3269
shall provide a license for the new address without cost. If a 3270
licensee changes its name, it shall give, prior to entering into 3271
or otherwise acquiring premium finance agreements under the new 3272
name, written notice of the change to the division, which shall 3273
provide a license in the new name, without cost. 3274

Each license shall be kept conspicuously posted in the 3275
place of business of the licensee and is not transferable or 3276
assignable. 3277

Notwithstanding any other provision of this section to the 3278
contrary, the division shall issue a license to act as a premium 3279
finance company in accordance with Chapter 4796. of the Revised 3280
Code to an applicant if either of the following applies: 3281

(1) The applicant is licensed in another state. 3282

(2) The applicant has satisfactory work experience, a 3283
government certification, or a private certification as 3284
described in that chapter as an operator of a premium finance 3285
company in a state that does not issue that license. 3286

Sec. 1322.10. (A) Upon the conclusion of the investigation 3287
required under division (B) of section 1322.09 of the Revised 3288
Code, the superintendent of financial institutions shall issue a 3289
certificate of registration to the applicant if the 3290
superintendent finds that the following conditions are met: 3291

(1) The application is accompanied by the application fee 3292
and any fee required by the nationwide mortgage licensing system 3293
and registry. 3294

(a) If a check or other draft instrument is returned to 3295
the superintendent for insufficient funds, the superintendent 3296
shall notify the applicant by certified mail, return receipt 3297
requested, that the application will be withdrawn unless the 3298
applicant, within thirty days after receipt of the notice, 3299
submits the application fee and a one-hundred-dollar penalty to 3300
the superintendent. If the applicant does not submit the 3301
application fee and penalty within that time period, or if any 3302
check or other draft instrument used to pay the fee or penalty 3303
is returned to the superintendent for insufficient funds, the 3304
application shall be withdrawn. 3305

(b) If a check or other draft instrument is returned to 3306
the superintendent for insufficient funds after the certificate 3307
of registration has been issued, the superintendent shall notify 3308
the registrant by certified mail, return receipt requested, that 3309
the certificate of registration issued in reliance on the check 3310
or other draft instrument will be canceled unless the 3311
registrant, within thirty days after receipt of the notice, 3312
submits the application fee and a one-hundred-dollar penalty to 3313
the superintendent. If the registrant does not submit the 3314
application fee and penalty within that time period, or if any 3315
check or other draft instrument used to pay the fee or penalty 3316
is returned to the superintendent for insufficient funds, the 3317
certificate of registration shall be canceled immediately 3318
without a hearing, and the registrant shall cease activity as a 3319
mortgage broker, mortgage lender, or mortgage servicer. 3320

(2) If the application is for a location that is a 3321
residence, evidence that the use of the residence to transact 3322
business as a mortgage lender, mortgage broker, or mortgage 3323
servicer is not prohibited. 3324

(3) The applicant maintains all necessary filings and 3325
approvals required by the secretary of state. 3326

(4) The applicant complies with the surety bond 3327
requirements of section 1322.32 of the Revised Code. 3328

(5) The applicant has not made a material misstatement of 3329
fact or material omission of fact in the application. 3330

(6) Neither the applicant nor any person whose identity is 3331
required to be disclosed on an application for a certificate of 3332
registration has had such a certificate of registration or 3333
mortgage loan originator license, or any comparable authority, 3334
revoked in any governmental jurisdiction or has pleaded guilty 3335
or nolo contendere to or been convicted of a disqualifying 3336
offense as determined in accordance with section 9.79 of the 3337
Revised Code. 3338

(7) The applicant's operations manager successfully 3339
completed the examination required by section 1322.27 of the 3340
Revised Code. 3341

(8) The applicant's financial responsibility, experience, 3342
and general fitness command the confidence of the public and 3343
warrant the belief that the business will be operated honestly, 3344
fairly, and efficiently in compliance with the purposes of this 3345
chapter and the rules adopted thereunder. The superintendent 3346
shall not use a credit score or a bankruptcy as the sole basis 3347
for registration denial. 3348

(B) For purposes of determining whether an applicant that 3349
is a partnership, corporation, or other business entity or 3350
association has met the conditions set forth in divisions (A) (6) 3351
and (8) of this section, the superintendent shall determine 3352
which partners, shareholders, or persons named in the 3353

application must meet those conditions. This determination shall 3354
be based on the extent and nature of the partner's, 3355
shareholder's, or person's ownership interest in the 3356
partnership, corporation, or other business entity or 3357
association that is the applicant and on whether the person is 3358
in a position to direct, control, or adversely influence the 3359
operations of the applicant. 3360

(C) The certificate of registration issued pursuant to 3361
division (A) of this section may be renewed annually on or 3362
before the thirty-first day of December if the superintendent 3363
finds that all of the following conditions are met: 3364

(1) The renewal application is accompanied by a 3365
nonrefundable renewal fee of seven hundred dollars for each 3366
location of an office to be maintained by the applicant in 3367
accordance with division (A) of section 1322.07 of the Revised 3368
Code and any fee required by the nationwide mortgage licensing 3369
system and registry. If a check or other draft instrument is 3370
returned to the superintendent for insufficient funds, the 3371
superintendent shall notify the registrant by certified mail, 3372
return receipt requested, that the certificate of registration 3373
renewed in reliance on the check or other draft instrument will 3374
be canceled unless the registrant, within thirty days after 3375
receipt of the notice, submits the renewal fee and a one- 3376
hundred-dollar penalty to the superintendent. If the registrant 3377
does not submit the renewal fee and penalty within that time 3378
period, or if any check or other draft instrument used to pay 3379
the fee or penalty is returned to the superintendent for 3380
insufficient funds, the certificate of registration shall be 3381
canceled immediately without a hearing and the registrant shall 3382
cease activity as a mortgage broker, mortgage lender, or 3383
mortgage servicer. 3384

(2) The applicant meets the conditions set forth in 3385
divisions (A) (2), (3), (4), (5), (7), and (8) of this section. 3386

(3) Neither the applicant nor any person whose identity is 3387
required to be disclosed on the renewal application has had a 3388
certificate of registration or mortgage loan originator license, 3389
or any comparable authority, revoked in any governmental 3390
jurisdiction or has pleaded guilty or nolo contendere to or been 3391
convicted of any of the following in a domestic, foreign, or 3392
military court: 3393

(a) During the seven-year period immediately preceding the 3394
date of the renewal application but excluding any time before 3395
the certificate of registration was issued, a misdemeanor 3396
involving theft or any felony; 3397

(b) At any time between the date of the original 3398
certificate of registration and the date of the renewal 3399
application, a felony involving an act of fraud, dishonesty, a 3400
breach of trust, theft, or money laundering. 3401

(4) The applicant's certificate of registration is not 3402
subject to an order of suspension or an unpaid and past due fine 3403
imposed by the superintendent. 3404

(D) (1) Subject to division (D) (2) of this section, if a 3405
renewal fee or additional fee required by the nationwide 3406
mortgage licensing system and registry is received by the 3407
superintendent after the thirty-first day of December, the 3408
certificate of registration shall not be considered renewed, and 3409
the applicant shall cease activity as a mortgage lender, 3410
mortgage broker, or mortgage servicer. 3411

(2) Division (D) (1) of this section shall not apply if the 3412
applicant, not later than forty-five days after the renewal 3413

deadline, submits the renewal fee or additional fee and a one- 3414
hundred-fifty-dollar penalty to the superintendent. 3415

(E) Certificates of registration issued under this chapter 3416
annually expire on the thirty-first day of December. 3417

(F) The pardon or expungement of a conviction shall not be 3418
considered a conviction for purposes of this section. 3419

(G) Notwithstanding any provision of this chapter to the 3420
contrary, the superintendent shall issue a certificate of 3421
registration in accordance with Chapter 4796. of the Revised 3422
Code to an applicant if either of the following applies: 3423

(1) The applicant holds a license or certificate of 3424
registration in another state. 3425

(2) The applicant has satisfactory work experience, a 3426
government certification, or a private certification as 3427
described in that chapter as a mortgage broker or mortgage 3428
lender in a state that does not issue that license or 3429
certificate of registration. 3430

Sec. 1322.21. (A) Upon the conclusion of the investigation 3431
required under division (C) of section 1322.20 of the Revised 3432
Code, the superintendent of financial institutions shall issue a 3433
mortgage loan originator license to the applicant if the 3434
superintendent finds that the following conditions are met: 3435

(1) The application is accompanied by the application fee 3436
and any fee required by the nationwide mortgage licensing system 3437
and registry. 3438

(a) If a check or other draft instrument is returned to 3439
the superintendent for insufficient funds, the superintendent 3440
shall notify the applicant by certified mail, return receipt 3441

requested, that the application will be withdrawn unless the 3442
applicant, within thirty days after receipt of the notice, 3443
submits the application fee and a one-hundred-dollar penalty to 3444
the superintendent. If the applicant does not submit the 3445
application fee and penalty within that time period, or if any 3446
check or other draft instrument used to pay the fee or penalty 3447
is returned to the superintendent for insufficient funds, the 3448
application shall be withdrawn. 3449

(b) If a check or other draft instrument is returned to 3450
the superintendent for insufficient funds after the license has 3451
been issued, the superintendent shall notify the licensee by 3452
certified mail, return receipt requested, that the license 3453
issued in reliance on the check or other draft instrument will 3454
be canceled unless the licensee, within thirty days after 3455
receipt of the notice, submits the application fee and a one- 3456
hundred-dollar penalty to the superintendent. If the licensee 3457
does not submit the application fee and penalty within that time 3458
period, or if any check or other draft instrument used to pay 3459
the fee or penalty is returned to the superintendent for 3460
insufficient funds, the license shall be canceled immediately 3461
without a hearing, and the licensee shall cease activity as a 3462
loan originator. 3463

(2) The applicant has not made a material misstatement of 3464
fact or material omission of fact in the application. 3465

(3) The applicant has not been convicted of or pleaded 3466
guilty or nolo contendere to a disqualifying offense as 3467
determined in accordance with section 9.79 of the Revised Code. 3468

(4) The applicant completed the prelicensing instruction 3469
set forth in division (B) of section 1322.20 of the Revised 3470
Code. 3471

(5) The applicant's financial responsibility and general 3472
fitness command the confidence of the public and warrant the 3473
belief that the business will be operated honestly and fairly in 3474
compliance with the purposes of this chapter. The superintendent 3475
shall not use a credit score or bankruptcy as the sole basis for 3476
a license denial. 3477

(6) The applicant is in compliance with the surety bond 3478
requirements of section 1322.32 of the Revised Code. 3479

(7) The applicant has not had a mortgage loan originator 3480
license, or comparable authority, revoked in any governmental 3481
jurisdiction. 3482

(B) The license issued under division (A) of this section 3483
may be renewed annually on or before the thirty-first day of 3484
December if the superintendent finds that all of the following 3485
conditions are met: 3486

(1) The renewal application is accompanied by a 3487
nonrefundable renewal fee of two hundred dollars and any fee 3488
required by the nationwide mortgage licensing system and 3489
registry. If a check or other draft instrument is returned to 3490
the superintendent for insufficient funds, the superintendent 3491
shall notify the licensee by certified mail, return receipt 3492
requested, that the license renewed in reliance on the check or 3493
other draft instrument will be canceled unless the licensee, 3494
within thirty days after receipt of the notice, submits the 3495
renewal fee and a one-hundred-dollar penalty to the 3496
superintendent. If the licensee does not submit the renewal fee 3497
and penalty within that time period, or if any check or other 3498
draft instrument used to pay the fee or penalty is returned to 3499
the superintendent for insufficient funds, the license shall be 3500
canceled immediately without a hearing, and the licensee shall 3501

cease activity as a loan originator. 3502

(2) The applicant has completed at least eight hours of 3503
continuing education as required under section 1322.28 of the 3504
Revised Code. 3505

(3) The applicant meets the conditions set forth in 3506
divisions (A) (2), (4), (5), (6), and (7) of this section. 3507

(4) The applicant has not been convicted of or pleaded 3508
guilty or nolo contendere to any of the following in a domestic, 3509
foreign, or military court: 3510

(a) During the seven-year period immediately preceding the 3511
date of the renewal application but excluding any time before 3512
the license was issued, a misdemeanor involving theft or any 3513
felony; 3514

(b) At any time between the date of the original license 3515
and the date of the renewal application, a felony involving an 3516
act of fraud, dishonesty, a breach of trust, theft, or money 3517
laundering. 3518

(5) The applicant's license is not subject to an order of 3519
suspension or an unpaid and past due fine imposed by the 3520
superintendent. 3521

(C) (1) Subject to division (C) (2) of this section, if a 3522
license renewal application fee, including any fee required by 3523
the nationwide mortgage licensing system and registry, is 3524
received by the superintendent after the thirty-first day of 3525
December, the license shall not be considered renewed, and the 3526
applicant shall cease activity as a mortgage loan originator. 3527

(2) Division (C) (1) of this section shall not apply if the 3528
applicant, not later than forty-five days after the renewal 3529

deadline, submits the renewal application and any other required 3530
fees and a one-hundred-fifty-dollar penalty to the 3531
superintendent. 3532

(D) Mortgage originator licenses annually expire on the 3533
thirty-first day of December. 3534

(E) The pardon or expungement of a conviction shall not be 3535
considered a conviction for purposes of this section. When 3536
determining the eligibility of an applicant, the superintendent 3537
may consider the underlying crime, facts, or circumstances 3538
connected with a pardoned or expunged conviction. 3539

(F) Notwithstanding any provision of this chapter to the 3540
contrary, the superintendent shall issue a mortgage loan 3541
originator license in accordance with Chapter 4796. of the 3542
Revised Code to an applicant if either of the following applies: 3543

(1) The applicant holds a license in another state. 3544

(2) The applicant has satisfactory work experience, a 3545
government certification, or a private certification as 3546
described in that chapter as a mortgage loan originator in a 3547
state that does not issue that license. 3548

Sec. 1513.07. (A) (1) No operator shall conduct a coal 3549
mining operation without a permit for the operation issued by 3550
the chief of the division of mineral resources management. 3551

(2) All permits issued pursuant to this chapter shall be 3552
issued for a term not to exceed five years, except that, if the 3553
applicant demonstrates that a specified longer term is 3554
reasonably needed to allow the applicant to obtain necessary 3555
financing for equipment and the opening of the operation and if 3556
the application is full and complete for the specified longer 3557
term, the chief may grant a permit for the longer term. A 3558

successor in interest to a permittee who applies for a new 3559
permit within thirty days after succeeding to the interest and 3560
who is able to obtain the performance security of the original 3561
permittee may continue coal mining and reclamation operations 3562
according to the approved mining and reclamation plan of the 3563
original permittee until the successor's application is granted 3564
or denied. 3565

(3) A permit shall terminate if the permittee has not 3566
commenced the coal mining operations covered by the permit 3567
within three years after the issuance of the permit, except that 3568
the chief may grant reasonable extensions of the time upon a 3569
showing that the extensions are necessary by reason of 3570
litigation precluding the commencement or threatening 3571
substantial economic loss to the permittee or by reason of 3572
conditions beyond the control and without the fault or 3573
negligence of the permittee, and except that with respect to 3574
coal to be mined for use in a synthetic fuel facility or 3575
specified major electric generating facility, the permittee 3576
shall be deemed to have commenced coal mining operations at the 3577
time construction of the synthetic fuel or generating facility 3578
is initiated. 3579

(4) (a) Any permit issued pursuant to this chapter shall 3580
carry with it the right of successive renewal upon expiration 3581
with respect to areas within the boundaries of the permit. The 3582
holders of the permit may apply for renewal and the renewal 3583
shall be issued unless the chief determines by written findings, 3584
subsequent to fulfillment of the public notice requirements of 3585
this section and section 1513.071 of the Revised Code through 3586
demonstrations by opponents of renewal or otherwise, that one or 3587
more of the following circumstances exists: 3588

(i) The terms and conditions of the existing permit are 3589
not being satisfactorily met. 3590

(ii) The present coal mining and reclamation operation is 3591
not in compliance with the environmental protection standards of 3592
this chapter. 3593

(iii) The renewal requested substantially jeopardizes the 3594
operator's continuing responsibilities on existing permit areas. 3595

(iv) The applicant has not provided evidence that the 3596
performance security in effect for the operation will continue 3597
in effect for any renewal requested in the application. 3598

(v) Any additional, revised, or updated information 3599
required by the chief has not been provided. Prior to the 3600
approval of any renewal of a permit, the chief shall provide 3601
notice to the appropriate public authorities as prescribed by 3602
rule of the chief. 3603

(b) If an application for renewal of a valid permit 3604
includes a proposal to extend the mining operation beyond the 3605
boundaries authorized in the existing permit, the portion of the 3606
application for renewal of a valid permit that addresses any new 3607
land areas shall be subject to the full standards applicable to 3608
new applications under this chapter. 3609

(c) A permit renewal shall be for a term not to exceed the 3610
period of the original permit established by this chapter. 3611
Application for permit renewal shall be made at least one 3612
hundred twenty days prior to the expiration of the valid permit. 3613

(5) A permit issued pursuant to this chapter does not 3614
eliminate the requirements for obtaining a permit to install or 3615
modify a disposal system or any part thereof or to discharge 3616
sewage, industrial waste, or other wastes into the waters of the 3617

state in accordance with Chapter 6111. of the Revised Code. 3618

(B) (1) The permit application shall be submitted in a 3619
manner satisfactory to the chief and shall contain, among other 3620
things, all of the following: 3621

(a) The names and addresses of all of the following: 3622

(i) The permit applicant; 3623

(ii) Every legal owner of record of the property, surface 3624
and mineral, to be mined; 3625

(iii) The holders of record of any leasehold interest in 3626
the property; 3627

(iv) Any purchaser of record of the property under a real 3628
estate contract; 3629

(v) The operator if different from the applicant; 3630

(vi) If any of these are business entities other than a 3631
single proprietor, the names and addresses of the principals, 3632
officers, and statutory agent for service of process. 3633

(b) The names and addresses of the owners of record of all 3634
surface and subsurface areas adjacent to any part of the permit 3635
area; 3636

(c) A statement of any current or previous coal mining 3637
permits in the United States held by the applicant, the permit 3638
identification, and any pending applications; 3639

(d) If the applicant is a partnership, corporation, 3640
association, or other business entity, the following where 3641
applicable: the names and addresses of every officer, partner, 3642
director, or person performing a function similar to a director, 3643
of the applicant, the name and address of any person owning, of 3644

record, ten per cent or more of any class of voting stock of the 3645
applicant, a list of all names under which the applicant, 3646
partner, or principal shareholder previously operated a coal 3647
mining operation within the United States within the five-year 3648
period preceding the date of submission of the application, and 3649
a list of the person or persons primarily responsible for 3650
ensuring that the applicant complies with the requirements of 3651
this chapter and rules adopted pursuant thereto while mining and 3652
reclaiming under the permit; 3653

(e) A statement of whether the applicant, any subsidiary, 3654
affiliate, or persons controlled by or under common control with 3655
the applicant, any partner if the applicant is a partnership, 3656
any officer, principal shareholder, or director if the applicant 3657
is a corporation, or any other person who has a right to control 3658
or in fact controls the management of the applicant or the 3659
selection of officers, directors, or managers of the applicant: 3660

(i) Has ever held a federal or state coal mining permit 3661
that in the five-year period prior to the date of submission of 3662
the application has been suspended or revoked or has had a coal 3663
mining bond, performance security, or similar security deposited 3664
in lieu of bond forfeited and, if so, a brief explanation of the 3665
facts involved; 3666

(ii) Has been an officer, partner, director, principal 3667
shareholder, or person having the right to control or has in 3668
fact controlled the management of or the selection of officers, 3669
directors, or managers of a business entity that has had a coal 3670
mining or surface mining permit that in the five-year period 3671
prior to the date of submission of the application has been 3672
suspended or revoked or has had a coal mining or surface mining 3673
bond, performance security, or similar security deposited in 3674

lieu of bond forfeited and, if so, a brief explanation of the 3675
facts involved. 3676

(f) A copy of the applicant's advertisement to be 3677
published in a newspaper of general circulation in the locality 3678
of the proposed site at least once a week for four successive 3679
weeks, which shall include the ownership of the proposed mine, a 3680
description of the exact location and boundaries of the proposed 3681
site sufficient to make the proposed operation readily 3682
identifiable by local residents, and the location where the 3683
application is available for public inspection; 3684

(g) A description of the type and method of coal mining 3685
operation that exists or is proposed, the engineering techniques 3686
proposed or used, and the equipment used or proposed to be used; 3687

(h) The anticipated or actual starting and termination 3688
dates of each phase of the mining operation and number of acres 3689
of land to be affected; 3690

(i) An accurate map or plan, to an appropriate scale, 3691
clearly showing the land to be affected, the land upon which the 3692
applicant has the legal right to enter and commence coal mining 3693
operations, and the land for which the applicant will acquire 3694
the legal right to enter and commence coal mining operations 3695
during the term of the permit, copies of those documents upon 3696
which is based the applicant's legal right to enter and commence 3697
coal mining operations or a notarized statement describing the 3698
applicant's legal right to enter and commence coal mining 3699
operations, and a statement whether that right is the subject of 3700
pending litigation. This chapter does not authorize the chief to 3701
adjudicate property title disputes. 3702

(j) The name of the watershed and location of the surface 3703

stream or tributary into which drainage from the operation will 3704
be discharged; 3705

(k) A determination of the probable hydrologic 3706
consequences of the mining and reclamation operations, both on 3707
and off the mine site, with respect to the hydrologic regime, 3708
providing information on the quantity and quality of water in 3709
surface and ground water systems including the dissolved and 3710
suspended solids under seasonal flow conditions and the 3711
collection of sufficient data for the mine site and surrounding 3712
areas so that an assessment can be made by the chief of the 3713
probable cumulative impacts of all anticipated mining in the 3714
area upon the hydrology of the area and particularly upon water 3715
availability, but this determination shall not be required until 3716
hydrologic information of the general area prior to mining is 3717
made available from an appropriate federal or state agency; 3718
however, the permit shall not be approved until the information 3719
is available and is incorporated into the application; 3720

(l) When requested by the chief, the climatological 3721
factors that are peculiar to the locality of the land to be 3722
affected, including the average seasonal precipitation, the 3723
average direction and velocity of prevailing winds, and the 3724
seasonal temperature ranges; 3725

(m) Accurate maps prepared by or under the direction of 3726
and certified by a qualified registered professional engineer, 3727
registered surveyor, or licensed landscape architect to an 3728
appropriate scale clearly showing all types of information set 3729
forth on topographical maps of the United States geological 3730
survey of a scale of not more than four hundred feet to the 3731
inch, including all artificial features and significant known 3732
archeological sites. The map, among other things specified by 3733

the chief, shall show all boundaries of the land to be affected, 3734
the boundary lines and names of present owners of record of all 3735
surface areas abutting the permit area, and the location of all 3736
buildings within one thousand feet of the permit area. 3737

(n) (i) Cross-section maps or plans of the land to be 3738
affected including the actual area to be mined, prepared by or 3739
under the direction of and certified by a qualified registered 3740
professional engineer or certified professional geologist with 3741
assistance from experts in related fields such as hydrology, 3742
hydrogeology, geology, and landscape architecture, showing 3743
pertinent elevations and locations of test borings or core 3744
samplings and depicting the following information: the nature 3745
and depth of the various strata of overburden; the nature and 3746
thickness of any coal or rider seam above the coal seam to be 3747
mined; the nature of the stratum immediately beneath the coal 3748
seam to be mined; all mineral crop lines and the strike and dip 3749
of the coal to be mined within the area to be affected; existing 3750
or previous coal mining limits; the location and extent of known 3751
workings of any underground mines, including mine openings to 3752
the surface; the location of spoil, waste, or refuse areas and 3753
topsoil preservation areas; the location of all impoundments for 3754
waste or erosion control; any settling or water treatment 3755
facility; constructed or natural drainways and the location of 3756
any discharges to any surface body of water on the land to be 3757
affected or adjacent thereto; profiles at appropriate cross 3758
sections of the anticipated final surface configuration that 3759
will be achieved pursuant to the operator's proposed reclamation 3760
plan; the location of subsurface water, if encountered; the 3761
location and quality of aquifers; and the estimated elevation of 3762
the water table. Registered surveyors shall be allowed to 3763
perform all plans, maps, and certifications under this chapter 3764

as they are authorized under Chapter 4733. of the Revised Code. 3765

(ii) A statement of the quality and locations of 3766
subsurface water. The chief shall provide by rule the number of 3767
locations to be sampled, frequency of collection, and parameters 3768
to be analyzed to obtain the statement required. 3769

(o) A statement of the results of test borings or core 3770
samplings from the permit area, including logs of the drill 3771
holes, the thickness of the coal seam found, an analysis of the 3772
chemical properties of the coal, the sulfur content of any coal 3773
seam, chemical analysis of potentially acid or toxic forming 3774
sections of the overburden, and chemical analysis of the stratum 3775
lying immediately underneath the coal to be mined, except that 3776
this division may be waived by the chief with respect to the 3777
specific application by a written determination that its 3778
requirements are unnecessary. If the test borings or core 3779
samplings from the permit area indicate the existence of 3780
potentially acid forming or toxic forming quantities of sulfur 3781
in the coal or overburden to be disturbed by mining, the 3782
application also shall include a statement of the acid 3783
generating potential and the acid neutralizing potential of the 3784
rock strata to be disturbed as calculated in accordance with the 3785
calculation method established under section 1513.075 of the 3786
Revised Code or with another calculation method. 3787

(p) For those lands in the permit application that a 3788
reconnaissance inspection suggests may be prime farmlands, a 3789
soil survey shall be made or obtained according to standards 3790
established by the secretary of the United States department of 3791
agriculture in order to confirm the exact location of the prime 3792
farmlands, if any; 3793

(q) A certificate issued by an insurance company 3794

authorized to do business in this state certifying that the 3795
applicant has a public liability insurance policy in force for 3796
the coal mining and reclamation operations for which the permit 3797
is sought or evidence that the applicant has satisfied other 3798
state self-insurance requirements. The policy shall provide for 3799
personal injury and property damage protection in an amount 3800
adequate to compensate any persons damaged as a result of coal 3801
mining and reclamation operations, including the use of 3802
explosives, and entitled to compensation under the applicable 3803
provisions of state law. The policy shall be maintained in 3804
effect during the term of the permit or any renewal, including 3805
the length of all reclamation operations. The insurance company 3806
shall give prompt notice to the permittee and the chief if the 3807
public liability insurance policy lapses for any reason 3808
including the nonpayment of insurance premiums. Upon the lapse 3809
of the policy, the chief may suspend the permit and all other 3810
outstanding permits until proper insurance coverage is obtained. 3811

(r) The business telephone number of the applicant; 3812

(s) If the applicant seeks an authorization under division 3813
(E) (7) of this section to conduct coal mining and reclamation 3814
operations on areas to be covered by the permit that were 3815
affected by coal mining operations before August 3, 1977, that 3816
have resulted in continuing water pollution from or on the 3817
previously mined areas, such additional information pertaining 3818
to those previously mined areas as may be required by the chief, 3819
including, without limitation, maps, plans, cross sections, data 3820
necessary to determine existing water quality from or on those 3821
areas with respect to pH, iron, and manganese, and a pollution 3822
abatement plan that may improve water quality from or on those 3823
areas with respect to pH, iron, and manganese. 3824

(2) Information pertaining to coal seams, test borings, 3825
core samplings, or soil samples as required by this section 3826
shall be made available by the chief to any person with an 3827
interest that is or may be adversely affected, except that 3828
information that pertains only to the analysis of the chemical 3829
and physical properties of the coal, excluding information 3830
regarding mineral or elemental content that is potentially toxic 3831
in the environment, shall be kept confidential and not made a 3832
matter of public record. 3833

(3) (a) If the chief finds that the probable total annual 3834
production at all locations of any operator will not exceed 3835
three hundred thousand tons, the following activities, upon the 3836
written request of the operator in connection with a permit 3837
application, shall be performed by a qualified public or private 3838
laboratory or another public or private qualified entity 3839
designated by the chief, and the cost of the activities shall be 3840
assumed by the chief, provided that sufficient moneys for such 3841
assistance are available: 3842

(i) The determination of probable hydrologic consequences 3843
required under division (B) (1) (k) of this section; 3844

(ii) The development of cross-section maps and plans 3845
required under division (B) (1) (n) (i) of this section; 3846

(iii) The geologic drilling and statement of results of 3847
test borings and core samplings required under division (B) (1) 3848
(o) of this section; 3849

(iv) The collection of archaeological information required 3850
under division (B) (1) (m) of this section and any other 3851
archaeological and historical information required by the chief, 3852
and the preparation of plans necessitated thereby; 3853

(v) Pre-blast surveys required under division ~~(E)~~ (B) (5) 3854
of section 1513.161 of the Revised Code; 3855

(vi) The collection of site-specific resource information 3856
and production of protection and enhancement plans for fish and 3857
wildlife habitats and other environmental values required by the 3858
chief under this chapter. 3859

(b) A coal operator that has received assistance under 3860
division (B) (3) (a) of this section shall reimburse the chief for 3861
the cost of the services rendered if the chief finds that the 3862
operator's actual and attributed annual production of coal for 3863
all locations exceeds three hundred thousand tons during the 3864
twelve months immediately following the date on which the 3865
operator was issued a coal mining and reclamation permit. 3866

(4) Each applicant for a permit shall submit to the chief 3867
as part of the permit application a reclamation plan that meets 3868
the requirements of this chapter. 3869

(5) Each applicant for a coal mining and reclamation 3870
permit shall file a copy of the application for a permit, 3871
excluding that information pertaining to the coal seam itself, 3872
for public inspection with the county recorder or an appropriate 3873
public office approved by the chief in the county where the 3874
mining is proposed to occur. 3875

(6) Each applicant for a coal mining and reclamation 3876
permit shall submit to the chief as part of the permit 3877
application a blasting plan that describes the procedures and 3878
standards by which the operator will comply with section 3879
1513.161 of the Revised Code. 3880

(C) Each reclamation plan submitted as part of a permit 3881
application shall include, in the detail necessary to 3882

demonstrate that reclamation required by this chapter can be 3883
accomplished and in the detail necessary for the chief to 3884
determine the estimated cost of reclamation if the reclamation 3885
has to be performed by the division of mineral resources 3886
management in the event of forfeiture of the performance 3887
security by the applicant, a statement of: 3888

(1) The identification of the lands subject to coal mining 3889
operations over the estimated life of those operations and the 3890
size, sequence, and timing of the subareas for which it is 3891
anticipated that individual permits for mining will be sought; 3892

(2) The condition of the land to be covered by the permit 3893
prior to any mining, including all of the following: 3894

(a) The uses existing at the time of the application and, 3895
if the land has a history of previous mining, the uses that 3896
preceded any mining; 3897

(b) The capability of the land prior to any mining to 3898
support a variety of uses, giving consideration to soil and 3899
foundation characteristics, topography, and vegetative cover 3900
and, if applicable, a soil survey prepared pursuant to division 3901
(B) (1) (p) of this section; 3902

(c) The productivity of the land prior to mining, 3903
including appropriate classification as prime farmlands as well 3904
as the average yield of food, fiber, forage, or wood products 3905
obtained from the land under high levels of management. 3906

(3) The use that is proposed to be made of the land 3907
following reclamation, including information regarding the 3908
utility and capacity of the reclaimed land to support a variety 3909
of alternative uses, the relationship of the proposed use to 3910
existing land use policies and plans, and the comments of any 3911

owner of the land and state and local governments or agencies 3912
thereof that would have to initiate, implement, approve, or 3913
authorize the proposed use of the land following reclamation; 3914

(4) A detailed description of how the proposed postmining 3915
land use is to be achieved and the necessary support activities 3916
that may be needed to achieve the proposed land use; 3917

(5) The engineering techniques proposed to be used in 3918
mining and reclamation and a description of the major equipment; 3919
a plan for the control of surface water drainage and of water 3920
accumulation; a plan, where appropriate, for backfilling, soil 3921
stabilization, and compacting, grading, and appropriate 3922
revegetation; a plan for soil reconstruction, replacement, and 3923
stabilization, pursuant to the performance standards in section 3924
1513.16 of the Revised Code, for those food, forage, and forest 3925
lands identified in that section; and a statement as to how the 3926
permittee plans to comply with each of the requirements set out 3927
in section 1513.16 of the Revised Code; 3928

(6) A description of the means by which the utilization 3929
and conservation of the solid fuel resource being recovered will 3930
be maximized so that re-affecting the land in the future can be 3931
minimized; 3932

(7) A detailed estimated timetable for the accomplishment 3933
of each major step in the reclamation plan; 3934

(8) A description of the degree to which the coal mining 3935
and reclamation operations are consistent with surface owner 3936
plans and applicable state and local land use plans and 3937
programs; 3938

(9) The steps to be taken to comply with applicable air 3939
and water quality laws and regulations and any applicable health 3940

and safety standards; 3941

(10) A description of the degree to which the reclamation 3942
plan is consistent with local physical, environmental, and 3943
climatological conditions; 3944

(11) A description of all lands, interests in lands, or 3945
options on such interests held by the applicant or pending bids 3946
on interests in lands by the applicant, which lands are 3947
contiguous to the area to be covered by the permit; 3948

(12) The results of test borings that the applicant has 3949
made at the area to be covered by the permit, or other 3950
equivalent information and data in a form satisfactory to the 3951
chief, including the location of subsurface water, and an 3952
analysis of the chemical properties, including acid forming 3953
properties of the mineral and overburden; except that 3954
information that pertains only to the analysis of the chemical 3955
and physical properties of the coal, excluding information 3956
regarding mineral or elemental contents that are potentially 3957
toxic in the environment, shall be kept confidential and not 3958
made a matter of public record; 3959

(13) A detailed description of the measures to be taken 3960
during the mining and reclamation process to ensure the 3961
protection of all of the following: 3962

(a) The quality of surface and ground water systems, both 3963
on- and off-site, from adverse effects of the mining and 3964
reclamation process; 3965

(b) The rights of present users to such water; 3966

(c) The quantity of surface and ground water systems, both 3967
on- and off-site, from adverse effects of the mining and 3968
reclamation process or, where such protection of quantity cannot 3969

be assured, provision of alternative sources of water. 3970

(14) Any other requirements the chief prescribes by rule. 3971

(D) (1) Any information required by division (C) of this 3972
section that is not on public file pursuant to this chapter 3973
shall be held in confidence by the chief. 3974

(2) With regard to requests for an exemption from the 3975
requirements of this chapter for coal extraction incidental to 3976
the extraction of other minerals, as described in division (H) 3977
(1) (a) of section 1513.01 of the Revised Code, confidential 3978
information includes and is limited to information concerning 3979
trade secrets or privileged commercial or financial information 3980
relating to the competitive rights of the persons intending to 3981
conduct the extraction of minerals. 3982

(E) (1) Upon the basis of a complete mining application and 3983
reclamation plan or a revision or renewal thereof, as required 3984
by this chapter, and information obtained as a result of public 3985
notification and public hearing, if any, as provided by section 3986
1513.071 of the Revised Code, the chief shall grant, require 3987
modification of, or deny the application for a permit and notify 3988
the applicant in writing in accordance with division (I) (3) of 3989
this section. An application is deemed to be complete as 3990
submitted to the chief unless the chief, within fourteen days of 3991
the submission, identifies deficiencies in the application in 3992
writing and subsequently submits a copy of a written list of 3993
deficiencies to the applicant. An application shall not be 3994
considered incomplete or denied by reason of right of entry 3995
documentation, provided that the applicant documents the 3996
applicant's legal right to enter and mine at least sixty-seven 3997
per cent of the total area for which coal mining operations are 3998
proposed. 3999

A decision of the chief denying a permit shall state in writing the specific reasons for the denial.

The applicant for a permit or revision of a permit has the burden of establishing that the application is in compliance with all the requirements of this chapter. Within ten days after the granting of a permit, the chief shall notify the boards of township trustees and county commissioners, the mayor, and the legislative authority in the township, county, and municipal corporation in which the area of land to be affected is located that a permit has been issued and shall describe the location of the land. However, failure of the chief to notify the local officials shall not affect the status of the permit.

(2) No permit application or application for revision of an existing permit shall be approved unless the application affirmatively demonstrates and the chief finds in writing on the basis of the information set forth in the application or from information otherwise available, which shall be documented in the approval and made available to the applicant, all of the following:

(a) The application is accurate and complete and all the requirements of this chapter have been complied with.

(b) The applicant has demonstrated that the reclamation required by this chapter can be accomplished under the reclamation plan contained in the application.

(c) (i) Assessment of the probable cumulative impact of all anticipated mining in the general and adjacent area on the hydrologic balance specified in division (B) (1) (k) of this section has been made by the chief, and the proposed operation has been designed to prevent material damage to hydrologic

balance outside the permit area. 4029

(ii) There shall be an ongoing process conducted by the 4030
chief in cooperation with other state and federal agencies to 4031
review all assessments of probable cumulative impact of coal 4032
mining in light of post-mining data and any other hydrologic 4033
information as it becomes available to determine if the 4034
assessments were realistic. The chief shall take appropriate 4035
action as indicated in the review process. 4036

(d) The area proposed to be mined is not included within 4037
an area designated unsuitable for coal mining pursuant to 4038
section 1513.073 of the Revised Code or is not within an area 4039
under study for such designation in an administrative proceeding 4040
commenced pursuant to division (A) (3) (c) or (B) of section 4041
1513.073 of the Revised Code unless in an area as to which an 4042
administrative proceeding has commenced pursuant to division (A) 4043
(3) (c) or (B) of section 1513.073 of the Revised Code, the 4044
operator making the permit application demonstrates that, prior 4045
to January 1, 1977, the operator made substantial legal and 4046
financial commitments in relation to the operation for which a 4047
permit is sought. 4048

(e) In cases where the private mineral estate has been 4049
severed from the private surface estate and surface disturbance 4050
will result from the applicant's proposed use of a strip mining 4051
method, the applicant has submitted to the chief one of the 4052
following: 4053

(i) The written consent of the surface owner to the 4054
surface disturbance that will result from the extraction of coal 4055
by the applicant's proposed strip mining method; 4056

(ii) A conveyance that expressly grants or reserves the 4057

right to extract the coal by strip mining methods that cause 4058
surface disturbance; 4059

(iii) If the conveyance does not expressly grant the right 4060
to extract coal by strip mining methods that cause surface 4061
disturbance, the surface-subsurface legal relationship 4062
concerning surface disturbance shall be determined under the law 4063
of this state. This chapter does not authorize the chief to 4064
adjudicate property rights disputes. 4065

(3) (a) The applicant shall file with the permit 4066
application a schedule listing all notices of violations of any 4067
law, rule, or regulation of the United States or of any 4068
department or agency thereof or of any state pertaining to air 4069
or water environmental protection incurred by the applicant in 4070
connection with any coal mining operation during the three-year 4071
period prior to the date of application. The schedule also shall 4072
indicate the final resolution of such a notice of violation. 4073
Upon receipt of an application, the chief shall provide a 4074
schedule listing all notices of violations of this chapter 4075
pertaining to air or water environmental protection incurred by 4076
the applicant during the three-year period prior to receipt of 4077
the application and the final resolution of all such notices of 4078
violation. The chief shall provide this schedule to the 4079
applicant for filing by the applicant with the application filed 4080
for public review, as required by division (B) (5) of this 4081
section. When the schedule or other information available to the 4082
chief indicates that any coal mining operation owned or 4083
controlled by the applicant is currently in violation of such 4084
laws, the permit shall not be issued until the applicant submits 4085
proof that the violation has been corrected or is in the process 4086
of being corrected to the satisfaction of the regulatory 4087
authority, department, or agency that has jurisdiction over the 4088

violation and that any civil penalties owed to the state for a 4089
violation and not the subject of an appeal have been paid. No 4090
permit shall be issued to an applicant after a finding by the 4091
chief that the applicant or the operator specified in the 4092
application controls or has controlled mining operations with a 4093
demonstrated pattern of willful violations of this chapter of a 4094
nature and duration to result in irreparable damage to the 4095
environment as to indicate an intent not to comply with or a 4096
disregard of this chapter. 4097

(b) For the purposes of division (E) (3) (a) of this 4098
section, any violation resulting from an unanticipated event or 4099
condition at a surface coal mining operation on lands eligible 4100
for remining under a permit held by the person submitting an 4101
application for a coal mining permit under this section shall 4102
not prevent issuance of that permit. As used in this division, 4103
"unanticipated event or condition" means an event or condition 4104
encountered in a remining operation that was not contemplated by 4105
the applicable surface coal mining and reclamation permit. 4106

(4) (a) In addition to finding the application in 4107
compliance with division (E) (2) of this section, if the area 4108
proposed to be mined contains prime farmland as determined 4109
pursuant to division (B) (1) (p) of this section, the chief, after 4110
consultation with the secretary of the United States department 4111
of agriculture and pursuant to regulations issued by the 4112
secretary of the interior with the concurrence of the secretary 4113
of agriculture, may grant a permit to mine on prime farmland if 4114
the chief finds in writing that the operator has the 4115
technological capability to restore the mined area, within a 4116
reasonable time, to equivalent or higher levels of yield as 4117
nonmined prime farmland in the surrounding area under equivalent 4118
levels of management and can meet the soil reconstruction 4119

standards in section 1513.16 of the Revised Code. 4120

(b) Division (E) (4) (a) of this section does not apply to a 4121
permit issued prior to August 3, 1977, or revisions or renewals 4122
thereof. 4123

(5) The chief shall issue an order denying a permit after 4124
finding that the applicant has misrepresented or omitted any 4125
material fact in the application for the permit. 4126

(6) The chief may issue an order denying a permit after 4127
finding that the applicant, any partner, if the applicant is a 4128
partnership, any officer, principal shareholder, or director, if 4129
the applicant is a corporation, or any other person who has a 4130
right to control or in fact controls the management of the 4131
applicant or the selection of officers, directors, or managers 4132
of the applicant has been a sole proprietor or partner, officer, 4133
director, principal shareholder, or person having the right to 4134
control or has in fact controlled the management of or the 4135
selection of officers, directors, or managers of a business 4136
entity that ever has had a coal mining license or permit issued 4137
by this or any other state or the United States suspended or 4138
revoked, ever has forfeited a coal or surface mining bond, 4139
performance security, or similar security deposited in lieu of 4140
bond in this or any other state or with the United States, or 4141
ever has substantially or materially failed to comply with this 4142
chapter. 4143

(7) When issuing a permit under this section, the chief 4144
may authorize an applicant to conduct coal mining and 4145
reclamation operations on areas to be covered by the permit that 4146
were affected by coal mining operations before August 3, 1977, 4147
that have resulted in continuing water pollution from or on the 4148
previously mined areas for the purpose of potentially reducing 4149

the pollution loadings of pH, iron, and manganese from 4150
discharges from or on the previously mined areas. Following the 4151
chief's authorization to conduct such operations on those areas, 4152
the areas shall be designated as pollution abatement areas for 4153
the purposes of this chapter. 4154

The chief shall not grant an authorization under division 4155
(E) (7) of this section to conduct coal mining and reclamation 4156
operations on any such previously mined areas unless the 4157
applicant demonstrates to the chief's satisfaction that all of 4158
the following conditions are met: 4159

(a) The applicant's pollution abatement plan for mining 4160
and reclaiming the previously mined areas represents the best 4161
available technology economically achievable. 4162

(b) Implementation of the plan will potentially reduce 4163
pollutant loadings of pH, iron, and manganese resulting from 4164
discharges of surface waters or ground water from or on the 4165
previously mined areas within the permit area. 4166

(c) Implementation of the plan will not cause any 4167
additional degradation of surface water quality off the permit 4168
area with respect to pH, iron, and manganese. 4169

(d) Implementation of the plan will not cause any 4170
additional degradation of ground water. 4171

(e) The plan meets the requirements governing mining and 4172
reclamation of such previously mined pollution abatement areas 4173
established by the chief in rules adopted under section 1513.02 4174
of the Revised Code. 4175

(f) Neither the applicant; any partner, if the applicant 4176
is a partnership; any officer, principal shareholder, or 4177
director, if the applicant is a corporation; any other person 4178

who has a right to control or in fact controls the management of 4179
the applicant or the selection of officers, directors, or 4180
managers of the applicant; nor any contractor or subcontractor 4181
of the applicant, has any of the following: 4182

(i) Responsibility or liability under this chapter or 4183
rules adopted under it as an operator for treating the 4184
discharges of water pollutants from or on the previously mined 4185
areas for which the authorization is sought; 4186

(ii) Any responsibility or liability under this chapter or 4187
rules adopted under it for reclaiming the previously mined areas 4188
for which the authorization is sought; 4189

(iii) During the eighteen months prior to submitting the 4190
permit application requesting an authorization under division 4191
(E) (7) of this section, had a coal mining and reclamation permit 4192
suspended or revoked under division (D) (3) of section 1513.02 of 4193
the Revised Code for violating this chapter or Chapter 6111. of 4194
the Revised Code or rules adopted under them with respect to 4195
water quality, effluent limitations, or surface or ground water 4196
monitoring; 4197

(iv) Ever forfeited a coal or surface mining bond, 4198
performance security, or similar security deposited in lieu of a 4199
bond in this or any other state or with the United States. 4200

(8) In the case of the issuance of a permit that involves 4201
a conflict of results between various methods of calculating 4202
potential acidity and neutralization potential for purposes of 4203
assessing the potential for acid mine drainage to occur at a 4204
mine site, the permit shall include provisions for monitoring 4205
and record keeping to identify the creation of unanticipated 4206
acid water at the mine site. If the monitoring detects the 4207

creation of acid water at the site, the permit shall impose on 4208
the permittee additional requirements regarding mining practices 4209
and site reclamation to prevent the discharge of acid mine 4210
drainage from the mine site. As used in division (E) (8) of this 4211
section, "potential acidity" and "neutralization potential" have 4212
the same meanings as in section 1513.075 of the Revised Code. 4213

(F) (1) During the term of the permit, the permittee may 4214
submit an application for a revision of the permit, together 4215
with a revised reclamation plan, to the chief. 4216

(2) An application for a revision of a permit shall not be 4217
approved unless the chief finds that reclamation required by 4218
this chapter can be accomplished under the revised reclamation 4219
plan. The revision shall be approved or disapproved within 4220
ninety days after receipt of a complete revision application. 4221
The chief shall establish, by rule, criteria for determining the 4222
extent to which all permit application information requirements 4223
and procedures, including notice and hearings, shall apply to 4224
the revision request, except that any revisions that propose 4225
significant alterations in the reclamation plan, at a minimum, 4226
shall be subject to notice and hearing requirements. 4227

(3) Any extensions to the area covered by the permit 4228
except incidental boundary revisions shall be made by 4229
application for a permit. 4230

(4) Documents or a notarized statement that form the basis 4231
of the applicant's legal right to enter and commence coal mining 4232
operations on land that is located within an area covered by the 4233
permit and that was legally acquired subsequent to the issuance 4234
of the permit for the area shall be submitted with an 4235
application for a revision of the permit. 4236

(G) No transfer, assignment, or sale of the rights granted 4237
under a permit issued pursuant to this chapter shall be made 4238
without the written approval of the chief. 4239

(H) The chief, within a time limit prescribed in the 4240
chief's rules, shall review outstanding permits and may require 4241
reasonable revision or modification of a permit. A revision or 4242
modification shall be based upon a written finding and subject 4243
to notice and hearing requirements established by rule of the 4244
chief. 4245

(I) (1) If an informal conference has been held pursuant to 4246
section 1513.071 of the Revised Code, the chief shall issue and 4247
furnish the applicant for a permit, persons who participated in 4248
the informal conference, and persons who filed written 4249
objections pursuant to division (B) of section 1513.071 of the 4250
Revised Code, with the written finding of the chief granting or 4251
denying the permit in whole or in part and stating the reasons 4252
therefor within sixty days of the conference, provided that the 4253
chief shall comply with the time frames established in division 4254
(I) (3) of this section. 4255

(2) If there has been no informal conference held pursuant 4256
to section 1513.071 of the Revised Code, the chief shall submit 4257
to the applicant for a permit the written finding of the chief 4258
granting or denying the permit in whole or in part and stating 4259
the reasons therefor within the time frames established in 4260
division (I) (3) of this section. 4261

(3) The chief shall grant or deny a permit not later than 4262
two hundred forty days after the submission of a complete 4263
application for the permit. Any time during which the applicant 4264
is making revisions to an application or providing additional 4265
information requested by the chief regarding an application 4266

shall not be included in the two hundred forty days. If the 4267
chief determines that a permit cannot be granted or denied 4268
within the two-hundred-forty-day time frame, the chief, not 4269
later than two hundred ten days after the submission of a 4270
complete application for the permit, shall provide the applicant 4271
with written notice of the expected delay. 4272

(4) If the application is approved, the permit shall be 4273
issued. However, the permit shall prohibit the commencement of 4274
coal mining operations on any land that is located within an 4275
area covered by the permit if the permittee has not provided to 4276
the chief documents that form the basis of the permittee's legal 4277
right to enter and conduct coal mining operations on that land. 4278
If the application is disapproved, specific reasons therefor 4279
shall be set forth in the notification. Within thirty days after 4280
the applicant is notified of the final decision of the chief on 4281
the permit application, the applicant or any person with an 4282
interest that is or may be adversely affected may appeal the 4283
decision to the reclamation commission pursuant to section 4284
1513.13 of the Revised Code. 4285

(5) Any applicant or any person with an interest that is 4286
or may be adversely affected who has participated in the 4287
administrative proceedings as an objector and is aggrieved by 4288
the decision of the reclamation commission, or if the commission 4289
fails to act within the time limits specified in this chapter, 4290
may appeal in accordance with section 1513.14 of the Revised 4291
Code. 4292

Sec. 1513.161. (A) An operator shall use explosives only 4293
in accordance with Chapter 1567. of the Revised Code and rules 4294
adopted pursuant thereto by the chief of the division of mineral 4295
resources management, and in accordance with this section and 4296

rules adopted pursuant thereto by the chief, and in accordance 4297
with all applicable federal laws and regulations. If, in any 4298
situation involving a coal mining operation, except when 4299
underground coal mining is part or all of the coal mining 4300
operation, a rule adopted pursuant to Chapter 1567. of the 4301
Revised Code is in conflict with a rule adopted pursuant to this 4302
section, the rule adopted pursuant to this section prevails. 4303
When underground coal mining is part or all of the coal mining 4304
operation, the rule adopted pursuant to Chapter 1567. of the 4305
Revised Code prevails. 4306

Before an explosive is set off, sufficient warning shall 4307
be given to allow any person in or approaching the area ample 4308
time to retreat a safe distance. 4309

No blasting shall be done between the hours of sunset and 4310
sunrise. 4311

(B) The chief shall adopt rules to: 4312

~~(A)~~ (1) Provide adequate advance written notice to local 4313
governments and residents who might be affected by the use of 4314
explosives by publication of the planned blasting schedule in a 4315
newspaper of general circulation in the locality of the coal 4316
mining operation, by mailing a copy of the proposed blasting 4317
schedule to every resident living within one-half mile of the 4318
proposed blasting site, and by providing daily notice to 4319
residents or occupants in such areas prior to any blasting; 4320

~~(B)~~ (2) Maintain for a period of at least three years and 4321
make available for public inspection upon request a log 4322
detailing the location of the blasts, the pattern and depth of 4323
the drill holes, the amount of explosives used per hole, and the 4324
order and length of delay in the blasts; 4325

~~(C)~~ (3) Limit the type of explosives and detonating equipment, the size, and the timing and frequency of blasts based upon the physical conditions of the site so as to prevent:

~~(1)~~ (a) Injury to persons;

~~(2)~~ (b) Damage to public and private property outside the permit area;

~~(3)~~ (c) Adverse impacts on any underground mine;

~~(4)~~ (d) Change in the course, channel, or availability of ground or surface water outside the permit area.

~~(D)~~ (4) Require that all blasting operations be conducted by trained and competent persons as certified by the chief;

~~(E)~~ (5) Provide that upon the request of a resident or owner of an artificial dwelling or structure or water supply within one-half mile of any portion of the permit area, the applicant or permittee shall conduct a preblasting survey of the structures or water supply and submit the survey to the chief and a copy to the resident or owner making the request. The area of the survey shall be decided by the chief and shall include such provisions as the chief prescribes.

~~(F)~~ Require (6) Except as provided in division (C) of this section, require the training, examination, and certification of persons engaging in or directly responsible for blasting or use of explosives in coal mining operations.

(C) The chief shall issue a certificate for blasting or use of explosives in coal mining operations in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license or certificate in

another state. 4354

(2) The applicant has satisfactory work experience, a 4355
government certification, or a private certification as 4356
described in that chapter as a blaster or user of explosives in 4357
coal mining operations in a state that does not issue that 4358
license or certificate. 4359

(D) The chief, by rule or order, may prohibit blasting in 4360
specific areas where the safety of the public would be 4361
endangered. 4362

(E) No person shall use explosives in violation of this 4363
section, a rule adopted thereunder, or an order of the chief. 4364

Sec. 1514.12. (A) Explosives shall be used in a manner 4365
that prevents injury to persons and damage to public or private 4366
property that is located outside the area for which a permit was 4367
issued under section 1514.02 or 1514.021 of the Revised Code. 4368

(B) The ground vibration resulting from the use of 4369
explosives when measured at any dwelling, public or commercial 4370
building, school, church, or community or institutional building 4371
that is located outside the area for which a permit was issued 4372
under section 1514.02 or 1514.021 of the Revised Code and that 4373
is not owned by the operator shall not exceed the frequency- 4374
dependent particle velocity limits listed in the "report of 4375
investigations 8507, appendix B -- alternative blasting level 4376
criteria, (1980)," published by the former United States bureau 4377
of mines, or other limits established by rule. 4378

(C) The airblast resulting from the use of explosives when 4379
measured with a two hertz high-pass system at any location 4380
listed in division (B) of this section shall not exceed a level 4381
of one hundred thirty-three decibels. 4382

(D) On and after July 1, 2003, all blasting in surface 4383
mining shall be conducted by persons who are trained and 4384
competent in blasting as certified by the chief of the division 4385
of mineral resources management or a certifying authority 4386
approved by the chief. 4387

(E) The Except as provided in division (G) of this 4388
section, the chief shall adopt, and may amend and rescind, rules 4389
in accordance with Chapter 119. of the Revised Code establishing 4390
requirements and standards governing all of the following: 4391

(1) Seismographic monitoring and alternate methods to 4392
prove compliance with the ground vibration limits established 4393
under division (B) of this section and the airblast limits 4394
established under division (C) of this section; 4395

(2) Protection of any building or structure not listed in 4396
division (B) of this section; 4397

(3) Training, examination, and certification of persons 4398
conducting blasting in surface mining and suspension or 4399
revocation of certifications; 4400

(4) Standard blast warning and all-clear signals; 4401

(5) Blasting records and flyrock reporting requirements; 4402

(6) Safety measures for blasting in surface mining. 4403

(F) The chief may adopt rules under this section that 4404
establish limits on the amount of ground vibration resulting 4405
from the use of explosives that is permissible when measured at 4406
the locations described in division (B) of this section. 4407

(G) The chief shall issue a certificate to conduct 4408
blasting in surface mining in accordance with Chapter 4796. of 4409
the Revised Code to any person if either of the following 4410

applies: 4411

(1) The person holds a license or certificate in another 4412
state. 4413

(2) The person has satisfactory work experience, a 4414
government certification, or a private certification as 4415
described in that chapter as a surface mining blaster in a state 4416
that does not issue that license or certificate. 4417

Sec. 1514.47. (A) (1) The operator of a surface mining 4418
operation shall employ a certified mine foreperson to be in 4419
charge of the conditions and practices at the mine and to be 4420
responsible for conducting examinations of the surface mining 4421
operation under 30 C.F.R. part 56, as amended. 4422

(2) Examinations of surface mining operations for the 4423
purposes of 30 C.F.R. part 56, as amended, shall be conducted by 4424
one of the following: 4425

~~(i)~~ (a) A certified mine foreperson; 4426

~~(ii)~~ (b) A person who is qualified to conduct such 4427
examinations as provided in division (D) of this section; 4428

~~(iii)~~ (c) A person designated by the certified mine 4429
foreperson as a competent person. 4430

(3) For purposes of this section, a competent person is a 4431
person who has been trained in accordance with 30 C.F.R. part 46 4432
and been determined by a certified mine foreperson to have 4433
demonstrated the ability, training, knowledge, or experience 4434
necessary to perform the duty to which the person is assigned. A 4435
person is not a competent person if the chief of the division of 4436
mineral resources management demonstrates, with good cause, that 4437
the person does not have the ability, training, knowledge, or 4438

experience necessary to perform that duty. 4439

(4) The operator of a surface mining operation shall 4440
maintain records demonstrating that a competent person 4441
designated by a certified mine foreperson has the ability, 4442
training, knowledge, or experience to perform the duty to which 4443
the person is assigned as well as records of the competent 4444
person's training in accordance with 30 C.F.R. part 46. The 4445
operator shall make the records available to the chief upon 4446
request. 4447

~~(B) The~~ Except as provided in division (E) of this 4448
section, the chief shall conduct examinations for the position 4449
of certified mine foreperson in accordance with rules. In order 4450
to be eligible for examination as a certified mine foreperson, 4451
an applicant shall file with the chief an affidavit establishing 4452
the applicant's qualifications to take the examination. The 4453
chief shall grade examinations and issue certificates. 4454

(C) (1) A certificate issued under this section shall not 4455
expire unless the certificate holder has not been employed in a 4456
surface mining operation for five consecutive years. If the 4457
certificate holder has not been employed in a surface mining 4458
operation for five consecutive years, the certificate holder may 4459
retake the mine foreperson examination or may petition the chief 4460
to accept past employment history in lieu of fulfilling the 4461
employment requirement established in this division. The chief 4462
shall grant or deny the petition by issuance of an order. If the 4463
chief grants the petition, the chief shall reissue the 4464
certificate. 4465

(2) If a certificate issued under this section is 4466
suspended, the certificate shall not be renewed until the 4467
suspension period expires and the person whose certificate is 4468

suspended successfully completes all actions required by the 4469
chief. ~~If an applicant's license, certificate, or similar~~ 4470
~~authority that is issued by another state to perform specified~~ 4471
~~mining duties is suspended or revoked by that state, the~~ 4472
~~applicant shall be ineligible for examination for or renewal of~~ 4473
~~a certificate in this state during that period of suspension or~~ 4474
~~revocation.~~ A certificate that has been revoked shall not be 4475
renewed. 4476

(3) If a person who has been certified by the chief under 4477
this section purposely violates this chapter, the chief may 4478
suspend or revoke the certificate after an investigation and 4479
hearing conducted in accordance with Chapter 119. of the Revised 4480
Code are completed. 4481

(4) If a person holds a certificate issued under this 4482
section that has not expired prior to ~~the effective date of this~~ 4483
~~amendment~~ September 29, 2015, the chief, upon request, shall 4484
reissue to that person a certificate that does not expire as 4485
provided in division (C)(1) of this section. 4486

(5) If a person holds a certificate issued under this 4487
section that expired on or after April 7, 2012, and has not been 4488
issued a new certificate prior to ~~the effective date of this~~ 4489
~~amendment~~ September 29, 2015, the chief, upon request, shall 4490
issue to that person a certificate that does not expire as 4491
provided in division (C)(1) of this section, provided that the 4492
person is in compliance with all other applicable requirements 4493
established in this chapter and rules adopted under it. 4494

(D) In lieu of employing a certified mine foreperson, the 4495
operator of a surface mining operation may submit to the chief a 4496
detailed training plan under which persons who qualify under the 4497
plan may conduct and document examinations at the surface mining 4498

operation for purposes of 30 C.F.R. part 56, as amended. The 4499
chief shall review the plan and determine if the plan complies 4500
with the requirements established in rules. The chief shall 4501
approve or deny the plan and notify in writing the operator who 4502
submitted the plan of the chief's decision. 4503

(E) The chief shall issue a mine foreperson certificate in 4504
accordance with Chapter 4796. of the Revised Code to any person 4505
if either of the following applies: 4506

(1) The person holds a license or certificate in another 4507
state. 4508

(2) The person has satisfactory work experience, a 4509
government certification, or a private certification as 4510
described in that chapter as a mine foreperson in a state that 4511
does not issue that license or certificate. 4512

Sec. 1531.40. (A) As used in this section: 4513

(1) "Nuisance wild animal" means a wild animal that 4514
interferes with the use or enjoyment of property, is causing a 4515
threat to public safety, or may cause damage or harm to a 4516
structure, property, or person. 4517

(2) "Commercial nuisance wild animal control operator" 4518
means an individual or business that provides nuisance wild 4519
animal removal or control services for hire to the owner, the 4520
operator, or the owner's or operator's authorized agent of 4521
property or a structure. 4522

(B) (1) No person shall provide nuisance wild animal 4523
removal or control services for hire without obtaining a license 4524
under this section from the chief of the division of wildlife. 4525

(2) An applicant shall pay a license fee of forty dollars 4526

for the license. The license shall be renewed annually prior to 4527
the first day of March and shall expire on the last day of 4528
February. All money collected under this division shall be 4529
deposited in the state treasury to the credit of the wildlife 4530
fund created in section 1531.17 of the Revised Code. 4531

(3) An individual who is providing nuisance wild animal 4532
removal or control services for hire under a license issued 4533
under this section is exempt from obtaining a hunting license 4534
under section 1533.10 of the Revised Code, a fur taker permit 4535
under section 1533.111 of the Revised Code, or a fishing license 4536
under section 1533.32 of the Revised Code for the purposes of 4537
performing those services. 4538

(4) An individual who is employed by the state, a county, 4539
or a municipal corporation and who performs nuisance wild animal 4540
removal or control services on land that is owned by the state, 4541
county, or municipal corporation, as applicable, as part of the 4542
individual's employment is exempt from obtaining a license under 4543
this section. 4544

(C) (1) Unless otherwise specified by division rule, a 4545
commercial nuisance wild animal control operator and any 4546
individual who is employed by an operator that is engaged in 4547
activities that are part of or related to the removal or control 4548
of nuisance wild animals, including setting or maintaining 4549
traps, shall obtain a certification of completion of a course of 4550
instruction that complies with rules adopted under division (F) 4551
of this section. A certification shall be renewed every three 4552
years. 4553

(2) ~~An~~ Except as provided in division (H) of this section, 4554
an individual who provides nuisance wild animal removal or 4555
control services under a license issued under this section shall 4556

comply with division (C) (1) of this section. 4557

(D) An operator that holds a license issued under this 4558
section is responsible for the acts of each of the operator's 4559
employees in the removal or control of a nuisance wild animal. 4560

(E) If an individual who is licensed under this section 4561
uses a pesticide in the removal or control of a nuisance wild 4562
animal, the individual shall obtain the appropriate license 4563
under Chapter 921. of the Revised Code. 4564

(F) ~~The Except as provided in division (H) of this~~ 4565
~~section, the~~ chief shall adopt rules under section 1531.10 of 4566
the Revised Code establishing all of the following: 4567

(1) Appropriate methods for trapping, capturing, removing, 4568
relocating, and controlling nuisance wild animals by operators 4569
licensed under this section; 4570

(2) Procedures for issuing, denying, suspending, and 4571
revoking a license under this section; 4572

(3) Requirements governing the certification course 4573
required by division (C) (1) of this section. The rules shall 4574
specify the minimum contents of such a course, including public 4575
safety and health, animal life history, the use of nuisance wild 4576
animal removal and control devices, and the laws and rules 4577
governing those activities. The rules also shall specify who may 4578
conduct such a course. The rules shall require that, in order 4579
for an operator to receive a certification of completion, the 4580
operator shall pass an examination. 4581

(4) Any other requirements and procedures necessary to 4582
administer and enforce this section. 4583

Rules shall be adopted under division (F) of this section 4584

only with the approval of the director of natural resources. 4585

(G) In accordance with Chapter 119. of the Revised Code 4586
and with rules adopted under this section, the chief may suspend 4587
or revoke a license issued under this section if the chief finds 4588
that the holder of the license is violating or has violated this 4589
chapter, Chapter 1533. of the Revised Code, or rules adopted 4590
under those chapters. 4591

(H) The chief shall issue a license to provide nuisance 4592
wild animal removal or control services in accordance with 4593
Chapter 4796. of the Revised Code to an applicant if either of 4594
the following applies: 4595

(1) The applicant holds a license in another state. 4596

(2) The applicant has satisfactory work experience, a 4597
government certification, or a private certification as 4598
described in that chapter as an individual who provides nuisance 4599
wild animal removal or control services in a state that does not 4600
issue that license. 4601

Sec. 1533.051. (A) The chief of the division of wildlife 4602
may authorize commercial and noncommercial propagation of 4603
raptors by rules adopted pursuant to section 1531.08 of the 4604
Revised Code. The rules shall be consistent with federal 4605
regulations governing raptor propagation. 4606

(B) No person shall propagate raptors without a permit to 4607
do so issued by the chief. The duration of the permit shall be 4608
consistent with applicable federal requirements. 4609

The fees for permits shall be set by the chief in amounts 4610
sufficient to cover the expenses of the division in exercising 4611
its authority under this section and may vary according to the 4612
type of permit. Moneys received from the sale of permits shall 4613

be paid into the state treasury to the credit of the fund 4614
established in section 1533.15 of the Revised Code. 4615

(C) The chief shall issue a commercial raptor propagation 4616
permit in accordance with Chapter 4796. of the Revised Code to 4617
an applicant if either of the following applies: 4618

(1) The applicant holds a license or permit in another 4619
state. 4620

(2) The applicant has satisfactory work experience, a 4621
government certification, or a private certification as 4622
described in that chapter as a person who propogates raptors in 4623
a state that does not issue that license or permit. 4624

(D) A permittee may use a raptor possessed for propagation 4625
in the sport of falconry only if the permittee is in compliance 4626
with section 1533.05 of the Revised Code and the raptor is 4627
reported under permits issued under both that section and this 4628
section. 4629

~~(D)~~ (E) This section does not apply to propagation of 4630
raptors by the state, any agency of the state, the United 4631
States, any agency or instrumentality thereof, or any zoological 4632
park. 4633

Sec. 1533.51. (A) No person shall be or serve as a fishing 4634
guide in the Lake Erie fishing district without a license from 4635
the chief of the division of wildlife. The application for a 4636
license, and the license, shall be in such form as the chief 4637
prescribes. 4638

(B) The chief, with the approval of the wildlife council, 4639
may establish the qualifications for such a license and the 4640
terms, conditions, and restrictions thereof. Such qualifications 4641
when applicable shall include that the applicant possesses a 4642

power boat operator's license from a department, agency, 4643
commission, or instrumentality of the United States. 4644

(C) The chief shall issue a fishing guide license in 4645
accordance with Chapter 4796. of the Revised Code to an 4646
applicant if either of the following applies: 4647

(1) The applicant holds a license in another state. 4648

(2) The applicant has satisfactory work experience, a 4649
government certification, or a private certification as 4650
described in that chapter as a fishing guide in a state that 4651
does not issue that license. 4652

(D) Fishing guide licenses shall expire each year on the 4653
fifteenth day of April. Such a license shall be carried ~~by~~ on 4654
the person or the person in command of the boat or person in 4655
charge, ~~upon his person,~~ when such service is being performed, 4656
and shall be exhibited upon demand to any wildlife officer or 4657
other law enforcement officer who has authority to enforce the 4658
wildlife, hunting, and fishing laws. 4659

(E) The license fee for a fishing guide license is fifty 4660
dollars per person. 4661

(F) The license fee for other services or devices, as 4662
approved by the chief, not mentioned in this section shall be an 4663
amount set by the chief with the approval of the wildlife 4664
council, not to exceed twenty-five dollars. 4665

(G) All license fees collected from fishing guides shall 4666
be deposited in the state treasury pursuant to section 1533.33 4667
of the Revised Code. 4668

(H) No person shall fail to comply with any provision of 4669
this section or division rule adopted pursuant to it. 4670

Sec. 1561.14. ~~A~~ (A) Except as provided in division (B) of 4671
this section, a person who applies for a certificate as a mine 4672
electrician shall be able to read and write the English 4673
language, and prior to the date of the application for 4674
examination either shall have had at least one year's experience 4675
in performing electrical work underground in a coal mine, in the 4676
surface work area of an underground coal mine, in a surface coal 4677
mine, or in a noncoal mine, or shall have had such experience as 4678
the chief of the division of mineral resources management 4679
determines to be equivalent. Each applicant for examination 4680
shall pay a fee of ten dollars to the chief on the first day of 4681
the examination. Any money collected under this section shall be 4682
paid into the state treasury to the credit of the mining 4683
regulation and safety fund created in section 1513.30 of the 4684
Revised Code. 4685

(B) The chief shall issue a mine electrician certificate 4686
in accordance with Chapter 4796. of the Revised Code to an 4687
applicant if either of the following applies: 4688

(1) The applicant holds a license or certificate in 4689
another state. 4690

(2) The applicant has satisfactory work experience, a 4691
government certification, or a private certification as 4692
described in that chapter as a mine electrician in a state that 4693
does not issue that license or certificate. 4694

Sec. 1561.15. ~~An~~ (A) Except as provided in division (B) of 4695
this section, an applicant for a certificate as mine foreperson, 4696
foreperson, mine electrician, shot firer, surface mine blaster, 4697
or fire boss shall apply to the chief of the division of mineral 4698
resources management for examination and shall be examined by 4699
the chief. This shall be a practical examination, a substantial 4700

part of which shall be oral, to determine the competency of the 4701
applicant, based on experience and practical knowledge of the 4702
dangers incident to coal mining, and not upon technical 4703
education, but consideration shall be given such technical 4704
education as the applicant possesses. This examination shall be 4705
held as soon after application is made as practicable in the 4706
district from which the applicant makes application. 4707

(B) The chief may require an applicant for a certificate 4708
as mine foreperson, foreperson, mine electrician, shot firer, 4709
surface mine blaster, or fire boss to pass an examination in 4710
accordance with Chapter 4796. of the Revised Code. 4711

Sec. 1561.16. (A) As used in this section and sections 4712
1561.17 to 1561.21 of the Revised Code, "actual practical 4713
experience" means previous employment that involved a person's 4714
regular presence in the type of mining operation in which the 4715
experience is required to exist; participation in functions 4716
relating to the hazards involved in and the utilization of 4717
equipment, tools, and work crews and individuals for that type 4718
of mining; and regular exposure to the methods, procedures, and 4719
safety laws applicable to that type of mining. Credit of up to 4720
one year for a portion of the required experience time may be 4721
given upon documentation to the chief of the division of mineral 4722
resources management of an educational degree in a field related 4723
to mining. Credit of up to two years of the required experience 4724
time may be given upon presentation to the chief of proof of 4725
graduation from an accredited school of mines or mining after a 4726
four-year course of study with employment in the mining industry 4727
during interim breaks during the school years. 4728

(B) A-Except as provided in division (G) of this section, 4729
a person who applies for a certificate as a mine foreperson of 4730

gaseous mines shall be able to read and write the English 4731
language; shall have had at least five years' actual practical 4732
experience in the underground workings of a gaseous mine or the 4733
equivalent thereof in the judgment of the chief; and shall have 4734
had practical experience obtained by actual contact with gas in 4735
mines and have knowledge of the dangers and nature of noxious 4736
and explosive gases and ventilation of gaseous mines. An 4737
applicant for a certificate as a foreperson of gaseous mines 4738
shall meet the same requirements, except that the applicant 4739
shall have had at least three years' actual practical experience 4740
in the underground workings of a gaseous mine or the equivalent 4741
thereof in the judgment of the chief. Each applicant for 4742
examination shall pay a fee established in rules adopted under 4743
this section to the chief on the first day of such examination. 4744

(C) A person who has been issued a certificate as a mine 4745
foreperson or a foreperson of a gaseous mine and who has not 4746
worked in an underground coal mine for a period of more than two 4747
calendar years shall apply for and obtain recertification from 4748
the chief in accordance with rules adopted under this section 4749
before performing the duties of a mine foreperson or a 4750
foreperson of a gaseous mine. An applicant for recertification 4751
shall pay a fee established in rules adopted under this section 4752
at the time of application for recertification. 4753

(D) A person who has been issued a certificate as a mine 4754
foreperson or a foreperson of a gaseous mine and who has not 4755
worked in an underground coal mine for a period of one or more 4756
calendar years shall successfully complete a retraining course 4757
in accordance with rules adopted under this section before 4758
performing the duties of a mine foreperson or a foreperson of a 4759
gaseous mine. 4760

(E) The chief, in consultation with a statewide 4761
association representing the coal mining industry and a 4762
statewide association representing employees of coal mines, 4763
shall adopt rules in accordance with Chapter 119. of the Revised 4764
Code that do all of the following: 4765

(1) Prescribe requirements, criteria, and procedures for 4766
the recertification of a mine foreperson or a foreperson of a 4767
gaseous mine who has not worked in an underground coal mine for 4768
a period of more than two calendar years; 4769

(2) Prescribe requirements, criteria, and procedures for 4770
the retraining of a mine foreperson or a foreperson of a gaseous 4771
mine who has not worked in an underground coal mine for a period 4772
of one or more calendar years; 4773

(3) Establish fees for the examination and recertification 4774
of mine forepersons or forepersons of gaseous mines under this 4775
section; 4776

(4) Prescribe any other requirements, criteria, and 4777
procedures that the chief determines are necessary to administer 4778
this section. 4779

(F) Any money collected under this section shall be paid 4780
into the state treasury to the credit of the mining regulation 4781
and safety fund created in section 1513.30 of the Revised Code. 4782

(G) The chief shall issue a certificate as a foreperson of 4783
gaseous mines in accordance with Chapter 4796. of the Revised 4784
Code to an applicant if either of the following applies: 4785

(1) The applicant holds a license or certificate in 4786
another state. 4787

(2) The applicant has satisfactory work experience, a 4788

government certification, or a private certification as 4789
described in that chapter as a foreperson of gaseous mines in a 4790
state that does not issue that license or certificate. 4791

Sec. 1561.17. (A) ~~A~~Except as provided in division (F) of 4792
this section, a person who applies for a certificate as mine 4793
foreperson or foreperson of nongaseous mines shall be able to 4794
read and write the English language; shall have had at least 4795
three years' actual practical experience in mines, or the 4796
equivalent thereof in the judgment of the chief of the division 4797
of mineral resources management; and shall have knowledge of the 4798
dangers and nature of noxious gases. Each applicant for 4799
examination shall pay a fee established in rules adopted under 4800
this section to the chief on the first day of the examination. 4801

(B) A person who has been issued a certificate as a mine 4802
foreperson or a foreperson of a nongaseous coal mine and who has 4803
not worked in an underground coal mine for a period of more than 4804
two calendar years shall apply for and obtain recertification 4805
from the chief in accordance with rules adopted under this 4806
section before performing the duties of a mine foreperson or a 4807
foreperson of a nongaseous coal mine. An applicant for 4808
recertification shall pay a fee established in rules adopted 4809
under this section at the time of application for 4810
recertification. 4811

(C) A person who has been issued a certificate as a mine 4812
foreperson or a foreperson of a nongaseous coal mine and who has 4813
not worked in an underground coal mine for a period of one or 4814
more calendar years shall successfully complete a retraining 4815
course in accordance with rules adopted under this section 4816
before performing the duties of a mine foreperson or a 4817
foreperson of a nongaseous coal mine. 4818

(D) The chief, in consultation with a statewide 4819
association representing the coal mining industry and a 4820
statewide association representing employees of coal mines, 4821
shall adopt rules in accordance with Chapter 119. of the Revised 4822
Code that do all of the following: 4823

(1) Prescribe requirements, criteria, and procedures for 4824
the recertification of a mine foreperson or a foreperson of a 4825
nongaseous coal mine who has not worked in an underground coal 4826
mine for a period of more than two calendar years; 4827

(2) Prescribe requirements, criteria, and procedures for 4828
the retraining of a mine foreperson or a foreperson of a 4829
nongaseous coal mine who has not worked in an underground coal 4830
mine for a period of one or more calendar years; 4831

(3) Establish fees for the examination and recertification 4832
of mine forepersons or forepersons of nongaseous coal mines 4833
under this section; 4834

(4) Prescribe any other requirements, criteria, and 4835
procedures that the chief determines are necessary to administer 4836
this section. 4837

(E) Any money collected under this section shall be paid 4838
into the state treasury to the credit of the mining regulation 4839
and safety fund created in section 1513.30 of the Revised Code. 4840

(F) The chief shall issue a certificate as a foreperson of 4841
nongaseous mines in accordance with Chapter 4796. of the Revised 4842
Code to an applicant if either of the following applies: 4843

(1) The applicant holds a license or certificate in 4844
another state. 4845

(2) The applicant has satisfactory work experience, a 4846

government certification, or a private certification as 4847
described in that chapter as a foreperson of nongaseous mines in 4848
a state that does not issue that license or certificate. 4849

Sec. 1561.18. ~~A~~ (A) Except as provided in division (B) of 4850
this section, a person who applies for a certificate as a 4851
foreperson of surface maintenance facilities at underground or 4852
surface mines shall be able to read and write the English 4853
language and shall have had at least three years' actual 4854
practical experience in or around the surface maintenance 4855
facilities of underground or surface mines or the equivalent 4856
thereof in the judgment of the chief of the division of mineral 4857
resources management. Each applicant for examination shall pay a 4858
fee of ten dollars to the chief on the first day of the 4859
examination. 4860

(B) The chief shall issue a certificate as a foreperson of 4861
surface maintenance facilities at underground or surface mines 4862
in accordance with Chapter 4796. of the Revised Code to an 4863
applicant if either of the following applies: 4864

(1) The applicant holds a license or certificate in 4865
another state. 4866

(2) The applicant has satisfactory work experience, a 4867
government certification, or a private certification as 4868
described in that chapter as a foreperson of surface maintenance 4869
facilities at underground or surface mines in a state that does 4870
not issue that license or certificate. 4871

(C) Any money collected under this section shall be paid 4872
into the state treasury to the credit of the mining regulation 4873
and safety fund created in section 1513.30 of the Revised Code. 4874

Sec. 1561.19. ~~A~~ (A) Except as provided in division (B) of 4875

this section, a person who applies for a certificate as a mine 4876
foreperson of surface mines shall be able to read and write the 4877
English language and shall have had at least five years' actual 4878
practical experience in surface mines. An applicant for a 4879
certificate as a foreperson of surface mines shall meet the same 4880
requirements, except that the applicant shall have had at least 4881
three years' actual practical experience in surface mines or the 4882
equivalent thereof in the judgment of the chief of the division 4883
of mineral resources management. Each applicant for examination 4884
shall pay a fee of ten dollars to the chief on the first day of 4885
the examination. 4886

(B) The chief shall issue a certificate as a foreperson of 4887
surface mines in accordance with Chapter 4796. of the Revised 4888
Code to an applicant if either of the following applies: 4889

(1) The applicant holds a license or certificate in 4890
another state. 4891

(2) The applicant has satisfactory work experience, a 4892
government certification, or a private certification as 4893
described in that chapter as a foreperson of surface mines in a 4894
state that does not issue that license or certificate. 4895

(C) Any money collected under this section shall be paid 4896
into the state treasury to the credit of the mining regulation 4897
and safety fund created in section 1513.30 of the Revised Code. 4898

Sec. 1561.20. A—(A) Except as provided in division (B) of 4899
this section, a person who applies for a certificate as a 4900
surface mine blaster shall be able to read and write the English 4901
language; shall have had at least one year's actual practical 4902
experience in surface mines or the equivalent thereof in the 4903
judgment of the chief of the division of mineral resources 4904

management; shall have knowledge of the dangers and nature of 4905
the use of explosives, related equipment, and blasting 4906
techniques; and shall have knowledge of safety laws and rules, 4907
including those related to the storage, use, and transportation 4908
of explosives. Each applicant for examination shall pay a fee of 4909
ten dollars to the chief on the first day of the examination. 4910

(B) The chief shall issue a surface mine blaster 4911
certificate in accordance with Chapter 4796. of the Revised Code 4912
to an applicant if either of the following applies: 4913

(1) The applicant holds a license or certificate in 4914
another state. 4915

(2) The applicant has satisfactory work experience, a 4916
government certification, or a private certification as 4917
described in that chapter as a surface mine blaster in a state 4918
that does not issue that license or certificate. 4919

(C) Any money collected under this section shall be paid 4920
into the state treasury to the credit of the mining regulation 4921
and safety fund created in section 1513.30 of the Revised Code. 4922

Sec. 1561.21. A—(A) Except as provided in division (B) of 4923
this section, a person who applies for a certificate as a shot 4924
firer shall be able to read and write the English language; 4925
shall have had at least one year's actual practical experience 4926
in the underground workings of mines or the equivalent thereof 4927
in the judgment of the chief of the division of mineral 4928
resources management; shall have knowledge of the dangers and 4929
nature of noxious and explosive gases; shall have knowledge of 4930
the dangers and nature of the use of explosives, related 4931
equipment, and blasting techniques; and shall have knowledge of 4932
safety laws and rules, including those related to the 4933

underground storage, use, and transportation of explosives. Each 4934
applicant for examination shall pay a fee of ten dollars to the 4935
chief on the first day of the examination. 4936

(B) The chief shall issue a shot firer certificate in 4937
accordance with Chapter 4796. of the Revised Code to an 4938
applicant if either of the following applies: 4939

(1) The applicant holds a license or certificate in 4940
another state. 4941

(2) The applicant has satisfactory work experience, a 4942
government certification, or a private certification as 4943
described in that chapter as a shot firer in a state that does 4944
not issue that license or certificate. 4945

(C) Any money collected under this section shall be paid 4946
into the state treasury to the credit of the mining regulation 4947
and safety fund created in section 1513.30 of the Revised Code. 4948

(D) Any person who possesses a mine foreperson or 4949
foreperson certificate issued by the chief shall be considered 4950
certified as a shot firer. 4951

Sec. 1561.22. ~~A~~ (A) Except as provided in division (B) of 4952
this section, a person who applies for a certificate as fire 4953
boss shall be able to read and write the English language; shall 4954
have had at least three years' actual practical experience in 4955
the underground workings of a gaseous mine or the equivalent 4956
thereof in the judgment of the chief of the division of mineral 4957
resources management; and shall have knowledge of the dangers 4958
and nature of noxious and explosive gases gained by actual 4959
contact with gas in mines and ventilation of gaseous mines. Each 4960
applicant for examination shall pay a fee of ten dollars to the 4961
chief on the first day of the examination. 4962

(B) The chief shall issue a fire boss certificate in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 4963
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(1) The applicant holds a license or certificate in another state. 4966
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(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a fire boss in a state that does not issue that license or certificate. 4968
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(C) Any money collected under this section shall be paid into the state treasury to the credit of the mining regulation and safety fund created in section 1513.30 of the Revised Code. 4972
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Sec. 1565.06. (A) In emergencies arising at a mine because of accident, death, illness, or any other cause, an operator may appoint noncertificate persons as forepersons and fire bosses to act until certified forepersons and fire bosses satisfactory to the operator can be secured. Such appointee may not serve in such capacity for a period longer than six months or until such time thereafter as an examination is held for such certified persons under section 1561.13 of the Revised Code. The employer of such noncertificate person shall, upon appointment of such noncertificate person in this capacity, forward the name of such noncertificate person to the chief of the division of mineral resources management. 4975
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(B) An operator may appoint as a temporary foreperson or fire boss a noncertificate person who is within six months of possessing the necessary actual practical experience to qualify to take the examination for certification for the position to which the person is temporarily appointed. Upon appointment of a 4987
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noncertificate person, the operator shall forward the name, 4992
social security number, and brief summary of the person's actual 4993
practical experience to the chief, and the chief shall issue the 4994
person a temporary certificate for the position to which the 4995
person has been temporarily appointed. A temporary certificate 4996
issued under this division is valid for six months or until such 4997
time thereafter as an examination is held under section 1561.13 4998
of the Revised Code for the position to which the person has 4999
been temporarily appointed. 5000

(C) A nonresident person who possesses a valid certificate 5001
issued by another state for a position for which the chief 5002
issues a certificate shall be eligible for a temporary 5003
certificate from the chief upon presentation to the chief of a 5004
copy of the certificate from that other state. Chapter 4796. of 5005
the Revised Code does not apply to a certificate issued under 5006
this section. A temporary certificate issued under this division 5007
shall be valid for six months. 5008

No operator of a mine shall violate or fail to comply with 5009
this section. 5010

Sec. 1565.15. (A) As used in this section: 5011

(1) "EMT-basic," "EMT-I," "paramedic," and "emergency 5012
medical service organization" have the same meanings as in 5013
section 4765.01 of the Revised Code. 5014

(2) "First aid provider" includes a mine medical 5015
responder, an EMT-basic, an EMT-I, a paramedic, or an employee 5016
at a surface coal mine who has satisfied the training 5017
requirements established in division (D)(1) of this section. 5018

(3) "Mine medical responder" means a person who has 5019
satisfied the requirements established in rules adopted under 5020

division (E) (1) of this section or has been issued a certificate 5021
under division (E) (2) of this section. 5022

(B) The operator of an underground coal mine where twenty 5023
or more persons are employed on a shift, including all persons 5024
working at different locations at the mine within a ten-mile 5025
radius, shall provide at least one mine medical responder, EMT- 5026
basic, or EMT-I on duty at the underground coal mine whenever 5027
employees at the mine are actively engaged in the extraction, 5028
production, or preparation of coal. The operator shall provide 5029
mine medical responders, EMTs-basic, or EMTs-I on duty at the 5030
underground coal mine at times and in numbers sufficient to 5031
ensure that no miner works in a mine location that cannot be 5032
reached within a reasonable time by a mine medical responder, an 5033
EMT-basic, or an EMT-I. Mine medical responders, EMTs-basic, and 5034
EMTs-I shall be employed on their regular coal mining duties at 5035
locations convenient for quick response to emergencies in order 5036
to provide emergency medical services inside the underground 5037
coal mine and transportation of injured or sick employees to the 5038
entrance of the mine. The operator shall provide for the 5039
services of at least one emergency medical service organization 5040
to be available on call to reach the entrance of the underground 5041
coal mine within thirty minutes at any time that employees are 5042
engaged in the extraction, production, or preparation of coal in 5043
order to provide emergency medical services and transportation 5044
to a hospital. 5045

The operator shall make available to mine medical 5046
responders, EMTs-basic, and EMTs-I all of the equipment for 5047
first aid and emergency medical services that is necessary for 5048
those personnel to function and to comply with the regulations 5049
pertaining to first aid and emergency medical services that are 5050
adopted under the "Federal Mine Safety and Health Act of 1977," 5051

91 Stat. 1290, 30 U.S.C.A. 801, and amendments to it. The 5052
operator of the underground coal mine shall install telephone 5053
service or equivalent facilities that enable two-way voice 5054
communication between the mine medical responders, EMTs-basic, 5055
or EMTs-I in the mine and the emergency medical service 5056
organization outside the mine that provides emergency medical 5057
services on a regular basis. 5058

(C) The operator of a surface coal mine shall provide at 5059
least one first aid provider on duty at the mine whenever 5060
employees at the mine are actively engaged in the extraction, 5061
production, or preparation of coal. The operator shall provide 5062
first aid providers on duty at the surface coal mine at times 5063
and in numbers sufficient to ensure that no miner works in a 5064
mine location that cannot be reached within a reasonable time by 5065
a first aid provider. First aid providers shall be employed on 5066
their regular coal mining duties at locations convenient for 5067
quick response to emergencies in order to provide emergency 5068
medical services and transportation of injured or sick employees 5069
to the entrance of the surface coal mine. The operator shall 5070
provide for the services of at least one emergency medical 5071
service organization to be available on call to reach the 5072
entrance of the surface coal mine within thirty minutes at any 5073
time that employees are engaged in the extraction, production, 5074
or preparation of coal in order to provide emergency medical 5075
services and transportation to a hospital. 5076

The operator shall provide at the mine site all of the 5077
equipment for first aid and emergency medical services that is 5078
necessary for those personnel to function and to comply with the 5079
regulations pertaining to first aid and emergency medical 5080
services that are adopted under the "Federal Mine Safety and 5081
Health Act of 1977," 91 Stat. 1290, 30 U.S.C.A. 801, and 5082

amendments to it. 5083

(D) (1) An employee at a surface coal mine shall be 5084
considered to be a first aid provider for the purposes of this 5085
section if the employee has received from an instructor approved 5086
by the chief of the division of mineral resources management ten 5087
hours of initial first aid training as a selected supervisory 5088
employee under 30 C.F.R. 77.1703 and receives five hours of 5089
refresher first aid training as a selected supervisory employee 5090
under 30 C.F.R. 77.1705 in each subsequent calendar year. 5091

(2) Each miner employed at a surface coal mine who is not 5092
a first aid provider shall receive from an instructor approved 5093
by the chief three hours of initial first aid training and two 5094
hours of refresher first aid training in each subsequent 5095
calendar year. 5096

(3) The training received in accordance with division (D) 5097
of this section shall consist of a course of instruction 5098
established in the manual issued by the mine safety and health 5099
administration in the United States department of labor entitled 5100
"first aid, a bureau of mines instruction manual" or its 5101
successor or any other curriculum approved by the chief. The 5102
training shall be included in the hours of instruction provided 5103
to miners in accordance with training requirements established 5104
under 30 C.F.R. part 48, subpart (B), as amended, and 30 C.F.R. 5105
part 77, as amended. 5106

~~(E) The~~ (1) Except as provided in division (E) (2) of this 5107
section, the chief, in consultation with persons certified under 5108
Chapter 4765. of the Revised Code to teach in an emergency 5109
medical services training program, shall adopt rules in 5110
accordance with Chapter 119. of the Revised Code that do all of 5111
the following: 5112

~~(1) (a)~~ Prescribe training requirements for a mine medical responder that specifically focus on treating injuries and illnesses associated with underground coal mining;

~~(2) (b)~~ Prescribe an examination for a mine medical responder;

~~(3) (c)~~ Prescribe continuing training requirements for a mine medical responder;

~~(4) (d)~~ Establish the fee for examination for a mine medical responder;

~~(5) (e)~~ Prescribe any other requirements, criteria, and procedures that the chief determines are necessary regarding the training, examination, and continuing training of mine medical responders.

~~If a person qualifies as a mine medical responder or similar classification in another state, the person may provide emergency medical services as a mine medical responder in this state without completing the training or passing the examination that is required in rules adopted under this division, provided that the chief determines that the person's qualifications from the other state satisfy all of the applicable requirements that are established in rules adopted under this division.~~

(2) The chief shall issue a mine medical responder certificate in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(a) The applicant holds a certificate in another state.

(b) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a mine medical responder in a state

that does not issue that certificate. 5141

(F) Each operator of a surface coal mine shall establish, 5142
keep current, and make available for inspection an emergency 5143
medical plan that includes the telephone numbers of the division 5144
of mineral resources management and of an emergency medical 5145
services organization the services of which are required to be 5146
retained under division (C) of this section. The chief shall 5147
adopt rules in accordance with Chapter 119. of the Revised Code 5148
that establish any additional information required to be 5149
included in an emergency medical plan. 5150

(G) Each operator of an underground coal mine or surface 5151
coal mine shall provide or contract to obtain emergency medical 5152
services training or first aid training, as applicable, at the 5153
operator's expense, that is sufficient to train and maintain the 5154
certification of the number of employees necessary to comply 5155
with division (B) of this section and that is sufficient to 5156
train employees as required under division (D) of this section 5157
and to comply with division (C) of this section. 5158

(H) The division may provide emergency medical services 5159
training for coal mine employees by operating an emergency 5160
medical services training program accredited under section 5161
4765.17 of the Revised Code or by contracting with the operator 5162
of an emergency medical services training program accredited 5163
under that section to provide that training. The division may 5164
charge coal mine operators a uniform part of the unit cost per 5165
trainee. 5166

(I) No coal mine operator shall violate or fail to comply 5167
with this section. 5168

Sec. 1707.15. (A) Application for a dealer's license shall 5169

be made in accordance with this section and by filing with the 5170
division of securities the information, materials, and forms 5171
specified in rules adopted by the division, along with all of 5172
the following information: 5173

(1) The name and address of the applicant; 5174

(2) The location and addresses of the principal office and 5175
all other offices of the applicant; 5176

(3) A general description of the business of the applicant 5177
done prior to the application, including a list of states in 5178
which the applicant is a licensed dealer. 5179

(B) (1) The division may investigate any applicant for a 5180
license, and may require such additional information as it deems 5181
necessary to determine the applicant's business repute and 5182
qualifications to act as a dealer in securities. 5183

(2) If the application for any license involves 5184
investigation outside of this state, the applicant may be 5185
required by the division to advance sufficient funds to pay any 5186
of the actual expenses of such examination. An itemized 5187
statement of any such expenses which the applicant is required 5188
to pay shall be furnished the applicant by the division. 5189

(C) The division shall by rule require one natural person 5190
who is a principal, officer, director, general partner, manager, 5191
or employee of a dealer to pass an examination designated by the 5192
division. Each dealer that is not a natural person shall notify 5193
the division of the name and relationship to the dealer of the 5194
natural person who has passed the examination on behalf of the 5195
dealer and who will serve as the designated principal on behalf 5196
of the dealer. 5197

(D) Dealers shall employ as salespersons only those 5198

salespersons who are licensed under this chapter. If at any time 5199
a salesperson resigns or is discharged or a new salesperson is 5200
added, the dealer shall promptly notify the division. 5201

(E) If (1) Except as provided in division (E) (2) of this 5202
section, if the division finds that the applicant is of good 5203
business repute, appears qualified to act as a dealer in 5204
securities, and has fully complied with this chapter and rules 5205
adopted under this chapter by the division, the division, upon 5206
payment of the fees prescribed by division (B) of section 5207
1707.17 of the Revised Code, shall issue to the applicant a 5208
license authorizing the applicant to act as a dealer. 5209

(2) The division shall issue a license to act as a dealer 5210
in accordance with Chapter 4796. of the Revised Code to an 5211
applicant if either of the following applies: 5212

(a) The applicant holds a license in another state; 5213

(b) The applicant has satisfactory work experience, a 5214
government certification, or a private certification as 5215
described in that chapter as a dealer in a state that does not 5216
issue that license. 5217

Sec. 1707.151. (A) Application for an investment adviser's 5218
license shall be made in accordance with this section and by 5219
filing with the division of securities the information, 5220
materials, and forms specified in rules adopted by the division. 5221

(B) (1) The division may investigate any applicant for a 5222
license and may require any additional information as it 5223
considers necessary to determine the applicant's business repute 5224
and qualifications to act as an investment adviser. 5225

(2) If the application for any license involves 5226
investigation outside of this state, the applicant may be 5227

required by the division to advance sufficient funds to pay any 5228
of the actual expenses of the examination. The division shall 5229
furnish the applicant with an itemized statement of such 5230
expenses that the applicant is required to pay. 5231

(C) The division shall by rule require a natural person 5232
who is an applicant for an investment adviser's license to pass 5233
an examination designated by the division or achieve a specified 5234
professional designation. 5235

(D) An investment adviser licensed under section 1707.141 5236
of the Revised Code shall employ only investment adviser 5237
representatives licensed, or exempted from licensure, under 5238
section 1707.161 of the Revised Code. 5239

(E) ~~If~~ (1) Except as provided in division (E) (2) of this 5240
section, if the division finds that the applicant is of good 5241
business repute, appears to be qualified to act as an investment 5242
adviser, and has complied with this chapter and rules adopted 5243
under this chapter by the division, the division, upon payment 5244
of the fees prescribed by division (B) of section 1707.17 of the 5245
Revised Code, shall issue to the applicant a license authorizing 5246
the applicant to act as an investment adviser. 5247

(2) The division shall issue a license to act as an 5248
investment adviser in accordance with Chapter 4796. of the 5249
Revised Code to an applicant if either of the following applies: 5250

(a) The applicant holds a license in another state. 5251

(b) The applicant has satisfactory work experience, a 5252
government certification, or a private certification as 5253
described in that chapter as an investment adviser in a state 5254
that does not issue that license. 5255

Sec. 1707.16. (A) Every salesperson of securities must be 5256

licensed by the division of securities and shall be employed, 5257
authorized, or appointed only by the licensed dealer specified 5258
in the salesperson's license. If the relationship between the 5259
salesperson and the dealer is severed, the salesperson's license 5260
shall be void. 5261

(B) Application for a salesperson's license shall be made 5262
in accordance with this section and by filing with the division 5263
the information, materials, and forms specified in rules adopted 5264
by the division, along with all of the following information: 5265

(1) The name and complete residence and business addresses 5266
of the applicant; 5267

(2) The name of the dealer who is employing the applicant 5268
or who intends to employ the applicant; 5269

(3) The applicant's age and education, and the applicant's 5270
experience in the sale of securities; whether the applicant has 5271
ever been licensed by the division, and if so, when; whether the 5272
applicant has ever been refused a license by the division; and 5273
whether the applicant has ever been licensed or refused a 5274
license or any similar permit by any division or commissioner of 5275
securities, whatsoever name known or designated, anywhere. 5276

(C) The division shall by rule require an applicant to 5277
pass an examination designated by the division. 5278

(D) ~~If (1) Except as provided in division (D) (2) of this~~ 5279
section, if the division finds that the applicant is of good 5280
business repute, appears to be qualified to act as a salesperson 5281
of securities, and has fully complied with this chapter, and 5282
that the dealer named in the application is a licensed dealer, 5283
the division shall, upon payment of the fees prescribed by 5284
section 1707.17 of the Revised Code, issue a license to the 5285

applicant authorizing the applicant to act as salesperson for 5286
the dealer named in the application. 5287

(2) The division shall issue a license to act as a 5288
salesperson of securities in accordance with Chapter 4796. of 5289
the Revised Code to an applicant if either of the following 5290
applies: 5291

(a) The applicant holds a license in another state. 5292

(b) The applicant has satisfactory work experience, a 5293
government certification, or a private certification as 5294
described in that chapter as a salesperson of securities in a 5295
state that does not issue that license. 5296

Sec. 1707.161. (A) No person shall act as an investment 5297
adviser representative, unless one of the following applies: 5298

(1) The person is licensed as an investment adviser 5299
representative by the division of securities. 5300

(2) The person is a natural person who is licensed as an 5301
investment adviser by the division, and does not act as an 5302
investment adviser representative for another investment 5303
adviser; however, a natural person who is licensed as an 5304
investment adviser by the division may act as an investment 5305
adviser representative for another investment adviser if the 5306
natural person also is licensed by the division, or is properly 5307
excepted from licensure, as an investment adviser representative 5308
of the other investment adviser. 5309

(3) The person is employed by or associated with an 5310
investment adviser registered under section 203 of the 5311
"Investment Advisers Act of 1940," 15 U.S.C. 80b-3, and does not 5312
have a place of business in this state. 5313

(4) The person is employed by or associated with an 5314
investment adviser that is excepted from licensure pursuant to 5315
division (A) (3), (4), (5), or (6) of section 1707.141 of the 5316
Revised Code or excepted from notice filing pursuant to division 5317
(B) (3) of section 1707.141 of the Revised Code. 5318

(B) (1) No investment adviser representative required to be 5319
licensed under this section shall act as an investment adviser 5320
representative for more than two investment advisers. An 5321
investment adviser representative that acts as an investment 5322
adviser representative for two investment advisers shall do so 5323
only after the occurrence of both of the following: 5324

(a) Being properly licensed, or properly excepted from 5325
licensure under this section, as an investment adviser 5326
representative for both investment advisers; 5327

(b) Complying with the requirements set forth in rules 5328
adopted by the division regarding consent of both investment 5329
advisers and notice. 5330

(2) Nothing in this section shall be construed to prohibit 5331
a natural person from being licensed by the division as both an 5332
investment adviser and an investment adviser representative. 5333

(3) Nothing in this section shall be construed to prohibit 5334
a natural person from being licensed by the division as both a 5335
salesperson and an investment adviser representative. 5336

(4) Nothing in this section shall be construed to prohibit 5337
a natural person from being licensed by the division as both a 5338
dealer and an investment adviser representative. 5339

(C) An investment adviser representative's license issued 5340
under this section shall not be effective during any period when 5341
the investment adviser representative is not employed by or 5342

associated with an investment adviser that is licensed by the 5343
division or that is in compliance with the notice filing 5344
requirements of division (B) of section 1707.141 of the Revised 5345
Code. Notice of the commencement and termination of the 5346
employment or association of an investment adviser 5347
representative licensed under this section shall be given to the 5348
division within thirty days after the commencement or 5349
termination by either of the following: 5350

(1) The investment adviser, in the case of an investment 5351
adviser representative licensed under this section and employed 5352
by or associated with, or formerly employed by or associated 5353
with, an investment adviser licensed under section 1707.141 of 5354
the Revised Code; 5355

(2) The investment adviser representative, in the case of 5356
an investment adviser representative licensed under this section 5357
and employed by or associated with, or formerly employed by or 5358
associated with, an investment adviser that is subject to the 5359
notice filings requirements of division (B) of section 1707.141 5360
of the Revised Code. 5361

(D) (1) Application for an investment adviser 5362
representative license shall be made in accordance with this 5363
section and by filing with the division the information, 5364
materials, and forms specified in rules adopted by the division. 5365

(2) The division shall by rule require an applicant to 5366
pass an examination designated by the division or achieve a 5367
specified professional designation. 5368

(3) Prior to issuing the investment adviser representative 5369
license, the division may require the applicant to reimburse the 5370
division for the actual expenses incurred in investigating the 5371

applicant. An itemized statement of any such expenses that the 5372
applicant is required to pay shall be furnished to the applicant 5373
by the division. 5374

~~(E) If (1) Except as provided in division (E) (2) of this~~ 5375
~~section, if~~ the division finds that the applicant is of good 5376
business repute, appears to be qualified to act as an investment 5377
adviser representative, and has complied with sections 1707.01 5378
to 1707.50 of the Revised Code and the rules adopted under those 5379
sections by the division, the division, upon payment of the fees 5380
prescribed by division (B) of section 1707.17 of the Revised 5381
Code, shall issue to the applicant a license authorizing the 5382
applicant to act as an investment adviser representative for the 5383
investment adviser, or investment advisers that are under common 5384
ownership or control, named in the application. 5385

(2) The division shall issue a license to act as an 5386
investment adviser representative in accordance with Chapter 5387
4796. of the Revised Code to an applicant if either of the 5388
following applies: 5389

(a) The applicant holds a license in another state. 5390

(b) The applicant has satisfactory work experience, a 5391
government certification, or a private certification as 5392
described in that chapter as an investment adviser 5393
representative in a state that does not issue that license. 5394

Sec. 1707.163. (A) Application for a state retirement 5395
system investment officer's license shall be made in accordance 5396
with this section by filing with the division of securities the 5397
information, materials, and forms specified in rules adopted by 5398
the division. 5399

(B) (1) The division may investigate any applicant for a 5400

license and may require any additional information as it 5401
considers necessary to determine the applicant's business repute 5402
and qualifications to act as an investment officer. 5403

(2) If the application for a state retirement system 5404
investment officer's license involves investigation outside of 5405
this state, the applicant may be required by the division to 5406
advance sufficient funds to pay any of the actual expenses of 5407
the investigation. The division shall furnish the applicant with 5408
an itemized statement of the expenses the applicant is required 5409
to pay. 5410

(C) The division shall by rule require an applicant for a 5411
state retirement system investment officer's license to pass an 5412
examination designated by the division or achieve a specified 5413
professional designation unless the applicant meets both of the 5414
following requirements: 5415

(1) Acts as a state retirement system investment officer 5416
~~on the effective date of this section September 15, 2004;~~ 5417

(2) Has experience or equivalent education acceptable to 5418
the division. 5419

~~(D) If (1) Except as provided in division (D) (2) of this~~ 5420
~~section, if~~ the division finds that the applicant is of good 5421
business repute, appears to be qualified to act as a state 5422
retirement system investment officer, and has complied with this 5423
chapter and rules adopted under this chapter by the division, 5424
the division, on payment of the fees prescribed by division (B) 5425
of section 1707.17 of the Revised Code, shall issue to the 5426
applicant a license authorizing the applicant to act as a state 5427
retirement system investment officer. 5428

(2) The division shall issue a license authorizing an 5429

applicant to act as a state retirement system investment officer 5430
in accordance with Chapter 4796. of the Revised Code to an 5431
applicant if either of the following applies: 5432

(a) The applicant holds a license in another state. 5433

(b) The applicant has satisfactory work experience, a 5434
government certification, or a private certification as 5435
described in that chapter as a state retirement system 5436
investment officer in a state that does not issue that license. 5437

Sec. 1707.165. (A) Application for a bureau of workers' 5438
compensation chief investment officer's license shall be made in 5439
accordance with this section by filing with the division of 5440
securities the information, materials, and forms specified in 5441
rules adopted by the division. 5442

(B) The division may investigate any applicant for a 5443
license and may require any additional information as it 5444
considers necessary to determine the applicant's business repute 5445
and qualifications to act as a chief investment officer. If the 5446
application for a bureau of workers' compensation chief 5447
investment officer's license involves investigation outside of 5448
this state, the applicant may be required by the division to 5449
advance sufficient funds to pay any of the actual expenses of 5450
the investigation. The division shall furnish the applicant with 5451
an itemized statement of the expenses the applicant is required 5452
to pay. 5453

(C) The division shall by rule require an applicant for a 5454
bureau of workers' compensation chief investment officer's 5455
license to pass an examination designated by the division or 5456
achieve a specified professional designation unless the 5457
applicant meets both of the following requirements: 5458

(1) Acts as a bureau of workers' compensation chief investment officer on ~~the effective date of this section~~ September 29, 2005;

(2) Has experience or education acceptable to the division.

~~(D) If (1) Except as provided in division (D) (2) of this section, if~~ the division finds that the applicant is of good business repute, appears to be qualified to act as a bureau of workers' compensation chief investment officer, and has complied with this chapter and rules adopted by the division under this chapter, the division, upon receipt of the fees prescribed by division (B) of section 1707.17 of the Revised Code, shall issue to the applicant a license authorizing the applicant to act as a bureau of workers' compensation chief investment officer.

(2) The division shall issue a license to act as a bureau of workers' compensation chief investment officer in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(a) The applicant holds a license in another state.

(b) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a bureau of workers' compensation chief investment officer in a state that does not issue that license.

Sec. 1717.06. (A) A county humane society organized under section 1717.05 of the Revised Code may appoint humane society agents for the purpose of prosecuting any person guilty of an act of cruelty to animals. Such agents may arrest any person found violating this chapter or any other law for protecting

animals or preventing acts of cruelty thereto. Upon making an 5488
arrest, the humane society agent shall convey the person 5489
arrested before a court or magistrate having jurisdiction of the 5490
offense, and there make complaint against the person on oath or 5491
affirmation of the offense. 5492

(B) A humane society agent that was appointed prior to ~~the~~ 5493
~~effective date of this amendment~~ March 31, 2021, by a branch of 5494
the Ohio humane society is considered to be a humane society 5495
agent appointed under this section for purposes of this chapter 5496
and any other laws regarding humane society agents. 5497

(C) (1) The appointment of an agent under this section is 5498
subject to the requirements of section 1717.061 of the Revised 5499
Code, and is not final until the appointment has been approved 5500
under division (C) (2) of this section. 5501

(2) The appointment of an agent under this section does 5502
not take effect unless it has been approved by the mayor of the 5503
municipal corporation for which it is made. If the society 5504
operates outside a municipal corporation, the appointment does 5505
not take effect until it has been approved by the probate judge 5506
of the county for which it is made. The mayor or probate judge 5507
shall keep a record of the appointments and shall maintain as a 5508
public record a copy of the proof of successful completion of 5509
training for each humane society agent acting within the 5510
approving authority's jurisdiction. 5511

(D) The approving authority shall notify the appropriate 5512
county sheriff and the board of county commissioners when the 5513
appointment of a humane society agent has been approved and, not 5514
later than two business days after the appointment has been 5515
approved, shall file a copy of the proof of successful 5516
completion of training with the sheriff. The county sheriff 5517

shall maintain as a public record a copy of the proof for each 5518
humane society agent that is operating in the county. 5519

(E) A humane society shall notify the county sheriff and 5520
the approving authority when all approved humane society agents 5521
have ceased to perform the duties of the appointment and there 5522
are no humane society agents operating in the county. 5523

(F) A humane society agent only has the specific authority 5524
granted to the agent under the Revised Code. 5525

(G) The Ohio peace officer training commission shall issue 5526
a certificate of completion of the training program required for 5527
appointment as a humane society agent under this section in 5528
accordance with Chapter 4796. of the Revised Code to an 5529
individual if either of the following applies: 5530

(1) The individual holds a certificate of completion of 5531
such a program in another state. 5532

(2) The individual has satisfactory work experience, a 5533
government certification, or a private certification as 5534
described in that chapter as a humane society agent in a state 5535
that does not require a certificate of completion of such a 5536
program. 5537

Sec. 3101.10. A minister upon producing to the secretary 5538
of state, credentials of the minister's being a regularly 5539
ordained or licensed minister of any religious society or 5540
congregation, shall be entitled to receive from the secretary of 5541
state a license authorizing the minister to solemnize marriages 5542
in this state so long as the minister continues as a regular 5543
minister in that society or congregation. A minister shall 5544
produce for inspection the minister's license to solemnize 5545
marriages upon demand of any party to a marriage at which the 5546

minister officiates or proposes to officiate or upon demand of 5547
any probate judge. The secretary of state shall issue a license 5548
to solemnize marriages in this state in accordance with Chapter 5549
4796. of the Revised Code to a minister if either of the 5550
following applies: 5551

(A) The minister holds a license in another state. 5552

(B) The minister has satisfactory work experience, a 5553
government certification, or a private certification as 5554
described in that chapter as a minister who solemnizes marriages 5555
in a state that does not issue a license to solemnize marriages. 5556

Sec. 3301.071. (A) (1) In-Except as provided in division 5557
(E) of this section, in the case of nontax-supported schools, 5558
standards for teacher certification prescribed under section 5559
3301.07 of the Revised Code shall provide for certification, 5560
without further educational requirements, of any administrator, 5561
supervisor, or teacher who has attended and received a 5562
bachelor's degree from a college or university accredited by a 5563
national or regional association in the United States except 5564
that, at the discretion of the state board of education, this 5565
requirement may be met by having an equivalent degree from a 5566
foreign college or university of comparable standing. 5567

(2) In-Except as provided in division (E) of this section, 5568
in the case of nonchartered, nontax-supported schools, the 5569
standards for teacher certification prescribed under section 5570
3301.07 of the Revised Code shall provide for certification, 5571
without further educational requirements, of any administrator, 5572
supervisor, or teacher who has attended and received a diploma 5573
from a "bible college" or "bible institute" described in 5574
division (E) of section 1713.02 of the Revised Code. 5575

(3) A certificate issued under division (A) (3) of this section shall be valid only for teaching foreign language, music, religion, computer technology, or fine arts.

Notwithstanding division (A) (1) of this section and except as provided in division (E) of this section, the standards for teacher certification prescribed under section 3301.07 of the Revised Code shall provide for certification of a person as a teacher upon receipt by the state board of an affidavit signed by the chief administrative officer of a chartered nonpublic school seeking to employ the person, stating that the person meets one of the following conditions:

(a) The person has specialized knowledge, skills, or expertise that qualifies the person to provide instruction.

(b) The person has provided to the chief administrative officer evidence of at least three years of teaching experience in a public or nonpublic school.

(c) The person has provided to the chief administrative officer evidence of completion of a teacher training program named in the affidavit.

(B) Each person applying for a certificate under this section for purposes of serving in a nonpublic school chartered by the state board under section 3301.16 of the Revised Code shall pay a fee in the amount established under division (A) of section 3319.51 of the Revised Code. Any fees received under this division shall be paid into the state treasury to the credit of the state board of education certification fund established under division (B) of section 3319.51 of the Revised Code.

(C) A person applying for or holding any certificate

pursuant to this section for purposes of serving in a nonpublic school chartered by the state board is subject to sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code and sections 3319.31 and 3319.311 of the Revised Code.

(D) Divisions (B) and (C) of this section and sections 3319.291, 3319.31, and 3319.311 of the Revised Code do not apply to any administrators, supervisors, or teachers in nonchartered, nontax-supported schools.

(E) The state board shall issue a certificate to serve in a nonpublic school as an administrator, supervisor, or teacher in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a certificate in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a nonpublic school administrator, supervisor, or teacher in a state that does not issue one or more of those certificates.

Sec. 3301.074. (A) ~~The~~ Except as provided in division (E) of this section, the state board of education shall, by rule adopted in accordance with Chapter 119. of the Revised Code, establish standards for licensing school district treasurers and business managers, for the renewal of such licenses, and for the issuance of duplicate copies of licenses. Licenses of the following types shall be issued or renewed by the board to applicants who meet the standards for the license or the renewal of the license for which application is made:

(1) Treasurer, valid for serving as treasurer of a school

district in accordance with section 3313.22 of the Revised Code; 5634

(2) Business manager, valid for serving as business 5635
manager of a school district in accordance with section 3319.03 5636
of the Revised Code. 5637

(B) Each application for a license or renewal or duplicate 5638
copy of a license shall be accompanied by the payment of a fee 5639
in the amount established under division (A) of section 3319.51 5640
of the Revised Code. Any fees received under this section shall 5641
be paid into the state treasury to the credit of the state board 5642
of education licensure fund established under division (B) of 5643
section 3319.51 of the Revised Code. 5644

(C) Any person employed under section 3313.22 of the 5645
Revised Code as a treasurer on July 1, 1983, shall be considered 5646
to meet the standards for licensure as a treasurer and for 5647
renewal of such license. Any person employed under section 5648
3319.03 of the Revised Code as a business manager on July 1, 5649
1983, shall be considered to meet the standards for licensure as 5650
a business manager and for renewal of such license. 5651

(D) Any person applying for or holding any license 5652
pursuant to this section is subject to sections 3123.41 to 5653
3123.50 of the Revised Code and any applicable rules adopted 5654
under section 3123.63 of the Revised Code and sections 3319.31 5655
and 3319.311 of the Revised Code. 5656

(E) The state board shall issue a license to act as a 5657
school district treasurer or business manager in accordance with 5658
Chapter 4796. of the Revised Code to an applicant if either of 5659
the following applies: 5660

(1) The applicant holds a license in another state. 5661

(2) The applicant has satisfactory work experience, a 5662

government certification, or a private certification as 5663
described in that chapter as a school district treasurer or 5664
business manager in a state that does not issue one of those 5665
licenses or both. 5666

Sec. 3307.01. As used in this chapter: 5667

(A) "Employer" means the board of education, school 5668
district, governing authority of any community school 5669
established under Chapter 3314. of the Revised Code, a science, 5670
technology, engineering, and mathematics school established 5671
under Chapter 3326. of the Revised Code, college, university, 5672
institution, or other agency within the state by which a teacher 5673
is employed and paid. 5674

(B) (1) "Teacher" means all of the following: 5675

(a) Any person paid from public funds and employed in the 5676
public schools of the state under any type of contract described 5677
in section 3311.77 or 3319.08 of the Revised Code in a position 5678
for which the person is required to have a license or 5679
registration issued pursuant to sections 3319.22 to 3319.31 of 5680
the Revised Code; 5681

(b) Except as provided in division (B) (2) (b) or (c) of 5682
this section, any person employed as a teacher or faculty member 5683
in a community school or a science, technology, engineering, and 5684
mathematics school pursuant to Chapter 3314. or 3326. of the 5685
Revised Code; 5686

(c) Any person having a license or registration issued 5687
pursuant to sections 3319.22 to 3319.31 of the Revised Code and 5688
employed in a public school in this state in an educational 5689
position, as determined by the state board of education, under 5690
programs provided for by federal acts or regulations and 5691

financed in whole or in part from federal funds, but for which 5692
no licensure requirements for the position can be made under the 5693
provisions of such federal acts or regulations; 5694

(d) Any other teacher or faculty member employed in any 5695
school, college, university, institution, or other agency wholly 5696
controlled and managed, and supported in whole or in part, by 5697
the state or any political subdivision thereof, including 5698
Central state university, Cleveland state university, and the 5699
university of Toledo; 5700

(e) The educational employees of the department of 5701
education, as determined by the state superintendent of public 5702
instruction; 5703

(f) Any person having a registration issued pursuant to 5704
section 3301.28 of the Revised Code and employed as a tutor by 5705
the coordinating service center as defined in that section; 5706

(g) Any person having a license issued pursuant to Chapter 5707
4732. of the Revised Code and employed as a school psychologist 5708
in a public school. 5709

In all cases of doubt, the state teachers retirement board 5710
shall determine whether any person is a teacher, and its 5711
decision shall be final. 5712

(2) "Teacher" does not include any of the following: 5713

(a) Any eligible employee of a public institution of 5714
higher education, as defined in section 3305.01 of the Revised 5715
Code, who elects to participate in an alternative retirement 5716
plan established under Chapter 3305. of the Revised Code; 5717

(b) Any person employed by a community school operator, as 5718
defined in section 3314.02 of the Revised Code, if on or before 5719

February 1, 2016, the school's operator was withholding and 5720
paying employee and employer taxes pursuant to 26 U.S.C. 3101(a) 5721
and 3111(a) for persons employed in the school as teachers, 5722
unless the person had contributing service in a community school 5723
in the state within one year prior to the later of February 1, 5724
2016, or the date on which the operator for the first time 5725
withholds and pays employee and employer taxes pursuant to 26 5726
U.S.C. 3101(a) and 3111(a) for that person; 5727

(c) Any person who would otherwise be a teacher under 5728
division (B) (2) (b) of this section who terminates employment 5729
with a community school operator and has no contributing service 5730
in a community school in the state for a period of at least one 5731
year from the date of termination of employment. 5732

(C) "Member" means any person included in the membership 5733
of the state teachers retirement system, which shall consist of 5734
all teachers and contributors as defined in divisions (B) and 5735
(D) of this section and all disability benefit recipients, as 5736
defined in section 3307.50 of the Revised Code. However, for 5737
purposes of this chapter, the following persons shall not be 5738
considered members: 5739

(1) A student, intern, or resident who is not a member 5740
while employed part-time by a school, college, or university at 5741
which the student, intern, or resident is regularly attending 5742
classes; 5743

(2) A person denied membership pursuant to section 3307.24 5744
of the Revised Code; 5745

(3) An other system retirant, as defined in section 5746
3307.35 of the Revised Code, or a superannuate; 5747

(4) An individual employed in a program established 5748

pursuant to the "Job Training Partnership Act," 96 Stat. 1322 5749
(1982), 29 U.S.C.A. 1501; 5750

(5) The surviving spouse of a member or retirant if the 5751
surviving spouse's only connection to the retirement system is 5752
an account in an STRS defined contribution plan. 5753

(D) "Contributor" means any person who has an account in 5754
the teachers' savings fund or defined contribution fund, except 5755
that "contributor" does not mean a member or retirant's 5756
surviving spouse with an account in an STRS defined contribution 5757
plan. 5758

(E) "Beneficiary" means any person eligible to receive, or 5759
in receipt of, a retirement allowance or other benefit provided 5760
by this chapter. 5761

(F) "Year" means the year beginning the first day of July 5762
and ending with the thirtieth day of June next following, except 5763
that for the purpose of determining final average salary under 5764
the plan described in sections 3307.50 to 3307.79 of the Revised 5765
Code, "year" may mean the contract year. 5766

(G) "Local district pension system" means any school 5767
teachers pension fund created in any school district of the 5768
state in accordance with the laws of the state prior to 5769
September 1, 1920. 5770

(H) "Employer contribution" means the amount paid by an 5771
employer, as determined by the employer rate, including the 5772
normal and deficiency rates, contributions, and funds wherever 5773
used in this chapter. 5774

(I) "Five years of service credit" means employment 5775
covered under this chapter and employment covered under a former 5776
retirement plan operated, recognized, or endorsed by a college, 5777

institute, university, or political subdivision of this state 5778
prior to coverage under this chapter. 5779

(J) "Actuary" means an actuarial professional contracted 5780
with or employed by the state teachers retirement board, who 5781
shall be either of the following: 5782

(1) A member of the American academy of actuaries; 5783

(2) A firm, partnership, or corporation of which at least 5784
one person is a member of the American academy of actuaries. 5785

(K) "Fiduciary" means a person who does any of the 5786
following: 5787

(1) Exercises any discretionary authority or control with 5788
respect to the management of the system, or with respect to the 5789
management or disposition of its assets; 5790

(2) Renders investment advice for a fee, direct or 5791
indirect, with respect to money or property of the system; 5792

(3) Has any discretionary authority or responsibility in 5793
the administration of the system. 5794

(L) (1) (a) Except as provided in this division, 5795
"compensation" means all salary, wages, and other earnings paid 5796
to a teacher by reason of the teacher's employment, including 5797
compensation paid pursuant to a supplemental contract. The 5798
salary, wages, and other earnings shall be determined prior to 5799
determination of the amount required to be contributed to the 5800
teachers' savings fund or defined contribution fund under 5801
section 3307.26 of the Revised Code and without regard to 5802
whether any of the salary, wages, or other earnings are treated 5803
as deferred income for federal income tax purposes. 5804

(b) Except as provided in division (L) (1) (c) of this 5805

section, "compensation" includes amounts paid by an employer as 5806
a retroactive payment of earnings, damages, or back pay pursuant 5807
to a court order, court-adopted settlement agreement, or other 5808
settlement agreement if the retirement system receives both of 5809
the following: 5810

(i) Teacher and employer contributions under sections 5811
3307.26 and 3307.28 of the Revised Code, plus interest 5812
compounded annually at a rate determined by the state teachers 5813
retirement board, for each year or portion of a year for which 5814
amounts are paid under the order or agreement; 5815

(ii) Teacher and employer contributions under sections 5816
3307.26 and 3307.28 of the Revised Code, plus interest 5817
compounded annually at a rate determined by the board, for each 5818
year or portion of a year not subject to division (L) (1) (b) (i) 5819
of this section for which the board determines the teacher was 5820
improperly paid, regardless of the teacher's ability to recover 5821
on such amounts improperly paid. 5822

(c) If any portion of an amount paid by an employer as a 5823
retroactive payment of earnings, damages, or back pay is for an 5824
amount, benefit, or payment described in division (L) (2) of this 5825
section, that portion of the amount is not compensation under 5826
this section. 5827

(2) Compensation does not include any of the following: 5828

(a) Payments for accrued but unused sick leave or personal 5829
leave, including payments made under a plan established pursuant 5830
to section 124.39 of the Revised Code or any other plan 5831
established by the employer; 5832

(b) Payments made for accrued but unused vacation leave, 5833
including payments made pursuant to section 124.13 of the 5834

Revised Code or a plan established by the employer;	5835
(c) Payments made for vacation pay covering concurrent	5836
periods for which other salary, compensation, or benefits under	5837
this chapter or Chapter 145. or 3309. of the Revised Code are	5838
paid;	5839
(d) Amounts paid by the employer to provide life	5840
insurance, sickness, accident, endowment, health, medical,	5841
hospital, dental, or surgical coverage, or other insurance for	5842
the teacher or the teacher's family, or amounts paid by the	5843
employer to the teacher in lieu of providing the insurance;	5844
(e) Incidental benefits, including lodging, food, laundry,	5845
parking, or services furnished by the employer, use of the	5846
employer's property or equipment, and reimbursement for job-	5847
related expenses authorized by the employer, including moving	5848
and travel expenses and expenses related to professional	5849
development;	5850
(f) Payments made by the employer in exchange for a	5851
member's waiver of a right to receive any payment, amount, or	5852
benefit described in division (L) (2) of this section;	5853
(g) Payments by the employer for services not actually	5854
rendered;	5855
(h) Any amount paid by the employer as a retroactive	5856
increase in salary, wages, or other earnings, unless the	5857
increase is one of the following:	5858
(i) A retroactive increase paid to a member employed by a	5859
school district board of education in a position that requires a	5860
license designated for teaching and not designated for being an	5861
administrator issued under section 3319.22 of the Revised Code	5862
that is paid in accordance with uniform criteria applicable to	5863

all members employed by the board in positions requiring the 5864
licenses; 5865

(ii) A retroactive increase paid to a member employed by a 5866
school district board of education in a position that requires a 5867
license designated for being an administrator issued under 5868
section 3319.22 of the Revised Code that is paid in accordance 5869
with uniform criteria applicable to all members employed by the 5870
board in positions requiring the licenses; 5871

(iii) A retroactive increase paid to a member employed by 5872
a school district board of education as a superintendent that is 5873
also paid as described in division (L) (2) (h) (i) of this section; 5874

(iv) A retroactive increase paid to a member employed by 5875
an employer other than a school district board of education in 5876
accordance with uniform criteria applicable to all members 5877
employed by the employer. 5878

(i) Payments made to or on behalf of a teacher that are in 5879
excess of the annual compensation that may be taken into account 5880
by the retirement system under division (a) (17) of section 401 5881
of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 5882
U.S.C.A. 401(a) (17), as amended. For a teacher who first 5883
establishes membership before July 1, 1996, the annual 5884
compensation that may be taken into account by the retirement 5885
system shall be determined under division (d) (3) of section 5886
13212 of the "Omnibus Budget Reconciliation Act of 1993," Pub. 5887
L. No. 103-66, 107 Stat. 472. 5888

(j) Payments made under division (B), (C), or (E) of 5889
section 5923.05 of the Revised Code, Section 4 of Substitute 5890
Senate Bill No. 3 of the 119th general assembly, Section 3 of 5891
Amended Substitute Senate Bill No. 164 of the 124th general 5892

assembly, or Amended Substitute House Bill No. 405 of the 124th	5893
general assembly;	5894
(k) Anything of value received by the teacher that is	5895
based on or attributable to retirement or an agreement to	5896
retire.	5897
(3) The retirement board shall determine both of the	5898
following:	5899
(a) Whether particular forms of earnings are included in	5900
any of the categories enumerated in this division;	5901
(b) Whether any form of earnings not enumerated in this	5902
division is to be included in compensation.	5903
Decisions of the board made under this division shall be	5904
final.	5905
(M) "Superannuate" means both of the following:	5906
(1) A former teacher receiving from the system a	5907
retirement allowance under section 3307.58 or 3307.59 of the	5908
Revised Code;	5909
(2) A former teacher receiving a benefit from the system	5910
under a plan established under section 3307.81 of the Revised	5911
Code, except that "superannuate" does not include a former	5912
teacher who is receiving a benefit based on disability under a	5913
plan established under section 3307.81 of the Revised Code.	5914
For purposes of sections 3307.35 and 3307.353 of the	5915
Revised Code, "superannuate" also means a former teacher	5916
receiving from the system a combined service retirement benefit	5917
paid in accordance with section 3307.57 of the Revised Code,	5918
regardless of which retirement system is paying the benefit.	5919

(N) "STRS defined benefit plan" means the plan described 5920
in sections 3307.50 to 3307.79 of the Revised Code. 5921

(O) "STRS defined contribution plan" means the plans 5922
established under section 3307.81 of the Revised Code and 5923
includes the STRS combined plan under that section. 5924

(P) "Faculty" means the teaching staff of a university, 5925
college, or school, including any academic administrators. 5926

Sec. 3309.011. "Employee" as defined in division (B) of 5927
section 3309.01 of the Revised Code, does not include any of the 5928
following: 5929

(A) Any person having a license or registration issued 5930
pursuant to sections 3319.22 to 3319.31 of the Revised Code and 5931
employed in a public school in this state in an educational 5932
position, as determined by the state board of education, under 5933
programs provided for by federal acts or regulations and 5934
financed in whole or in part from federal funds, but for which 5935
no licensure requirements for the position can be made under the 5936
provisions of such federal acts or regulations; 5937

(B) Any person who participates in an alternative 5938
retirement plan established under Chapter 3305. of the Revised 5939
Code; 5940

(C) Any person who elects to transfer from the school 5941
employees retirement system to the public employees retirement 5942
system under section 3309.312 of the Revised Code; 5943

(D) Any person whose full-time employment by the 5944
university of Akron as a state university law enforcement 5945
officer pursuant to section 3345.04 of the Revised Code 5946
commences on or after September 16, 1998; 5947

(E) Any person described in division (B) of section 3309.013 of the Revised Code; 5948
5949

(F) Any person described in division (D) of section 145.011 of the Revised Code; 5950
5951

(G) Any person described in division (B) (1) (b) or (g) of section 3307.01 of the Revised Code. 5952
5953

Sec. 3319.088. As used in this section, "educational assistant" means any nonteaching employee in a school district who directly assists a teacher as defined in section 3319.09 of the Revised Code, by performing duties for which a license issued pursuant to sections 3319.22 to 3319.30 of the Revised Code is not required. 5954
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(A) ~~The~~ Except as provided in division (G) of this section, the state board of education shall issue educational aide permits and educational paraprofessional licenses for educational assistants and shall adopt rules for the issuance and renewal of such permits and licenses which shall be consistent with the provisions of this section. Educational aide permits and educational paraprofessional licenses may be of several types and the rules shall prescribe the minimum qualifications of education and health for the service to be authorized under each type. The prescribed minimum qualifications may require special training or educational courses designed to qualify a person to perform effectively the duties authorized under an educational aide permit or educational paraprofessional license. 5960
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(B) (1) ~~Any~~ Except as provided in division (G) of this section, any application for a permit or license, or a renewal or duplicate of a permit or license, under this section shall be 5974
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accompanied by the payment of a fee in the amount established 5977
under division (A) of section 3319.51 of the Revised Code. Any 5978
fees received under this division shall be paid into the state 5979
treasury to the credit of the state board of education licensure 5980
fund established under division (B) of section 3319.51 of the 5981
Revised Code. 5982

(2) Any person applying for or holding a permit or license 5983
pursuant to this section is subject to sections 3123.41 to 5984
3123.50 of the Revised Code and any applicable rules adopted 5985
under section 3123.63 of the Revised Code and sections 3319.31 5986
and 3319.311 of the Revised Code. 5987

(C) Educational assistants shall at all times while in the 5988
performance of their duties be under the supervision and 5989
direction of a teacher as defined in section 3319.09 of the 5990
Revised Code. Educational assistants may assist a teacher to 5991
whom assigned in the supervision of pupils, in assisting with 5992
instructional tasks, and in the performance of duties which, in 5993
the judgment of the teacher to whom the assistant is assigned, 5994
may be performed by a person not licensed pursuant to sections 5995
3319.22 to 3319.30 of the Revised Code and for which a teaching 5996
license, issued pursuant to sections 3319.22 to 3319.30 of the 5997
Revised Code is not required. The duties of an educational 5998
assistant shall not include the assignment of grades to pupils. 5999
The duties of an educational assistant need not be performed in 6000
the physical presence of the teacher to whom assigned, but the 6001
activity of an educational assistant shall at all times be under 6002
the direction of the teacher to whom assigned. The assignment of 6003
an educational assistant need not be limited to assisting a 6004
single teacher. In the event an educational assistant is 6005
assigned to assist more than one teacher the assignments shall 6006
be clearly delineated and so arranged that the educational 6007

assistant shall never be subject to simultaneous supervision or 6008
direction by more than one teacher. 6009

Educational assistants assigned to supervise children 6010
shall, when the teacher to whom assigned is not physically 6011
present, maintain the degree of control and discipline that 6012
would be maintained by the teacher. 6013

Educational assistants may not be used in place of 6014
classroom teachers or other employees and any payment of 6015
compensation by boards of education to educational assistants 6016
for such services is prohibited. The ratio between the number of 6017
licensed teachers and the pupils in a school district may not be 6018
decreased by utilization of educational assistants and no 6019
grouping, or other organization of pupils, for utilization of 6020
educational assistants shall be established which is 6021
inconsistent with sound educational practices and procedures. A 6022
school district may employ up to one full time equivalent 6023
educational assistant for each six full time equivalent licensed 6024
employees of the district. Educational assistants shall not be 6025
counted as licensed employees for purposes of state support in 6026
the school foundation program and no grouping or regrouping of 6027
pupils with educational assistants may be counted as a class or 6028
unit for school foundation program purposes. Neither special 6029
courses required by the regulations of the state board of 6030
education, prescribing minimum qualifications of education for 6031
an educational assistant, nor years of service as an educational 6032
assistant shall be counted in any way toward qualifying for a 6033
teacher license, for a teacher contract of any type, or for 6034
determining placement on a salary schedule in a school district 6035
as a teacher. 6036

(D) Educational assistants employed by a board of 6037

education shall have all rights, benefits, and legal protection 6038
available to other nonteaching employees in the school district, 6039
except that provisions of Chapter 124. of the Revised Code shall 6040
not apply to any person employed as an educational assistant, 6041
and shall be members of the school employees retirement system. 6042
Educational assistants shall be compensated according to a 6043
salary plan adopted annually by the board. 6044

Except as provided in this section nonteaching employees 6045
shall not serve as educational assistants without first 6046
obtaining an appropriate educational aide permit or educational 6047
paraprofessional license from the state board of education. A 6048
nonteaching employee who is the holder of a valid educational 6049
aide permit or educational paraprofessional license shall 6050
neither render nor be required to render services inconsistent 6051
with the type of services authorized by the permit or license 6052
held. No person shall receive compensation from a board of 6053
education for services rendered as an educational assistant in 6054
violation of this provision. 6055

Nonteaching employees whose functions are solely 6056
secretarial-clerical and who do not perform any other duties as 6057
educational assistants, even though they assist a teacher and 6058
work under the direction of a teacher shall not be required to 6059
hold a permit or license issued pursuant to this section. 6060
Students preparing to become licensed teachers or educational 6061
assistants shall not be required to hold an educational aide 6062
permit or paraprofessional license for such periods of time as 6063
such students are assigned, as part of their training program, 6064
to work with a teacher in a school district. Such students shall 6065
not be compensated for such services. 6066

Following the determination of the assignment and general 6067

job description of an educational assistant and subject to 6068
supervision by the teacher's immediate administrative officer, a 6069
teacher to whom an educational assistant is assigned shall make 6070
all final determinations of the duties to be assigned to such 6071
assistant. Teachers shall not be required to hold a license 6072
designated for being a supervisor or administrator in order to 6073
perform the necessary supervision of educational assistants. 6074

(E) No person who is, or who has been employed as an 6075
educational assistant shall divulge, except to the teacher to 6076
whom assigned, or the administrator of the school in the absence 6077
of the teacher to whom assigned, or when required to testify in 6078
a court or proceedings, any personal information concerning any 6079
pupil in the school district which was obtained or obtainable by 6080
the educational assistant while so employed. Violation of this 6081
provision is grounds for disciplinary action or dismissal, or 6082
both. 6083

(F) Notwithstanding anything to the contrary in this 6084
section, the superintendent of a school district may allow an 6085
employee who does not hold a permit or license issued under this 6086
section to work as a substitute for an educational assistant who 6087
is absent on account of illness or on a leave of absence, or to 6088
fill a temporary position created by an emergency, provided that 6089
the superintendent believes the employee's application materials 6090
indicate that the employee is qualified to obtain a permit or 6091
license under this section. 6092

An employee shall begin work as a substitute under this 6093
division not earlier than on the date on which the employee 6094
files an application with the state board for a permit or 6095
license under this section. An employee shall cease working as a 6096
substitute under this division on the earliest of the following: 6097

(1) The date on which the employee files a valid permit or license issued under this section with the superintendent; 6098
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(2) The date on which the employee is denied a permit or license under this section; 6100
6101

(3) Sixty days following the date on which the employee began work as a substitute under this division. 6102
6103

The superintendent shall ensure that an employee assigned to work as a substitute under division (F) of this section has undergone a criminal records check in accordance with section 3319.391 of the Revised Code. 6104
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(G) The state board shall issue an educational aide permit or educational paraprofessional license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 6108
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(1) The applicant holds a permit or license in another state. 6112
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(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as an educational aide or educational paraprofessional in a state that does not issue that permit or license or both. 6114
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Sec. 3319.22. (A) (1) The state board of education shall issue the following educator licenses: 6119
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(a) A resident educator license, which shall be valid for two years and shall be renewable for reasons specified by rules adopted by the state board pursuant to division (A) (3) of this section. The state board, on a case-by-case basis, may extend the license's duration as necessary to enable the license holder 6121
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to complete the Ohio teacher residency program established under 6126
section 3319.223 of the Revised Code; 6127

(b) A professional educator license, which shall be valid 6128
for five years and shall be renewable; 6129

(c) A senior professional educator license, which shall be 6130
valid for five years and shall be renewable; 6131

(d) A lead professional educator license, which shall be 6132
valid for five years and shall be renewable. 6133

Licenses issued under division (A) (1) of this section on 6134
and after November 2, 2018, shall specify whether the educator 6135
is licensed to teach grades pre-kindergarten through five, 6136
grades four through nine, or grades seven through twelve. The 6137
changes to the grade band specifications under this amendment 6138
shall not apply to a person who holds a license under division 6139
(A) (1) of this section prior to November 2, 2018. Further, the 6140
changes to the grade band specifications under this amendment 6141
shall not apply to any license issued to teach in the area of 6142
computer information science, bilingual education, dance, drama 6143
or theater, world language, health, library or media, music, 6144
physical education, teaching English to speakers of other 6145
languages, career-technical education, or visual arts or to any 6146
license issued to an intervention specialist, including a gifted 6147
intervention specialist, or to any other license that does not 6148
align to the grade band specifications. 6149

(2) The state board may issue any additional educator 6150
licenses of categories, types, and levels the board elects to 6151
provide. 6152

(3) The Except as provided in division (I) of this 6153
section, the state board shall adopt rules establishing the 6154

standards and requirements for obtaining each educator license 6155
issued under this section. The rules shall also include the 6156
reasons for which a resident educator license may be renewed 6157
under division (A) (1) (a) of this section. 6158

(B) ~~The~~ Except as provided in division (I) of this 6159
section, the rules adopted under this section shall require at 6160
least the following standards and qualifications for the 6161
educator licenses described in division (A) (1) of this section: 6162

(1) An applicant for a resident educator license shall 6163
hold at least a bachelor's degree from an accredited teacher 6164
preparation program or be a participant in the teach for America 6165
program and meet the qualifications required under section 6166
3319.227 of the Revised Code. 6167

(2) An applicant for a professional educator license 6168
shall: 6169

(a) Hold at least a bachelor's degree from an institution 6170
of higher education accredited by a regional accrediting 6171
organization; 6172

(b) Have successfully completed the Ohio teacher residency 6173
program established under section 3319.223 of the Revised Code, 6174
if the applicant's current or most recently issued license is a 6175
resident educator license issued under this section or an 6176
alternative resident educator license issued under section 6177
3319.26 of the Revised Code. 6178

(3) An applicant for a senior professional educator 6179
license shall: 6180

(a) Hold at least a master's degree from an institution of 6181
higher education accredited by a regional accrediting 6182
organization; 6183

(b) Have previously held a professional educator license 6184
issued under this section or section 3319.222 or under former 6185
section 3319.22 of the Revised Code; 6186

(c) Meet the criteria for the accomplished or 6187
distinguished level of performance, as described in the 6188
standards for teachers adopted by the state board under section 6189
3319.61 of the Revised Code. 6190

(4) An applicant for a lead professional educator license 6191
shall: 6192

(a) Hold at least a master's degree from an institution of 6193
higher education accredited by a regional accrediting 6194
organization; 6195

(b) Have previously held a professional educator license 6196
or a senior professional educator license issued under this 6197
section or a professional educator license issued under section 6198
3319.222 or former section 3319.22 of the Revised Code; 6199

(c) Meet the criteria for the distinguished level of 6200
performance, as described in the standards for teachers adopted 6201
by the state board under section 3319.61 of the Revised Code; 6202

(d) Either hold a valid certificate issued by the national 6203
board for professional teaching standards or meet the criteria 6204
for a master teacher or other criteria for a lead teacher 6205
adopted by the educator standards board under division (F) (4) or 6206
(5) of section 3319.61 of the Revised Code. 6207

(C) The state board shall align the standards and 6208
qualifications for obtaining a principal license with the 6209
standards for principals adopted by the state board under 6210
section 3319.61 of the Revised Code. 6211

(D) If the state board requires any examinations for 6212
educator licensure, the department of education shall provide 6213
the results of such examinations received by the department to 6214
the chancellor of higher education, in the manner and to the 6215
extent permitted by state and federal law. 6216

(E) Any rules the state board of education adopts, amends, 6217
or rescinds for educator licenses under this section, division 6218
(D) of section 3301.07 of the Revised Code, or any other law 6219
shall be adopted, amended, or rescinded under Chapter 119. of 6220
the Revised Code except as follows: 6221

(1) Notwithstanding division (E) of section 119.03 and 6222
division (A)(1) of section 119.04 of the Revised Code, in the 6223
case of the adoption of any rule or the amendment or rescission 6224
of any rule that necessitates institutions' offering preparation 6225
programs for educators and other school personnel that are 6226
approved by the chancellor of higher education under section 6227
3333.048 of the Revised Code to revise the curriculum of those 6228
programs, the effective date shall not be as prescribed in 6229
division (E) of section 119.03 and division (A)(1) of section 6230
119.04 of the Revised Code. Instead, the effective date of such 6231
rules, or the amendment or rescission of such rules, shall be 6232
the date prescribed by section 3333.048 of the Revised Code. 6233

(2) Notwithstanding the authority to adopt, amend, or 6234
rescind emergency rules in division (G) of section 119.03 of the 6235
Revised Code, this authority shall not apply to the state board 6236
of education with regard to rules for educator licenses. 6237

(F)(1) The rules adopted under this section establishing 6238
standards requiring additional coursework for the renewal of any 6239
educator license shall require a school district and a chartered 6240
nonpublic school to establish local professional development 6241

committees. In a nonpublic school, the chief administrative 6242
officer shall establish the committees in any manner acceptable 6243
to such officer. The committees established under this division 6244
shall determine whether coursework that a district or chartered 6245
nonpublic school teacher proposes to complete meets the 6246
requirement of the rules. The department of education shall 6247
provide technical assistance and support to committees as the 6248
committees incorporate the professional development standards 6249
adopted by the state board of education pursuant to section 6250
3319.61 of the Revised Code into their review of coursework that 6251
is appropriate for license renewal. The rules shall establish a 6252
procedure by which a teacher may appeal the decision of a local 6253
professional development committee. 6254

(2) In any school district in which there is no exclusive 6255
representative established under Chapter 4117. of the Revised 6256
Code, the professional development committees shall be 6257
established as described in division (F) (2) of this section. 6258

Not later than the effective date of the rules adopted 6259
under this section, the board of education of each school 6260
district shall establish the structure for one or more local 6261
professional development committees to be operated by such 6262
school district. The committee structure so established by a 6263
district board shall remain in effect unless within thirty days 6264
prior to an anniversary of the date upon which the current 6265
committee structure was established, the board provides notice 6266
to all affected district employees that the committee structure 6267
is to be modified. Professional development committees may have 6268
a district-level or building-level scope of operations, and may 6269
be established with regard to particular grade or age levels for 6270
which an educator license is designated. 6271

Each professional development committee shall consist of 6272
at least three classroom teachers employed by the district, one 6273
principal employed by the district, and one other employee of 6274
the district appointed by the district superintendent. For 6275
committees with a building-level scope, the teacher and 6276
principal members shall be assigned to that building, and the 6277
teacher members shall be elected by majority vote of the 6278
classroom teachers assigned to that building. For committees 6279
with a district-level scope, the teacher members shall be 6280
elected by majority vote of the classroom teachers of the 6281
district, and the principal member shall be elected by a 6282
majority vote of the principals of the district, unless there 6283
are two or fewer principals employed by the district, in which 6284
case the one or two principals employed shall serve on the 6285
committee. If a committee has a particular grade or age level 6286
scope, the teacher members shall be licensed to teach such grade 6287
or age levels, and shall be elected by majority vote of the 6288
classroom teachers holding such a license and the principal 6289
shall be elected by all principals serving in buildings where 6290
any such teachers serve. The district superintendent shall 6291
appoint a replacement to fill any vacancy that occurs on a 6292
professional development committee, except in the case of 6293
vacancies among the elected classroom teacher members, which 6294
shall be filled by vote of the remaining members of the 6295
committee so selected. 6296

Terms of office on professional development committees 6297
shall be prescribed by the district board establishing the 6298
committees. The conduct of elections for members of professional 6299
development committees shall be prescribed by the district board 6300
establishing the committees. A professional development 6301
committee may include additional members, except that the 6302

majority of members on each such committee shall be classroom 6303
teachers employed by the district. Any member appointed to fill 6304
a vacancy occurring prior to the expiration date of the term for 6305
which a predecessor was appointed shall hold office as a member 6306
for the remainder of that term. 6307

The initial meeting of any professional development 6308
committee, upon election and appointment of all committee 6309
members, shall be called by a member designated by the district 6310
superintendent. At this initial meeting, the committee shall 6311
select a chairperson and such other officers the committee deems 6312
necessary, and shall adopt rules for the conduct of its 6313
meetings. Thereafter, the committee shall meet at the call of 6314
the chairperson or upon the filing of a petition with the 6315
district superintendent signed by a majority of the committee 6316
members calling for the committee to meet. 6317

(3) In the case of a school district in which an exclusive 6318
representative has been established pursuant to Chapter 4117. of 6319
the Revised Code, professional development committees shall be 6320
established in accordance with any collective bargaining 6321
agreement in effect in the district that includes provisions for 6322
such committees. 6323

If the collective bargaining agreement does not specify a 6324
different method for the selection of teacher members of the 6325
committees, the exclusive representative of the district's 6326
teachers shall select the teacher members. 6327

If the collective bargaining agreement does not specify a 6328
different structure for the committees, the board of education 6329
of the school district shall establish the structure, including 6330
the number of committees and the number of teacher and 6331
administrative members on each committee; the specific 6332

administrative members to be part of each committee; whether the 6333
scope of the committees will be district levels, building 6334
levels, or by type of grade or age levels for which educator 6335
licenses are designated; the lengths of terms for members; the 6336
manner of filling vacancies on the committees; and the frequency 6337
and time and place of meetings. However, in all cases, except as 6338
provided in division (F)(4) of this section, there shall be a 6339
majority of teacher members of any professional development 6340
committee, there shall be at least five total members of any 6341
professional development committee, and the exclusive 6342
representative shall designate replacement members in the case 6343
of vacancies among teacher members, unless the collective 6344
bargaining agreement specifies a different method of selecting 6345
such replacements. 6346

(4) Whenever an administrator's coursework plan is being 6347
discussed or voted upon, the local professional development 6348
committee shall, at the request of one of its administrative 6349
members, cause a majority of the committee to consist of 6350
administrative members by reducing the number of teacher members 6351
voting on the plan. 6352

(G)(1) The department of education, educational service 6353
centers, county boards of developmental disabilities, college 6354
and university departments of education, head start programs, 6355
and the Ohio education computer network may establish local 6356
professional development committees to determine whether the 6357
coursework proposed by their employees who are licensed or 6358
certificated under this section or section 3319.222 of the 6359
Revised Code, or under the former version of either section as 6360
it existed prior to October 16, 2009, meet the requirements of 6361
the rules adopted under this section. They may establish local 6362
professional development committees on their own or in 6363

collaboration with a school district or other agency having 6364
authority to establish them. 6365

Local professional development committees established by 6366
county boards of developmental disabilities shall be structured 6367
in a manner comparable to the structures prescribed for school 6368
districts in divisions (F)(2) and (3) of this section, as shall 6369
the committees established by any other entity specified in 6370
division (G)(1) of this section that provides educational 6371
services by employing or contracting for services of classroom 6372
teachers licensed or certificated under this section or section 6373
3319.222 of the Revised Code, or under the former version of 6374
either section as it existed prior to October 16, 2009. All 6375
other entities specified in division (G)(1) of this section 6376
shall structure their committees in accordance with guidelines 6377
which shall be issued by the state board. 6378

(2) Educational service centers may establish local 6379
professional development committees to serve educators who are 6380
not employed in schools in this state, including pupil services 6381
personnel who are licensed under this section. Local 6382
professional development committees shall be structured in a 6383
manner comparable to the structures prescribed for school 6384
districts in divisions (F)(2) and (3) of this section. 6385

These committees may agree to review the coursework, 6386
continuing education units, or other equivalent activities 6387
related to classroom teaching or the area of licensure that is 6388
proposed by an individual who satisfies both of the following 6389
conditions: 6390

(a) The individual is licensed or certificated under this 6391
section or under the former version of this section as it 6392
existed prior to October 16, 2009. 6393

(b) The individual is not currently employed as an 6394
educator or is not currently employed by an entity that operates 6395
a local professional development committee under this section. 6396

Any committee that agrees to work with such an individual 6397
shall work to determine whether the proposed coursework, 6398
continuing education units, or other equivalent activities meet 6399
the requirements of the rules adopted by the state board under 6400
this section. 6401

(3) Any public agency that is not specified in division 6402
(G) (1) or (2) of this section but provides educational services 6403
and employs or contracts for services of classroom teachers 6404
licensed or certificated under this section or section 3319.222 6405
of the Revised Code, or under the former version of either 6406
section as it existed prior to October 16, 2009, may establish a 6407
local professional development committee, subject to the 6408
approval of the department of education. The committee shall be 6409
structured in accordance with guidelines issued by the state 6410
board. 6411

(H) Not later than July 1, 2016, the state board, in 6412
accordance with Chapter 119. of the Revised Code, shall adopt 6413
rules pursuant to division (A) (3) of this section that do both 6414
of the following: 6415

(1) Exempt consistently high-performing teachers from the 6416
requirement to complete any additional coursework for the 6417
renewal of an educator license issued under this section or 6418
section 3319.26 of the Revised Code. The rules also shall 6419
specify that such teachers are exempt from any requirements 6420
prescribed by professional development committees established 6421
under divisions (F) and (G) of this section. 6422

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

(I) The state board shall issue a resident educator license, professional educator license, senior professional educator license, lead professional educator license, or any other educator license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a resident educator, professional educator, senior professional educator, lead professional educator, or any other type of educator in a state that does not issue one or more of those licenses.

Sec. 3319.226. (A) Beginning July 1, 2019, the state board of education shall issue educator licenses for substitute teaching only under this section.

(B) ~~The~~ Except as provided in division (E) of this section, the state board shall adopt rules establishing standards and requirements for obtaining a license under this section and for renewal of the license. Except as provided in division (F) of section 3319.229 of the Revised Code, the rules shall require an applicant to hold a post-secondary degree, but not in any specified subject area. The rules also shall allow the holder of a license issued under this section to work:

(1) For an unlimited number of school days if the license holder has a post-secondary degree in either education or a subject area directly related to the subject of the class the

license holder will teach; 6452

(2) For one full semester, subject to the approval of the 6453
employing school district board of education, if the license 6454
holder has a post-secondary degree in a subject area that is not 6455
directly related to the subject of the class that the license 6456
holder will teach. 6457

The district superintendent may request that the board 6458
approve one or more additional subsequent semester-long periods 6459
of teaching for the license holder. 6460

(C) The rules adopted under division (B) of this section 6461
shall permit a substitute career-technical teaching license 6462
holder to teach outside the license holder's certified career 6463
field for up to one semester, subject to approval of the 6464
employing school district superintendent. 6465

(D) Any license issued or renewed under former section 6466
3319.226 of the Revised Code that was still in force on November 6467
2, 2018, shall remain in force for the remainder of the term for 6468
which it was issued or renewed. Upon the expiration of that 6469
term, the holder of that license shall be subject to licensure 6470
under the rules adopted under this section. 6471

(E) The state board shall issue an educator license for 6472
substitute teaching in accordance with Chapter 4796. of the 6473
Revised Code to an applicant if either of the following applies: 6474

(1) The applicant holds a license in another state. 6475

(2) The applicant has satisfactory work experience, a 6476
government certification, or a private certification as 6477
described in that chapter as a substitute teacher in a state 6478
that does not issue that license. 6479

Sec. 3319.229. (A) (1) Notwithstanding the repeal of former 6480
section 3319.229 of the Revised Code by S.B. 216 of the 132nd 6481
general assembly, the state board of education shall accept 6482
applications for new, and for renewal of, professional career- 6483
technical teaching licenses through June 30, 2019, and issue 6484
them on the basis of the applications received by that date in 6485
accordance with the rules described in that former section. 6486
Except as otherwise provided in divisions (A) (2) and (3) of this 6487
section, beginning July 1, 2019, the state board shall issue 6488
career-technical workforce development educator licenses only 6489
under this section. 6490

(2) An individual who, on July 1, 2019, holds a 6491
professional career-technical teaching license issued under the 6492
rules described in former section 3319.229 of the Revised Code, 6493
may continue to renew that license in accordance with those 6494
rules for the remainder of the individual's teaching career. 6495
However, nothing in this division shall be construed to prohibit 6496
the individual from applying to the state board for a career- 6497
technical workforce development educator license under this 6498
section. 6499

(3) An individual who, on July 1, 2019, holds an 6500
alternative resident educator license for teaching career- 6501
technical education issued under section 3319.26 of the Revised 6502
Code may, upon the expiration of the license, apply for a 6503
professional career-technical teaching license issued under the 6504
rules described in former section 3319.229 of the Revised Code. 6505
Such an individual may continue to renew the professional 6506
license in accordance with those rules for the remainder of the 6507
individual's teaching career. However, nothing in this division 6508
shall be construed to prohibit the individual from applying to 6509
the state board for a career-technical workforce development 6510

educator license under this section. 6511

(B) ~~The~~ Except as provided in division (G) of this 6512
section, the state board, in collaboration with the chancellor 6513
of higher education, shall adopt rules establishing standards 6514
and requirements for obtaining a two-year initial career- 6515
technical workforce development educator license and a five-year 6516
advanced career-technical workforce development educator 6517
license. Each license shall be valid for teaching career- 6518
technical education or workforce development programs in grades 6519
four through twelve. The rules shall require applicants for 6520
either license to have a high school diploma or a certificate of 6521
high school equivalence as awarded under section 3301.80 of the 6522
Revised Code or as recognized as the equivalent of such 6523
certificate under division (C) of that section. 6524

(C) (1) ~~The~~ Except as provided in division (G) of this 6525
section, the state board shall issue an initial career-technical 6526
workforce development educator license to an applicant upon 6527
request from the superintendent of a school district that has 6528
agreed to employ the applicant. In making the request, the 6529
superintendent shall provide documentation, in accordance with 6530
procedures prescribed by the department of education, showing 6531
that the applicant has at least five years of work experience, 6532
or the equivalent, in the subject area in which the applicant 6533
will teach. The license shall be valid for teaching only in the 6534
requesting district. The superintendent also shall provide 6535
documentation, in accordance with procedures prescribed by the 6536
department, that the applicant is enrolled in a career-technical 6537
workforce development educator preparation program offered by an 6538
institution of higher education that has an existing teacher 6539
preparatory program in place that meets all of the following 6540
criteria: 6541

- (a) Is approved by the chancellor of higher education to provide instruction in teaching methods and principles; 6542
6543
- (b) Provides classroom support to the license holder; 6544
- (c) Includes at least three semester hours of coursework in the teaching of reading in the subject area; 6545
6546
- (d) Is aligned with career-technical education and workforce development competencies developed by the department; 6547
6548
- (e) Uses a summative performance-based assessment developed by the program and aligned to the competencies described in division (C) (1) (d) of this section to evaluate the license holder's knowledge and skills; 6549
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6552
- (f) Consists of not less than twenty-four semester hours of coursework, or the equivalent. 6553
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- (2) As a condition of continuing to hold the initial career-technical workforce development license, the holder of the license shall be participating in a career-technical workforce development educator preparation program described in division (C) (1) of this section. 6555
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- (3) The state board shall renew an initial career-technical workforce development educator license if the supervisor of the program described in division (C) (1) of this section and the superintendent of the employing school district indicate that the applicant is making sufficient progress in both the program and the teaching position. 6560
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- (D) ~~The~~ Except as provided in division (G) of this section, the state board shall issue an advanced career-technical workforce development educator license to an applicant who has successfully completed the program described in division 6566
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(C) (1) of this section, as indicated by the supervisor of the 6570
program, and who demonstrates mastery of the applicable career- 6571
technical education and workforce development competencies 6572
described in division (C) (1) (d) of this section in the teaching 6573
position, as indicated by the superintendent of the employing 6574
school district. 6575

(E) The holder of an advanced career-technical workforce 6576
development educator license shall work with a local 6577
professional development committee established under section 6578
3319.22 of the Revised Code in meeting requirements for renewal 6579
of the license. 6580

(F) Notwithstanding the provisions of section 3319.226 of 6581
the Revised Code, the state board shall not require any 6582
applicant for an educator license for substitute teaching who 6583
holds a license issued under this section to hold a post- 6584
secondary degree in order to be issued a license under section 6585
3319.226 of the Revised Code to work as a substitute teacher for 6586
career-technical education classes. 6587

(G) The state board shall issue a license to practice as 6588
an initial career-technical workforce development educator or 6589
advanced career-technical workforce development educator in 6590
accordance with Chapter 4796. of the Revised Code to an 6591
applicant if either of the following applies: 6592

(1) The applicant holds a license in another state. 6593

(2) The applicant has satisfactory work experience, a 6594
government certification, or a private certification as 6595
described in that chapter as a career-technical workforce 6596
development educator in a state that does not issue one or both 6597
of those licenses. 6598

Sec. 3319.26. (A) ~~The~~ Except as provided in division (H) 6599
of this section, the state board of education shall adopt rules 6600
establishing the standards and requirements for obtaining an 6601
alternative resident educator license for teaching in grades 6602
kindergarten to twelve, or the equivalent, in a designated 6603
subject area or in the area of intervention specialist, as 6604
defined by rule of the state board. The rules shall also include 6605
the reasons for which an alternative resident educator license 6606
may be renewed under division (D) of this section. 6607

(B) The superintendent of public instruction and the 6608
chancellor of higher education jointly shall develop an 6609
intensive pedagogical training institute to provide instruction 6610
in the principles and practices of teaching for individuals 6611
seeking an alternative resident educator license. The 6612
instruction shall cover such topics as student development and 6613
learning, pupil assessment procedures, curriculum development, 6614
classroom management, and teaching methodology. 6615

(C) ~~The~~ Except as provided in division (H) of this 6616
section, the rules adopted under this section shall require 6617
applicants for the alternative resident educator license to 6618
satisfy the following conditions prior to issuance of the 6619
license, but they shall not require applicants to have completed 6620
a major or coursework in the subject area for which application 6621
is being made: 6622

(1) Hold a minimum of a baccalaureate degree; 6623

(2) Successfully complete the pedagogical training 6624
institute described in division (B) of this section or the 6625
preservice training provided to participants of a teacher 6626
preparation program that has been approved by the chancellor. 6627
The chancellor may approve any such program that requires 6628

participants to hold a bachelor's degree; have either a 6629
cumulative undergraduate grade point average of at least 2.5 out 6630
of 4.0, or its equivalent or a cumulative graduate school grade 6631
point average of at least 3.0 out of 4.0; and successfully 6632
complete the program's preservice training. 6633

(3) Pass an examination in the subject area for which 6634
application is being made. 6635

(D) An alternative resident educator license shall be 6636
valid for four years and shall be renewable for reasons 6637
specified by rules adopted by the state board pursuant to 6638
division (A) of this section. The state board, on a case-by-case 6639
basis, may extend the license's duration as necessary to enable 6640
the license holder to complete the Ohio teacher residency 6641
program established under section 3319.223 of the Revised Code. 6642

(E) The rules shall require the holder of an alternative 6643
resident educator license, as a condition of continuing to hold 6644
the license, to do all of the following: 6645

(1) Participate in the Ohio teacher residency program; 6646

(2) Show satisfactory progress in taking and successfully 6647
completing one of the following: 6648

(a) At least twelve additional semester hours, or the 6649
equivalent, of college coursework in the principles and 6650
practices of teaching in such topics as student development and 6651
learning, pupil assessment procedures, curriculum development, 6652
classroom management, and teaching methodology; 6653

(b) Professional development provided by a teacher 6654
preparation program that has been approved by the chancellor 6655
under division (C) (2) of this section. 6656

(3) Take an assessment of professional knowledge in the 6657
second year of teaching under the license. 6658

(F) The rules shall provide for the granting of a 6659
professional educator license to a holder of an alternative 6660
resident educator license upon successfully completing all of 6661
the following: 6662

(1) Four years of teaching under the alternative license; 6663

(2) The additional college coursework or professional 6664
development described in division (E) (2) of this section; 6665

(3) The assessment of professional knowledge described in 6666
division (E) (3) of this section. The standards for successfully 6667
completing this assessment and the manner of conducting the 6668
assessment shall be the same as for any other individual who is 6669
required to take the assessment pursuant to rules adopted by the 6670
state board under section 3319.22 of the Revised Code. 6671

(4) The Ohio teacher residency program; 6672

(5) All other requirements for a professional educator 6673
license adopted by the state board under section 3319.22 of the 6674
Revised Code. 6675

(G) A person who is assigned to teach in this state as a 6676
participant in the teach for America program or who has 6677
completed two years of teaching in another state as a 6678
participant in that program shall be eligible for a license only 6679
under section 3319.227 of the Revised Code and shall not be 6680
eligible for a license under this section. 6681

(H) The board shall issue an alternative resident educator 6682
license in accordance with Chapter 4796. of the Revised Code to 6683
an applicant if either of the following applies: 6684

(1) The applicant holds a license in another state. 6685

(2) The applicant has satisfactory work experience, a 6686
government certification, or a private certification as 6687
described in that chapter as an educator for grades kindergarten 6688
through twelve in a state that does not issue that license. 6689

Sec. 3319.261. (A) Notwithstanding any other provision of 6690
the Revised Code or any rule adopted by the state board of 6691
education to the contrary and except as provided in division (C) 6692
of this section, the state board shall issue an alternative 6693
resident educator license under division (C) of section 3319.26 6694
of the Revised Code to each applicant who meets the following 6695
conditions: 6696

(1) Holds a bachelor's degree from an accredited 6697
institution of higher education; 6698

(2) Has successfully completed a teacher education program 6699
offered by one of the following entities: 6700

(a) The American Montessori society; 6701

(b) The association Montessori internationale; 6702

(c) An institution accredited by the Montessori 6703
accreditation council for teacher education. 6704

(3) Is employed in a school that operates a program that 6705
uses the Montessori method endorsed by the American Montessori 6706
society, the Montessori accreditation council for teacher 6707
education, or the association Montessori internationale as its 6708
primary method of instruction. 6709

(B) The holder of an alternative resident educator license 6710
issued under this section shall be subject to divisions (A), 6711
(B), (D), and (E) of section 3319.26 of the Revised Code and 6712

shall be granted a professional educator license upon successful 6713
completion of the requirements described in division (F) of 6714
section 3319.26 of the Revised Code. 6715

(C) The state board shall issue an alternative resident 6716
educator license under this section in accordance with Chapter 6717
4796. of the Revised Code to an applicant if either of the 6718
following applies: 6719

(1) The applicant holds a license in another state. 6720

(2) The applicant has satisfactory work experience, a 6721
government certification, or a private certification as 6722
described in that chapter as an educator providing instruction 6723
in a Montessori-method school in a state that does not issue 6724
that license. 6725

Sec. 3319.262. (A) Notwithstanding any other provision of 6726
the Revised Code or any rule adopted by the state board of 6727
education to the contrary and except as provided in division (C) 6728
of this section, the state board shall adopt rules establishing 6729
standards and requirements for obtaining a nonrenewable four- 6730
year initial early college high school educator license for 6731
teaching grades seven through twelve at an early college high 6732
school described in section 3313.6013 of the Revised Code to any 6733
applicant who meets the following conditions: 6734

(1) Has a graduate or terminal degree from an accredited 6735
institution of higher education in a field related to the 6736
subject area to be taught, as determined by the department of 6737
education; 6738

(2) Has obtained a passing score on an examination in the 6739
subject area to be taught, as prescribed by the state board; 6740

(3) Has experience teaching students at any grade level, 6741

including post-secondary students; 6742

(4) Has proof that an early college high school intends to 6743
employ the applicant pending a valid license under this section. 6744

An individual licensed under this section shall be subject 6745
to sections 3319.291 and 3319.39 of the Revised Code. An initial 6746
educator license issued under division (A) of this section shall 6747
be valid for teaching only at the employing school described in 6748
division (A) (4) of this section. 6749

(B) After four years of teaching under an initial early 6750
college high school educator license issued under this section, 6751
an individual may apply for a renewable five-year professional 6752
educator license in the same subject area named in the initial 6753
license. The state board shall issue the applicant a 6754
professional educator license if the applicant attains a passing 6755
score on an assessment of professional knowledge prescribed by 6756
the state board. Nothing in division (B) of this section shall 6757
be construed to prohibit an individual from applying for a 6758
professional-~~education~~ educator license under section 3319.22 of 6759
the Revised Code. 6760

(C) The state board shall issue an initial early college 6761
high school educator license in accordance with Chapter 4796. of 6762
the Revised Code to an applicant if either of the following 6763
applies: 6764

(1) The applicant holds a license in another state. 6765

(2) The applicant has satisfactory work experience, a 6766
government certification, or a private certification as 6767
described in that chapter as an early college high school 6768
educator in a state that does not issue that license. 6769

Sec. 3319.27. (A) The ~~Except as provided in division (C)~~ 6770

of this section, the state board of education shall adopt rules 6771
that establish an alternative principal license. The rules 6772
establishing an alternative principal license shall include a 6773
requirement that an applicant have obtained classroom teaching 6774
experience. Beginning on the effective date of the rules, the 6775
state board shall cease to issue temporary educator licenses 6776
pursuant to section 3319.225 of the Revised Code for employment 6777
as a principal. Any person who on the effective date of the 6778
rules holds a valid temporary educator license issued under that 6779
section and is employed as a principal shall be allowed to 6780
continue employment as a principal until the expiration of the 6781
license. Employment of any such person as a principal by a 6782
school district after the expiration of the temporary educator 6783
license shall be contingent upon the state board issuing the 6784
person an alternative principal license in accordance with the 6785
rules adopted under this division. 6786

(B) The Except as provided in division (C) of this 6787
section, the state board shall adopt rules that establish an 6788
alternative administrator license, which shall be valid for 6789
employment as a superintendent or in any other administrative 6790
position except principal. Beginning on the effective date of 6791
the rules, the state board shall cease to issue temporary 6792
educator licenses pursuant to section 3319.225 of the Revised 6793
Code for employment as a superintendent or in any other 6794
administrative position except principal. Any person who on the 6795
effective date of the rules holds a valid temporary educator 6796
license issued under that section and is employed as a 6797
superintendent or in any other administrative position except 6798
principal shall be allowed to continue employment in that 6799
position until the expiration of the license. Employment of any 6800
such person as a superintendent or in any other administrative 6801

position except principal by a school district after the 6802
expiration of the temporary educator license shall be contingent 6803
upon the state board issuing the person an alternative 6804
administrator license in accordance with the rules adopted under 6805
this division. 6806

(C) The state board shall issue an alternative principal 6807
or alternative administrator license in accordance with Chapter 6808
4796. of the Revised Code to an applicant if either of the 6809
following applies: 6810

(1) The applicant holds a license in another state. 6811

(2) The applicant has satisfactory work experience, a 6812
government certification, or a private certification as 6813
described in that chapter as a school principal or school 6814
administrator in a state that does not issue one or both of 6815
those licenses. 6816

Sec. 3319.28. (A) As used in this section, "STEM school" 6817
means a science, technology, engineering, and mathematics school 6818
established under Chapter 3326. of the Revised Code. 6819

(B) Notwithstanding any other provision of the Revised 6820
Code or any rule adopted by the state board of education to the 6821
contrary and except as provided in division (F) of this section, 6822
the state board shall issue a two-year provisional educator 6823
license for teaching science, technology, engineering, or 6824
mathematics in grades six through twelve in a STEM school to any 6825
applicant who meets the following conditions: 6826

(1) Holds a bachelor's degree from an accredited 6827
institution of higher education in a field related to the 6828
subject area to be taught; 6829

(2) Has passed an examination prescribed by the state 6830

board in the subject area to be taught. 6831

(C) The holder of a provisional educator license issued 6832
under this section shall complete a structured apprenticeship 6833
program provided by an educational service center or a teacher 6834
preparation program approved under section 3333.048 of the 6835
Revised Code, in partnership with the STEM school that employs 6836
the license holder. The apprenticeship program shall include the 6837
following: 6838

(1) Mentoring by a teacher or administrator who regularly 6839
observes the license holder's classroom instruction, provides 6840
feedback on the license holder's teaching strategies and 6841
classroom management, and engages the license holder in 6842
discussions about methods for fostering and measuring student 6843
learning; 6844

(2) Regularly scheduled seminars or meetings that address 6845
the following topics: 6846

(a) The statewide academic standards adopted by the state 6847
board under section 3301.079 of the Revised Code and the 6848
importance of aligning curriculum with those standards; 6849

(b) The achievement assessments prescribed by section 6850
3301.0710 of the Revised Code; 6851

(c) The school district and building accountability system 6852
established under Chapter 3302. of the Revised Code; 6853

(d) Instructional methods and strategies; 6854

(e) Student development; 6855

(f) Assessing student progress and providing remediation 6856
and intervention, as necessary, to meet students' special needs; 6857

(g) Classroom management and record keeping. 6858

(D) After two years of teaching under a provisional 6859
educator license issued under this section, a person may apply 6860
for a five-year professional educator license in the same 6861
subject area named in the provisional license. The state board 6862
shall issue the applicant a professional educator license if the 6863
applicant meets the following conditions: 6864

(1) The applicant completed the apprenticeship program 6865
described in division (C) of this section. 6866

(2) The applicant receives a positive recommendation 6867
indicating that the applicant is an effective teacher from both 6868
of the following: 6869

(a) The chief administrative officer of the STEM school 6870
that most recently employed the applicant as a classroom 6871
teacher; 6872

(b) The educational service center or teacher preparation 6873
program administrator in charge of the apprenticeship program 6874
completed by the applicant. 6875

(3) The applicant meets all other requirements for a 6876
professional educator license adopted by the state board under 6877
section 3319.22 of the Revised Code. 6878

(E) The department of education shall evaluate the 6879
experiences of STEM schools with classroom teachers holding 6880
provisional educator licenses issued under this section. The 6881
evaluation shall cover the first two school years for which 6882
licenses are issued and shall consider at least the schools' 6883
satisfaction with the teachers and the operation of the 6884
apprenticeship programs. 6885

(F) The state board shall issue a provisional educator license for teaching in a STEM school in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 6886
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(1) The applicant holds a license in another state. 6890

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a STEM educator in a state that does not issue that license. 6891
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Sec. 3319.301. (A) As used in this section: 6895

(1) "Dropout recovery community school" means a community school established under Chapter 3314. of the Revised Code in which a majority of the students are enrolled in a dropout prevention and recovery program that is operated by the school. 6896
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(2) "Industry-recognized credential program" means a career-technical course in which a student may earn an industry-recognized credential approved under section 3313.6113 of the Revised Code. 6900
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(3) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code. 6904
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(B) The state board of education shall issue permits to individuals who are not licensed as required by sections 3319.22 to 3319.30 of the Revised Code, but who are otherwise qualified, to teach classes for not more than a total of twelve hours a week, except that an individual teaching in a STEM school or an individual teaching an industry-recognized credential program offered at a dropout recovery community school may teach classes for not more than a total of forty hours a week. The state 6907
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board, by rule, shall set forth the qualifications, other than 6915
licensure under sections 3319.22 to 3319.30 of the Revised Code, 6916
to be met by individuals in order to be issued a permit as 6917
provided in this section. Such qualifications shall include the 6918
possession of a baccalaureate, master's, or doctoral degree in, 6919
or significant experience related to, the subject the individual 6920
is to teach. For an individual assigned to teach a career- 6921
technical class, significant experience related to a subject 6922
shall include career-technical experience. Applications for 6923
permits pursuant to this section shall be made in accordance 6924
with section 3319.29 of the Revised Code. A permit issued under 6925
this section shall be renewable. 6926

The state board, by rule, shall authorize the board of 6927
education of each school district and each STEM school to engage 6928
individuals holding permits issued under this section to teach 6929
classes for not more than the total number of hours a week 6930
specified in the permit. The rules shall include provisions with 6931
regard to each of the following: 6932

(1) That a board of education or STEM school shall engage 6933
a nonlicensed individual to teach pursuant to this section on a 6934
volunteer basis, or by entering into a contract with the 6935
individual or the individual's employer on such terms and 6936
conditions as are agreed to between the board or school and the 6937
individual or the individual's employer; 6938

(2) That an employee of the board of education or STEM 6939
school who is licensed under sections 3319.22 to 3319.30 of the 6940
Revised Code shall directly supervise a nonlicensed individual 6941
who is engaged to teach pursuant to this section until the 6942
superintendent of the school district or the chief 6943
administrative officer of the STEM school is satisfied that the 6944

nonlicensed individual has sufficient understanding of, and 6945
experience in, effective teaching methods to teach without 6946
supervision. 6947

(C) A nonlicensed individual engaged to teach pursuant to 6948
this section is a teacher for the purposes of Title XXXIII of 6949
the Revised Code except for the purposes of Chapters 3307. and 6950
3317. and sections 3319.07 to 3319.31 of the Revised Code. Such 6951
an individual is not an employee of the board of education or 6952
STEM school for the purpose of Titles I or XLI or Chapter 3309. 6953
of the Revised Code. 6954

(D) Students enrolled in a class taught by a nonlicensed 6955
individual pursuant to this section and rules adopted thereunder 6956
shall receive the same credit as if the class had been taught by 6957
an employee licensed pursuant to sections 3319.22 to 3319.30 of 6958
the Revised Code. 6959

(E) No board of education of any school district shall 6960
engage any one or more nonlicensed individuals if such 6961
employment displaces from employment an existing licensed 6962
employee of the district. 6963

(F) Chapter 4796. of the Revised Code does not apply to 6964
permits issued under this section. 6965

Sec. 3319.303. (A) ~~The~~ Except as provided in division (D) 6966
of this section, the state board of education shall adopt rules 6967
establishing standards and requirements for obtaining a pupil- 6968
activity program permit for any individual who does not hold a 6969
valid educator license, certificate, or permit issued by the 6970
state board under section 3319.22, 3319.26, or 3319.27 of the 6971
Revised Code. The permit issued under this section shall be 6972
valid for coaching, supervising, or directing a pupil-activity 6973

program under section 3313.53 of the Revised Code. Subject to 6974
the provisions of section 3319.31 of the Revised Code, a permit 6975
issued under this division shall be valid for three years and 6976
shall be renewable. 6977

(B) The state board shall adopt rules applicable to 6978
individuals who hold valid educator licenses, certificates, or 6979
permits issued by the state board under section 3319.22, 6980
3319.26, or 3319.27 of the Revised Code setting forth standards 6981
to assure any such individual's competence to direct, supervise, 6982
or coach a pupil-activity program described in section 3313.53 6983
of the Revised Code. The rules adopted under this division shall 6984
not be more stringent than the standards set forth in rules 6985
applicable to individuals who do not hold such licenses, 6986
certificates, or permits adopted under division (A) of this 6987
section. Subject to the provisions of section 3319.31 of the 6988
Revised Code, a permit issued to an individual under this 6989
division shall be valid for the same number of years as the 6990
individual's educator license, certificate, or permit issued 6991
under section 3319.22, 3319.26, or 3319.27 of the Revised Code 6992
and shall be renewable. 6993

~~(C) As a condition to issuing or renewing a pupil-activity-~~ 6994
~~program permit to coach interscholastic athletics:~~ 6995

(1) The Except as provided in division (D) of this 6996
section, as a condition to issuing a pupil-activity program 6997
permit to coach interscholastic athletics, the state board shall 6998
require each individual applying for a first permit on or after 6999
April 26, 2013, to successfully complete a training program that 7000
is specifically focused on brain trauma and brain injury 7001
management. 7002

(2) The state board shall require, as a condition to 7003

renewing a pupil-activity program permit to coach interscholastic athletics, each individual applying for a permit renewal on or after that date to present evidence that the individual has successfully completed, within the previous three years, a training program in recognizing the symptoms of concussions and head injuries to which the department of health has provided a link on its internet web site under section 3707.52 of the Revised Code or a training program authorized and required by an organization that regulates interscholastic athletic competition and conducts interscholastic athletic events.

(D) The state board shall issue a permit for coaching, supervising, or directing a pupil-activity program in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license or permit in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a coach, supervisor, or pupil-activity program director in a state that does not issue that permit.

Sec. 3319.361. (A) ~~The~~ Except as provided in division (F) of this section, the state board of education shall establish rules for the issuance of a supplemental teaching license. This license shall be issued at the request of the superintendent of a city, local, exempted village, or joint vocational school district, educational service center, or the governing authority of a STEM school, chartered nonpublic school, or community school to an individual who meets all of the following criteria:

- (1) Holds a current professional or permanent Ohio
teaching certificate or resident educator license, professional
educator license, senior professional educator license, or lead
professional educator license, as issued under section 3319.22
or 3319.26 of the Revised Code;
- (2) Is of good moral character;
- (3) Is employed in a supplemental licensure area or
teaching field, as defined by the state board;
- (4) Completes an examination prescribed by the state board
in the licensure area;
- (5) Completes, while employed under the supplemental
teaching license and subsequent renewals thereof, additional
coursework, if applicable, and testing requirements for full
licensure in the supplemental area as a condition of holding and
teaching under a supplemental teaching license.
- (B) The employing school district, service center, or
school shall assign a mentor to the individual holding a
supplemental teaching license. The assigned mentor shall be an
experienced teacher who currently holds a license in the same,
or a related, content area as the supplemental license.
- (C) Before the department of education will issue an
individual a supplemental teaching license in another area, the
supplemental licensee must complete the supplemental licensure
program, or its equivalent, and be issued a standard teaching
license in the area of the currently held supplemental license.
- (D) An individual may advance from a supplemental teaching
license to a standard teaching license upon:
- (1) Verification from the employing superintendent or

governing authority that the individual holding the supplemental 7062
teaching license has taught successfully in the licensure area 7063
for a minimum of two years; and 7064

(2) Completing requirements as applicable to the licensure 7065
area or teaching field as established by the state board. 7066

(E) A licensee who has filed an application under this 7067
section may work in the supplemental licensure area for up to 7068
sixty school days while completing the requirements in division 7069
(A) (4) of this section. If the requirements are not completed 7070
within sixty days, the application shall be declined. 7071

(F) The state board shall issue a supplemental teaching 7072
license in accordance with Chapter 4796. of the Revised Code to 7073
an applicant if either of the following applies: 7074

(1) The applicant holds a license in another state. 7075

(2) The applicant has satisfactory work experience, a 7076
government certification, or a private certification as 7077
described in that chapter as an educator providing supplemental 7078
instruction in a state that does not issue that license. 7079

Sec. 3327.10. (A) ~~No~~ Except as provided in division (L) of 7080
this section, no person shall be employed as driver of a school 7081
bus or motor van, owned and operated by any school district or 7082
educational service center or privately owned and operated under 7083
contract with any school district or service center in this 7084
state, who has not received a certificate from either the 7085
educational service center governing board that has entered into 7086
an agreement with the school district under section 3313.843 or 7087
3313.845 of the Revised Code or the superintendent of the school 7088
district, certifying that such person is at least eighteen years 7089
of age and is qualified physically and otherwise for such 7090

position. The service center governing board or the 7091
superintendent, as the case may be, shall provide for an annual 7092
physical examination that conforms with rules adopted by the 7093
state board of education of each driver to ascertain the 7094
driver's physical fitness for such employment. The examination 7095
shall be performed by one of the following: 7096

(1) A person licensed under Chapter 4731. or 4734. of the 7097
Revised Code or by another state to practice medicine and 7098
surgery, osteopathic medicine and surgery, or chiropractic; 7099

(2) A physician assistant; 7100

(3) A certified nurse practitioner; 7101

(4) A clinical nurse specialist; 7102

(5) A certified nurse-midwife; 7103

(6) A medical examiner who is listed on the national 7104
registry of certified medical examiners established by the 7105
federal motor carrier safety administration in accordance with 7106
49 C.F.R. part 390. 7107

Any certificate may be revoked by the authority granting 7108
the same on proof that the holder has been guilty of failing to 7109
comply with division (D) (1) of this section, or upon a 7110
conviction or a guilty plea for a violation, or any other 7111
action, that results in a loss or suspension of driving rights. 7112
Failure to comply with such division may be cause for 7113
disciplinary action or termination of employment under division 7114
(C) of section 3319.081, or section 124.34 of the Revised Code. 7115

(B) ~~No~~ Except as provided in division (L) of this section, 7116
no person shall be employed as driver of a school bus or motor 7117
van not subject to the rules of the department of education 7118

pursuant to division (A) of this section who has not received a certificate from the school administrator or contractor certifying that such person is at least eighteen years of age and is qualified physically and otherwise for such position. Each driver shall have an annual physical examination which conforms to the state highway patrol rules, ascertaining the driver's physical fitness for such employment. The examination shall be performed by one of the following:

(1) A person licensed under Chapter 4731. or 4734. of the Revised Code or by another state to practice medicine and surgery, osteopathic medicine and surgery, or chiropractic;

(2) A physician assistant;

(3) A certified nurse practitioner;

(4) A clinical nurse specialist;

(5) A certified nurse-midwife;

(6) A medical examiner who is listed on the national registry of certified medical examiners established by the federal motor carrier safety administration in accordance with 49 C.F.R. part 390.

Any written documentation of the physical examination shall be completed by the individual who performed the examination.

Any certificate may be revoked by the authority granting the same on proof that the holder has been guilty of failing to comply with division (D) (2) of this section.

(C) Any person who drives a school bus or motor van must give satisfactory and sufficient bond except a driver who is an employee of a school district and who drives a bus or motor van

owned by the school district. 7147

(D) No person employed as driver of a school bus or motor 7148
van under this section who is convicted of a traffic violation 7149
or who has had the person's commercial driver's license 7150
suspended shall drive a school bus or motor van until the person 7151
has filed a written notice of the conviction or suspension, as 7152
follows: 7153

(1) If the person is employed under division (A) of this 7154
section, the person shall file the notice with the 7155
superintendent, or a person designated by the superintendent, of 7156
the school district for which the person drives a school bus or 7157
motor van as an employee or drives a privately owned and 7158
operated school bus or motor van under contract. 7159

(2) If employed under division (B) of this section, the 7160
person shall file the notice with the employing school 7161
administrator or contractor, or a person designated by the 7162
administrator or contractor. 7163

(E) In addition to resulting in possible revocation of a 7164
certificate as authorized by divisions (A) and (B) of this 7165
section, violation of division (D) of this section is a minor 7166
misdemeanor. 7167

(F) (1) Not later than thirty days after June 30, 2007, 7168
each owner of a school bus or motor van shall obtain the 7169
complete driving record for each person who is currently 7170
employed or otherwise authorized to drive the school bus or 7171
motor van. An owner of a school bus or motor van shall not 7172
permit a person to operate the school bus or motor van for the 7173
first time before the owner has obtained the person's complete 7174
driving record. Thereafter, the owner of a school bus or motor 7175

van shall obtain the person's driving record not less frequently 7176
than semiannually if the person remains employed or otherwise 7177
authorized to drive the school bus or motor van. An owner of a 7178
school bus or motor van shall not permit a person to resume 7179
operating a school bus or motor van, after an interruption of 7180
one year or longer, before the owner has obtained the person's 7181
complete driving record. 7182

(2) The owner of a school bus or motor van shall not 7183
permit a person to operate the school bus or motor van for ten 7184
years after the date on which the person pleads guilty to or is 7185
convicted of a violation of section 4511.19 of the Revised Code 7186
or a substantially equivalent municipal ordinance. 7187

(3) An owner of a school bus or motor van shall not permit 7188
any person to operate such a vehicle unless the person meets all 7189
other requirements contained in rules adopted by the state board 7190
of education prescribing qualifications of drivers of school 7191
buses and other student transportation. 7192

(G) No superintendent of a school district, educational 7193
service center, community school, or public or private employer 7194
shall permit the operation of a vehicle used for pupil 7195
transportation within this state by an individual unless both of 7196
the following apply: 7197

(1) Information pertaining to that driver has been 7198
submitted to the department of education, pursuant to procedures 7199
adopted by that department. Information to be reported shall 7200
include the name of the employer or school district, name of the 7201
driver, driver license number, date of birth, date of hire, 7202
status of physical evaluation, and status of training. 7203

(2) The most recent criminal records check required by 7204

division (J) of this section has been completed and received by 7205
the superintendent or public or private employer. 7206

(H) A person, school district, educational service center, 7207
community school, nonpublic school, or other public or nonpublic 7208
entity that owns a school bus or motor van, or that contracts 7209
with another entity to operate a school bus or motor van, may 7210
impose more stringent restrictions on drivers than those 7211
prescribed in this section, in any other section of the Revised 7212
Code, and in rules adopted by the state board. 7213

(I) For qualified drivers who, on July 1, 2007, are 7214
employed by the owner of a school bus or motor van to drive the 7215
school bus or motor van, any instance in which the driver was 7216
convicted of or pleaded guilty to a violation of section 4511.19 7217
of the Revised Code or a substantially equivalent municipal 7218
ordinance prior to two years prior to July 1, 2007, shall not be 7219
considered a disqualifying event with respect to division (F) of 7220
this section. 7221

(J) (1) This division applies to persons hired by a school 7222
district, educational service center, community school, 7223
chartered nonpublic school, or science, technology, engineering, 7224
and mathematics school established under Chapter 3326. of the 7225
Revised Code to operate a vehicle used for pupil transportation. 7226

For each person to whom this division applies who is hired 7227
on or after November 14, 2007, the employer shall request a 7228
criminal records check in accordance with section 3319.39 of the 7229
Revised Code and every six years thereafter. For each person to 7230
whom this division applies who is hired prior to that date, the 7231
employer shall request a criminal records check by a date 7232
prescribed by the department of education and every six years 7233
thereafter. 7234

(2) This division applies to persons hired by a public or private employer not described in division (J)(1) of this section to operate a vehicle used for pupil transportation.

For each person to whom this division applies who is hired on or after November 14, 2007, the employer shall request a criminal records check prior to the person's hiring and every six years thereafter. For each person to whom this division applies who is hired prior to that date, the employer shall request a criminal records check by a date prescribed by the department and every six years thereafter.

(3) Each request for a criminal records check under division (J) of this section shall be made to the superintendent of the bureau of criminal identification and investigation in the manner prescribed in section 3319.39 of the Revised Code, except that if both of the following conditions apply to the person subject to the records check, the employer shall request the superintendent only to obtain any criminal records that the federal bureau of investigation has on the person:

(a) The employer previously requested the superintendent to determine whether the bureau of criminal identification and investigation has any information, gathered pursuant to division (A) of section 109.57 of the Revised Code, on the person in conjunction with a criminal records check requested under section 3319.39 of the Revised Code or under division (J) of this section.

(b) The person presents proof that the person has been a resident of this state for the five-year period immediately prior to the date upon which the person becomes subject to a criminal records check under this section.

Upon receipt of a request, the superintendent shall 7264
conduct the criminal records check in accordance with section 7265
109.572 of the Revised Code as if the request had been made 7266
under section 3319.39 of the Revised Code. However, as specified 7267
in division (B) (2) of section 109.572 of the Revised Code, if 7268
the employer requests the superintendent only to obtain any 7269
criminal records that the federal bureau of investigation has on 7270
the person for whom the request is made, the superintendent 7271
shall not conduct the review prescribed by division (B) (1) of 7272
that section. 7273

(K) (1) Until the effective date of the amendments to rule 7274
3301-83-23 of the Ohio Administrative Code required by the 7275
second paragraph of division (E) of section 3319.39 of the 7276
Revised Code, any person who is the subject of a criminal 7277
records check under division (J) of this section and has been 7278
convicted of or pleaded guilty to any offense described in 7279
division (B) (1) of section 3319.39 of the Revised Code shall not 7280
be hired or shall be released from employment, as applicable, 7281
unless the person meets the rehabilitation standards prescribed 7282
for nonlicensed school personnel by rule 3301-20-03 of the Ohio 7283
Administrative Code. 7284

(2) Beginning on the effective date of the amendments to 7285
rule 3301-83-23 of the Ohio Administrative Code required by the 7286
second paragraph of division (E) of section 3319.39 of the 7287
Revised Code, any person who is the subject of a criminal 7288
records check under division (J) of this section and has been 7289
convicted of or pleaded guilty to any offense that, under the 7290
rule, disqualifies a person for employment to operate a vehicle 7291
used for pupil transportation shall not be hired or shall be 7292
released from employment, as applicable, unless the person meets 7293
the rehabilitation standards prescribed by the rule. 7294

(L) The superintendent of a school district or an educational service center governing board shall issue a certificate as a driver of a school bus or motor van or a certificate to operate a vehicle used for pupil transportation in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a certificate in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a school bus or motor van driver or a pupil transportation vehicle operator in a state that does not issue one or both of those certificates.

Sec. 3703.21. (A) Within ninety days after September 16, 2004, the superintendent of industrial compliance shall appoint a backflow advisory board consisting of not more than ten members, who shall serve at the pleasure of the superintendent. The superintendent shall appoint a representative from the plumbing section of the division of industrial compliance, three representatives recommended by the plumbing administrator of the division of industrial compliance, a representative of the drinking water program of the Ohio environmental protection agency, three representatives recommended by the director of environmental protection, and not more than two members who are not employed by the plumbing or water industry.

The board shall advise the superintendent on matters pertaining to the training and certification of backflow technicians.

(B) The superintendent shall adopt rules in accordance with Chapter 119. of the Revised Code to provide for the

certification of backflow technicians. The rules shall establish 7324
all of the following requirements, specifications, and 7325
procedures: 7326

(1) Requirements and procedures for the initial 7327
certification of backflow technicians, including eligibility 7328
criteria and application requirements and fees; 7329

(2) Specifications concerning and procedures for taking 7330
examinations required for certification as a backflow 7331
technician, including eligibility criteria to take the 7332
examination and application requirements and fees for taking the 7333
examination; 7334

(3) Specifications concerning and procedures for renewing 7335
a certification as a backflow technician, including eligibility 7336
criteria, application requirements, and fees for renewal; 7337

(4) Specifications concerning and procedures for both of 7338
the following: 7339

(a) Approval of training agencies authorized to teach 7340
required courses to candidates for certification as backflow 7341
technicians or continuing education courses to certified 7342
backflow technicians; 7343

(b) Renewal of the approval described in division (B) (4) 7344
(a) of this section. 7345

(5) Education requirements that candidates for initial 7346
certification as backflow technicians must satisfy and 7347
continuing education requirements that certified backflow 7348
technicians must satisfy; 7349

(6) Grounds and procedures for denying, suspending, or 7350
revoking certification, or denying the renewal of certification, 7351

as a backflow technician; 7352

(7) Procedures for issuing administrative orders for the 7353
remedy of any violation of this section or any rule adopted 7354
pursuant to division (B) of this section, including, but not 7355
limited to, procedures for assessing a civil penalty authorized 7356
under division ~~(D)~~(E) of this section; 7357

(8) Any provision the superintendent determines is 7358
necessary to administer or enforce this section. 7359

(C) The superintendent shall certify a backflow technician 7360
in accordance with Chapter 4796. of the Revised Code if either 7361
of the following applies: 7362

(1) The individual holds a license or certification in 7363
another state. 7364

(2) The individual has satisfactory work experience, a 7365
government certification, or a private certification as 7366
described in that chapter as a backflow technician in a state 7367
that does not issue that certification. 7368

(D) No individual shall engage in the installation, 7369
testing, or repair of any isolation backflow prevention device 7370
unless that individual possesses a valid certification as a 7371
backflow technician. This division does not apply with respect 7372
to the installation, testing, or repair of any containment 7373
backflow prevention device. 7374

~~(D)~~(E) Whoever violates division ~~(C)~~(D) of this section 7375
or any rule adopted pursuant to division (B) of this section 7376
shall pay a civil penalty of not more than five thousand dollars 7377
for each day that the violation continues. The superintendent 7378
may, by order, assess a civil penalty under this division, or 7379
may request the attorney general to bring a civil action to 7380

impose the civil penalty in the court of common pleas of the 7381
county in which the violation occurred or where the violator 7382
resides. 7383

~~(E)~~ (F) Any action taken under a rule adopted pursuant to 7384
division (B) (6) of this section is subject to the appeal process 7385
of Chapter 119. of the Revised Code. An administrative order 7386
issued pursuant to rules adopted under division (B) (7) of this 7387
section and an appeal to that type of administrative order shall 7388
be executed in accordance with Chapter 119. of the Revised Code. 7389

~~(F)~~ (G) As used in this section: 7390

(1) "Isolation backflow prevention device" means a device 7391
for the prevention of the backflow of liquids, solids, or gases 7392
that is regulated by the building code adopted pursuant to 7393
section 3781.10 of the Revised Code and rules adopted pursuant 7394
to this section. 7395

(2) "Containment backflow prevention device" means a 7396
device for the prevention of the backflow of liquids, solids, or 7397
gases that is installed by the supplier of, or as a requirement 7398
of, any public water system as defined in division (A) of 7399
section 6109.01 of the Revised Code. 7400

Sec. 3704.14. (A) (1) If the director of environmental 7401
protection determines that implementation of a motor vehicle 7402
inspection and maintenance program is necessary for the state to 7403
effectively comply with the federal Clean Air Act after June 30, 7404
2019, the director may provide for the implementation of the 7405
program in those counties in this state in which such a program 7406
is federally mandated. Upon making such a determination, the 7407
director of environmental protection may request the director of 7408
administrative services to extend the terms of the contract that 7409

was entered into under the authority of Am. Sub. H.B. 64 of the 131st general assembly. Upon receiving the request, the director of administrative services shall extend the contract, beginning on July 1, 2019, in accordance with this section. The contract shall be extended for a period of up to twenty-four months with the contractor who conducted the motor vehicle inspection and maintenance program under that contract.

(2) Prior to the expiration of the contract extension that is authorized by division (A)(1) of this section, the director of environmental protection shall request the director of administrative services to enter into a contract with a vendor to operate a decentralized motor vehicle inspection and maintenance program in each county in this state in which such a program is federally mandated through June 30, 2023, with an option for the state to renew the contract for a period of up to twenty-four months through June 30, 2025. The contract shall ensure that the decentralized motor vehicle inspection and maintenance program achieves at least the same emission reductions as achieved by the program operated under the authority of the contract that was extended under division (A)(1) of this section. The director of administrative services shall select a vendor through a competitive selection process in compliance with Chapter 125. of the Revised Code.

(3) Notwithstanding any law to the contrary, the director of administrative services shall ensure that a competitive selection process regarding a contract to operate a decentralized motor vehicle inspection and maintenance program in this state incorporates the following, which shall be included in the contract:

(a) For purposes of expanding the number of testing

locations for consumer convenience, a requirement that the 7440
vendor utilize established local businesses, auto repair 7441
facilities, or leased properties to operate state-approved 7442
inspection and maintenance testing facilities; 7443

(b) A requirement that the vendor selected to operate the 7444
program provide notification of the program's requirements to 7445
each owner of a motor vehicle that is required to be inspected 7446
under the program. The contract shall require the notification 7447
to be provided not later than sixty days prior to the date by 7448
which the owner of the motor vehicle is required to have the 7449
motor vehicle inspected. The director of environmental 7450
protection and the vendor shall jointly agree on the content of 7451
the notice. However, the notice shall include at a minimum the 7452
locations of all inspection facilities within a specified 7453
distance of the address that is listed on the owner's motor 7454
vehicle registration; 7455

(c) A requirement that the vendor comply with testing 7456
methodology and supply the required equipment approved by the 7457
director of environmental protection as specified in the 7458
competitive selection process in compliance with Chapter 125. of 7459
the Revised Code. 7460

(4) A decentralized motor vehicle inspection and 7461
maintenance program operated under this section shall comply 7462
with division (B) of this section. The director of environmental 7463
protection shall administer the decentralized motor vehicle 7464
inspection and maintenance program operated under this section. 7465

(B) The decentralized motor vehicle inspection and 7466
maintenance program authorized by this section, at a minimum, 7467
shall do all of the following: 7468

- (1) Comply with the federal Clean Air Act; 7469
- (2) Provide for the issuance of inspection certificates; 7470
- (3) Provide for a new car exemption for motor vehicles 7471
four years old or newer and provide that a new motor vehicle is 7472
exempt for four years regardless of whether legal title to the 7473
motor vehicle is transferred during that period; 7474
- (4) Provide for an exemption for battery electric motor 7475
vehicles. 7476
- ~~(C)~~ (C) (1) The director of environmental protection shall 7477
adopt rules in accordance with Chapter 119. of the Revised Code 7478
that the director determines are necessary to implement this 7479
section. The director may continue to implement and enforce 7480
rules pertaining to the motor vehicle inspection and maintenance 7481
program previously implemented under former section 3704.14 of 7482
the Revised Code as that section existed prior to its repeal and 7483
reenactment by Am. Sub. H.B. 66 of the 126th general assembly, 7484
provided that the rules do not conflict with this section. 7485
- (2) The director of environmental protection shall issue 7486
an inspection certificate provided for under division (B) (2) of 7487
this section in accordance with Chapter 4796. of the Revised 7488
Code to an applicant if either of the following applies: 7489
- (a) The individual holds a certificate or license in 7490
another state. 7491
- (b) The individual has satisfactory work experience, a 7492
government certification, or a private certification as 7493
described in that chapter as a vehicle inspector in a state that 7494
does not issue that certificate. 7495
- (D) There is hereby created in the state treasury the auto 7496

emissions test fund, which shall consist of money received by 7497
the director from any cash transfers, state and local grants, 7498
and other contributions that are received for the purpose of 7499
funding the program established under this section. The director 7500
of environmental protection shall use money in the fund solely 7501
for the implementation, supervision, administration, operation, 7502
and enforcement of the motor vehicle inspection and maintenance 7503
program established under this section. Money in the fund shall 7504
not be used for either of the following: 7505

(1) To pay for the inspection costs incurred by a motor 7506
vehicle dealer so that the dealer may provide inspection 7507
certificates to an individual purchasing a motor vehicle from 7508
the dealer when that individual resides in a county that is 7509
subject to the motor vehicle inspection and maintenance program; 7510

(2) To provide payment for more than one free passing 7511
emissions inspection or a total of three emissions inspections 7512
for a motor vehicle in any three-hundred-sixty-five-day period. 7513
The owner or lessee of a motor vehicle is responsible for 7514
inspection fees that are related to emissions inspections beyond 7515
one free passing emissions inspection or three total emissions 7516
inspections in any three-hundred-sixty-five-day period. 7517
Inspection fees that are charged by a contractor conducting 7518
emissions inspections under a motor vehicle inspection and 7519
maintenance program shall be approved by the director of 7520
environmental protection. 7521

(E) The motor vehicle inspection and maintenance program 7522
established under this section expires upon the termination of 7523
all contracts entered into under this section and shall not be 7524
implemented beyond the final date on which termination occurs. 7525

(F) As used in this section "battery electric motor 7526

vehicle" has the same meaning as in section 4501.01 of the Revised Code.

Sec. 3713.05. (A) Applications to register to import, manufacture, renovate, wholesale, make, or reupholster stuffed toys or bedding in this state shall be made in writing on forms provided by the superintendent of industrial compliance. The application shall be accompanied by a registration fee of fifty dollars per person unless the applicant engages only in renovation, in which case the registration fee shall be thirty-five dollars.

~~(B)~~ Upon receipt of the application and the appropriate fee, the superintendent shall register the applicant and assign a registration number to the registrant.

(B) The superintendent shall register an applicant in accordance with Chapter 4796. of the Revised Code if either of the following applies:

(1) The applicant is licensed or registered to import, manufacture, renovate, wholesale, make, or reupholster stuffed toys or bedding in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter with or for importing, manufacturing, renovating, wholesaling, making, or reupholstering stuffed toys or bedding in a state that does not issue that registration.

(C) Notwithstanding section 3713.02 of the Revised Code and division (A) of this section, the following are exempt from registration:

(1) An organization described in section 501(c)(3) of the "Internal Revenue Code of 1986," and exempt from income tax

under section 501(a) of that code and that is operated 7556
exclusively to provide recreation or social services; 7557

(2) A person who is not regularly engaged in the business 7558
of manufacturing, making, wholesaling, or importing stuffed toys 7559
but who manufactures or makes stuffed toys as a leisure pursuit 7560
and who sells one hundred or fewer stuffed toys within one 7561
calendar year; 7562

(3) A person who is not regularly engaged in the business 7563
of manufacturing, making, wholesaling, or importing quilts, 7564
comforters, pillows, or cushions, but who manufactures or makes 7565
these items as a leisure pursuit and who sells five or fewer 7566
quilts, ten or fewer comforters, or twenty or fewer pillows or 7567
cushions within one calendar year. 7568

(D) Notwithstanding division (C) (2) or (3) of this 7569
section, a person exempt under that division must attach a label 7570
to each stuffed toy that contains all of the following 7571
information: 7572

(1) The person's name and address; 7573

(2) A statement that the person is not registered by the 7574
state of Ohio; 7575

(3) A statement that the contents of the product have not 7576
been inspected. 7577

Sec. 3717.09. (A) In accordance with rules adopted under 7578
section 3717.51 of the Revised Code, the director of health 7579
shall approve courses of study for certification in food 7580
protection as it pertains to retail food establishments and as 7581
it pertains to food service operations. ~~The Except as provided~~ 7582
in division (B) of this section, the director shall certify 7583
individuals in food protection who successfully complete a 7584

course of study approved under this section and meet all other 7585
certification requirements specified in rules adopted under 7586
section 3717.51 of the Revised Code. 7587

(B) The director shall issue a certification in food 7588
protection in accordance with Chapter 4796. of the Revised Code 7589
to an applicant if either of the following applies: 7590

(1) The applicant holds a license or certification in 7591
another state. 7592

(2) The applicant has satisfactory work experience, a 7593
government certification, or a private certification as 7594
described in that chapter working in food protection in a state 7595
that does not issue that certification. 7596

Sec. 3723.03. Pursuant to division (B) of section 3723.02 7597
of the Revised Code, an individual, business entity, or 7598
government entity that holds a valid license issued by another 7599
state authorizing practice as a radon tester, mitigation 7600
specialist, or mitigation contractor under the laws of that 7601
state may practice in this state without a license issued under 7602
this chapter for not more than ninety days in any calendar year 7603
as a radon tester, mitigation specialist, or mitigation 7604
contractor, if the director of health finds that the 7605
requirements for licensure in that state are comparable to the 7606
requirements for licensure under this chapter and the rules 7607
adopted under it and the individual, business entity, or 7608
government entity provides notice to the director of health, in 7609
accordance with rules adopted under section 3723.09 of the 7610
Revised Code, prior to commencing practice in this state. 7611
Chapter 4796. of the Revised Code does not apply to a 7612
nonresident individual authorized to practice under this 7613
section. 7614

Sec. 3723.06. (A) The director of health shall license 7615
radon testers, mitigation specialists, and mitigation 7616
contractors. Each applicant for a license shall submit a 7617
completed application to the director on a form the director 7618
shall prescribe and furnish. 7619

(B) ~~In~~ Except as provided in division (F) of this section 7620
and in accordance with rules adopted under section 3723.09 of 7621
the Revised Code, the director shall issue the appropriate 7622
license to each applicant that pays the license fee prescribed 7623
by the director, meets the licensing criteria established by the 7624
director, and complies with any other licensing and training 7625
requirements established by the director. An individual, 7626
business entity, or government entity may hold more than one 7627
license issued under this section, but a separate application is 7628
required for each license. 7629

(C) Notwithstanding division (B) of this section and 7630
except as provided in division (F) of this section, the director 7631
shall issue a radon mitigation contractor license on request to 7632
the holder of a radon mitigation specialist license if the 7633
license holder is the owner or chief stockholder of a business 7634
entity for which the license holder is the only individual who 7635
will work as a radon mitigation specialist. The licensing 7636
criteria and any other licensing and training requirements the 7637
individual was required to meet to qualify for the radon 7638
mitigation specialist license are hereby deemed to satisfy any 7639
and all criteria and requirements for a radon mitigation 7640
contractor license. A license issued under this division shall 7641
expire at the same time as the individual's radon mitigation 7642
specialist license. No license fee shall be imposed for a 7643
license issued under this division. 7644

(D) A license issued under this section expires biennially 7645
and may be renewed by the director in accordance with criteria 7646
and procedures established in rules adopted under section 7647
3723.09 of the Revised Code and on payment of the license 7648
renewal fee prescribed in those rules. 7649

(E) In accordance with Chapter 119. of the Revised Code, 7650
the director may do either of the following: 7651

(1) Refuse to issue a license to an individual, business 7652
entity, or government entity that does not meet the requirements 7653
of this chapter or the rules adopted under it or has been in 7654
violation of those requirements; 7655

(2) Suspend, revoke, or refuse to renew the license of an 7656
individual, business entity, or government entity that is or has 7657
been in violation of the requirements of this chapter or the 7658
rules adopted under it. 7659

(F) The director shall issue a radon tester, mitigation 7660
specialist, or mitigation contractor license in accordance with 7661
Chapter 4796. of the Revised Code to an applicant if either of 7662
the following applies: 7663

(1) The applicant holds a license in another state. 7664

(2) The applicant has satisfactory work experience, a 7665
government certification, or a private certification as 7666
described in that chapter as a radon tester, mitigation 7667
specialist, or mitigation contractor in a state that does not 7668
issue one or more of those licenses. 7669

Sec. 3737.83. The state fire marshal shall, as part of the 7670
state fire code, adopt rules to: 7671

(A) Establish minimum standards of performance for fire 7672

protection equipment and fire fighting equipment; 7673

(B) Establish minimum standards of training, fix minimum 7674
qualifications, and require certificates for all persons who 7675
engage in the business for profit of installing, testing, 7676
repairing, or maintaining fire protection equipment; 7677

(C) Provide for the issuance of certificates required 7678
under division (B) of this section and establish the fees to be 7679
charged for such certificates. A certificate shall be granted, 7680
renewed, or revoked according to rules the state fire marshal 7681
shall adopt, except that the state fire marshal shall grant a 7682
certificate in accordance with Chapter 4796. of the Revised Code 7683
to an applicant if either of the following applies: 7684

(1) The applicant holds a license or certificate in 7685
another state. 7686

(2) The applicant has satisfactory work experience, a 7687
government certification, or a private certification as 7688
described in that chapter as a person engaged in the business of 7689
installing, testing, repairing, or maintaining fire protection 7690
equipment in a state that does not issue that certificate. 7691

(D) Establish minimum standards of flammability for 7692
consumer goods in any case where the federal government or any 7693
department or agency thereof has established, or may from time 7694
to time establish standards of flammability for consumer goods. 7695
The standards established by the state fire marshal shall be 7696
identical to the minimum federal standards. 7697

In any case where the federal government or any department 7698
or agency thereof, establishes standards of flammability for 7699
consumer goods subsequent to the adoption of a flammability 7700
standard by the state fire marshal, standards previously adopted 7701

by the state fire marshal shall not continue in effect to the 7702
extent such standards are not identical to the minimum federal 7703
standards. 7704

With respect to the adoption of minimum standards of 7705
flammability, this division shall supersede any authority 7706
granted a political subdivision by any other section of the 7707
Revised Code. 7708

(E) Establish minimum standards pursuant to section 7709
5104.05 of the Revised Code for fire prevention and fire safety 7710
in child day-care centers and in type A family day-care homes, 7711
as defined in section 5104.01 of the Revised Code. 7712

(F) Establish minimum standards for fire prevention and 7713
safety in a residential facility licensed under section 5119.34 7714
of the Revised Code that provides accommodations, supervision, 7715
and personal care services for three to sixteen unrelated 7716
adults. The state fire marshal shall adopt the rules under this 7717
division in consultation with the director of mental health and 7718
addiction services and interested parties designated by the 7719
director of mental health and addiction services. 7720

Sec. 3737.881. (A) The state fire marshal shall certify 7721
underground storage tank systems installers who meet the 7722
standards for certification established in rules adopted under 7723
division (D) (1) of this section, pass the certification 7724
examination required by this division, and pay the certificate 7725
fee established in rules adopted under division (D) (5) of this 7726
section. Any individual who wishes to obtain certification as an 7727
installer shall apply to the state fire marshal on a form 7728
prescribed by the state fire marshal. The application shall be 7729
accompanied by the application and examination fees established 7730
in rules adopted under division (D) (5) of this section. 7731

The state fire marshal shall prescribe an examination 7732
designed to test the knowledge of applicants for certification 7733
as underground storage tank system installers in the 7734
installation, repair, abandonment, and removal of those systems. 7735
The examination shall also test the applicants' knowledge and 7736
understanding of the requirements and standards established in 7737
rules adopted under sections 3737.88 and 3737.882 of the Revised 7738
Code pertaining to the installation, repair, abandonment, and 7739
removal of those systems. 7740

Installer certifications issued under this division shall 7741
be renewed annually, upon submission of a certification renewal 7742
form prescribed by the state fire marshal, provision of proof of 7743
successful completion of continuing education requirements, and 7744
payment of the certification renewal fee established in rules 7745
adopted under division (D) (5) of this section. In addition, the 7746
fire marshal may from time to time prescribe an examination for 7747
certification renewal and may require applicants to pass the 7748
examination and pay the fee established for it in rules adopted 7749
under division (D) (5) of this section. 7750

The state fire marshal may, in accordance with Chapter 7751
119. of the Revised Code, deny, suspend, revoke, or refuse to 7752
renew an installer's certification or renewal thereof after 7753
finding that any of the following applies: 7754

(1) The applicant for certification or certificate holder 7755
fails to meet the standards for certification or renewal thereof 7756
under this section and rules adopted under it; 7757

(2) The certification was obtained through fraud or 7758
misrepresentation; 7759

(3) The certificate holder recklessly caused or permitted 7760

a person under the certificate holder's supervision to install, 7761
perform major repairs on site to, abandon, or remove an 7762
underground storage tank system in violation of the performance 7763
standards set forth in rules adopted under section 3737.88 or 7764
3737.882 of the Revised Code. 7765

As used in division (A) (3) of this section, "recklessly" 7766
has the same meaning as in section 2901.22 of the Revised Code. 7767

(B) The state fire marshal shall certify persons who 7768
sponsor training programs for underground storage tank system 7769
installers who meet the criteria for certification established 7770
in rules adopted by the state fire marshal under division (D) (4) 7771
of this section and pay the certificate fee established in rules 7772
adopted under division (D) (5) of this section. Any person who 7773
wishes to obtain certification to sponsor such a training 7774
program shall apply to the state fire marshal on a form 7775
prescribed by the state fire marshal. Training program 7776
certificates issued under this division shall expire annually. 7777
Upon submission of a certification renewal application form 7778
prescribed by the state fire marshal and payment of the 7779
application and certification renewal fees established in rules 7780
adopted under division (D) (5) of this section, the state fire 7781
marshal shall issue a training program renewal certificate to 7782
the applicant. 7783

The state fire marshal may, in accordance with Chapter 7784
119. of the Revised Code, deny an application for, suspend, or 7785
revoke a training program certificate or renewal or renewal of a 7786
training program certificate after finding that the training 7787
program does not or will not meet the standards for 7788
certification established in rules adopted under division (D) (4) 7789
of this section. 7790

(C) The state fire marshal may conduct or cause to be 7791
conducted training programs for underground storage tank systems 7792
installers as the fire marshal considers to be necessary or 7793
appropriate. The state fire marshal is not subject to division 7794
(B) of this section with respect to training programs conducted 7795
by employees of the office of the state fire marshal. 7796

(D) The state fire marshal shall adopt, and may amend and 7797
rescind, rules doing all of the following: 7798

(1) Defining the activities that constitute supervision 7799
over the installation, performance of major repairs on site to, 7800
abandonment of, and removal of underground storage tank systems; 7801

(2) Establishing standards and procedures for 7802
certification of underground storage tank systems installers; 7803

(3) Establishing standards and procedures for continuing 7804
education for certification renewal, subject to the provisions 7805
of section 5903.12 of the Revised Code relating to active duty 7806
military service; 7807

(4) Establishing standards and procedures for 7808
certification of training programs for installers; 7809

(5) Establishing fees for applications for certifications 7810
under this section, the examinations prescribed under division 7811
(A) of this section, the issuance and renewal of certificates 7812
under divisions (A) and (B) of this section, and attendance at 7813
training programs conducted by the fire marshal under division 7814
(C) of this section. Fees received under this section shall be 7815
credited to the underground storage tank administration fund 7816
created in section 3737.02 of the Revised Code and shall be used 7817
to defray the costs of implementing, administering, and 7818
enforcing this section and the rules adopted thereunder, 7819

conducting training sessions, and facilitating prevention of 7820
releases. 7821

(6) That are necessary or appropriate for the 7822
implementation, administration, and enforcement of this section. 7823

(E) Nothing in this section or the rules adopted under it 7824
prohibits an owner or operator of an underground storage tank 7825
system from installing, making major repairs on site to, 7826
abandoning, or removing an underground storage tank system under 7827
the supervision of an installer certified under division (A) of 7828
this section who is a full-time or part-time employee of the 7829
owner or operator. 7830

(F) On and after January 7, 1990, no person shall do any 7831
of the following: 7832

(1) Install, make major repairs on site to, abandon, or 7833
remove an underground storage tank system unless the activity is 7834
performed under the supervision of a qualified individual who 7835
holds a valid installer certificate issued under division (A) of 7836
this section; 7837

(2) Act in the capacity of providing supervision for the 7838
installation of, performance of major repairs on site to, 7839
abandonment of, or removal of an underground storage tank system 7840
unless the person holds a valid installer certificate issued 7841
under division (A) of this section; 7842

(3) Except as provided in division (C) of this section, 7843
sponsor a training program for underground storage tank systems 7844
installers unless the person holds a valid training program 7845
certificate issued under division (B) of this section. 7846

(G) Notwithstanding any provision of this section to the 7847
contrary, the state fire marshal shall issue an installer's 7848

certification or a training program certificate in accordance 7849
with Chapter 4796. of the Revised Code to an applicant if either 7850
of the following applies: 7851

(1) The applicant holds an installer's license or 7852
certification or a training program license or certificate in 7853
another state. 7854

(2) The applicant has satisfactory work experience, a 7855
government certification, or a private certification as 7856
described in that chapter as an installer of underground storage 7857
tank systems in a state that does not issue one or both of those 7858
certifications. 7859

Sec. 3742.05. (A) (1) The director of health shall issue 7860
lead inspector, lead abatement contractor, lead risk assessor, 7861
lead abatement project designer, lead abatement worker, and 7862
clearance technician licenses. ~~The~~ Except as provided in 7863
division (C) of this section, the director shall issue a license 7864
to an applicant who meets all of the following requirements: 7865

(a) Submits an application to the director on a form 7866
prescribed by the director; 7867

(b) Meets the licensing and training requirements 7868
established in rules adopted under section 3742.03 of the 7869
Revised Code; 7870

(c) Successfully completes the licensing examination for 7871
the applicant's area of expertise administered under section 7872
3742.08 of the Revised Code and any training required by the 7873
director under that section; 7874

(d) Pays the license fee established in rules adopted 7875
under section 3742.03 of the Revised Code; 7876

(e) Provides the applicant's social security number and 7877
any information the director may require to demonstrate the 7878
applicant's compliance with this chapter and the rules adopted 7879
under it. 7880

(2) An individual may hold more than one license issued 7881
under this section, but a separate application is required for 7882
each license. 7883

(B) A license issued under this section expires two years 7884
after the date of issuance. The director shall renew a license 7885
in accordance with the standard renewal procedure set forth in 7886
Chapter 4745. of the Revised Code, if the licensee does all of 7887
the following: 7888

(1) Continues to meet the requirements of division (A) of 7889
this section; 7890

(2) Demonstrates compliance with procedures to prevent 7891
public exposure to lead hazards and for worker protection during 7892
lead abatement projects established in rules adopted under 7893
section 3742.03 of the Revised Code; 7894

(3) Meets the record-keeping and reporting requirements 7895
for lead abatement projects or clearance examinations 7896
established in rules adopted under section 3742.03 of the 7897
Revised Code; 7898

(4) Pays the license renewal fee established in rules 7899
adopted under section 3742.03 of the Revised Code. 7900

(C) ~~An individual licensed, certified, or otherwise~~ 7901
~~approved under the law of another state to perform functions~~ 7902
~~substantially similar to those of~~ The director shall issue a 7903
lead inspector, lead abatement contractor, lead risk assessor, 7904
lead abatement project designer, lead abatement worker, or 7905

~~clearance technician may apply to the director of health for licensure in accordance with the procedures set forth in division (A) of this section. The director shall license an individual under this division on a determination that the standards for licensure, certification, or approval in that state are at least substantially equivalent to those established by this chapter and the rules adopted under it. The director may require an examination for licensure under this division~~
license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a lead inspector, lead abatement contractor, lead risk assessor, lead abatement project designer, lead abatement worker, or clearance technician in a state that does not issue one or more of those licenses.

Sec. 3743.03. (A) If a person submits an application for licensure as a manufacturer of fireworks, together with the license fee, fingerprints, and proof of the insurance coverage, as required by section 3743.02 of the Revised Code, the state fire marshal shall review the application and accompanying matter, request the criminal records check described in division (E) of this section, inspect the premises of the fireworks plant described in the application, and determine whether the applicant will be issued the license. In determining whether to issue the license, the state fire marshal shall consider the results of the criminal records check and the inspection, and the information set forth in the application, and shall decide whether the applicant and the fireworks plant described in the

application conform to sections 3743.02 to 3743.08 of the 7936
Revised Code and the rules adopted by the state fire marshal 7937
pursuant to section 3743.05 of the Revised Code, and are in full 7938
compliance with Chapters 3781. and 3791. of the Revised Code, 7939
and any applicable building or zoning regulations. 7940

(B) Subject to division (F) of this section and section 7941
3743.70 of the Revised Code, the state fire marshal shall issue 7942
a license in accordance with Chapter 119. of the Revised Code to 7943
an applicant for licensure as a manufacturer of fireworks only 7944
if the applicant and the fireworks plant described in the 7945
application conform to sections 3743.02 to 3743.08 of the 7946
Revised Code and the rules adopted by the state fire marshal 7947
pursuant to section 3743.05 of the Revised Code, only if the 7948
fireworks plant described in the application complies with the 7949
Ohio building code adopted under Chapter 3781. of the Revised 7950
Code, if that fireworks plant was constructed after May 30, 7951
1986, and only if the state fire marshal is satisfied that the 7952
application and accompanying matter are complete and in 7953
conformity with section 3743.02 of the Revised Code. The 7954
requirements of this chapter and of the rules adopted under this 7955
chapter as applicable to the structure of a building do not 7956
apply to a building in a fireworks plant if the building was 7957
inspected and approved by the department of industrial relations 7958
or by any building department certified pursuant to division (E) 7959
of section 3781.10 of the Revised Code prior to May 30, 1986. 7960

(C) Each license issued pursuant to this section shall 7961
contain a distinct number assigned to the licensed manufacturer 7962
and, if the licensed manufacturer will engage in the processing 7963
of fireworks as any part of its manufacturing of fireworks at 7964
the fireworks plants, a notation indicating that fact. The state 7965
fire marshal shall maintain a list of all licensed manufacturers 7966

of fireworks. In the list next to each manufacturer's name, the 7967
state fire marshal shall insert the period of licensure, the 7968
license number of the manufacturer, and, if applicable, a 7969
notation that the manufacturer will engage in the processing of 7970
fireworks as part of its manufacturing of fireworks. 7971

(D) The holder of a license issued pursuant to this 7972
section may request the state fire marshal to cancel that 7973
license and issue in its place a license to sell fireworks at 7974
wholesale under section 3743.16 of the Revised Code. Upon 7975
receipt of such a request, the state fire marshal shall cancel 7976
the license issued under this section and issue a license under 7977
section 3743.16 of the Revised Code if the applicant meets the 7978
requirements of that section. 7979

(E) Upon receipt of an application and the required 7980
accompanying matter under section 3743.02 of the Revised Code, 7981
the state fire marshal shall forward to the superintendent of 7982
the bureau of criminal identification and investigation a 7983
request that the bureau conduct an investigation of the 7984
applicant and, if applicable, additional individuals who hold, 7985
own, or control a five per cent or greater beneficial or equity 7986
interest in the applicant, to determine whether the applicant or 7987
the additional associated individuals have been convicted of or 7988
pled guilty to a disqualifying offense as determined under 7989
section 9.79 of the Revised Code, under the laws of this state, 7990
another state, or the United States. 7991

If the applicant for initial licensure has resided in this 7992
state for less than five continuous years immediately prior to 7993
the date the applicant submits an initial application, the 7994
superintendent also shall request that the federal bureau of 7995
investigation conduct an investigation of the applicant and, if 7996

applicable, additional individuals who hold, own, or control a 7997
five per cent or greater beneficial or equity interest in the 7998
applicant, to determine whether the applicant or the additional 7999
associated individuals have been convicted of or pled guilty to 8000
a disqualifying offense as determined under section 9.79 of the 8001
Revised Code, under the laws of this state, another state, or 8002
the United States. 8003

The superintendent shall forward the results of an 8004
investigation conducted pursuant to this division to the state 8005
fire marshal and may charge a reasonable fee for providing the 8006
results. The state fire marshal shall assess any fee charged by 8007
the superintendent for the results to the applicant. 8008

(F) A person shall not apply for licensure as a 8009
manufacturer of fireworks in the person's individual capacity. 8010
The state fire marshal shall not issue a license to act as a 8011
manufacturer of fireworks to a person in the person's individual 8012
capacity. 8013

Sec. 3743.16. (A) If a person submits an application for 8014
licensure as a wholesaler of fireworks, together with the 8015
license fee, fingerprints, and proof of the insurance coverage, 8016
as required by section 3743.15 of the Revised Code, the state 8017
fire marshal shall review the application and accompanying 8018
matter, request the criminal records check described in division 8019
(D) of this section, inspect the premises on which the fireworks 8020
would be sold, and determine whether the applicant will be 8021
issued the license. In determining whether to issue the license, 8022
the state fire marshal shall consider the results of the 8023
criminal records check and the inspection, and the information 8024
set forth in the application, and shall decide whether the 8025
applicant and the premises on which the fireworks will be sold 8026

conform to sections 3743.15 to 3743.21 of the Revised Code and 8027
the rules adopted by the state fire marshal pursuant to section 8028
3743.18 of the Revised Code, and are in full compliance with 8029
Chapters 3781. and 3791. of the Revised Code, and any applicable 8030
building or zoning regulations. 8031

(B) Subject to division (E) of this section and section 8032
3743.70 of the Revised Code, the state fire marshal shall issue 8033
a license in accordance with Chapter 119. of the Revised Code to 8034
the applicant for licensure as a wholesaler of fireworks only if 8035
the applicant and the premises on which the fireworks will be 8036
sold conform to sections 3743.15 to 3743.21 of the Revised Code 8037
and the rules adopted by the state fire marshal pursuant to 8038
section 3743.18 of the Revised Code, only if the premises on 8039
which the fireworks will be sold complies with the Ohio building 8040
code adopted under Chapter 3781. of the Revised Code, if that 8041
premises was constructed after May 30, 1986, and only if the 8042
state fire marshal is satisfied that the application and 8043
accompanying matter are complete and in conformity with section 8044
3743.15 of the Revised Code. The requirements of this chapter 8045
and of the rules adopted under this chapter as applicable to the 8046
structure of a building do not apply to a building used by a 8047
wholesaler if the building was inspected and approved by the 8048
department of industrial relations or by any building department 8049
certified pursuant to division (E) of section 3781.10 of the 8050
Revised Code prior to May 30, 1986. 8051

(C) Each license issued pursuant to this section shall 8052
contain a distinct number assigned to the particular wholesaler. 8053
The state fire marshal shall maintain a list of all licensed 8054
wholesalers of fireworks. In this list next to each wholesaler's 8055
name, the state fire marshal shall insert the period of 8056
licensure and the license number of the particular wholesaler. 8057

(D) Upon receipt of an application and the required 8058
accompanying matter under section 3743.15 of the Revised Code, 8059
the state fire marshal shall forward to the superintendent of 8060
the bureau of criminal identification and investigation a 8061
request that the bureau conduct an investigation of the 8062
applicant and, if applicable, additional individuals who hold, 8063
own, or control a five per cent or greater beneficial or equity 8064
interest in the applicant, to determine whether the applicant or 8065
the additional associated individuals have been convicted of or 8066
pled guilty to a disqualifying offense in accordance with 8067
section 9.79 of the Revised Code, under the laws of this state, 8068
another state, or the United States. 8069

If the applicant for initial licensure has resided in this 8070
state for less than five continuous years immediately prior to 8071
the date the applicant submits an initial application, the 8072
superintendent also shall request that the federal bureau of 8073
investigation conduct an investigation of the applicant and, if 8074
applicable, additional individuals who hold, own, or control a 8075
five per cent or greater beneficial or equity interest in the 8076
applicant, to determine whether the applicant or the additional 8077
associated individuals have been convicted of or pled guilty to 8078
a disqualifying offense in accordance with section 9.79 of the 8079
Revised Code, under the laws of this state, another state, or 8080
the United States. 8081

The superintendent shall forward the results of an 8082
investigation conducted pursuant to this division to the state 8083
fire marshal and may charge a reasonable fee for providing the 8084
results. The state fire marshal shall assess any fee charged by 8085
the superintendent for the results to the applicant. 8086

(E) A person shall not apply for licensure as a wholesaler 8087

of fireworks in the person's individual capacity. The state fire 8088
marshal shall not issue a license to act as a wholesaler of 8089
fireworks to a person in the person's individual capacity. 8090

Sec. 3743.40. (A) Any person who resides in another state 8091
and who intends to ship fireworks into this state shall submit 8092
to the state fire marshal an application for a shipping permit. 8093
As used in this section, "fireworks" includes only 1.3G and 1.4G 8094
fireworks. The application shall be submitted prior to shipping 8095
fireworks into this state, shall be on a form prescribed by the 8096
state fire marshal, shall contain the information required by 8097
division (B) of this section and all information requested by 8098
the state fire marshal, and shall be accompanied by the fee and 8099
the documentation described in division (C) of this section. 8100

The state fire marshal shall prescribe a form for 8101
applications for shipping permits and make a copy of the form 8102
available, upon request, to persons who seek such a permit. 8103

(B) In an application for a shipping permit, the applicant 8104
shall specify the types of fireworks to be shipped into this 8105
state. 8106

(C) An application for a shipping permit shall be 8107
accompanied by a fee of two thousand seven hundred fifty 8108
dollars. 8109

An application for a shipping permit shall be accompanied 8110
by a certified copy or other copy acceptable to the state fire 8111
marshal of the applicant's license or permit issued in the 8112
applicant's state of residence and authorizing the applicant to 8113
engage in the manufacture, wholesale sale, or transportation of 8114
fireworks in that state, if that state issues such a license or 8115
permit, and by a statement by the applicant that the applicant 8116

understands and will abide by rules adopted by the state fire 8117
marshal pursuant to section 3743.58 of the Revised Code for 8118
transporting fireworks. 8119

(D) Except as otherwise provided in this division, and 8120
subject to section 3743.70 of the Revised Code, the state fire 8121
marshal shall issue a shipping permit to an applicant only if 8122
the state fire marshal determines that the applicant is a 8123
resident of another state and is the holder of a license or 8124
permit issued by that state authorizing it to engage in the 8125
manufacture, wholesale sale, or transportation of fireworks in 8126
that state, and the state fire marshal is satisfied that the 8127
application and documentation are complete and in conformity 8128
with this section and that the applicant will transport 8129
fireworks into this state in accordance with rules adopted by 8130
the state fire marshal pursuant to section 3743.58 of the 8131
Revised Code. The state fire marshal shall issue a shipping 8132
permit to an applicant if the applicant meets all of the 8133
requirements of this section for the issuance of a shipping 8134
permit except that the applicant does not hold a license or 8135
permit issued by the state of residence authorizing the 8136
applicant to engage in the manufacture, wholesale sale, or 8137
transportation of fireworks in that state because that state 8138
does not issue such a license or permit. 8139

(E) Each permit issued pursuant to this section shall 8140
contain a distinct number assigned to the particular permit 8141
holder, and contain the information described in division (B) of 8142
this section. 8143

The state fire marshal shall maintain a list of all 8144
persons issued shipping permits. In this list next to each 8145
person's name, the state fire marshal shall insert the date upon 8146

which the permit was issued and the information described in 8147
division (B) of this section. 8148

(F) A shipping permit is valid for one year from the date 8149
of issuance by the state fire marshal and only if the permit 8150
holder ships the fireworks directly into this state to the 8151
holder of a license issued under section 3743.03 or 3743.16 of 8152
the Revised Code or a license holder under section 3743.51 of 8153
the Revised Code who possesses a valid exhibition permit issued 8154
in accordance with section 3743.54 of the Revised Code and the 8155
fireworks shipped are to be used at the specifically permitted 8156
exhibition. The permit authorizes the permit holder to ship 8157
fireworks, as described in rules adopted by the state fire 8158
marshal under Chapter 119. of the Revised Code, directly to the 8159
holder of a license issued under section 3743.03 or 3743.16 of 8160
the Revised Code, and to possess the fireworks in this state 8161
while the permit holder is in the course of shipping them 8162
directly into this state. 8163

The holder of a shipping permit shall have the permit in 8164
the holder's possession in this state at all times while in the 8165
course of shipping the fireworks directly into this state. A 8166
shipping permit is not transferable or assignable. 8167

(G) The state fire marshal shall not require a person 8168
holding a shipping permit issued under this section to obtain a 8169
shipping permit pursuant to Chapter 4796. of the Revised Code. 8170

Sec. 3743.51. (A) If a person submits an application for 8171
licensure as an exhibitor of fireworks, together with the fee, 8172
as required by section 3743.50 of the Revised Code, the state 8173
fire marshal shall review the application and determine whether 8174
the applicant satisfies sections 3743.50 to 3743.55 of the 8175
Revised Code and the rules adopted by the state fire marshal 8176

pursuant to division (A) of section 3743.53 of the Revised Code. 8177

(B) ~~Subject~~ Except as provided in division (D) of this 8178
section and subject to section 3743.70 of the Revised Code, the 8179
state fire marshal shall issue a license in accordance with 8180
Chapter 119. of the Revised Code to the applicant for licensure 8181
as an exhibitor of fireworks only if the applicant satisfies 8182
sections 3743.50 to 3743.55 of the Revised Code and the rules 8183
adopted by the state fire marshal pursuant to division (A) of 8184
section 3743.53 of the Revised Code, and only if the state fire 8185
marshal is satisfied that the application is complete and in 8186
conformity with section 3743.50 of the Revised Code. 8187

(C) Each license issued pursuant to this section shall 8188
contain a distinct number assigned to the particular exhibitor. 8189
The state fire marshal shall maintain a list of all licensed 8190
exhibitors of fireworks. In this list next to each exhibitor's 8191
name, the state fire marshal shall insert the period of 8192
licensure and the license number of the particular exhibitor. 8193

(D) The state fire marshal shall issue a license to act as 8194
an exhibitor of fireworks in accordance with Chapter 4796. of 8195
the Revised Code to an applicant if either of the following 8196
applies: 8197

(1) The applicant is licensed in another state. 8198

(2) The applicant has satisfactory work experience, a 8199
government certification, or a private certification as 8200
described in that chapter as an exhibitor of fireworks in a 8201
state that does not issue that license. 8202

Sec. 3746.041. The director of environmental protection 8203
shall issue an environmental professional certification provided 8204
for under division (B) (5) of section 3746.04 of the Revised Code 8205

in accordance with Chapter 4796. of the Revised Code if an 8206
applicant either holds a certification or license in another 8207
state, or the applicant has satisfactory work experience, a 8208
government certification, or a private certification as 8209
described in that chapter as an environmental professional in a 8210
state that does not issue that certification. 8211

Sec. 3748.07. (A) ~~Every~~ Except as provided in division (G) 8212
of this section, every facility that proposes to handle 8213
radioactive material or radiation-generating equipment for which 8214
licensure or registration, respectively, by its handler is 8215
required shall apply in writing to the director of health on 8216
forms prescribed and provided by the director for licensure or 8217
registration. Terms and conditions of licenses and certificates 8218
of registration may be amended in accordance with rules adopted 8219
under section 3748.04 of the Revised Code or orders issued by 8220
the director pursuant to section 3748.05 of the Revised Code. 8221

(B) (1) ~~An~~ Except as provided in division (G) of this 8222
section, an applicant proposing to handle radioactive material 8223
shall pay for a license or renewal of a license the appropriate 8224
fee specified in rules adopted under section 3748.04 of the 8225
Revised Code and listed on an invoice provided by the director. 8226
The applicant shall pay the fee on receipt of the invoice. 8227

(2) (a) Except as provided in division (B) (2) (b) of this 8228
section, until fees are established in rules adopted under 8229
division (A) (8) (b) of section 3748.04 of the Revised Code, an 8230
applicant proposing to handle radiation-generating equipment 8231
shall pay for a certificate of registration or renewal of a 8232
certificate a biennial registration fee of two hundred sixty-two 8233
dollars. 8234

Except as provided in division (B) (2) (b) of this section, 8235

on and after the effective date of the rules in which fees are 8236
established under division (A) (8) (b) of section 3748.04 of the 8237
Revised Code, an applicant proposing to handle radiation- 8238
generating equipment shall pay for a certificate of registration 8239
or renewal of a certificate the appropriate fee established in 8240
those rules. 8241

The applicant shall pay the fees described in division (B) 8242
(2) (a) of this section at the time of applying for a certificate 8243
of registration or renewal of a certificate. 8244

(b) An applicant that is, or is operated by, a medical 8245
practitioner or medical-practitioner group and proposes to 8246
handle radiation-generating equipment shall pay for a 8247
certificate of registration or renewal of a certificate a 8248
biennial registration fee of two hundred sixty-two dollars. The 8249
applicant shall pay the fee at the time of applying for a 8250
certificate of registration or renewal of the certificate. 8251

(C) All fees collected under this section shall be 8252
deposited in the state treasury to the credit of the general 8253
operations fund created in section 3701.83 of the Revised Code. 8254
The fees shall be used solely to administer and enforce this 8255
chapter and rules adopted under it. 8256

(D) Any fee required under this section that remains 8257
unpaid on the ninety-first day after the original invoice date 8258
shall be assessed an additional amount equal to ten per cent of 8259
the original fee. 8260

(E) The director shall grant a license or registration to 8261
any applicant who has paid the required fee and is in compliance 8262
with this chapter and rules adopted under it. 8263

(F) Except as provided in division (B) (2) of this section, 8264

licenses and certificates of registration shall be effective for 8265
the applicable period established in rules adopted under section 8266
3748.04 of the Revised Code. Licenses and certificates of 8267
registration shall be renewed in accordance with the renewal 8268
procedure established in rules adopted under section 3748.04 of 8269
the Revised Code. 8270

(G) The director shall issue a license to handle 8271
radioactive material or a certificate of registration to handle 8272
radiation-generating equipment in accordance with Chapter 4796. 8273
of the Revised Code to an applicant if either of the following 8274
applies: 8275

(1) The applicant holds a license or certificate in 8276
another state. 8277

(2) The applicant has satisfactory work experience, a 8278
government certification, or a private certification as 8279
described in that chapter in handling radioactive material or 8280
radiation-generating equipment in a state that does not issue 8281
that license or certification or both. 8282

Sec. 3748.12. ~~The~~ (A) Except as provided in division (C) 8283
of this section, the director of health shall certify radiation 8284
experts pursuant to rules adopted under division (C) of section 8285
3748.04 of the Revised Code. The director shall issue a 8286
certificate to each person certified under this section. An 8287
individual certified by the director is qualified to develop, 8288
provide periodic review of, and conduct audits of the quality 8289
assurance program for sources of radiation for which such a 8290
program is required under division (A) of section 3748.13 of the 8291
Revised Code. 8292

(B) The director shall establish an application fee for 8293

applying for certification and a biennial certification renewal 8294
fee in rules adopted under division (C) of section 3748.04 of 8295
the Revised Code. A certificate issued under this section shall 8296
expire two years after the date of its issuance. To maintain 8297
certification, a radiation expert shall apply to the director 8298
for renewal of certification in accordance with the standard 8299
renewal procedures established in Chapter 4745. of the Revised 8300
Code. The certification renewal fee is not required for initial 8301
certification, but shall be paid for every renewal of 8302
certification. Fees collected under this section shall be 8303
deposited into the state treasury to the credit of the general 8304
operations fund created in section 3701.83 of the Revised Code. 8305
The fees shall be used solely to administer and enforce this 8306
chapter and rules adopted under it. Any fee required under this 8307
section that remains unpaid on the ninety-first day after the 8308
original invoice date shall be assessed an additional amount 8309
equal to ten per cent of the original fee. 8310

(C) The director shall issue a certificate in accordance 8311
with Chapter 4796. of the Revised Code to an applicant if either 8312
of the following applies: 8313

(1) The applicant holds a license or certificate in 8314
another state. 8315

(2) The applicant has satisfactory work experience, a 8316
government certification, or a private certification as 8317
described in that chapter as a radiation expert in a state that 8318
does not issue that certificate. 8319

Sec. 3769.03. The state racing commission shall prescribe 8320
the rules and conditions under which horse racing may be 8321
conducted and may issue, deny, suspend, diminish, or revoke 8322
permits to conduct horse racing as authorized by sections 8323

3769.01 to 3769.14 of the Revised Code. The commission may 8324
impose, in addition to any other penalty imposed by the 8325
commission, fines in an amount not to exceed ten thousand 8326
dollars on any permit holder or any other person who violates 8327
the rules or orders of the commission. The commission may 8328
prescribe the forms of wagering that are permissible, the number 8329
of races, the procedures on wagering, and the wagering 8330
information to be provided to the public. 8331

The commission may require totalizator equipment to 8332
display the amount of wagering in each wagering pool. The 8333
commission shall initiate safeguards as necessary to account for 8334
the amount of money wagered at each track in each wagering pool. 8335
It may require permit holders to install equipment that will 8336
provide a complete check and analysis of the functioning of any 8337
computers and require safeguards on their performance. The 8338
commission shall require all permit holders, except those 8339
holding state fair, county fair, or other fair permits, to 8340
provide a photographic recording, approved by the commission, of 8341
the entire running of all races conducted by the permit holder. 8342

The state racing commission may issue, deny, suspend, or 8343
revoke licenses to those persons engaged in racing and to those 8344
employees of permit holders as is in the public interest for the 8345
purpose of maintaining a proper control over horse-racing 8346
meetings. The commission, as is in the public interest for the 8347
purpose of maintaining proper control over horse-racing 8348
meetings, also may rule any person off a permit holder's 8349
premises. License fees shall include registration fees and shall 8350
be set by the commission. Each license issued by the commission, 8351
unless revoked for cause, shall be for the period of one year 8352
from the first day of January of the year in which it is issued, 8353
except as otherwise provided in section 3769.07 of the Revised 8354

Code. Applicants for licenses issued by the commission shall 8355
submit their fingerprints to the commission, and the commission 8356
may forward the fingerprints to the federal bureau of 8357
investigation or to any other agency, or to both, for 8358
examination. The commission shall issue a license to a person 8359
engaged in racing or an employee of a permit holder in 8360
accordance with Chapter 4796. of the Revised Code if that person 8361
or employee holds a license in another state, or that person or 8362
employee has satisfactory work experience, a government 8363
certification, or a private certification as described in that 8364
chapter in horse racing in a state that does not issue that 8365
license. 8366

There is hereby created in the state treasury the state 8367
racing commission operating fund. All license fees established 8368
and collected by the commission pursuant to this section, and 8369
the amounts specified in divisions (B) and (C) of section 8370
3769.08 and division (A) (5) of section 3769.087 of the Revised 8371
Code, shall be paid into the state treasury to the credit of the 8372
fund. Moneys in the fund shall be expended by the commission to 8373
defray its operating costs, salaries and expenses, and the cost 8374
of administering and enforcing this chapter. 8375

The commission may deny a permit to any permit holder that 8376
has defaulted in payments to the public, employees, or the 8377
horsemen and may deny a permit to any successor purchaser of a 8378
track for as long as any of those defaults have not been 8379
satisfied by either the seller or purchaser. 8380

The commission shall deny a permit to any permit holder 8381
that has defaulted in payments to the state or has defaulted in 8382
payments required under section 3769.089 or 3769.0810 of the 8383
Revised Code and shall deny a permit to any successor purchaser 8384

of a track for as long as those defaults have not been satisfied 8385
by either the seller or purchaser. 8386

Any violation of this chapter, of any rule of racing 8387
adopted by the commission, or of any law or rule with respect to 8388
racing in any jurisdiction shall be sufficient reason for a 8389
refusal to issue a license, or a suspension or revocation of any 8390
license issued, pursuant to this section. 8391

With respect to the issuance, denial, suspension, or 8392
revocation of a license to a participant in horse racing, the 8393
action of the commission shall be subject to Chapter 119. of the 8394
Revised Code. 8395

The commission may sue and be sued in its own name. Any 8396
action against the commission shall be brought in the court of 8397
common pleas of Franklin county. Any appeal from a determination 8398
or decision of the commission rendered in the exercise of its 8399
powers and duties under this chapter shall be brought in the 8400
court of common pleas of Franklin county. 8401

The commission, biennially, shall make a full report to 8402
the governor of its proceedings for the two-year period ending 8403
with the thirty-first day of December preceding the convening of 8404
the general assembly and shall include its recommendations in 8405
the report. The commission, semiannually, on the thirtieth day 8406
of June and on the thirty-first day of December of each year, 8407
shall make a report and accounting to the governor. 8408

Sec. 3772.13. (A) No person may be employed as a key 8409
employee of a casino operator, management company, or holding 8410
company unless the person is the holder of a valid key employee 8411
license issued by the commission. 8412

(B) No person may be employed as a key employee of a 8413

gaming-related vendor unless that person is either the holder of 8414
a valid key employee license issued by the commission, or the 8415
person, at least five business days prior to the first day of 8416
employment as a key employee, has filed a notification of 8417
employment with the commission and subsequently files a 8418
completed application for a key employee license within the 8419
first thirty days of employment as a key employee. 8420

(C) Each applicant shall, before the issuance of any key 8421
employee license, produce information, documentation, and 8422
assurances as are required by this chapter and rules adopted 8423
thereunder. In addition, each applicant shall, in writing, 8424
authorize the examination of all bank accounts and records as 8425
may be deemed necessary by the commission. 8426

(D) To be eligible for a key employee license, the 8427
applicant shall be at least twenty-one years of age and shall 8428
meet the criteria set forth by rule by the commission. 8429

(E) Each application for a key employee license shall be 8430
on a form prescribed by the commission and shall contain all 8431
information required by the commission. The applicant shall set 8432
forth in the application if the applicant has been issued prior 8433
gambling-related licenses; if the applicant has been licensed in 8434
any other state under any other name, and, if so, the name under 8435
which the license was issued and the applicant's age at the time 8436
the license was issued; any criminal conviction the applicant 8437
has had; and if a permit or license issued to the applicant in 8438
any other state has been suspended, restricted, or revoked, and, 8439
if so, the cause and the duration of each action. The applicant 8440
also shall complete a cover sheet for the application on which 8441
the applicant shall disclose the applicant's name, the business 8442
address of the casino operator, management company, holding 8443

company, or gaming-related vendor employing the applicant, the 8444
business address and telephone number of such employer, and the 8445
county, state, and country in which the applicant's residence is 8446
located. 8447

(F) Each applicant shall submit with each application, on 8448
a form provided by the commission, two sets of fingerprints and 8449
a photograph. The commission shall charge each applicant an 8450
application fee set by the commission to cover all actual costs 8451
generated by each licensee and all background checks under this 8452
section and section 3772.07 of the Revised Code. 8453

(G) (1) The casino operator, management company, or holding 8454
company by whom a person is employed as a key employee shall 8455
terminate the person's employment in any capacity requiring a 8456
license under this chapter and shall not in any manner permit 8457
the person to exercise a significant influence over the 8458
operation of a casino facility if: 8459

(a) The person does not apply for and receive a key 8460
employee license within three months of being issued a 8461
provisional license, as established under commission rule. 8462

(b) The person's application for a key employee license is 8463
denied by the commission. 8464

(c) The person's key employee license is revoked by the 8465
commission. 8466

The commission shall notify the casino operator, 8467
management company, or holding company who employs such a person 8468
by certified mail of any such finding, denial, or revocation. 8469

(2) A casino operator, management company, or holding 8470
company shall not pay to a person whose employment is terminated 8471
under division (G) (1) of this section, any remuneration for any 8472

services performed in any capacity in which the person is 8473
required to be licensed, except for amounts due for services 8474
rendered before notice was received under that division. A 8475
contract or other agreement for personal services or for the 8476
conduct of any casino gaming at a casino facility between a 8477
casino operator, management company, or holding company and a 8478
person whose employment is terminated under division (G)(1) of 8479
this section may be terminated by the casino operator, 8480
management company, or holding company without further liability 8481
on the part of the casino operator, management company, or 8482
holding company. Any such contract or other agreement is deemed 8483
to include a term authorizing its termination without further 8484
liability on the part of the casino operator, management 8485
company, or holding company upon receiving notice under division 8486
(G)(1) of this section. That a contract or other agreement does 8487
not expressly include such a term is not a defense in any action 8488
brought to terminate the contract or other agreement, and is not 8489
grounds for relief in any action brought questioning termination 8490
of the contract or other agreement. 8491

(3) A casino operator, management company, or holding 8492
company, without having obtained the prior approval of the 8493
commission, shall not enter into any contract or other agreement 8494
with a person who has been found unsuitable, who has been denied 8495
a license, or whose license has been revoked under division (G) 8496
(1) of this section, or with any business enterprise under the 8497
control of such a person, after the date on which the casino 8498
operator, management company, or holding company receives notice 8499
under that division. 8500

(H) Notwithstanding the requirements for a license under 8501
this section, the commission shall issue a key employee license 8502
in accordance with Chapter 4796. of the Revised Code to an 8503

applicant if either of the following applies: 8504

(1) The applicant holds a license in another state. 8505

(2) The applicant has satisfactory work experience, a 8506
government certification, or a private certification as 8507
described in that chapter as a key employee of a casino 8508
operator, management company, or holding company in a state that 8509
does not issue that license. 8510

Sec. 3772.131. (A) All casino gaming employees are 8511
required to have a casino gaming employee license. "Casino 8512
gaming employee" means the following and their supervisors: 8513

(1) Individuals involved in operating a casino gaming pit, 8514
including dealers, shills, clerks, hosts, and junket 8515
representatives; 8516

(2) Individuals involved in handling money, including 8517
cashiers, change persons, count teams, and coin wrappers; 8518

(3) Individuals involved in operating casino games; 8519

(4) Individuals involved in operating and maintaining slot 8520
machines, including mechanics, floor persons, and change and 8521
payoff persons; 8522

(5) Individuals involved in security, including guards and 8523
game observers; 8524

(6) Individuals with duties similar to those described in 8525
divisions (A) (1) to (5) of this section or other persons as the 8526
commission determines. "Casino gaming employee" does not include 8527
an individual whose duties are related solely to nongaming 8528
activities such as entertainment, hotel operation, maintenance, 8529
or preparing or serving food and beverages. 8530

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

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

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

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

(F) Notwithstanding the requirements for a license under this section, the commission shall issue a casino gaming employee license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license in another state.

(2) The applicant has satisfactory work experience, a 8560
government certification, or a private certification as 8561
described in that chapter as a casino gaming employee in a state 8562
that does not issue that license. 8563

Sec. 3773.36. (A) Upon the proper filing of an application 8564
to conduct any public or private competition that involves 8565
boxing, mixed martial arts, kick boxing, tough man contests, 8566
tough guy contests, or any other form of boxing or martial arts, 8567
accompanied by the surety bond and the application fee, or upon 8568
the proper filing of an application to conduct any public or 8569
private competition that involves wrestling accompanied by the 8570
application fee, the Ohio athletic commission shall issue a 8571
promoter's license to the applicant if it finds that the 8572
applicant is not in default on any payment, obligation, or debt 8573
payable to the state under sections 3773.31 to 3773.57 of the 8574
Revised Code, is financially responsible, and is knowledgeable 8575
in the proper conduct of such matches or exhibitions. 8576

(B) Notwithstanding the requirements for a license under 8577
division (A) of this section, the commission shall issue a 8578
promoter's license in accordance with Chapter 4796. of the 8579
Revised Code to an applicant if either of the following applies: 8580

(1) The applicant holds a license in another state. 8581

(2) The applicant has satisfactory work experience, a 8582
government certification, or a private certification as 8583
described in that chapter as a promoter in a state that does not 8584
issue that license. 8585

(C) Each license issued pursuant to this section shall 8586
bear the name of the licensee, the post office address of the 8587
licensee, the date of expiration, an identification number 8588

designated by the commission, and the seal of the commission. 8589

(D) A promoter's license shall expire twelve months after 8590
its date of issuance and shall become invalid on that date 8591
unless renewed. A promoter's license may be renewed upon 8592
application to the commission and upon payment of the renewal 8593
fee prescribed in section 3773.43 of the Revised Code. The 8594
commission shall renew the license unless it denies the 8595
application for renewal for one or more reasons stated in 8596
section 3123.47 or 3773.53 of the Revised Code. 8597

Sec. 3773.421. ~~A member of the~~ The Ohio athletic 8598
commission ~~may grant~~ shall issue a referee's, judge's, 8599
matchmaker's, timekeeper's, manager's, trainer's, contestant's, 8600
or second's license ~~at any time prior to the beginning of a~~ 8601
~~public boxing match or exhibition in accordance with Chapter~~ 8602
4796. of the Revised Code to an applicant ~~from~~ if either of the 8603
following applies: 8604

(A) ~~The applicant holds a license in another state who~~ 8605
~~wishes to participate as specified in section 3773.41 of the~~ 8606
~~Revised Code and who furnishes satisfactory proof to the member~~ 8607
~~that the applicant holds a license that is not under suspension,~~ 8608
~~revocation, or other disciplinary action, if the license was~~ 8609
~~issued by an agency that is similar to the commission, is a~~ 8610
~~member of the association of boxing commissions, and has~~ 8611
~~licensing requirements that are at least as stringent as those~~ 8612
~~established by the commission.~~ 8613

(B) The applicant has satisfactory work experience, a 8614
government certification, or a private certification as 8615
described in that chapter as a referee, judge, matchmaker, 8616
timekeeper, manager, trainer, contestant, or second in a state 8617
that does not issue that license. 8618

Sec. 3781.10. (A) (1) The board of building standards shall 8619
formulate and adopt rules governing the erection, construction, 8620
repair, alteration, and maintenance of all buildings or classes 8621
of buildings specified in section 3781.06 of the Revised Code, 8622
including land area incidental to those buildings, the 8623
construction of industrialized units, the installation of 8624
equipment, and the standards or requirements for materials used 8625
in connection with those buildings. The board shall incorporate 8626
those rules into separate residential and nonresidential 8627
building codes. The standards shall relate to the conservation 8628
of energy and the safety and sanitation of those buildings. 8629

(2) The rules governing nonresidential buildings are the 8630
lawful minimum requirements specified for those buildings and 8631
industrialized units, except that no rule other than as provided 8632
in division (C) of section 3781.108 of the Revised Code that 8633
specifies a higher requirement than is imposed by any section of 8634
the Revised Code is enforceable. The rules governing residential 8635
buildings are uniform requirements for residential buildings in 8636
any area with a building department certified to enforce the 8637
state residential building code. In no case shall any local code 8638
or regulation differ from the state residential building code 8639
unless that code or regulation addresses subject matter not 8640
addressed by the state residential building code or is adopted 8641
pursuant to section 3781.01 of the Revised Code. 8642

(3) The rules adopted pursuant to this section are 8643
complete, lawful alternatives to any requirements specified for 8644
buildings or industrialized units in any section of the Revised 8645
Code. Except as otherwise provided in division (I) of this 8646
section, the board shall, on its own motion or on application 8647
made under sections 3781.12 and 3781.13 of the Revised Code, 8648
formulate, propose, adopt, modify, amend, or repeal the rules to 8649

the extent necessary or desirable to effectuate the purposes of 8650
sections 3781.06 to 3781.18 of the Revised Code. 8651

(B) The board shall report to the general assembly 8652
proposals for amendments to existing statutes relating to the 8653
purposes declared in section 3781.06 of the Revised Code that 8654
public health and safety and the development of the arts require 8655
and shall recommend any additional legislation to assist in 8656
carrying out fully, in statutory form, the purposes declared in 8657
that section. The board shall prepare and submit to the general 8658
assembly a summary report of the number, nature, and disposition 8659
of the petitions filed under sections 3781.13 and 3781.14 of the 8660
Revised Code. 8661

(C) On its own motion or on application made under 8662
sections 3781.12 and 3781.13 of the Revised Code, and after 8663
thorough testing and evaluation, the board shall determine by 8664
rule that any particular fixture, device, material, process of 8665
manufacture, manufactured unit or component, method of 8666
manufacture, system, or method of construction complies with 8667
performance standards adopted pursuant to section 3781.11 of the 8668
Revised Code. The board shall make its determination with regard 8669
to adaptability for safe and sanitary erection, use, or 8670
construction, to that described in any section of the Revised 8671
Code, wherever the use of a fixture, device, material, method of 8672
manufacture, system, or method of construction described in that 8673
section of the Revised Code is permitted by law. The board shall 8674
amend or annul any rule or issue an authorization for the use of 8675
a new material or manufactured unit on any like application. No 8676
department, officer, board, or commission of the state other 8677
than the board of building standards or the board of building 8678
appeals shall permit the use of any fixture, device, material, 8679
method of manufacture, newly designed product, system, or method 8680

of construction at variance with what is described in any rule 8681
the board of building standards adopts or issues or that is 8682
authorized by any section of the Revised Code. Nothing in this 8683
section shall be construed as requiring approval, by rule, of 8684
plans for an industrialized unit that conforms with the rules 8685
the board of building standards adopts pursuant to section 8686
3781.11 of the Revised Code. 8687

(D) The board shall recommend rules, codes, and standards 8688
to help carry out the purposes of section 3781.06 of the Revised 8689
Code and to help secure uniformity of state administrative 8690
rulings and local legislation and administrative action to the 8691
bureau of workers' compensation, the director of commerce, any 8692
other department, officer, board, or commission of the state, 8693
and to legislative authorities and building departments of 8694
counties, townships, and municipal corporations, and shall 8695
recommend that they audit those recommended rules, codes, and 8696
standards by any appropriate action that they are allowed 8697
pursuant to law or the constitution. 8698

(E) (1) The board shall certify municipal, township, and 8699
county building departments, the personnel of those building 8700
departments, persons described in division (E) (7) of this 8701
section, and employees of individuals, firms, the state, or 8702
corporations described in division (E) (7) of this section to 8703
exercise enforcement authority, to accept and approve plans and 8704
specifications, and to make inspections, pursuant to sections 8705
3781.03, 3791.04, and 4104.43 of the Revised Code. 8706

(2) The board shall certify departments, personnel, and 8707
persons to enforce the state residential building code, to 8708
enforce the nonresidential building code, or to enforce both the 8709
residential and the nonresidential building codes. Any 8710

department, personnel, or person may enforce only the type of 8711
building code for which certified. 8712

(3) The board shall not require a building department, its 8713
personnel, or any persons that it employs to be certified for 8714
residential building code enforcement if that building 8715
department does not enforce the state residential building code. 8716
The board shall specify, in rules adopted pursuant to Chapter 8717
119. of the Revised Code, the requirements for certification for 8718
residential and nonresidential building code enforcement, which 8719
shall be consistent with this division. The requirements for 8720
residential and nonresidential certification may differ. Except 8721
as otherwise provided in this division, the requirements shall 8722
include, but are not limited to, the satisfactory completion of 8723
an initial examination and, to remain certified, the completion 8724
of a specified number of hours of continuing building code 8725
education within each three-year period following the date of 8726
certification which shall be not less than thirty hours. The 8727
rules shall provide that continuing education credits and 8728
certification issued by the council of American building 8729
officials, national model code organizations, and agencies or 8730
entities the board recognizes are acceptable for purposes of 8731
this division. The rules shall specify requirements that are 8732
consistent with the provisions of section 5903.12 of the Revised 8733
Code relating to active duty military service and are 8734
compatible, to the extent possible, with requirements the 8735
council of American building officials and national model code 8736
organizations establish. 8737

(4) The board shall establish and collect a certification 8738
and renewal fee for building department personnel, and persons 8739
and employees of persons, firms, or corporations as described in 8740
this section, who are certified pursuant to this division. 8741

(5) Any individual certified pursuant to this division 8742
shall complete the number of hours of continuing building code 8743
education that the board requires or, for failure to do so, 8744
forfeit certification. 8745

(6) This division does not require or authorize the board 8746
to certify personnel of municipal, township, and county building 8747
departments, and persons and employees of persons, firms, or 8748
corporations as described in this section, whose 8749
responsibilities do not include the exercise of enforcement 8750
authority, the approval of plans and specifications, or making 8751
inspections under the state residential and nonresidential 8752
building codes. 8753

(7) Enforcement authority for approval of plans and 8754
specifications and enforcement authority for inspections may be 8755
exercised, and plans and specifications may be approved and 8756
inspections may be made on behalf of a municipal corporation, 8757
township, or county, by any of the following who the board of 8758
building standards certifies: 8759

(a) Officers or employees of the municipal corporation, 8760
township, or county; 8761

(b) Persons, or employees of persons, firms, or 8762
corporations, pursuant to a contract to furnish architectural, 8763
engineering, or other services to the municipal corporation, 8764
township, or county; 8765

(c) Officers or employees of, and persons under contract 8766
with, a municipal corporation, township, county, health 8767
district, or other political subdivision, pursuant to a contract 8768
to furnish architectural, engineering, or other services; 8769

(d) Officers or employees of the division of industrial 8770

compliance in the department of commerce pursuant to a contract 8771
authorized by division (B) of section 121.083 of the Revised 8772
Code. 8773

(8) Municipal, township, and county building departments 8774
have jurisdiction within the meaning of sections 3781.03, 8775
3791.04, and 4104.43 of the Revised Code, only with respect to 8776
the types of buildings and subject matters for which they are 8777
certified under this section. 8778

(9) A certified municipal, township, or county building 8779
department may exercise enforcement authority, accept and 8780
approve plans and specifications, and make inspections pursuant 8781
to sections 3781.03, 3791.04, and 4104.43 of the Revised Code 8782
for a park district created pursuant to Chapter 1545. of the 8783
Revised Code upon the approval, by resolution, of the board of 8784
park commissioners of the park district requesting the 8785
department to exercise that authority and conduct those 8786
activities, as applicable. 8787

(10) Certification shall be granted upon application by 8788
the municipal corporation, the board of township trustees, or 8789
the board of county commissioners and approval of that 8790
application by the board of building standards. The application 8791
shall set forth: 8792

(a) Whether the certification is requested for residential 8793
or nonresidential buildings, or both; 8794

(b) The number and qualifications of the staff composing 8795
the building department; 8796

(c) The names, addresses, and qualifications of persons, 8797
firms, or corporations contracting to furnish work or services 8798
pursuant to division (E) (7) (b) of this section; 8799

(d) The names of any other municipal corporation, 8800
township, county, health district, or political subdivision 8801
under contract to furnish work or services pursuant to division 8802
(E) (7) of this section; 8803

(e) The proposed budget for the operation of the building 8804
department. 8805

(11) The board of building standards shall adopt rules 8806
governing all of the following: 8807

(a) The certification of building department personnel and 8808
persons and employees of persons, firms, or corporations 8809
exercising authority pursuant to division (E) (7) of this 8810
section. The rules shall disqualify any employee of the 8811
department or person who contracts for services with the 8812
department from performing services for the department when that 8813
employee or person would have to pass upon, inspect, or 8814
otherwise exercise authority over any labor, material, or 8815
equipment the employee or person furnishes for the construction, 8816
alteration, or maintenance of a building or the preparation of 8817
working drawings or specifications for work within the 8818
jurisdictional area of the department. The department shall 8819
provide other similarly qualified personnel to enforce the 8820
residential and nonresidential building codes as they pertain to 8821
that work. 8822

(b) The minimum services to be provided by a certified 8823
building department. 8824

(12) The board of building standards may revoke or suspend 8825
certification to enforce the residential and nonresidential 8826
building codes, on petition to the board by any person affected 8827
by that enforcement or approval of plans, or by the board on its 8828

own motion. Hearings shall be held and appeals permitted on any 8829
proceedings for certification or revocation or suspension of 8830
certification in the same manner as provided in section 3781.101 8831
of the Revised Code for other proceedings of the board of 8832
building standards. 8833

(13) Upon certification, and until that authority is 8834
revoked, any county or township building department shall 8835
enforce the residential and nonresidential building codes for 8836
which it is certified without regard to limitation upon the 8837
authority of boards of county commissioners under Chapter 307. 8838
of the Revised Code or boards of township trustees under Chapter 8839
505. of the Revised Code. 8840

(14) The board shall certify a person to exercise 8841
enforcement authority, to accept and approve plans and 8842
specifications, or to make inspections in this state in 8843
accordance with Chapter 4796. of the Revised Code if either of 8844
the following applies: 8845

(a) The person holds a license or certificate in another 8846
state. 8847

(b) The person has satisfactory work experience, a 8848
government certification, or a private certification as 8849
described in that chapter in the same profession, occupation, or 8850
occupational activity as the profession, occupation, or 8851
occupational activity for which the certificate is required in 8852
this state in a state that does not issue that license or 8853
certificate. 8854

(F) In addition to hearings sections 3781.06 to 3781.18 8855
and 3791.04 of the Revised Code require, the board of building 8856
standards shall make investigations and tests, and require from 8857

other state departments, officers, boards, and commissions 8858
information the board considers necessary or desirable to assist 8859
it in the discharge of any duty or the exercise of any power 8860
mentioned in this section or in sections 3781.06 to 3781.18, 8861
3791.04, and 4104.43 of the Revised Code. 8862

(G) The board shall adopt rules and establish reasonable 8863
fees for the review of all applications submitted where the 8864
applicant applies for authority to use a new material, assembly, 8865
or product of a manufacturing process. The fee shall bear some 8866
reasonable relationship to the cost of the review or testing of 8867
the materials, assembly, or products and for the notification of 8868
approval or disapproval as provided in section 3781.12 of the 8869
Revised Code. 8870

(H) The residential construction advisory committee shall 8871
provide the board with a proposal for a state residential 8872
building code that the committee recommends pursuant to division 8873
(D) (1) of section 4740.14 of the Revised Code. Upon receiving a 8874
recommendation from the committee that is acceptable to the 8875
board, the board shall adopt rules establishing that code as the 8876
state residential building code. 8877

(I) (1) The committee may provide the board with proposed 8878
rules to update or amend the state residential building code 8879
that the committee recommends pursuant to division (E) of 8880
section 4740.14 of the Revised Code. 8881

(2) If the board receives a proposed rule to update or 8882
amend the state residential building code as provided in 8883
division (I) (1) of this section, the board either may accept or 8884
reject the proposed rule for incorporation into the residential 8885
building code. If the board does not act to either accept or 8886
reject the proposed rule within ninety days after receiving the 8887

proposed rule from the committee as described in division (I) (1) 8888
of this section, the proposed rule shall become part of the 8889
residential building code. 8890

(J) The board shall cooperate with the director of job and 8891
family services when the director promulgates rules pursuant to 8892
section 5104.05 of the Revised Code regarding safety and 8893
sanitation in type A family day-care homes. 8894

(K) The board shall adopt rules to implement the 8895
requirements of section 3781.108 of the Revised Code. 8896

Sec. 3781.102. (A) Any county or municipal building 8897
department certified pursuant to division (E) of section 3781.10 8898
of the Revised Code as of September 14, 1970, and that, as of 8899
that date, was inspecting single-family, two-family, and three- 8900
family residences, and any township building department 8901
certified pursuant to division (E) of section 3781.10 of the 8902
Revised Code, is hereby declared to be certified to inspect 8903
single-family, two-family, and three-family residences 8904
containing industrialized units, and shall inspect the buildings 8905
or classes of buildings subject to division (E) of section 8906
3781.10 of the Revised Code. 8907

(B) Each board of county commissioners may adopt, by 8908
resolution, rules establishing standards and providing for the 8909
licensing of electrical and heating, ventilating, and air 8910
conditioning contractors who are not required to hold a valid 8911
and unexpired license pursuant to Chapter 4740. of the Revised 8912
Code. 8913

Rules adopted by a board of county commissioners pursuant 8914
to this division may be enforced within the unincorporated areas 8915
of the county and within any municipal corporation where the 8916

legislative authority of the municipal corporation has 8917
contracted with the board for the enforcement of the county 8918
rules within the municipal corporation pursuant to section 8919
307.15 of the Revised Code. The rules shall not conflict with 8920
rules adopted by the board of building standards pursuant to 8921
section 3781.10 of the Revised Code or by the department of 8922
commerce pursuant to Chapter 3703. of the Revised Code. This 8923
division does not impair or restrict the power of municipal 8924
corporations under Section 3 of Article XVIII, Ohio 8925
Constitution, to adopt rules concerning the erection, 8926
construction, repair, alteration, and maintenance of buildings 8927
and structures or of establishing standards and providing for 8928
the licensing of specialty contractors pursuant to section 8929
715.27 of the Revised Code. 8930

A board of county commissioners, pursuant to this 8931
division, may require all electrical contractors and heating, 8932
ventilating, and air conditioning contractors, other than those 8933
who hold a valid and unexpired license issued pursuant to 8934
Chapter 4740. of the Revised Code, to successfully complete an 8935
examination, test, or demonstration of technical skills, and may 8936
impose a fee and additional requirements for a license to engage 8937
in their respective occupations within the jurisdiction of the 8938
board's rules under this division. 8939

(C) No board of county commissioners shall require any 8940
specialty contractor who holds a valid and unexpired license 8941
issued pursuant to Chapter 4740. of the Revised Code to 8942
successfully complete an examination, test, or demonstration of 8943
technical skills in order to engage in the type of contracting 8944
for which the license is held, within the unincorporated areas 8945
of the county and within any municipal corporation whose 8946
legislative authority has contracted with the board for the 8947

enforcement of county regulations within the municipal 8948
corporation, pursuant to section 307.15 of the Revised Code. 8949

(D) A board may impose a fee for registration of a 8950
specialty contractor who holds a valid and unexpired license 8951
issued pursuant to Chapter 4740. of the Revised Code before that 8952
specialty contractor may engage in the type of contracting for 8953
which the license is held within the unincorporated areas of the 8954
county and within any municipal corporation whose legislative 8955
authority has contracted with the board for the enforcement of 8956
county regulations within the municipal corporation, pursuant to 8957
section 307.15 of the Revised Code, provided that the fee is the 8958
same for all specialty contractors who wish to engage in that 8959
type of contracting. If a board imposes such a fee, the board 8960
immediately shall permit a specialty contractor who presents 8961
proof of holding a valid and unexpired license and pays the 8962
required fee to engage in the type of contracting for which the 8963
license is held within the unincorporated areas of the county 8964
and within any municipal corporation whose legislative authority 8965
has contracted with the board for the enforcement of county 8966
regulations within the municipal corporation, pursuant to 8967
section 307.15 of the Revised Code. 8968

(E) The political subdivision associated with each 8969
municipal, township, and county building department the board of 8970
building standards certifies pursuant to division (E) of section 8971
3781.10 of the Revised Code may prescribe fees to be paid by 8972
persons, political subdivisions, or any department, agency, 8973
board, commission, or institution of the state, for the 8974
acceptance and approval of plans and specifications, and for the 8975
making of inspections, pursuant to sections 3781.03 and 3791.04 8976
of the Revised Code. 8977

(F) Each political subdivision that prescribes fees 8978
pursuant to division (E) of this section shall collect, on 8979
behalf of the board of building standards, fees equal to the 8980
following: 8981

(1) Three per cent of the fees the political subdivision 8982
collects in connection with nonresidential buildings; 8983

(2) One per cent of the fees the political subdivision 8984
collects in connection with residential buildings. 8985

(G) (1) The board shall adopt rules, in accordance with 8986
Chapter 119. of the Revised Code, specifying the manner in which 8987
the fee assessed pursuant to division (F) of this section shall 8988
be collected and remitted monthly to the board. The board shall 8989
pay the fees into the state treasury to the credit of the 8990
industrial compliance operating fund created in section 121.084 8991
of the Revised Code. 8992

(2) All money credited to the industrial compliance 8993
operating fund under this division shall be used exclusively for 8994
the following: 8995

(a) Operating costs of the board; 8996

(b) Providing services, including educational programs, 8997
for the building departments that are certified by the board 8998
pursuant to division (E) of section 3781.10 of the Revised Code; 8999

(c) Paying the expenses of the residential construction 9000
advisory committee, including the expenses of committee members 9001
as provided in section 4740.14 of the Revised Code. 9002

(H) A board of county commissioners that adopts rules 9003
providing for the licensing of electrical and heating, 9004
ventilating, and air conditioning contractors, pursuant to 9005

division (B) of this section, may accept, for purposes of 9006
satisfying the requirements of rules adopted under that 9007
division, a valid and unexpired license issued pursuant to 9008
Chapter 4740. of the Revised Code that is held by an electrical 9009
or heating, ventilating, and air conditioning contractor, for 9010
the construction, replacement, maintenance, or repair of one- 9011
family, two-family, or three-family dwelling houses or accessory 9012
structures incidental to those dwelling houses. 9013

(I) A board of county commissioners shall not register a 9014
specialty contractor who is required to hold a license under 9015
Chapter 4740. of the Revised Code but does not hold a valid 9016
license issued under that chapter. 9017

(J) If a board of county commissioners regulates a 9018
profession, occupation, or occupational activity under this 9019
section, the board shall comply with Chapter 4796. of the 9020
Revised Code. 9021

(K) As used in this section, "specialty contractor" means 9022
a heating, ventilating, and air conditioning contractor, 9023
refrigeration contractor, electrical contractor, plumbing 9024
contractor, or hydronics contractor, as those contractors are 9025
described in Chapter 4740. of the Revised Code. 9026

Sec. 3781.105. (A) The board of building standards shall 9027
certify individuals who design fire protection systems for 9028
buildings and who meet the requirements specified in this 9029
section. The board may establish separate certification 9030
categories for specific types of fire protection systems. 9031

(B) Any individual who wishes to obtain certification 9032
shall make application to the board on a form prescribed by the 9033
board. The application shall be accompanied by an application 9034

fee and an initial certification fee. The initial certification 9035
fee shall be refunded if the applicant fails to obtain 9036
certification. Certification may be renewed annually upon 9037
payment of a renewal fee. 9038

Fees required to be paid under this division shall be 9039
established by rule adopted by the board. The application fee 9040
shall bear a reasonable relationship to processing the 9041
individual's application, the certification fee shall bear a 9042
reasonable relationship to certifying the individual, and the 9043
certification renewal fee shall bear a reasonable relationship 9044
to renewing the individual's certification. 9045

(C) Each applicant shall submit evidence satisfactory to 9046
the board that the applicant has directly engaged in designing 9047
and preparing drawings for the category of the type of fire 9048
protection system for which the applicant seeks certification. 9049

(D) The board shall certify any qualified applicant who 9050
passes an examination prescribed either by the board or by the 9051
national institute for certification in engineering 9052
technologies. The examination shall demonstrate the applicant's 9053
knowledge and understanding of the category of the type of fire 9054
protection system for which the applicant seeks certification. 9055

(E) The board, after a hearing in accordance with Chapter 9056
119. of the Revised Code, may suspend or revoke any category of 9057
certification of any individual who proves at any time to be 9058
incompetent to submit and certify plans and specifications for 9059
that category to the appropriate building department under 9060
section 3791.04 of the Revised Code, and may suspend or revoke 9061
all categories of certification of any individual who engages in 9062
any illegal or fraudulent acts in connection with the design of 9063
fire protection systems. 9064

~~(H)~~(F) The board may adopt rules in accordance with 9065
Chapter 119. of the Revised Code for the administration and 9066
enforcement of this section. 9067

(G) Notwithstanding any other provision of this section to 9068
the contrary, the board shall certify an applicant in accordance 9069
with Chapter 4796. of the Revised Code if either of the 9070
following applies: 9071

(1) The applicant is licensed or certified in another 9072
state. 9073

(2) The applicant has satisfactory work experience, a 9074
government certification, or a private certification as 9075
described in that chapter as a designer of fire protection 9076
systems in a state that does not issue that license or 9077
certificate. 9078

Sec. 3916.03. (A) An Except as provided in division (H) of 9079
this section, an applicant for a license as a viatical 9080
settlement provider or viatical settlement broker shall submit 9081
an application for the license in a manner prescribed by the 9082
superintendent of insurance. The application shall be 9083
accompanied by a fee established by the superintendent by rule 9084
adopted in accordance with Chapter 119. of the Revised Code. 9085

(B) A license issued under this chapter to a person other 9086
than an individual authorizes all partners, officers, members, 9087
or designated employees of the person to act as viatical 9088
settlement providers or viatical settlement brokers, as 9089
applicable, and all those partners, officers, members, or 9090
designated employees shall be named in the application and any 9091
supplements to the application. 9092

(C) Upon Except as provided in division (H) of this 9093

section, upon the filing of an application under this section 9094
and the payment of the license fee, the superintendent shall 9095
make an investigation of the applicant and issue to the 9096
applicant a license that states in substance that the person is 9097
authorized to act as a viatical settlement provider or viatical 9098
settlement broker, as applicable, if all of the following apply: 9099

(1) Regarding an application for a license as a viatical 9100
settlement provider, the applicant provides all of the 9101
following: 9102

(a) A detailed plan of operation; 9103

(b) Proof of financial responsibility pursuant to division 9104
(D) of this section; 9105

(c) A general description of the method the applicant will 9106
use to determine life expectancies, including a description of 9107
the applicant's intended receipt of life expectancies, the 9108
applicant's intended use of life expectancies, the applicant's 9109
intended use of life expectancy providers, and a written plan of 9110
policies and procedures used to determine life expectancies. 9111

(2) The superintendent finds all of the following: 9112

(a) The applicant is competent and trustworthy and intends 9113
to act in good faith in the capacity of a viatical settlement 9114
provider or viatical settlement broker, as applicable. 9115

(b) The applicant has a good business reputation and has 9116
had experience, training, or education so as to be qualified to 9117
act in the capacity of a viatical settlement provider or 9118
viatical settlement broker, as applicable. 9119

(3) If the applicant is a person other than an individual, 9120
the applicant provides a certificate of good standing from the 9121

state of its organization. 9122

(4) The applicant provides an antifraud plan that meets 9123
the requirements of division (G) of section 3916.18 of the 9124
Revised Code. 9125

(D) (1) An applicant for licensure as a viatical settlement 9126
provider may provide proof of financial responsibility through 9127
one of the following means: 9128

(a) Submitting audited financial statements that show a 9129
minimum equity of not less than two hundred fifty thousand 9130
dollars in cash or cash equivalents; 9131

(b) Submitting both audited annual financial statements 9132
that show positive equity and either of the following: 9133

(i) A surety bond in the amount of two hundred fifty 9134
thousand dollars in favor of this state issued by an insurer 9135
authorized to issue surety bonds in this state; 9136

(ii) An unconditional and irrevocable letter of credit, 9137
deposit of cash, or securities, in any combination, in the 9138
aggregate amount of two hundred fifty thousand dollars. 9139

~~(2) If an applicant is licensed as a viatical settlement 9140
provider in another state, the superintendent may accept as 9141
valid any similar proof of financial responsibility the 9142
applicant filed in that state. 9143~~

~~(3) The superintendent may request proof of financial 9144
responsibility at any time the superintendent considers 9145
necessary. 9146~~

(E) An applicant shall provide all information requested 9147
by the superintendent. The superintendent may, at any time, 9148
require an applicant to fully disclose the identity of all 9149

shareholders, partners, officers, members, and employees, and 9150
may, in the exercise of the superintendent's discretion, refuse 9151
to issue a license to an applicant that is not an individual if 9152
the superintendent is not satisfied that each officer, employee, 9153
shareholder, partner, or member who may materially influence the 9154
applicant's conduct meets the standards set forth in this 9155
chapter. 9156

(F) Except as otherwise provided in this division, a 9157
license as a viatical settlement provider or viatical settlement 9158
broker expires on the last day of March next after its issuance 9159
or continuance. A license as a viatical settlement provider or 9160
viatical settlement broker may, in the discretion of the 9161
superintendent and the payment of an annual renewal fee 9162
established by the superintendent by rule adopted in accordance 9163
with Chapter 119. of the Revised Code, be continued past the 9164
last day of March next after its issue and after the last day of 9165
March in each succeeding year. Failure to pay the renewal fee by 9166
the required date results in the expiration of the license. 9167

(G) Any individual licensed as a viatical settlement 9168
broker shall complete not less than fifteen hours of continuing 9169
education biennially. The superintendent shall approve 9170
continuing education courses that shall be related to viatical 9171
settlements and viatical settlement transactions. The 9172
superintendent shall adopt rules for the enforcement of this 9173
division. 9174

(H) The superintendent shall ~~not~~ issue a license to a 9175
~~nonresident~~ an applicant who is licensed in another state or has 9176
satisfactory work experience, a government certification, or a 9177
private certification as described in Chapter 4796. of the 9178
Revised Code as a viatical settlement provider or viatical 9179

settlement broker in a state that does not issue that license in 9180
accordance with that chapter, unless-if either of the following 9181
applies: 9182

(1) The applicant files and maintains a written 9183
designation of an agent for service of process with the 9184
superintendent. 9185

(2) The applicant has filed with the superintendent the 9186
applicant's written irrevocable consent that any action against 9187
the applicant may be commenced against the applicant by service 9188
of process on the superintendent. 9189

(I) A viatical settlement provider or viatical settlement 9190
broker shall provide to the superintendent new or revised 9191
information regarding any change in its officers, any 9192
shareholder owning ten per cent or more of its voting 9193
securities, or its partners, directors, members, or designated 9194
employees within thirty days of the change. 9195

(J) Any fee collected under this section shall be paid 9196
into the state treasury to the credit of the department of 9197
insurance operating fund created by section 3901.021 of the 9198
Revised Code. 9199

Sec. 3951.03. (A) Before any certificate of authority 9200
shall be issued by the superintendent of insurance there shall 9201
be filed in ~~his~~ the superintendent's office a written 9202
application therefor. Such application shall be in the form or 9203
forms and supplements thereto prescribed by the superintendent 9204
and shall set forth: 9205

~~(A)~~ (1) The name and address of the applicant, and if the 9206
applicant be a firm, association, or partnership, the name and 9207
address of each member thereof, and if the applicant be a 9208

corporation, the name and address of each of its officers and 9209
directors; 9210

~~(B)~~ (2) Whether any license or certificate of authority as 9211
agent, broker, or public insurance adjuster has been issued 9212
previously by the superintendent of this state or by the 9213
insurance department of any state to the individual applicant, 9214
and, if the applicant be an individual, whether any such 9215
certificate has been issued previously to any firm, association, 9216
or partnership of which ~~he~~ the individual was or is an officer 9217
or director, and, if the applicant be a firm, association, or 9218
partnership, whether any such certificate has been issued 9219
previously to any member thereof, and, if the applicant be a 9220
corporation, whether any such certificate has been issued 9221
previously to any officer or director of such corporation; 9222

~~(C)~~ (3) The business or employment in which the applicant 9223
has been engaged for the five years next preceding the date of 9224
the application, and the name and address of such business and 9225
the name or names and addresses of his employer or employers; 9226

~~(D)~~ (4) Such information as the superintendent may require 9227
of applicants in order to determine their trustworthiness and 9228
competency to transact the business of public insurance 9229
adjusters, in such manner as to safeguard the interest of the 9230
public; 9231

~~(E)~~ ~~The~~ ~~(B)~~ Except as provided in division (C) of this 9232
section, the superintendent shall issue a public insurance 9233
adjuster agent certificate to a person, who is a bona fide 9234
employee of a public insurance adjuster without examination, 9235
provided said application is made by a person, partnership, 9236
association, or corporation engaged in the public insurance 9237
adjusting business. The fee to be paid by the applicant for such 9238

a license at the time the application is made, and annually 9239
thereafter for the renewal thereof according to the standard 9240
renewal procedure of sections 4745.01 to 4745.03, inclusive, of 9241
the Revised Code, shall be fifty dollars, and such applicant 9242
shall be bonded in the amount of one thousand dollars as 9243
provided for in division (D) of section 3951.06 of the Revised 9244
Code. 9245

(C) The superintendent shall issue a public insurance 9246
adjuster agent certificate in accordance with Chapter 4796. of 9247
the Revised Code to an applicant if either of the following 9248
applies: 9249

(1) The applicant holds a license or certificate in 9250
another state. 9251

(2) The applicant has satisfactory work experience, a 9252
government certification, or a private certification as 9253
described in that chapter as a public insurance adjuster agent 9254
in a state that does not issue that license or certificate. 9255

(D) An application for any certificate of authority shall 9256
be signed and verified under oath by the applicant and, if made 9257
by a firm, association, partnership, or corporation, by each 9258
member or officer and director thereof to be authorized thereby 9259
to act as a public insurance adjuster. 9260

Sec. 3951.05. The superintendent of insurance shall, in 9261
order to determine the trustworthiness and competency of any 9262
applicant for a certificate of authority to act as a public 9263
insurance adjuster, require such applicant or in the case of a 9264
firm, association, partnership, or corporation, such of its 9265
employees, members, officers, or directors, who are to be 9266
individually authorized to act under its certificate of 9267

authority, to submit to a written examination, ~~except applicants~~ 9268
~~who are granted a waiver of examination in accordance with~~ 9269
~~section 3951.09 of the Revised Code.~~ Examinations shall be held 9270
in such place in this state and at such time as the 9271
superintendent may designate. 9272

Sec. 3951.09. The superintendent ~~may waive the requirement~~ 9273
~~that an applicant submit to an examination to obtain of~~ 9274
insurance shall issue a certificate of authority under this 9275
chapter, ~~provided that the applicant is licensed as a public~~ 9276
~~insurance adjuster in another state that required the applicant~~ 9277
~~to submit to an examination as a condition of licensure. Prior~~ 9278
~~to waiving the examination requirement with respect to a public~~ 9279
~~insurance adjuster licensed in another state, the superintendent~~ 9280
~~shall issue a notice at least sixty days prior to the effective~~ 9281
~~date of the waiver identifying the applicant's other state of~~ 9282
~~licensure. The notice shall be issued in a manner deemed~~ 9283
~~appropriate by the superintendent. Once the superintendent has~~ 9284
~~issued a notice under this section identifying an applicant's~~ 9285
~~other state of licensure, the superintendent need not issue~~ 9286
~~subsequent notices as to applicants licensed in the same state~~ 9287
~~in order to waive the examination requirement for those~~ 9288
applicants in accordance with Chapter 4796. of the Revised Code 9289
to an applicant if either of the following applies: 9290

(A) The applicant holds a license or certificate in 9291
another state. 9292

(B) The applicant has satisfactory work experience, a 9293
government certification, or a private certification as 9294
described in Chapter 4796. of the Revised Code as a public 9295
insurance adjuster in a state that does not issue that license 9296
or certificate. 9297

Sec. 4104.07. (A) ~~An~~ Except as provided in division (E) of 9298
this section, an application for examination as an inspector of 9299
boilers and pressure vessels shall be in writing, accompanied by 9300
a fee of one hundred fifty dollars, upon a blank to be furnished 9301
by the superintendent of industrial compliance. Any moneys 9302
collected under this section shall be paid into the state 9303
treasury to the credit of the industrial compliance operating 9304
fund created in section 121.084 of the Revised Code. 9305

(B) The superintendent shall determine if an applicant 9306
meets all the requirements for examination in accordance with 9307
rules adopted by the board of building standards under section 9308
4104.02 of the Revised Code. An application shall be rejected 9309
which contains any willful falsification, or untruthful 9310
statements. 9311

(C) An applicant shall be examined by the superintendent, 9312
by a written examination, prescribed by the board, dealing with 9313
the construction, installation, operation, maintenance, and 9314
repair of boilers and pressure vessels and their appurtenances, 9315
and the applicant shall be accepted or rejected on the merits of 9316
the applicant's application and examination. 9317

(D) Upon a favorable report by the superintendent of the 9318
result of an examination, the superintendent shall immediately 9319
issue to the successful applicant a certificate of competency to 9320
that effect. 9321

(E) The superintendent shall issue a certificate of 9322
competency in accordance with Chapter 4796. of the Revised Code 9323
to an applicant if either of the following applies: 9324

(1) The applicant holds a license or certificate in 9325
another state. 9326

(2) The applicant has satisfactory work experience, a 9327
government certification, or a private certification as 9328
described in that chapter as an inspector of boilers and 9329
pressure vessels in a state that does not issue that license or 9330
certificate. 9331

Sec. 4104.101. (A) No person shall install or make major 9332
repairs or modifications to any boiler without first registering 9333
to do so with the division of industrial compliance. 9334

(B) No person shall make any installation or major repair 9335
or modification of any boiler without first obtaining a permit 9336
to do so from the division. The permit application form shall 9337
provide the name and address of the owner, location of the 9338
boiler, and type of repair or modification that will be made. 9339
The application permit fee shall be one hundred dollars. 9340

(C) The superintendent of industrial compliance shall 9341
require annual registration of all contractors who install, make 9342
major repairs to, or modify any boiler. The board of building 9343
standards shall establish a reasonable fee to cover the cost of 9344
processing registrations. 9345

(D) Notwithstanding any provision of this section to the 9346
contrary, the superintendent shall register a contractor to 9347
install, make major repairs to, or modify boilers in accordance 9348
with Chapter 4796. of the Revised Code if either of the 9349
following applies: 9350

(1) The contractor is licensed or registered in another 9351
state to install, make major repairs to, or modify boilers. 9352

(2) The contractor has satisfactory work experience, a 9353
government certification, or a private certification as 9354
described in that chapter to install, make major repairs to, or 9355

modify boilers in a state that does not issue that license or 9356
registration. 9357

Sec. 4104.19. (A) Any Except as provided in division (H) 9358
of this section, any person seeking a license to operate as a 9359
steam engineer, high pressure boiler operator, or low pressure 9360
boiler operator shall file a written application with the 9361
superintendent of industrial compliance on a form prescribed by 9362
the superintendent with the appropriate application fee as set 9363
forth in section 4104.18 of the Revised Code. The application 9364
shall contain information satisfactory to the superintendent to 9365
demonstrate that the applicant meets the requirements of 9366
division (B) of this section. The application shall be filed 9367
with the superintendent not more than sixty days and not less 9368
than thirty days before the license examination is offered. 9369

(B) To qualify to take the examination required to obtain 9370
a steam engineer, high pressure boiler operator, or low pressure 9371
boiler operator license, a person shall meet both of the 9372
following requirements: 9373

(1) Be at least eighteen years of age; 9374

(2) Have one year of experience in the operation of steam 9375
engines, high pressure boilers, or low pressure boilers as 9376
applicable to the type of license being sought, or a combination 9377
of experience and education for the type of license sought as 9378
determined to be acceptable by the superintendent. 9379

(C) No applicant shall qualify to take an examination or 9380
to renew a license if the applicant has violated this chapter or 9381
if the applicant has obtained or renewed a license issued under 9382
this chapter by fraud, misrepresentation, or deception. 9383

(D) The superintendent shall issue a license to each 9384

applicant who receives a passing score on the examination, as 9385
determined by the superintendent, for the license for which the 9386
applicant applied. 9387

(E) The superintendent may select and contract with one or 9388
more persons to do all of the following relative to the 9389
examinations for a license to operate as a steam engineer, high 9390
pressure boiler operator, or low pressure boiler operator: 9391

(1) Prepare, administer, score, and maintain the 9392
confidentiality of the examination; 9393

(2) Maintain responsibility for all expenses required to 9394
fulfill division (E) (1) of this section; 9395

(3) Charge each applicant a fee for administering the 9396
examination, in an amount authorized by the superintendent; 9397

(4) Design the examination for each type of license to 9398
determine an applicant's competence to operate the equipment for 9399
which the applicant is seeking licensure. 9400

(F) Each license issued under this chapter expires one 9401
year after the date of issue. Each person holding a valid, 9402
unexpired license may renew the license, without reexamination, 9403
by applying to the superintendent not more than ninety days 9404
before the expiration of the license, and submitting with the 9405
application the renewal fee established in section 4104.18 of 9406
the Revised Code. Upon receipt of the renewal information and 9407
fee, the superintendent shall issue the licensee a certificate 9408
of renewal. 9409

(G) The superintendent, in accordance with Chapter 119. of 9410
the Revised Code, may suspend or revoke any license, or may 9411
refuse to issue a license under this chapter upon finding that a 9412
licensee or an applicant for a license has violated or is 9413

violating the requirements of this chapter. The superintendent 9414
shall not refuse to issue a license to an applicant because of a 9415
disqualifying offense unless the refusal is in accordance with 9416
section 9.79 of the Revised Code. 9417

(H) The superintendent shall issue a license in accordance 9418
with Chapter 4796. of the Revised Code to an applicant if either 9419
of the following applies: 9420

(1) The applicant holds a license in another state. 9421

(2) The applicant has satisfactory work experience, a 9422
government certification, or a private certification as 9423
described in that chapter as a steam engineer, high pressure 9424
boiler operator, or low pressure boiler operator in a state that 9425
does not issue that license. 9426

Sec. 4105.02. No person may act, either as a general 9427
inspector or as a special inspector, of elevators, unless the 9428
person holds a certificate of competency from the division of 9429
industrial compliance. 9430

Application for examination as an inspector of elevators 9431
shall be in writing, accompanied by a fee to be established as 9432
provided in section 4105.17 of the Revised Code, and upon a 9433
blank to be furnished by the division, stating the school 9434
education of the applicant, a list of the applicant's employers, 9435
the applicant's period of employment, and the position held with 9436
each. An applicant shall also submit a letter from one or more 9437
of the applicant's previous employers certifying as to the 9438
applicant's character and experience. 9439

Applications shall be rejected which contain any willful 9440
falsification or untruthful statements. An applicant, if the 9441
division considers the applicant's history and experience 9442

sufficient, shall be examined by the superintendent of 9443
industrial compliance by a written examination dealing with the 9444
construction, installation, operation, maintenance, and repair 9445
of elevators and their appurtenances, and the applicant shall be 9446
accepted or rejected on the merits of the applicant's 9447
application and examination. 9448

~~The~~ Except as provided in this section, the superintendent 9449
shall issue a certificate of competency in the inspection of 9450
elevators to any applicant found competent upon examination. A 9451
rejected applicant shall be entitled, after the expiration of 9452
ninety days and upon payment of an examination fee to be 9453
established as provided in section 4105.17 of the Revised Code, 9454
to another examination. Should an applicant fail to pass the 9455
prescribed examination on second trial, the applicant will not 9456
be permitted to be an applicant for another examination for a 9457
period of one year after the second examination. 9458

The superintendent shall issue a certificate of competency 9459
in the inspection of elevators in accordance with Chapter 4796. 9460
of the Revised Code to an applicant if either of the following 9461
applies: 9462

(A) The applicant holds a license or certificate in 9463
another state. 9464

(B) The applicant has satisfactory work experience, a 9465
government certification, or a private certification as 9466
described in that chapter as an inspector of elevators in a 9467
state that does not issue that license or certificate. 9468

Sec. 4169.03. (A) Before a passenger tramway operator may 9469
operate any passenger tramway in the state, the operator shall 9470
apply to the division of industrial compliance in the department 9471

of commerce, on forms prepared by it, for registration by the 9472
division. The application shall contain an inventory of the 9473
passenger tramways that the applicant intends to operate and 9474
other information as the division may reasonably require and 9475
shall be accompanied by the following annual fees: 9476

(1) Each aerial passenger tramway, five hundred dollars; 9477

(2) Each skimobile, two hundred dollars; 9478

(3) Each chair lift, two hundred dollars; 9479

(4) Each J bar, T bar, or platter pull, one hundred 9480
dollars; 9481

(5) Each rope tow, fifty dollars; 9482

(6) Each wire rope tow, seventy-five dollars; 9483

(7) Each conveyor, one hundred dollars. 9484

When an operator operates an aerial passenger tramway, a 9485
skimobile, or a chair lift during both a winter and summer 9486
season, the annual fee shall be one and one-half the above 9487
amount for the respective passenger tramway. 9488

(B) Upon payment of the appropriate annual fees in 9489
accordance with division (A) of this section and successful 9490
completion of the inspection described in section 4169.04 of the 9491
Revised Code, the division shall issue a registration 9492
certificate to the operator. Each certificate shall remain in 9493
force until the thirtieth day of September next ensuing. The 9494
division shall renew an operator's certificate in accordance 9495
with the standard renewal procedure in Chapter 4745. of the 9496
Revised Code upon payment of the appropriate annual fees. 9497

(C) Money received from the registration fees and from the 9498

finer collected pursuant to section 4169.99 of the Revised Code 9499
shall be paid into the state treasury to the credit of the 9500
industrial compliance operating fund created in section 121.084 9501
of the Revised Code. 9502

(D) No person shall operate a passenger tramway in this 9503
state unless the person has been registered by the division. 9504

(E) The division shall issue a registration certificate in 9505
accordance with Chapter 4796. of the Revised Code to an operator 9506
if either of the following applies: 9507

(1) The operator is licensed or registered in another 9508
state. 9509

(2) The operator has satisfactory work experience, a 9510
government certification, or a private certification as 9511
described in that chapter as a passenger tramway operator in a 9512
state that does not issue that license or registration. 9513

Sec. 4301.10. (A) The division of liquor control shall do 9514
all of the following: 9515

(1) Control the traffic in beer and intoxicating liquor in 9516
this state, including the manufacture, importation, and sale of 9517
beer and intoxicating liquor; 9518

(2) Grant or refuse permits for the manufacture, 9519
distribution, transportation, and sale of beer and intoxicating 9520
liquor and the sale of alcohol, as authorized or required by 9521
this chapter and Chapter 4303. of the Revised Code. A 9522
certificate, signed by the superintendent of liquor control and 9523
to which is affixed the official seal of the division, stating 9524
that it appears from the records of the division that no permit 9525
has been issued to the person specified in the certificate, or 9526
that a permit, if issued, has been revoked, canceled, or 9527

suspended, shall be received as prima-facie evidence of the 9528
facts recited in the certificate in any court or before any 9529
officer of this state. 9530

(3) Put into operation, manage, and control a system of 9531
state liquor stores for the sale of spirituous liquor at retail 9532
and to holders of permits authorizing the sale of spirituous 9533
liquor; however, the division shall not establish any drive-in 9534
state liquor stores; and by means of those types of stores, and 9535
any manufacturing plants, distributing and bottling plants, 9536
warehouses, and other facilities that it considers expedient, 9537
establish and maintain a state monopoly of the distribution of 9538
spirituous liquor and its sale in packages or containers; and 9539
for that purpose, manufacture, buy, import, possess, and sell 9540
spirituous liquors as provided in this chapter and Chapter 4303. 9541
of the Revised Code, and in the rules promulgated by the 9542
superintendent of liquor control pursuant to those chapters; 9543
lease or in any manner acquire the use of any land or building 9544
required for any of those purposes; purchase any equipment that 9545
is required; and borrow money to carry on its business, and 9546
issue, sign, endorse, and accept notes, checks, and bills of 9547
exchange; but all obligations of the division created under 9548
authority of this division shall be a charge only upon the 9549
moneys received by the division from the sale of spirituous 9550
liquor and its other business transactions in connection with 9551
the sale of spirituous liquor, and shall not be general 9552
obligations of the state; 9553

(4) Enforce the administrative provisions of this chapter 9554
and Chapter 4303. of the Revised Code, and the rules and orders 9555
of the liquor control commission and the superintendent relating 9556
to the manufacture, importation, transportation, distribution, 9557
and sale of beer or intoxicating liquor. The attorney general, 9558

any prosecuting attorney, and any prosecuting officer of a 9559
municipal corporation or a municipal court shall, at the request 9560
of the division of liquor control or the department of public 9561
safety, prosecute any person charged with the violation of any 9562
provision in those chapters or of any section of the Revised 9563
Code relating to the manufacture, importation, transportation, 9564
distribution, and sale of beer or intoxicating liquor. 9565

(5) Determine the locations of all state liquor stores and 9566
manufacturing, distributing, and bottling plants required in 9567
connection with those stores, subject to this chapter and 9568
Chapter 4303. of the Revised Code; 9569

(6) Conduct inspections of liquor permit premises to 9570
determine compliance with the administrative provisions of this 9571
chapter and Chapter 4303. of the Revised Code and the rules 9572
adopted under those provisions by the liquor control commission. 9573

Except as otherwise provided in division (A)(6) of this 9574
section, those inspections may be conducted only during those 9575
hours in which the permit holder is open for business and only 9576
by authorized agents or employees of the division or by any 9577
peace officer, as defined in section 2935.01 of the Revised 9578
Code. Inspections may be conducted at other hours only to 9579
determine compliance with laws or commission rules that regulate 9580
the hours of sale of beer or intoxicating liquor and only if the 9581
investigator has reasonable cause to believe that those laws or 9582
rules are being violated. Any inspection conducted pursuant to 9583
division (A)(6) of this section is subject to all of the 9584
following requirements: 9585

(a) The only property that may be confiscated is 9586
contraband, as defined in section 2901.01 of the Revised Code, 9587
or property that is otherwise necessary for evidentiary 9588

purposes. 9589

(b) A complete inventory of all property confiscated from 9590
the premises shall be given to the permit holder or the permit 9591
holder's agent or employee by the confiscating agent or officer 9592
at the conclusion of the inspection. At that time, the inventory 9593
shall be signed by the confiscating agent or officer, and the 9594
agent or officer shall give the permit holder or the permit 9595
holder's agent or employee the opportunity to sign the 9596
inventory. 9597

(c) Inspections conducted pursuant to division (A) (6) of 9598
this section shall be conducted in a reasonable manner. A 9599
finding by any court of competent jurisdiction that an 9600
inspection was not conducted in a reasonable manner in 9601
accordance with this section or any rules adopted by the 9602
commission may be considered grounds for suppression of 9603
evidence. A finding by the commission that an inspection was not 9604
conducted in a reasonable manner in accordance with this section 9605
or any rules adopted by it may be considered grounds for 9606
dismissal of the commission case. 9607

If any court of competent jurisdiction finds that property 9608
confiscated as the result of an administrative inspection is not 9609
necessary for evidentiary purposes and is not contraband, as 9610
defined in section 2901.01 of the Revised Code, the court shall 9611
order the immediate return of the confiscated property, provided 9612
that property is not otherwise subject to forfeiture, to the 9613
permit holder. However, the return of this property is not 9614
grounds for dismissal of the case. The commission likewise may 9615
order the return of confiscated property if no criminal 9616
prosecution is pending or anticipated. 9617

(7) Delegate to any of its agents or employees any power 9618

of investigation that the division possesses with respect to the 9619
enforcement of any of the administrative laws relating to beer 9620
or intoxicating liquor, provided that this division does not 9621
authorize the division to designate any agent or employee to 9622
serve as an enforcement agent. The employment and designation of 9623
enforcement agents shall be within the exclusive authority of 9624
the director of public safety pursuant to sections 5502.13 to 9625
5502.19 of the Revised Code. 9626

(8) Collect the following fees: 9627

(a) A biennial fifty-dollar registration fee for each 9628
agent, solicitor, trade marketing professional, or salesperson, 9629
registered pursuant to section 4303.25 of the Revised Code, of a 9630
beer or intoxicating liquor manufacturer, supplier, broker, 9631
trade marketing company, or wholesale distributor doing business 9632
in this state; 9633

(b) A fifty-dollar product registration fee for each new 9634
beer or intoxicating liquor product sold in this state. The 9635
product registration fee also applies to products sold in this 9636
state by B-2a, S-1, and S-2 permit holders. The product 9637
registration fee shall be accompanied by a copy of the federal 9638
label and product approval for the new product. 9639

(c) An annual three-hundred-dollar supplier registration 9640
fee from each manufacturer or supplier that produces and ships 9641
into this state, or ships into this state, intoxicating liquor 9642
or beer, in addition to an initial application fee of one 9643
hundred dollars. A manufacturer that produces and ships beer or 9644
wine into this state and that holds only an S-1 or S-2 permit, 9645
as applicable, is exempt from the supplier registration fee. A 9646
manufacturer that produces and ships beer or wine into this 9647
state and that holds a B-2a permit shall pay an annual seventy- 9648

six-dollar supplier registration fee. A manufacturer that 9649
produces and ships wine into this state and that does not hold 9650
either an S-1 or a B-2a permit, but that produces less than two 9651
hundred fifty thousand gallons of wine per year shall pay an 9652
annual seventy-six-dollar supplier registration fee. A B-2a, S- 9653
1, or S-2 permit holder that does not sell its wine to wholesale 9654
distributors of wine in this state and an S-1 permit holder that 9655
does not sell its beer to wholesale distributors of beer in this 9656
state shall not be required to submit to the division territory 9657
designation forms. 9658

Each supplier, agent, solicitor, trade marketing 9659
professional, or salesperson registration issued under this 9660
division shall authorize the person named to carry on the 9661
activity specified in the registration. ~~Each~~ The division shall 9662
register a supplier, agent, solicitor, trade marketing 9663
professional, or salesperson in accordance with Chapter 4796. of 9664
the Revised Code if either of the following applies: 9665

(i) The supplier, agent, solicitor, trade marketing 9666
professional, or salesperson is licensed or registered in 9667
another state. 9668

(ii) The supplier, agent, solicitor, trade marketing 9669
professional, or salesperson has satisfactory work experience, a 9670
government certification, or a private certification as 9671
described in that chapter as a supplier, agent, solicitor, trade 9672
marketing professional, or salesperson in a state that does not 9673
issue that license or registration. 9674

Each agent, solicitor, trade marketing professional, or 9675
salesperson registration is valid for two years or for the 9676
unexpired portion of a two-year registration period. Each 9677
supplier registration is valid for one year or for the unexpired 9678

portion of a one-year registration period. Registrations shall 9679
end on their respective uniform expiration date, which shall be 9680
designated by the division, and are subject to suspension, 9681
revocation, cancellation, or fine as authorized by this chapter 9682
and Chapter 4303. of the Revised Code. 9683

As used in this division, "trade marketing company" and 9684
"trade marketing professional" have the same meanings as in 9685
section 4301.171 of the Revised Code. 9686

(9) Establish a system of electronic data interchange 9687
within the division and regulate the electronic transfer of 9688
information and funds among persons and governmental entities 9689
engaged in the manufacture, distribution, and retail sale of 9690
alcoholic beverages; 9691

(10) Notify all holders of retail permits of the forms of 9692
permissible identification for purposes of division (A) of 9693
section 4301.639 of the Revised Code; 9694

(11) Exercise all other powers expressly or by necessary 9695
implication conferred upon the division by this chapter and 9696
Chapter 4303. of the Revised Code, and all powers necessary for 9697
the exercise or discharge of any power, duty, or function 9698
expressly conferred or imposed upon the division by those 9699
chapters. 9700

(B) The division may do all of the following: 9701

(1) Sue, but may be sued only in connection with the 9702
execution of leases of real estate and the purchases and 9703
contracts necessary for the operation of the state liquor stores 9704
that are made under this chapter and Chapter 4303. of the 9705
Revised Code; 9706

(2) Enter into leases and contracts of all descriptions 9707

and acquire and transfer title to personal property with regard 9708
to the sale, distribution, and storage of spirituous liquor 9709
within the state; 9710

(3) Terminate at will any lease entered into pursuant to 9711
division (B) (2) of this section upon first giving ninety days' 9712
notice in writing to the lessor of its intention to do so; 9713

(4) Fix the wholesale and retail prices at which the 9714
various classes, varieties, and brands of spirituous liquor 9715
shall be sold by the division. Those retail prices shall be the 9716
same at all state liquor stores, except to the extent that a 9717
price differential is required to collect a county sales tax 9718
levied pursuant to section 5739.021 of the Revised Code and for 9719
which tax the tax commissioner has authorized prepayment 9720
pursuant to section 5739.05 of the Revised Code. In fixing 9721
selling prices, the division shall compute an anticipated gross 9722
profit at least sufficient to provide in each calendar year all 9723
costs and expenses of the division and also an adequate working 9724
capital reserve for the division. The gross profit shall not 9725
exceed forty per cent of the retail selling price based on costs 9726
of the division, and in addition the sum required by section 9727
4301.12 of the Revised Code to be paid into the state treasury. 9728
An amount equal to one and one-half per cent of that gross 9729
profit shall be paid into the statewide treatment and prevention 9730
fund created by section 4301.30 of the Revised Code and be 9731
appropriated by the general assembly from the fund to the 9732
department of mental health and addiction services as provided 9733
in section 4301.30 of the Revised Code. 9734

On spirituous liquor manufactured in this state from the 9735
juice of grapes or fruits grown in this state, the division 9736
shall compute an anticipated gross profit of not to exceed ten 9737

per cent. 9738

The wholesale prices fixed under this division shall be at 9739
a discount of not less than six per cent of the retail selling 9740
prices as determined by the division in accordance with this 9741
section. 9742

(C) The division may approve the expansion or diminution 9743
of a premises to which a liquor permit has been issued and may 9744
adopt standards governing such an expansion or diminution. 9745

Sec. 4508.03. (A) No person shall establish a driver 9746
training school or continue the operation of an existing school 9747
unless the person applies for and obtains from the director of 9748
public safety a license in the manner and form prescribed by the 9749
director. 9750

The director shall adopt rules that establish the 9751
requirements for a school license, including requirements 9752
concerning location, equipment, courses of instruction, 9753
instructors, previous records of the school and instructors, 9754
financial statements, schedule of fees and charges, insurance in 9755
the sum and with those provisions as the director considers 9756
necessary to protect adequately the interests of the public, and 9757
any other matters as the director may prescribe for the 9758
protection of the public. The rules also shall require financial 9759
responsibility information as part of the driver education 9760
curriculum. 9761

(B) Any school that offers a driver training program for 9762
disabled persons shall provide specially trained instructors for 9763
the driver training of such persons. No school shall operate a 9764
driver training program for disabled persons after June 30, 9765
1978, unless it has been licensed for such operation by the 9766

director. No person shall act as a specially trained instructor 9767
in a driver training program for disabled persons operated by a 9768
school after June 30, 1978, unless that person has been licensed 9769
by the director. 9770

(C) The director shall certify instructors to teach driver 9771
training to disabled persons in accordance with training program 9772
requirements established by the department of public safety. 9773

The director shall issue a certificate to teach driver 9774
training to disabled persons in accordance with Chapter 4796. of 9775
the Revised Code to a person if either of the following applies: 9776

(1) The person holds a license or certificate in another 9777
state. 9778

(2) The person has satisfactory work experience, a 9779
government certification, or a private certification as 9780
described in that chapter teaching driver training to disabled 9781
persons in a state that does not issue that license or 9782
certificate. 9783

(D) No person shall operate a driver training school 9784
unless the person has a valid license issued by the director 9785
under this section. 9786

(E) Whoever violates division (D) of this section is 9787
guilty of operating a driver training school without a valid 9788
license, a misdemeanor of the second degree. On a second or 9789
subsequent offense within two years after the first offense, the 9790
person is guilty of a misdemeanor of the first degree. 9791

Sec. 4508.04. (A) No person shall act as a driver training 9792
instructor, and no person shall act as a driver training 9793
instructor for disabled persons, unless such person applies for 9794
and obtains from the director of public safety a license in the 9795

manner and form prescribed by the director. The director shall 9796
provide by rule for instructors' license requirements including 9797
physical condition, knowledge of the courses of instruction, 9798
motor vehicle laws and safety principles, previous personal and 9799
employment records, and such other matters as the director may 9800
prescribe for the protection of the public. Driver training 9801
instructors for disabled persons shall meet such additional 9802
requirements and receive such additional classroom and practical 9803
instruction as the director shall prescribe by rule. 9804

(B) The director may issue a license under this section to 9805
a person convicted of a disqualifying offense as determined in 9806
accordance with section 9.79 of the Revised Code. 9807

(C) No person shall knowingly make a false statement on a 9808
license application submitted under this section. 9809

(D) Upon successful completion of all requirements for an 9810
initial instructor license, the director shall issue an 9811
applicant a probationary license, which expires one hundred 9812
eighty days from the date of issuance. In order to receive a 9813
driver training instructor license, a person issued a 9814
probationary license shall pass an assessment prescribed in 9815
rules adopted by the director pursuant to section 4508.02 of the 9816
Revised Code. The person shall pass the assessment prior to 9817
expiration of the probationary license. If the person fails to 9818
pass the assessment, or fails to meet any standards required for 9819
a driver training instructor license, the director may extend 9820
the expiration date of the person's probationary license. Upon 9821
successful completion of the assessment and approval of the 9822
director, the director shall issue to the person a driver 9823
training instructor license. 9824

(E) ~~(1)~~ Notwithstanding the requirements for a license 9825

issued under this section, the board shall issue a license in 9826
accordance with Chapter 4796. of the Revised Code to a person if 9827
either of the following applies: 9828

(1) The person holds a license in another state. 9829

(2) The person has satisfactory work experience, a 9830
government certification, or a private certification as 9831
described in that chapter as a driver training instructor in a 9832
state that does not issue that license. 9833

(F) (1) Whoever violates division (A) of this section is 9834
guilty of acting as a driver training instructor without a valid 9835
license, a misdemeanor of the first degree. 9836

(2) Whoever violates division (C) of this section may be 9837
charged with falsification under section 2921.13 of the Revised 9838
Code. 9839

Sec. 4508.08. There is hereby created in the department of 9840
public safety the motorcycle safety and education program. The 9841
director of public safety shall administer the program in 9842
accordance with the following guidelines: 9843

(A) (1) The program shall include courses of instruction 9844
conducted at vocational schools, community colleges, or other 9845
suitable locations, by instructors who have obtained 9846
certification in the manner and form prescribed by the director. 9847
The courses shall meet standards established in rules adopted by 9848
the department in accordance with Chapter 119. of the Revised 9849
Code. The courses may include instruction for novice motorcycle 9850
operators, instruction in motorist awareness and alcohol and 9851
drug awareness, and any other kind of instruction the director 9852
considers appropriate. A reasonable tuition fee, as determined 9853
by the director, may be charged. All tuition fees collected by 9854

the director shall be deposited into the motorcycle safety and education fund created in section 4501.13 of the Revised Code. The director may authorize private organizations or corporations to offer courses without tuition fee restrictions, but such entities are not eligible for reimbursement of expenses or subsidies from the motorcycle safety and education fund.

(2) The director shall do both of the following:

(a) Authorize private organizations or corporations to offer any nationally recognized motorcycle operator training courses or curriculum and any course established in accordance with division (A)(1) of this section;

(b) Permit an applicant for a motorcycle operator's endorsement or a restricted license that permits only the operation of a motorcycle who has completed any motorcycle operator training course or curriculum as authorized in division (A)(2)(a) of this section successfully within the preceding sixty days to be eligible for the examination waiver as described in division (B)(1) of section 4507.11 of the Revised Code.

(B) In addition to courses of instruction, the program may include provisions for equipment purchases, marketing and promotion, improving motorcycle license testing procedures, and any other provisions the director considers appropriate.

(C) The director shall evaluate all programs, including any nationally recognized motorcycle operator training course or curriculum authorized under division (A)(2)(a) of this section, every two years and shall periodically inspect the facilities, equipment, training course, curriculum, and procedures used in the courses of instruction. The director may suspend or revoke

the authorization for a private organization or corporation to 9884
offer its course under division (A) (2) (a) of this section if the 9885
private organization or corporation fails to maintain the 9886
curriculum, standards, and any other requirements specified 9887
during its initial authorization. The director shall adopt rules 9888
in accordance with Chapter 119. of the Revised Code to implement 9889
and administer this division. 9890

(D) The director shall appoint at least one training 9891
specialist who shall oversee the operation of the program, 9892
establish courses of instruction, and supervise instructors. The 9893
training specialist shall be a licensed motorcycle operator and 9894
shall obtain certification in the manner and form prescribed by 9895
the director. 9896

(E) The director may contract with other public agencies 9897
or with private organizations or corporations to assist in 9898
administering the program. 9899

(F) Notwithstanding any provision of Chapter 102. of the 9900
Revised Code, the director, in order to administer the program, 9901
may participate in a motorcycle manufacturer's motorcycle loan 9902
program. 9903

(G) The director shall contract with an insurance company 9904
or companies authorized to do business in this state to purchase 9905
a policy or policies of insurance with respect to the 9906
establishment or administration, or any other aspect of the 9907
operation of the program. 9908

(H) A private organization or corporation that offers any 9909
nationally recognized motorcycle operator training course or 9910
curriculum is not required to use the end-of-course skills 9911
evaluation used by a course established in accordance with 9912

division (A) of this section if the evaluation used by the 9913
private organization or corporation meets or exceeds the 9914
requirements of the evaluation authorized by the director under 9915
this section. 9916

(I) An instructor for a nationally recognized motorcycle 9917
operator training course or curriculum offered by an authorized 9918
private organization or corporation shall obtain certification 9919
in the manner and form prescribed by the director under division 9920
(A) (1) of this section and in accordance with the rules adopted 9921
by the director. However, the director shall not require an 9922
instructor for a nationally recognized motorcycle operator 9923
training course or curriculum to participate in the state 9924
instructor training curriculum if the director determines that 9925
both of the following apply: 9926

(1) The instructor has completed the training required by 9927
the authorized private organization or corporation and the 9928
training meets or exceeds the state instructor training 9929
curriculum. 9930

(2) The instructor has met all other state requirements 9931
for certification. 9932

(J) The director shall charge the following fees: 9933

(1) Beginning on ~~the effective date of this amendment~~ 9934
August 31, 2022, a one-time fee of four hundred dollars for the 9935
initial authorization of a private organization or corporation 9936
to offer a nationally recognized motorcycle operator training 9937
course or curriculum in accordance with division (A) (2) (a) of 9938
this section; 9939

(2) A one-time fee of fifty dollars for the initial state 9940
certification of an instructor of a course authorized under 9941

division (A) (2) (a) of this section; 9942

(3) One hundred seventy-five dollars at the time of the 9943
two-year program evaluation required under division (C) of this 9944
section for a private organization or corporation to continue to 9945
offer a nationally recognized motorcycle operator training 9946
course or curriculum in accordance with division (A) (2) (a) of 9947
this section. 9948

The director shall deposit all fees received under this 9949
division into the motorcycle safety and education fund 9950
established under section 4501.13 of the Revised Code. 9951

(K) Notwithstanding the requirements for a motorcycle 9952
instructor certificate issued under this section, the director 9953
shall issue a certificate in accordance with Chapter 4796. of 9954
the Revised Code to a person if either of the following applies: 9955

(1) The person holds a license or certificate in another 9956
state. 9957

(2) The person has satisfactory work experience, a 9958
government certification, or a private certification as 9959
described in that chapter as a motorcycle instructor in a state 9960
that does not issue that license or certificate. 9961

Sec. 4511.763. (A) No person, partnership, association, or 9962
corporation shall transport pupils to or from school on a school 9963
bus or enter into a contract with a board of education of any 9964
school district for the transportation of pupils on a school 9965
bus, without being licensed by the department of public safety. 9966

Notwithstanding the requirements for a license issued 9967
under this division, the director shall issue a license in 9968
accordance with Chapter 4796. of the Revised Code to a person if 9969
either of the following applies: 9970

(1) The person holds a license or certificate in another 9971
state. 9972

(2) The person has satisfactory work experience, a 9973
government certification, or a private certification as 9974
described in that chapter transporting pupils on a school bus in 9975
a state that does not issue that license or certificate. 9976

(B) Except as otherwise provided in this division, whoever 9977
violates this section is guilty of a minor misdemeanor. If, 9978
within one year of the offense, the offender previously has been 9979
convicted of or pleaded guilty to one predicate motor vehicle or 9980
traffic offense, whoever violates this section is guilty of a 9981
misdemeanor of the fourth degree. If, within one year of the 9982
offense, the offender previously has been convicted of two or 9983
more predicate motor vehicle or traffic offenses, whoever 9984
violates this section is guilty of a misdemeanor of the third 9985
degree. 9986

Sec. 4701.06. (A) The accountancy board shall grant the 9987
certificate of "certified public accountant" to any person who 9988
satisfies the following requirements: 9989

(1) The person is a resident of this state or has a place 9990
of business in this state or, as an employee, is regularly 9991
employed in this state. The board may determine by rule 9992
circumstances under which the residency requirement may be 9993
waived. 9994

(2) The person has attained the age of eighteen years. 9995

(3) The person meets the following requirements of 9996
education and experience: 9997

(a) Graduation with a baccalaureate or higher degree that 9998
includes successful completion of one hundred fifty semester 9999

hours of undergraduate or graduate education. The board by rule 10000
shall specify graduate degrees that satisfy this requirement and 10001
also by rule shall require any subjects that it considers 10002
appropriate. The total educational program shall include an 10003
accounting concentration with related courses in other areas of 10004
business administration, as defined by board rule. 10005

(b) Acquisition of one year of experience satisfactory to 10006
the board in any of the following: 10007

(i) A public accounting firm; 10008

(ii) Government; 10009

(iii) Business; 10010

(iv) Academia. 10011

(4) The person has passed an examination that is 10012
administered in the manner and that covers the subjects that the 10013
board prescribes by rule. In adopting the relevant rules, the 10014
board shall ensure to the extent possible that the examination, 10015
the examination process, and the examination's passing standard 10016
are uniform with the examinations, examination processes, and 10017
examination passing standards of all other states and may 10018
provide for the use of all or parts of the uniform certified 10019
public accountant examination and advisory grading service of 10020
the American institute of certified public accountants. The 10021
board may contract with third parties to perform administrative 10022
services that relate to the examination and that the board 10023
determines are appropriate in order to assist the board in 10024
performing its duties in relation to the examination. 10025

(B) (1) The experience requirement for a candidate who does 10026
not meet the educational requirements under division (A) (3) (a) 10027
of this section because the board has waived them under division 10028

(B) (2) of this section is four years of the experience described 10029
in division (A) (3) (b) of this section. 10030

(2) The board shall waive the educational requirement set 10031
forth in division (A) (3) (a) of this section for any candidate if 10032
the board finds that the candidate has obtained from an 10033
accredited college or university approved by the board, either 10034
an associate degree or a baccalaureate degree, other than a 10035
baccalaureate degree described in division (A) (3) (a) of this 10036
section, with a concentration in accounting that includes 10037
related courses in other areas of business administration, and 10038
if the board is satisfied from the results of special 10039
examinations that the board gives the candidate to test the 10040
candidate's educational qualification that the candidate is as 10041
well equipped, educationally, as if the candidate met the 10042
applicable educational requirement specified in division (A) (3) 10043
(a) of this section. 10044

The board shall provide by rule for the general scope of 10045
any special examinations for a waiver of the educational 10046
requirements under division (A) (3) (a) of this section and may 10047
obtain any advice and assistance that it considers appropriate 10048
to assist it in preparing and grading those special 10049
examinations. The board may use any existing examinations or may 10050
prepare any number of new examinations to assist in determining 10051
the equivalent training of a candidate. The board by rule shall 10052
prescribe any special examinations for a waiver of the 10053
educational requirements under division (A) (3) (a) of this 10054
section and the passing score required for each examination. 10055

(C) A candidate who has graduated with a baccalaureate 10056
degree or its equivalent or a higher degree that includes 10057
successful completion of at least one hundred twenty semester 10058

hours of undergraduate or graduate education is eligible to take 10059
the examination referred to in division (A) (4) of this section 10060
without waiting until the candidate meets the education or 10061
experience requirements, provided the candidate also meets the 10062
requirement of division (A) (1) of this section. The board by 10063
rule shall specify degrees that make a candidate eligible under 10064
this division and by rule shall require any subjects that it 10065
considers appropriate. 10066

(D) A candidate for the certificate of certified public 10067
accountant who has successfully completed the examination under 10068
division (A) (4) of this section has no status as a certified 10069
public accountant, unless and until the candidate has the 10070
requisite education and experience and has received a 10071
certificate as a certified public accountant. The board shall 10072
determine and charge a fee for issuing the certificate that is 10073
adequate to cover the expense. 10074

(E) The board by rule may prescribe the terms and 10075
conditions under which a candidate who passes part but not all 10076
of the examination may retake the examination. It also may 10077
provide by rule for a reasonable waiting period for a 10078
candidate's reexamination. 10079

The applicable educational and experience requirements 10080
under divisions (A) (3), (B), and (C) of this section shall be 10081
those in effect on the date on which the candidate first sits 10082
for the examination. 10083

(F) The board shall charge a candidate a reasonable fee, 10084
to be determined by the board, that is adequate to cover all 10085
rentals, compensation for proctors, and other administrative 10086
expenses of the board related to examination or reexamination, 10087
including the expenses of procuring and grading the examination 10088

provided for in division (A) (4) of this section and for any 10089
special examinations for a waiver of the educational 10090
requirements under division (A) (3) (a) of this section. Fees for 10091
reexamination under division (E) of this section shall be 10092
charged by the board in amounts determined by it. The applicable 10093
fees shall be paid by the candidate at the time the candidate 10094
applies for examination or reexamination. 10095

(G) Any person who has received from the board a 10096
certificate as a certified public accountant and who holds an 10097
Ohio permit shall be styled and known as a "certified public 10098
accountant" and also may use the abbreviation "CPA." The board 10099
shall maintain a list of certified public accountants. Any 10100
certified public accountant also may be known as a "public 10101
accountant." 10102

(H) Persons who, on the effective date of an amendment of 10103
this section, held certified public accountant certificates 10104
previously issued under the laws of this state shall not be 10105
required to obtain additional certificates under this section 10106
but shall otherwise be subject to all provisions of this 10107
section, and those previously issued certificates, for all 10108
purposes, shall be considered certificates issued under this 10109
section and subject to its provisions. 10110

(I) The board may waive the examination under division (A) 10111
(4) of this section and, upon payment of a fee determined by it, 10112
may issue a certificate as a "certified public accountant" to 10113
any person who possesses the qualifications specified in 10114
divisions (A) (1) and (2) of this section and what the board 10115
determines to be substantially the equivalent of the applicable 10116
qualifications under division (A) (3) of this section and who ~~is~~ 10117
~~the holder of a certificate as a certified public accountant,~~ 10118

~~then in full force and effect, issued under the laws of any~~ 10119
~~state, or is the holder of a certificate, license, or degree in~~ 10120
a foreign country that constitutes a recognized qualification 10121
for the practice of public accounting in that country, that is 10122
comparable to that of a certified public accountant of this 10123
state, and that is then in full force and effect. 10124

(J) The board shall issue a certificate as a "certified 10125
public accountant" in accordance with Chapter 4796. of the 10126
Revised Code to a person if either of the following applies: 10127

(1) The person holds a certificate as a certified public 10128
accountant in another state. 10129

(2) The person has satisfactory work experience, a 10130
government certification, or a private certification as 10131
described in that chapter as a certified public accountant in a 10132
state that does not issue that certificate. 10133

Sec. 4701.07. The accountancy board shall register as a 10134
public accountant any person who meets all the following 10135
requirements: 10136

(A) The person is a resident of this state or has a place 10137
of business in this state. 10138

(B) The person has attained the age of eighteen years. 10139

(C) The person holds a baccalaureate or higher degree 10140
conferred by a college or university recognized by the board, 10141
with a concentration in accounting, or with what the board 10142
determines to be substantially the equivalent of the foregoing; 10143
or with a nonaccounting concentration supplemented by what the 10144
board determines to be substantially the equivalent of an 10145
accounting concentration, including related courses in other 10146
areas of business administration. 10147

The board may waive the educational requirement for any candidate if it finds that the candidate has attained the equivalent education by attendance at a business school or two-year college, by self-study, or otherwise, and if it is satisfied from the result of a special written examination that the board gives the candidate to test the candidate's educational qualifications that the candidate is as well equipped, educationally, as if the candidate met the applicable educational requirement specified in this division. The board may provide by rule for the general scope of these examinations and may obtain any advice and assistance that it considers appropriate to assist it in preparing and grading the special examinations. The board may use any existing examinations or may prepare any number of new examinations to assist it in determining the equivalent training of a candidate. The board by rule may prescribe the special examinations and the passing score required for each examination.

(D) The person has completed two years of public accounting experience, satisfactory to the board, in any state in practice as a public accountant or in any state in employment as a staff accountant by anyone practicing public accounting, or other experience in private or governmental accounting that, in the opinion of the board, will be the equivalent of that public accounting practice, or any combination of those types of experience, except that the experience requirement is only one year of the experience described in this division for any candidate holding a master's degree in accounting or business administration from a college or university recognized by the board, if the candidate has satisfactorily completed the number of credit hours in accounting, business administration, economics, and any related subjects that the board determines to

be appropriate and if either of the following applies: 10179

(1) The person has passed the uniform national society of 10180
public accountants examination or a comparable examination 10181
approved by the public accountant members of the accountancy 10182
board. 10183

(2) The person has passed the accounting practice and 10184
auditing sections of the uniform CPA examination. 10185

The examination described in division (D)(1) of this 10186
section shall be held by the board and shall take place as often 10187
as the board determines but shall not be held less frequently 10188
than once each year. The board shall charge a candidate an 10189
application fee, to be determined by the board, that is adequate 10190
to cover all rentals, compensation for proctors, and other 10191
expenses of the board related to examination or reexamination 10192
except the expenses of procuring and grading the examination. In 10193
addition, the board shall charge the candidate an examination 10194
fee to be determined by the board, that is adequate to cover the 10195
expense of procuring and grading the examination. Fees for 10196
reexamination under division (D) of this section also shall be 10197
charged by the board in amounts determined by it to be adequate 10198
to cover the expenses of procuring and grading the examinations. 10199
The applicable fees shall be paid by the candidate at the time 10200
the candidate applies for examination or reexamination. 10201

(E) The person applied, on or before April 16, 1993, for 10202
registration as a public accountant. 10203

The board shall determine and charge a fee for 10204
registration under this section that is adequate to cover the 10205
expense. 10206

The board in each case shall determine whether the 10207

applicant is eligible for registration. Any individual who is so 10208
registered and who holds an Ohio permit shall be styled and 10209
known as a "public accountant" and may use the abbreviation 10210
"PA." 10211

A person who, on the effective date of an amendment of 10212
this section, holds a valid registration as a public accountant 10213
issued under the laws of this state shall not be required to 10214
obtain additional registration under this section but shall 10215
otherwise be subject to all provisions of this section. That 10216
registration, for all purposes, shall be considered a 10217
registration issued under this section and subject to its 10218
provisions. 10219

Chapter 4796. of the Revised Code does not apply to public 10220
accountant registrations issued under this section. 10221

Sec. 4701.10. (A) The accountancy board, upon application, 10222
shall issue Ohio permits to practice public accounting to 10223
holders of the CPA certificate or the PA registration. Subject 10224
to division (H)(1) of this section, there shall be a triennial 10225
Ohio permit fee in an amount to be determined by the board not 10226
to exceed one hundred fifty dollars. All Ohio permits shall 10227
expire on the last day of December of the year assigned by the 10228
board and, subject to division (H)(1) of this section, shall be 10229
renewed triennially for a period of three years by certificate 10230
holders and registrants in good standing upon payment of a 10231
triennial renewal fee not to exceed one hundred fifty dollars. 10232

(B) The accountancy board may issue Ohio registrations to 10233
holders of the CPA certificate and the PA registration who are 10234
not engaged in the practice of public accounting. Such persons 10235
shall not convey to the general public that they are actively 10236
engaged in the practice of public accounting in this state. 10237

Subject to division (H) (1) of this section, there shall be a 10238
triennial Ohio registration fee in an amount to be determined by 10239
the board but not exceeding fifty-five dollars. All Ohio 10240
registrations shall expire on the last day of December of the 10241
year assigned by the board and, subject to division (H) (1) of 10242
this section, shall be renewed triennially for a period of three 10243
years upon payment by certificate holders and registrants in 10244
good standing of a renewal fee not to exceed fifty-five dollars. 10245

(C) Any person who receives a CPA certificate and who 10246
applies for an initial Ohio permit or Ohio registration more 10247
than sixty days after issuance of the CPA certificate may, at 10248
the board's discretion, be subject to a late filing fee not 10249
exceeding one hundred dollars. 10250

(D) Any person to whom the board has issued an Ohio permit 10251
who is engaged in the practice of public accounting and who 10252
fails to renew the permit by the expiration date shall be 10253
subject to a late filing fee not exceeding one hundred dollars 10254
for each full month or part of a month after the expiration date 10255
in which such person did not possess a permit, up to a maximum 10256
of one thousand two hundred dollars. The board may waive or 10257
reduce the late filing fee for just cause upon receipt of a 10258
written request from such person. 10259

(E) Any person to whom the board has issued an Ohio permit 10260
or Ohio registration who is not engaged in the practice of 10261
public accounting and who fails to renew the permit or 10262
registration by the expiration date shall be subject to a late 10263
filing fee not exceeding fifty dollars for each full month or 10264
part of a month after the expiration date in which such person 10265
did not possess a permit or registration, up to a maximum of 10266
three hundred dollars. The board may waive or reduce the late 10267

filing fee for just cause upon receipt of a written request from 10268
such person. 10269

(F) Failure of a CPA certificate holder or PA registration 10270
holder to apply for either an Ohio permit or an Ohio 10271
registration within one year from the expiration date of the 10272
Ohio permit or Ohio registration last obtained or renewed, or 10273
one year from the date upon which the CPA certificate holder was 10274
granted a CPA certificate, shall result in suspension of the CPA 10275
certificate or PA registration until all fees required under 10276
divisions (D) and (E) of this section have been paid, unless the 10277
board determines the failure to have been due to excusable 10278
neglect. In that case, the fee for the issuance or renewal of 10279
the Ohio permit or Ohio registration, as the case may be, shall 10280
be the amount that the board shall determine, but not in excess 10281
of fifty dollars plus the fee for each triennial period or part 10282
of a period the certificate holder or registrant did not have 10283
either an Ohio permit or an Ohio registration. 10284

(G) The board by rule may exempt persons from the 10285
requirement of holding an Ohio permit or Ohio registration for 10286
specified reasons, including, but not limited to, retirement, 10287
health reasons, military service, foreign residency, or other 10288
just cause. 10289

(H) (1) The board by rule: 10290

(a) May provide for the issuance of Ohio permits and Ohio 10291
registrations for less than three years' duration at prorated 10292
fees; 10293

(b) Shall add a surcharge to the Ohio permit and Ohio 10294
registration fee imposed pursuant to this section of at least 10295
fifteen dollars but no more than thirty dollars for a three-year 10296

Ohio permit or Ohio registration, at least ten dollars but no 10297
more than twenty dollars for a two-year Ohio permit or Ohio 10298
registration, and at least five dollars but no more than ten 10299
dollars for a one-year Ohio permit or Ohio registration. 10300

(2) Each quarter, the board, for the purpose provided in 10301
section 4743.05 of the Revised Code, shall certify to the 10302
director of budget and management the number of Ohio permits and 10303
Ohio registrations issued or renewed under this chapter during 10304
the preceding quarter and the amount equal to that number times 10305
the amount of the surcharge added to each Ohio permit and Ohio 10306
registration fee by the board under division (H)(1) of this 10307
section. 10308

(I) Chapter 4796. of the Revised Code does not apply to 10309
Ohio permits or Ohio registrations issued under this section. 10310

Sec. 4703.08. The architects board shall adopt rules to 10311
certify and register an applicant for a certificate of 10312
qualification to practice architecture who is licensed or 10313
registered as an architect in another ~~state or jurisdiction~~ 10314
country, holds a current certificate in good standing issued by 10315
the national council of architectural registration boards, and 10316
wishes to be registered in this state. 10317

Sec. 4703.10. If the applicant passes the examination 10318
under section 4703.09 of the Revised Code or in lieu of the 10319
examination is, in the opinion of the architects board, eligible 10320
to register as an architect pursuant to rules adopted under 10321
section 4703.08 of the Revised Code, the applicant is eligible 10322
to receive from the board a certificate of qualification to 10323
practice architecture. The certificate shall be signed by the 10324
president and secretary of the board and shall bear the name of 10325
the successful applicant, the serial number of the certificate, 10326

the seal of the board, and the words, "admitted to practice
architecture in the state of Ohio, the ____ day of _____,
____"

If the applicant fails the examination under section
4703.09 of the Revised Code, the board may refuse to issue a
certificate of qualification to practice architecture.

The board shall certify and register an applicant in
accordance with Chapter 4796. of the Revised Code for a
certificate of qualification to practice architecture if either
of the following applies:

(A) The applicant holds a certification, registration, or
license to practice architecture in another state.

(B) The applicant has satisfactory work experience, a
government certification, or a private certification as
described in that chapter as an architect in a state that does
not issue that certificate, registration, or license.

Sec. 4703.33. (A) The Ohio landscape architects board, in
accordance with Chapter 119. of the Revised Code, may adopt,
amend, and enforce rules governing the standards for education,
experience, services, conduct, and practice to be followed in
the practice of the profession of landscape architecture and
rules pertaining to the satisfactory completion of continuing
education requirements. If the board adopts rules pertaining to
continuing education requirements, the board shall, in general,
follow model continuing education recommendations established by
the council of landscape architectural registration boards or a
similar successor organization.

(B) The board, or the board's designee, shall hold
examinations not less than once annually and shall register as a

landscape architect each applicant who demonstrates to the 10356
satisfaction of the board that the applicant has met all the 10357
requirements of section 4703.34 of the Revised Code. 10358

(C) The board shall issue to each individual registered 10359
pursuant to this section a certificate of qualification. 10360

Chapter 4796. of the Revised Code does not apply to a 10361
certificate of qualification issued under this division. 10362

(D) The board shall appoint at least one of its members as 10363
a delegate to each regional and annual meeting of the council of 10364
landscape architectural registration boards. 10365

Sec. 4703.35. (A) The Ohio landscape architects board 10366
shall register as a landscape architect any individual who is at 10367
least eighteen years of age and who provides evidence 10368
satisfactory to the board that the individual is a registered or 10369
licensed landscape architect in another ~~state or~~ country in 10370
which the qualifications, at the time of licensure, were 10371
substantially equal, in the opinion of the board, to the 10372
requirements for registration as a landscape architect in this 10373
state. The board may require that an applicant for registration 10374
under this ~~section~~ division hold a current council record or 10375
certificate in good standing issued by the council of landscape 10376
architectural registration boards. 10377

(B) The board shall register as a landscape architect in 10378
accordance with Chapter 4796. of the Revised Code an individual 10379
if either of the following applies: 10380

(1) The individual holds a registration or license as a 10381
landscape architect in another state. 10382

(2) The individual has satisfactory work experience, a 10383
government certification, or a private certification as 10384

described in that chapter as a landscape architect in a state 10385
that does not issue that registration or license. 10386

Sec. 4703.37. (A) The Ohio landscape architects board 10387
shall establish an application fee for obtaining registration 10388
under section 4703.34 of the Revised Code and a fee for 10389
obtaining registration under division (A) of section 4703.35 of 10390
the Revised Code. 10391

(B) The fee to restore an expired certificate of 10392
qualification is the renewal fee for the current certification 10393
period, plus the renewal fee for each previous renewal period in 10394
which the certificate was not renewed, plus a penalty of twenty- 10395
five per cent of the total renewal fees for each renewal period 10396
or part thereof in which the certificate was not renewed, on the 10397
condition that the maximum fee shall not exceed an amount 10398
established by the board. 10399

(C) The board also shall establish the following fees: 10400

(1) The fee for a certificate of qualification or 10401
duplicate thereof, as issued to a landscape architect registered 10402
under sections 4703.33 to 4703.38 of the Revised Code. 10403

(2) The fee for the biennial renewal of the certificate of 10404
qualification and the fee for a duplicate renewal card. 10405

(3) The fee to be charged an examinee for administering an 10406
examination to the examinee on behalf of another jurisdiction. 10407

(4) The fee for a certificate of authorization issued 10408
under division (F) of section 4703.331 of the Revised Code, the 10409
fee for annual renewal of a certificate of authorization, and 10410
the fee for a duplicate certificate of authorization. 10411

(5) The fee to cover costs for checks or other instruments 10412

returned to the board by financial institutions due to 10413
insufficient funds. 10414

Sec. 4707.07. (A) The department of agriculture may grant 10415
an auctioneer's license to an individual who is determined to be 10416
qualified by the department. Each individual who applies for an 10417
auctioneer's license shall furnish to the department, on forms 10418
provided by the department, satisfactory proof that the 10419
applicant: 10420

(1) Has attained the age of at least eighteen years; 10421

(2) Has successfully completed a course of study in 10422
auctioneering at an institution that is approved by the state 10423
auctioneers commission. 10424

(3) Has a general knowledge of the following: 10425

(a) The requirements of the Revised Code relative to 10426
auctioneers; 10427

(b) The auction profession; 10428

(c) The principles involved in conducting an auction; 10429

(d) Any local and federal laws regarding the profession of 10430
auctioneering. 10431

(4) Has satisfied the financial responsibility 10432
requirements established under section 4707.11 of the Revised 10433
Code if applicable. 10434

(B) If the department determines that an application is 10435
incomplete, the department shall notify the applicant that the 10436
application is incomplete and inform the applicant of the 10437
information that is missing from the application. An applicant 10438
shall submit the additional information within ninety days after 10439

being notified by the department that the application is 10440
incomplete. If an applicant fails to submit the required 10441
information within that ninety-day period, the department shall 10442
deny the application and the applicant shall forfeit the 10443
application fee to the department. 10444

(C) A licensee may do business under more than one 10445
registered name, but not to exceed three registered names, 10446
provided that the names have been approved by the department. 10447
The department may reject the application of any person seeking 10448
licensure under this chapter if the name or names to be used by 10449
the applicant are likely to mislead the public, or if the name 10450
or names do not distinguish the applicant from the name or names 10451
of any existing person licensed under this chapter. If an 10452
applicant applies to the department to do business under three 10453
names, the department may charge a fee of ten dollars for the 10454
third name. 10455

(D) The department shall issue an auctioneer's license in 10456
accordance with Chapter 4796. of the Revised Code to an 10457
applicant if either of the following applies: 10458

(1) The applicant holds an auctioneer's license in another 10459
state. 10460

(2) The applicant has satisfactory work experience, a 10461
government certification, or a private certification as 10462
described in that chapter as an auctioneer in a state that does 10463
not issue that license. 10464

Sec. 4707.072. The department of agriculture may grant 10465
one-auction licenses to any nonresident individual who is 10466
determined to be qualified by the department. ~~Any Chapter 4796.~~ 10467
of the Revised Code does not apply to one-auction licenses 10468

issued under this section. 10469

Any individual who applies for a one-auction license shall 10470
attest, on forms provided by the department, and furnish to the 10471
department, satisfactory proof that the license applicant meets 10472
the following requirements: 10473

(A) Has a good reputation; 10474

(B) Is of trustworthy character; 10475

(C) Has attained the age of at least eighteen years; 10476

(D) Has a general knowledge of the requirements of the 10477
Revised Code relative to auctioneers, the auction profession, 10478
and the principles involved in conducting an auction; 10479

(E) Has two years of professional auctioneering experience 10480
immediately preceding the date of application that includes the 10481
personal conduct by the applicant of at least twelve auction 10482
sales in any state, ~~or has met the requirements of section~~ 10483
~~4707.12 of the Revised Code;~~ 10484

(F) Has paid a fee of five hundred dollars; 10485

(G) Has not applied for or previously obtained a license 10486
under this section; 10487

(H) Has provided proof of financial responsibility in the 10488
form of either an irrevocable letter of credit or a cash bond or 10489
a surety bond in the amount of fifty thousand dollars. If the 10490
applicant gives a surety bond, the bond shall be executed by a 10491
surety company authorized to do business in this state. A bond 10492
shall be made to the department and shall be conditioned that 10493
the applicant shall comply with this chapter and rules adopted 10494
under it, including refraining from conduct described in section 10495
4707.15 of the Revised Code. All bonds shall be on a form 10496

approved by the director of agriculture. 10497

Sec. 4709.07. (A) Each person who desires to obtain an 10498
initial license to practice barbering shall apply to the state 10499
cosmetology and barber board, on forms provided by the board. 10500
The application form shall include the name of the person 10501
applying for the license and evidence that the applicant meets 10502
all of the requirements of division (B) of this section. The 10503
application shall be accompanied by two signed current 10504
photographs of the applicant, in the size determined by the 10505
board, that show only the head and shoulders of the applicant, 10506
and the examination application fee. 10507

(B) In order to take the required barber examination and 10508
to qualify for licensure as a barber, an applicant must 10509
demonstrate that the applicant meets all of the following: 10510

(1) Is at least eighteen years of age; 10511

(2) Has an eighth grade education or an equivalent 10512
education as determined by the state board of education in the 10513
state where the applicant resides; 10514

(3) Has graduated with at least one thousand eight hundred 10515
hours of training from a board-approved barber school or has 10516
graduated with at least one thousand hours of training from a 10517
board-approved barber school in this state and has a current 10518
cosmetology or hair designer license issued pursuant to Chapter 10519
4713. of the Revised Code. No hours of instruction earned by an 10520
applicant five or more years prior to the examination apply to 10521
the hours of study required by this division. 10522

(C) Any applicant who meets all of the requirements of 10523
divisions (A) and (B) of this section may take the barber 10524
examination at the time and place specified by the board. If the 10525

applicant fails to attain at least a seventy-five per cent pass rate on each part of the examination, the applicant is ineligible for licensure; however, the applicant may reapply for examination within ninety days after the date of the release of the examination scores by paying the required reexamination fee. An applicant is only required to take that part or parts of the examination on which the applicant did not receive a score of seventy-five per cent or higher. If the applicant fails to reapply for examination within ninety days or fails the second examination, in order to reapply for examination for licensure the applicant shall complete an additional course of study of not less than two hundred hours, in a board-approved barber 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.

(E) The board shall issue a license to practice barbering in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license to practice barbering in another state.

(2) The applicant has satisfactory work experience, a

government certification, or a private certification as 10556
described in that chapter as a barber in a state that does not 10557
issue that license. 10558

Sec. 4709.08. Any person who holds a current license or 10559
registration to practice as a barber in any other ~~state or~~ 10560
~~district of the United States or~~ country whose requirements for 10561
licensure or registration of barbers are substantially 10562
equivalent to the requirements of this chapter and rules adopted 10563
under it and that extends similar reciprocity to persons 10564
licensed as barbers in this state may apply to the state 10565
cosmetology and barber board for a barber license. The board 10566
shall, without examination, unless the board determines to 10567
require an examination, issue a license to practice as a 10568
licensed barber in this state if the person meets the 10569
requirements of this section, is at least eighteen years of age, 10570
and pays the required fees. The board may waive any of the 10571
requirements of this section. 10572

Sec. 4709.10. (A) Each person who desires to obtain a 10573
license to operate a barber school shall apply to the state 10574
cosmetology and barber board, on forms provided by the board. 10575
The board shall issue a barber school license to a person if the 10576
board determines that the person meets and will comply with all 10577
of the requirements of division (B) of this section and pays the 10578
required licensure and inspection fees. 10579

(B) In order for a person to qualify for a license to 10580
operate a barber school, the barber school to be operated by the 10581
person must meet all of the following requirements: 10582

(1) Have a training facility sufficient to meet the 10583
required educational curriculum established by the board, 10584
including enough space to accommodate all the facilities and 10585

equipment required by rule by the board; 10586

(2) Provide sufficient licensed teaching personnel to meet 10587
the minimum pupil-teacher ratio established by rule of the 10588
board; 10589

(3) Have established and provide to the board proof that 10590
it has met all of the board requirements to operate a barber 10591
school, as adopted by rule of the board; 10592

(4) File with the board a program of its curriculum, 10593
accounting for not less than one thousand eight hundred hours of 10594
instruction in the courses of theory and practical demonstration 10595
required by rule of the board; 10596

(5) File with the board a surety bond in the amount of ten 10597
thousand dollars issued by a bonding company licensed to do 10598
business in this state. The bond shall be in the form prescribed 10599
by the board and conditioned upon the barber school's continued 10600
instruction in the theory and practice of barbering. The bond 10601
shall continue in effect until notice of its termination is 10602
provided to the board. In no event, however, shall the bond be 10603
terminated while the barber school is in operation. Any student 10604
who is injured or damaged by reason of a barber school's failure 10605
to continue instruction in the theory and practice of barbering 10606
may maintain an action on the bond against the barber school or 10607
the surety, or both, for the recovery of any money or tuition 10608
paid in advance for instruction in the theory and practice of 10609
barbering which was not received. The aggregate liability of the 10610
surety to all students shall not exceed the sum of the bond. 10611

(6) Maintain adequate record keeping to ensure that it has 10612
met the requirements for records of student progress as required 10613
by board rule; 10614

- (7) Establish minimum standards for acceptance of student applicants for admission to the barber school. The barber school may establish entrance requirements which are more stringent than those prescribed by the board, but the requirements must at a minimum require the applicant to meet all of the following:
- (a) Be at least seventeen years of age;
 - (b) Have an eighth grade education, or an equivalent education as determined by the state board of education;
 - (c) Submit two signed current photographs of the applicant, in the size determined by the board.
- (8) Have a procedure to submit every student applicant's admission application to the board for the board's review and approval prior to the applicant's admission to the barber school;
- (9) Operate in a manner which reflects credit upon the barbering profession;
- (10) Offer a curriculum of study which covers all aspects of the scientific fundamentals of barbering as specified by rule of the board;
- (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.
- (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~~ Except as provided in division (D) of this section, the board shall only issue a barber teacher license to a person who meets all of the following requirements:

(1) Holds a current barber license issued pursuant to this chapter and has at least eighteen months of work experience in a licensed barber shop or has been employed as an assistant barber teacher under the supervision of a licensed barber teacher for at least one year, unless, for good cause, the board waives this requirement;

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

(3) Passes the required examination; and

(4) Pays the required fees.

~~The~~ Except as provided in division (D) of this section, 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.

(D) The board shall issue a barber teacher or assistant barber teacher license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a barber teacher or assistant barber teacher license, as applicable, in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a barber teacher or assistant barber teacher, as applicable, in a state that does not issue the applicable license.

(E) Any person who meets the qualifications of an assistant teacher pursuant to division (C) or (D) 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 10671
board, the applicant's qualifications. 10672

Sec. 4712.02. (A) A credit services organization shall 10673
file a registration application with, and receive a certificate 10674
of registration from, the division of financial institutions 10675
before conducting business in this state. The registration 10676
application shall be accompanied by a one-hundred-dollar fee and 10677
shall contain all of the following information: 10678

(1) The name and address of the credit services 10679
organization; 10680

(2) The name and address of any person that directly or 10681
indirectly owns or controls ten per cent or more of the 10682
outstanding shares of stock in the organization; 10683

(3) Either of the following: 10684

(a) A full and complete disclosure of any litigation 10685
commenced against the organization or unresolved complaint that 10686
relates to the operation of the organization and that is filed 10687
with the attorney general, the secretary of state, or any other 10688
governmental authority of the United States, this state, or any 10689
other state of the United States; 10690

(b) A notarized statement stating that no litigation has 10691
been commenced and no unresolved complaint relating to the 10692
operation of the organization has been filed with the attorney 10693
general, the secretary of state, or any other governmental 10694
authority of the United States, this state, or any other state 10695
of the United States. 10696

(4) Any other information required at any time by the 10697
division. 10698

(B) (1) Except as ~~otherwise~~ provided in division (B) (2) of 10699
this section, each credit services organization shall notify the 10700
division in writing within thirty days after the date of a 10701
change in the information required by division (A) of this 10702
section. 10703

(2) Each organization shall notify the division in writing 10704
no later than thirty days prior to any change in the information 10705
required by division (A) (1) or (2) of this section and shall 10706
receive approval from the division before making any such 10707
change. 10708

(C) (1) A credit services organization shall attach both of 10709
the following to the registration application submitted pursuant 10710
to division (A) of this section: 10711

(a) A copy of the contract that the organization intends 10712
to execute with its customers; 10713

(b) Evidence of the bond required under section 4712.06 of 10714
the Revised Code. 10715

(2) Any modification made to the contract described in 10716
division (C) (1) (a) of this section shall be filed with the 10717
division prior to its use by the organization. 10718

(D) Each credit services organization registering under 10719
this section shall maintain a copy of the registration 10720
application in its files. The organization shall allow a buyer 10721
to inspect the registration application upon request. 10722

(E) Each nonresident credit services organization 10723
registering under this section shall designate and maintain a 10724
resident of this state as the organization's statutory agent for 10725
purposes of receipt of service of process. 10726

(F) If, in order to issue a certificate of registration to a credit services organization, investigation by the division outside this state is necessary, the division may require the organization to advance sufficient funds to pay the actual expenses of the investigation.

(G) Each credit services organization registering under this section shall use no more than one fictitious or trade name.

(H) (1) A certificate of registration issued by the division pursuant to this section shall expire annually on the thirtieth day of April, or annually on a different date established by the superintendent pursuant to section 1181.23 of the Revised Code.

(2) A credit services organization may renew its certificate of registration by filing with the division a renewal application accompanied by a one-hundred-dollar renewal fee.

(I) All money collected by the division pursuant to this section shall be deposited by it in the state treasury to the credit of the consumer finance fund.

(J) (1) No credit services organization shall fail to comply with division (A) of this section.

(2) No credit services organization shall fail to comply with division (B), (D), (E), (F), or (G) of this section.

(K) A person shall not apply for a certificate of registration under this chapter in the person's individual capacity. The division shall not grant a certificate to a person in the person's individual capacity.

Sec. 4713.10. (A) The state cosmetology and barber board shall charge and collect the following fees:	10755 10756
(1) For a temporary pre-examination work permit under section 4713.22 of the Revised Code, not more than fifteen dollars;	10757 10758 10759
(2) For initial application to take an examination under section 4713.24 of the Revised Code, not more than forty dollars;	10760 10761 10762
(3) For application to take an examination under section 4713.24 of the Revised Code by an applicant who has previously applied to take, but failed to appear for, the examination, not more than fifty-five dollars;	10763 10764 10765 10766
(4) For application to re-take an examination under section 4713.24 of the Revised Code by an applicant who has previously appeared for, but failed to pass, the examination, not more than forty dollars;	10767 10768 10769 10770
(5) For the issuance of a license <u>by examination</u> under section 4713.28, 4713.30, or 4713.31 of the Revised Code, not more than seventy-five dollars;	10771 10772 10773
(6) For the issuance of a license under section 4713.34 of the Revised Code, not more than seventy dollars;	10774 10775
(7) For renewal of a license issued under section 4713.28, 4713.30, 4713.31, or 4713.34 of the Revised Code, not more than seventy dollars;	10776 10777 10778
(8) For the issuance or renewal of a cosmetology school license, not more than two hundred fifty dollars;	10779 10780
(9) For the issuance of a new salon license or the change of name or ownership of a salon license under section 4713.41 of	10781 10782

the Revised Code, not more than one hundred dollars; 10783

(10) For the renewal of a salon license under section 10784
4713.41 of the Revised Code, not more than ninety dollars; 10785

(11) For the restoration of an expired license that may be 10786
restored pursuant to section 4713.63 of the Revised Code, an 10787
amount equal to the sum of the current license renewal fee and a 10788
lapsed renewal fee of not more than forty-five dollars per 10789
license renewal period that has elapsed since the license was 10790
last issued or renewed; 10791

(12) For the issuance of a duplicate of any license, not 10792
more than thirty dollars; 10793

(13) For the preparation and mailing of a licensee's 10794
records to another state for a reciprocity license, not more 10795
than fifty dollars; 10796

(14) For the processing of any fees related to a check 10797
from a licensee returned to the board for insufficient funds, an 10798
additional thirty dollars. 10799

(B) The board shall adjust the fees biennially, by rule, 10800
within the limits established by division (A) of this section, 10801
to provide sufficient revenues to meet its expenses. 10802

(C) The board may establish an installment plan for the 10803
payment of fines and fees and may reduce fees as considered 10804
appropriate by the board. 10805

(D) At the request of a person who is temporarily unable 10806
to pay a fee imposed under division (A) of this section, or on 10807
its own motion, the board may extend the date payment is due by 10808
up to ninety days. If the fee remains unpaid after the date 10809
payment is due, the amount of the fee shall be certified to the 10810

attorney general for collection in the form and manner 10811
prescribed by the attorney general. The attorney general may 10812
assess the collection cost to the amount certified in such a 10813
manner and amount as prescribed by the attorney general. 10814

Sec. 4713.28. (A) The state cosmetology and barber board 10815
shall issue a practicing license to an applicant who satisfies 10816
all of the following applicable conditions: 10817

(1) Is at least sixteen years of age; 10818

(2) Has the equivalent of an Ohio public school tenth 10819
grade education; 10820

(3) Has submitted a written application on a form 10821
furnished by the board that contains all of the following: 10822

(a) The name of the individual and any other identifying 10823
information required by the board; 10824

(b) A recent photograph of the individual that meets the 10825
specifications established by the board; 10826

(c) A photocopy of the individual's current driver's 10827
license or other proof of legal residence; 10828

(d) Proof that the individual is qualified to take the 10829
applicable examination as required by section 4713.20 of the 10830
Revised Code; 10831

(e) An oath verifying that the information in the 10832
application is true; 10833

(f) The applicable application fee. 10834

(4) Passes an examination conducted under division (A) of 10835
section 4713.24 of the Revised Code for the branch of 10836
cosmetology the applicant seeks to practice; 10837

- (5) Pays to the board the applicable license fee; 10838
- (6) In the case of an applicant for an initial 10839
cosmetologist license, has successfully completed at least one 10840
thousand five hundred hours of board-approved cosmetology 10841
training in a school of cosmetology licensed in this state, 10842
except that only one thousand hours of board-approved 10843
cosmetology training in a school of cosmetology licensed in this 10844
state is required of an individual licensed as a barber under 10845
Chapter 4709. of the Revised Code; 10846
- (7) In the case of an applicant for an initial esthetician 10847
license, has successfully completed at least six hundred hours 10848
of board-approved esthetics training in a school of cosmetology 10849
licensed in this state; 10850
- (8) In the case of an applicant for an initial hair 10851
designer license, has successfully completed at least one 10852
thousand two hundred hours of board-approved hair designer 10853
training in a school of cosmetology licensed in this state, 10854
except that only one thousand hours of board-approved hair 10855
designer training in a school of cosmetology licensed in this 10856
state is required of an individual licensed as a barber under 10857
Chapter 4709. of the Revised Code; 10858
- (9) In the case of an applicant for an initial manicurist 10859
license, has successfully completed at least two hundred hours 10860
of board-approved manicurist training in a school of cosmetology 10861
licensed in this state; 10862
- (10) In the case of an applicant for an initial natural 10863
hair stylist license, has successfully completed at least four 10864
hundred fifty hours of instruction in subjects relating to 10865
sanitation, scalp care, anatomy, hair styling, communication 10866

skills, and laws and rules governing the practice of 10867
cosmetology. 10868

(B) The board shall not deny a license to any applicant 10869
based on prior incarceration or conviction for any crime. If the 10870
board denies an individual a license or license renewal, the 10871
reasons for such denial shall be put in writing. 10872

(C) The board shall issue a practicing license in a branch 10873
of cosmetology in accordance with Chapter 4796. of the Revised 10874
Code to an applicant if either of the following applies: 10875

(1) The applicant holds a license in that branch of 10876
cosmetology in another state. 10877

(2) The applicant has satisfactory work experience, a 10878
government certification, or a private certification as 10879
described in that chapter in that branch of cosmetology in a 10880
state that does not issue that license. 10881

Sec. 4713.30. ~~The~~ (A) Except as provided in division (B) 10882
of this section, the state cosmetology and barber board shall 10883
issue an advanced license to an applicant who satisfies all of 10884
the following applicable conditions: 10885

~~(A)~~ (1) Is at least sixteen years of age; 10886

~~(B)~~ (2) Has the equivalent of an Ohio public school tenth 10887
grade education; 10888

~~(C)~~ (3) Pays to the board the applicable fee; 10889

~~(D)~~ (4) Passes the appropriate advanced license 10890
examination; 10891

~~(E)~~ (5) In the case of an applicant for an initial 10892
advanced cosmetologist license, does either of the following: 10893

~~(1)~~ (a) Has a licensed advanced cosmetologist or owner of a licensed beauty salon located in this or another state certify to the board that the applicant has practiced as a cosmetologist for at least one thousand eight hundred hours in a licensed beauty salon;

~~(2)~~ (b) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed, in addition to the hours required for licensure as a cosmetologist, at least three hundred hours of board-approved advanced cosmetologist training.

~~(F)~~ (6) In the case of an applicant for an initial advanced esthetician license, does either of the following:

~~(1)~~ (a) Has the licensed advanced esthetician, licensed advanced cosmetologist, or owner of a licensed esthetics salon or licensed beauty salon located in this or another state certify to the board that the applicant has practiced esthetics for at least one thousand eight hundred hours as an esthetician in a licensed esthetics salon or as a cosmetologist in a licensed beauty salon;

~~(2)~~ (b) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed, in addition to the hours required for licensure as an esthetician or cosmetologist, at least one hundred fifty hours of board-approved advanced esthetician training.

~~(G)~~ (7) In the case of an applicant for an initial advanced hair designer license, does either of the following:

~~(1)~~ (a) Has the licensed advanced hair designer, licensed advanced cosmetologist, or owner of a licensed hair design salon or licensed beauty salon located in this or another state

certify to the board that the applicant has practiced hair 10923
design for at least one thousand eight hundred hours as a hair 10924
designer in a licensed hair design salon or as a cosmetologist 10925
in a licensed beauty salon; 10926

~~(2)~~ (b) Has a school of cosmetology licensed in this state 10927
certify to the board that the applicant has successfully 10928
completed, in addition to the hours required for licensure as a 10929
hair designer or cosmetologist, at least two hundred forty hours 10930
of board-approved advanced hair designer training. 10931

~~(H)~~ (8) In the case of an applicant for an initial 10932
advanced manicurist license, does either of the following: 10933

~~(1)~~ (a) Has the licensed advanced manicurist, licensed 10934
advanced cosmetologist, or owner of a licensed nail salon, 10935
licensed beauty salon, or licensed barber shop located in this 10936
or another state certify to the board that the applicant has 10937
practiced manicuring for at least one thousand eight hundred 10938
hours as a manicurist in a licensed nail salon or licensed 10939
barber shop or as a cosmetologist in a licensed beauty salon or 10940
licensed barber shop; 10941

~~(2)~~ (b) Has a school of cosmetology licensed in this state 10942
certify to the board that the applicant has successfully 10943
completed, in addition to the hours required for licensure as a 10944
manicurist or cosmetologist, at least one hundred hours of 10945
board-approved advanced manicurist training. 10946

~~(I)~~ (9) In the case of an applicant for an initial 10947
advanced natural hair stylist license, does either of the 10948
following: 10949

~~(1)~~ (a) Has the licensed advanced natural hair stylist, 10950
licensed advanced cosmetologist, or owner of a licensed natural 10951

hair style salon or licensed beauty salon located in this or 10952
another state certify to the board that the applicant has 10953
practiced natural hair styling for at least one thousand eight 10954
hundred hours as a natural hair stylist in a licensed natural 10955
hair style salon or as a cosmetologist in a licensed beauty 10956
salon; 10957

~~(2)~~ (b) Has a school of cosmetology licensed in this state 10958
certify to the board that the applicant has successfully 10959
completed, in addition to the hours required for licensure as 10960
natural hair stylist or cosmetologist, at least one hundred 10961
fifty hours of board-approved advanced natural hair stylist 10962
training. 10963

(B) The board shall issue an advanced license in a branch 10964
of cosmetology in accordance with Chapter 4796. of the Revised 10965
Code to an applicant if either of the following applies: 10966

(1) The applicant holds an advanced license in that branch 10967
of cosmetology in another state. 10968

(2) The applicant has satisfactory work experience, a 10969
government certification, or a private certification as 10970
described in that chapter in that branch of cosmetology in a 10971
state that does not issue that license. 10972

Sec. 4713.31. (A) The state cosmetology and barber board 10973
shall issue an instructor license to an applicant who satisfies 10974
all of the following applicable conditions: 10975

~~(A)~~ (1) Is at least eighteen years of age; 10976

~~(B)~~ (2) Has the equivalent of an Ohio public school 10977
twelfth grade education; 10978

~~(C)~~ (3) Pays to the board the applicable fee; 10979

~~(D)~~ (4) In the case of an applicant for an initial 10980
cosmetology instructor license, holds a current, valid advanced 10981
cosmetologist license issued in this state and does either of 10982
the following: 10983

~~(1)~~ (a) Has the licensed advanced cosmetologist or owner 10984
of the licensed beauty salon in which the applicant has been 10985
employed certify to the board that the applicant has engaged in 10986
the practice of cosmetology in a licensed beauty salon for at 10987
least one thousand eight hundred hours; 10988

~~(2)~~ (b) Has a school of cosmetology licensed in this state 10989
certify to the board that the applicant has successfully 10990
completed one thousand hours of board-approved cosmetology 10991
instructor training as an apprentice instructor. 10992

~~(E)~~ (5) In the case of an applicant for an initial 10993
esthetics instructor license, holds a current, valid advanced 10994
esthetician or advanced cosmetologist license issued in this 10995
state and does either of the following: 10996

~~(1)~~ (a) Has the licensed advanced esthetician, licensed 10997
advanced cosmetologist, or owner of the licensed esthetics salon 10998
or licensed beauty salon in which the applicant has been 10999
employed certify to the board that the applicant has engaged in 11000
the practice of esthetics in a licensed esthetics salon or 11001
practice of cosmetology in a licensed beauty salon for at least 11002
one thousand eight hundred hours; 11003

~~(2)~~ (b) Has a school of cosmetology licensed in this state 11004
certify to the board that the applicant has successfully 11005
completed at least five hundred hours of board-approved 11006
esthetics instructor training as an apprentice instructor. 11007

~~(F)~~ (6) In the case of an applicant for an initial hair 11008

design instructor license, holds a current, valid advanced hair 11009
designer or advanced cosmetologist license and does either of 11010
the following: 11011

~~(1)~~ (a) Has the licensed advanced hair designer, licensed 11012
advanced cosmetologist, or owner of the licensed hair design 11013
salon or licensed beauty salon in which the applicant has been 11014
employed certify to the board that the applicant has engaged in 11015
the practice of hair design in a licensed hair design salon or 11016
practice of cosmetology in a licensed beauty salon for at least 11017
one thousand eight hundred hours; 11018

~~(2)~~ (b) Has a school of cosmetology licensed in this state 11019
certify to the board that the applicant has successfully 11020
completed at least eight hundred hours of board-approved hair 11021
design instructor's training as an apprentice instructor. 11022

~~(G)~~ (7) In the case of an applicant for an initial 11023
manicurist instructor license, holds a current, valid advanced 11024
manicurist or advanced cosmetologist license and does either of 11025
the following: 11026

~~(1)~~ (a) Has the licensed advanced manicurist, licensed 11027
advanced cosmetologist, or owner of the licensed nail salon or 11028
licensed beauty salon in which the applicant has been employed 11029
certify to the board that the applicant has engaged in the 11030
practice of manicuring in a licensed nail salon or practice of 11031
cosmetology in a licensed beauty salon for at least one thousand 11032
eight hundred hours; 11033

~~(2)~~ (b) Has a school of cosmetology licensed in this state 11034
certify to the board that the applicant has successfully 11035
completed at least three hundred hours of board-approved 11036
manicurist instructor training as an apprentice instructor. 11037

~~(H)~~ (8) In the case of an applicant for an initial natural hair style instructor license, holds a current, valid advanced natural hair stylist or advanced cosmetologist license and does either of the following:

~~(1)~~ (a) Has the licensed advanced natural hair stylist, licensed advanced cosmetologist, or owner of the licensed natural hair style salon or licensed beauty salon in which the applicant has been employed certify to the board that the applicant has engaged in the practice of natural hair styling in a licensed natural hair style salon or practice of cosmetology in a licensed beauty salon for at least one thousand eight hundred hours;

~~(2)~~ (b) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed at least four hundred hours of board-approved natural hair style instructor training as an apprentice instructor.

~~(I)~~ (9) In the case of all applicants, passes an examination conducted under division (B) of section 4713.24 of the Revised Code for the branch of cosmetology the applicant seeks to instruct.

(B) The board shall issue an instructor license for a branch of cosmetology in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds an instructor license in that branch of cosmetology in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as an instructor in that branch of cosmetology in a state that does not issue that license.

Sec. 4713.34. The state cosmetology and barber board shall 11067
issue a license to practice a branch of cosmetology or 11068
instructor license to an applicant who is licensed or registered 11069
in another ~~state or~~ country to practice that branch of 11070
cosmetology or teach the theory and practice of that branch of 11071
cosmetology, as appropriate, if all of the following conditions 11072
are satisfied: 11073

(A) The applicant satisfies all of the following 11074
conditions: 11075

(1) Is not less than eighteen years of age; 11076

(2) In the case of an applicant for a practicing license, 11077
passes an examination conducted under section 4713.24 of the 11078
Revised Code for the license the applicant seeks, unless the 11079
applicant satisfies conditions specified in rules adopted under 11080
section 4713.08 of the Revised Code for the board to issue the 11081
applicant a license without taking the examination; 11082

(3) Pays the applicable fee. 11083

(B) At the time the applicant obtained the license or 11084
registration in the other ~~state or~~ country, the requirements in 11085
this state for obtaining the license the applicant seeks were 11086
substantially equal to the other ~~state or~~ country's 11087
requirements. 11088

(C) The jurisdiction that issued the applicant's license 11089
or registration extends similar reciprocity to individuals 11090
holding a license issued by the board. 11091

Sec. 4713.37. (A) The state cosmetology and barber board 11092
may issue a temporary special occasion work permit to ~~an a~~ 11093
nonresident individual who satisfies all of the following 11094
conditions: 11095

(1) Has been licensed or registered in another state or 11096
country to practice a branch of cosmetology or teach the theory 11097
and practice of a branch of cosmetology for at least five years; 11098

(2) Is a recognized expert in the practice or teaching of 11099
the branch of cosmetology the individual practices or teaches; 11100

(3) Is to practice that branch of cosmetology or teach the 11101
theory and practice of that branch of cosmetology in this state 11102
as part of a promotional or instructional program for not more 11103
than the amount of time a temporary special occasion work permit 11104
is effective; 11105

(4) Satisfies all other conditions for a temporary special 11106
occasion work permit established by rules adopted under section 11107
4713.08 of the Revised Code; 11108

(5) Pays the fee established by rules adopted under 11109
section 4713.08 of the Revised Code. 11110

(B) An individual issued a temporary special occasion work 11111
permit may practice the branch of cosmetology the individual 11112
practices in another state or country, or teach the theory and 11113
practice of the branch of cosmetology the individual teaches in 11114
another state or country, until the expiration date of the 11115
permit. A temporary special occasion work permit is valid for 11116
the period of time specified in rules adopted under section 11117
4713.08 of the Revised Code. 11118

(C) Chapter 4796. of the Revised Code does not apply to a 11119
temporary special occasion work permit issued under this 11120
section. 11121

Sec. 4713.69. (A) The Except as provided in division (D) 11122
of this section, the state cosmetology and barber board shall 11123
issue a boutique services registration to an applicant who 11124

satisfies all of the following applicable conditions:	11125
(1) Is at least sixteen years of age;	11126
(2) Has the equivalent of an Ohio public school tenth grade education;	11127 11128
(3) Has submitted a written application on a form prescribed by the board containing all of the following:	11129 11130
(a) The applicant's name and home address;	11131
(b) The applicant's home telephone number and cellular telephone number, if any;	11132 11133
(c) The applicant's electronic mail address, if any;	11134
(d) The applicant's date of birth;	11135
(e) The address and telephone number where boutique services will be performed. The address shall not contain a post office box number.	11136 11137 11138
(f) Whether the applicant has an occupational license, certification, or registration to provide beauty services in another state, and if so, what type of license and in what state;	11139 11140 11141 11142
(g) Whether the applicant has ever had an occupational license, certification, or registration suspended, revoked, or denied in any state;	11143 11144 11145
(h) An affidavit or certificate providing proof of formal training or apprenticeship under an individual providing such services.	11146 11147 11148
(B) The place of business where boutique services are performed must comply with the safety and sanitation requirements for licensed salon facilities as described in	11149 11150 11151

section 4713.41 of the Revised Code. 11152

(C) The board shall specify the manner by which boutique 11153
services registrants shall fulfill the continuing education 11154
requirements set forth in section 4713.09 of the Revised Code. 11155

(D) The board shall issue a boutique services registration 11156
in accordance with Chapter 4796. of the Revised Code to an 11157
applicant if either of the following applies: 11158

(1) The applicant holds a license or registration in 11159
providing boutique services in another state. 11160

(2) The applicant has satisfactory work experience, a 11161
government certification, or a private certification as 11162
described in that chapter in providing boutique services in a 11163
state that does not issue that license or registration. 11164

Sec. 4715.03. (A) The state dental board shall organize by 11165
electing from its members a president, secretary, and vice- 11166
secretary. The secretary and vice-secretary shall be elected 11167
from the members of the board who are dentists. It shall hold 11168
meetings monthly at least eight months a year at such times and 11169
places as the board designates. A majority of the members of the 11170
board shall constitute a quorum. The board shall make such 11171
reasonable rules as it determines necessary pursuant to Chapter 11172
119. of the Revised Code. 11173

(B) A concurrence of a majority of the members of the 11174
board shall be required to do any of the following: 11175

(1) Grant, refuse, suspend, place on probationary status, 11176
revoke, refuse to renew, or refuse to reinstate a license or 11177
censure a license holder or take any other action authorized 11178
under section 4715.30 of the Revised Code; 11179

(2) Seek an injunction under section 4715.05 of the Revised Code;	11180 11181
(3) Enter into a consent agreement with a license holder;	11182
(4) If the board develops and implements the quality intervention program under section 4715.031 of the Revised Code, refer a license holder to the program;	11183 11184 11185
(5) Terminate an investigation conducted under division (D) of this section;	11186 11187
(6) Dismiss any complaint filed with the board.	11188
(C) (1) The board shall adopt rules in accordance with Chapter 119. of the Revised Code to do both of the following:	11189 11190
(a) Establish standards for the safe practice of dentistry and dental hygiene by qualified practitioners and shall, through its policies and activities, promote such practice;	11191 11192 11193
(b) Establish universal blood and body fluid precautions that shall be used by each person licensed under this chapter who performs exposure prone invasive procedures.	11194 11195 11196
(2) The rules adopted under division (C) (1) (b) of this section shall define and establish requirements for universal blood and body fluid precautions that include the following:	11197 11198 11199
(a) Appropriate use of hand washing;	11200
(b) Disinfection and sterilization of equipment;	11201
(c) Handling and disposal of needles and other sharp instruments;	11202 11203
(d) Wearing and disposal of gloves and other protective garments and devices.	11204 11205

(D) The board shall administer and enforce the provisions 11206
of this chapter. The board shall, in accordance with sections 11207
4715.032 to 4715.035 of the Revised Code, investigate evidence 11208
which appears to show that any person has violated any provision 11209
of this chapter. Any person may report to the board under oath 11210
any information such person may have appearing to show a 11211
violation of any provision of this chapter. In the absence of 11212
bad faith, any person who reports such information or who 11213
testifies before the board in any disciplinary proceeding 11214
conducted pursuant to Chapter 119. of the Revised Code is not 11215
liable for civil damages as a result of making the report or 11216
providing testimony. If after investigation and reviewing the 11217
recommendation of the supervisory investigative panel issued 11218
pursuant to section 4715.034 of the Revised Code the board 11219
determines that there are reasonable grounds to believe that a 11220
violation of this chapter has occurred, the board shall, except 11221
as provided in this chapter, conduct disciplinary proceedings 11222
pursuant to Chapter 119. of the Revised Code, seek an injunction 11223
under section 4715.05 of the Revised Code, enter into a consent 11224
agreement with a license holder, or provide for a license holder 11225
to participate in the quality intervention program established 11226
under section 4715.031 of the Revised Code if the board develops 11227
and implements that program. 11228

For the purpose of any disciplinary proceeding or any 11229
investigation conducted under this division, the board may 11230
administer oaths, order the taking of depositions, issue 11231
subpoenas in accordance with section 4715.033 of the Revised 11232
Code, compel the attendance and testimony of persons at 11233
depositions, and compel the production of books, accounts, 11234
papers, documents, or other tangible things. The hearings and 11235
investigations of the board shall be considered civil actions 11236

for the purposes of section 2305.252 of the Revised Code. 11237
Notwithstanding section 121.22 of the Revised Code and except as 11238
provided in section 4715.036 of the Revised Code, proceedings of 11239
the board relative to the investigation of a complaint or the 11240
determination whether there are reasonable grounds to believe 11241
that a violation of this chapter has occurred are confidential 11242
and are not subject to discovery in any civil action. 11243

(E) (1) The board shall examine or cause to be examined 11244
eligible applicants to practice dental hygiene. The board may 11245
distinguish by rule different classes of qualified personnel 11246
according to skill levels and require all or only certain of 11247
these classes of qualified personnel to be examined and 11248
certified by the board. 11249

(2) The board shall administer a written jurisprudence 11250
examination to each applicant for a license to practice 11251
dentistry. The examination shall cover only the statutes and 11252
administrative rules governing the practice of dentistry in this 11253
state. 11254

(F) (1) In accordance with Chapter 119. of the Revised 11255
Code, subject to division (F) (2) of this section the board shall 11256
adopt, and may amend or rescind, rules establishing the 11257
eligibility criteria, the application and permit renewal 11258
procedures, and safety standards applicable to a dentist 11259
licensed under this chapter who applies for a permit to employ 11260
or use conscious sedation. These rules shall include all of the 11261
following: 11262

~~(1)~~ (a) The eligibility requirements and application 11263
procedures for an eligible dentist to obtain a conscious 11264
sedation permit; 11265

~~(2)~~ (b) The minimum educational and clinical training standards required of applicants, which shall include satisfactory completion of an advanced cardiac life support course;

~~(3)~~ (c) The facility equipment and inspection requirements;

~~(4)~~ (d) Safety standards;

~~(5)~~ (e) Requirements for reporting adverse occurrences.

(2) The board shall issue a permit to employ or use conscious sedation in accordance with Chapter 4796. of the Revised Code to a dentist licensed under this chapter if either of the following applies:

(a) The dentist holds a license or permit to employ or use conscious sedation in another state.

(b) The dentist has satisfactory work experience, a government certification, or a private certification as described in Chapter 4796. of the Revised Code in employing or using conscious sedation in a state that does not issue that license.

(G) (1) In accordance with Chapter 119. of the Revised Code, subject to division (G) (2) of this section the board shall adopt rules establishing eligibility criteria, application and permit renewal procedures, and safety standards applicable to a dentist licensed under this chapter who applies for a general anesthesia permit.

(2) The board shall issue a general anesthesia permit in accordance with Chapter 4796. of the Revised Code to a dentist licensed under this chapter if either of the following applies:

(a) The dentist holds a general anesthesia license or permit in another state. 11294
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(b) The dentist has satisfactory work experience, a government certification, or a private certification as described in Chapter 4796. of the Revised Code utilizing general anesthesia in a state that does not issue that license or permit. 11296
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Sec. 4715.09. (A) No person shall practice dentistry without a current license from the state dental board. No person shall practice dentistry while the person's license is under suspension by the state dental board. 11301
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(B) No dentist shall use the services of any person not licensed to practice dentistry in this state, or the services of any partnership, corporation, or association, to construct, alter, repair, or duplicate any denture, plate, bridge, splint, or orthodontic or prosthetic appliance, without first furnishing the unlicensed person, partnership, corporation, or association with a written work authorization on forms prescribed by the state dental board. 11305
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The unlicensed person, partnership, corporation, or association shall retain the original work authorization, and the dentist shall retain a duplicate copy of the work authorization, for two years from its date. Work authorizations required by this section shall be open for inspection during the two-year period by the state dental board, its authorized agent, or the prosecuting attorney of a county or the director of law of a municipal corporation wherein the work authorizations are located. 11313
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(C) If the person, partnership, association, or 11322

corporation receiving a written authorization from a licensed 11323
dentist engages another person, firm, or corporation, referred 11324
to in this division as "subcontractor," to perform some of the 11325
services relative to the work authorization, the person shall 11326
furnish a written sub-work authorization with respect thereto on 11327
forms prescribed by the state dental board. 11328

The subcontractor shall retain the sub-work authorization 11329
and the issuer thereof shall retain a duplicate copy, attached 11330
to the work authorization received from the licensed dentist, 11331
for inspection by the state dental board or its duly authorized 11332
agents, for a period of two years in both cases. 11333

(D) No unlicensed person, partnership, association, or 11334
corporation shall perform any service described in division (B) 11335
of this section without a written work authorization from a 11336
licensed dentist. Provided, that if a written work authorization 11337
is demanded from a licensed dentist who fails or refuses to 11338
furnish it for any reason, the unlicensed person, partnership, 11339
association, or corporation shall not, in such event, be subject 11340
to the enforcement provisions of section 4715.05 or the penal 11341
provisions of section 4715.99 of the Revised Code. 11342

(E) No dentist shall employ or use conscious sedation 11343
unless the dentist possesses a valid permit issued by the state 11344
dental board authorizing the dentist to do so. 11345

(F) No dentist shall employ or use general anesthesia 11346
unless the dentist possesses a valid permit issued by the state 11347
dental board authorizing the dentist to do so. 11348

(G) Division (A) of this section does not apply to a 11349
nonresident person who meets both of the following conditions: 11350

(1) The person holds a license in good standing to 11351

practice dentistry issued by another state. 11352

(2) The person is practicing as a volunteer without 11353
remuneration during a charitable event that lasts not more than 11354
seven days. 11355

When a nonresident person meets the conditions of this 11356
division, the person shall be deemed to hold, for the course of 11357
the charitable event, a license to practice dentistry from the 11358
state dental board and shall be subject to the provisions of 11359
this chapter authorizing the board to take disciplinary action 11360
against a license holder. Not less than seven calendar days 11361
before the first day of the charitable event, the person or the 11362
event's organizer shall notify the board of the person's intent 11363
to engage in the practice of dentistry at the event. During the 11364
course of the charitable event, the person's scope of practice 11365
is limited to the procedures that a dentist licensed under this 11366
chapter is authorized to perform unless the person's scope of 11367
practice in the other state is more restrictive than in this 11368
state. If the latter is the case, the person's scope of practice 11369
is limited to the procedures that a dentist in the other state 11370
may perform. Chapter 4796. of the Revised Code does not apply to 11371
this division. 11372

Sec. 4715.10. (A) As used in this section, "accredited 11373
dental college" means a dental college accredited by the 11374
commission on dental accreditation or a dental college that has 11375
educational standards recognized by the commission on dental 11376
accreditation and is approved by the state dental board. 11377

(B) Each person who desires to practice dentistry in this 11378
state shall file a written application for a license with the 11379
secretary of the state dental board. The Except as provided in 11380
division (F) of this section, each application shall be on a 11381

form prescribed by the board and verified by oath. Each 11382
applicant shall furnish satisfactory proof to the board that the 11383
applicant has met the requirements of divisions (C) and (D) of 11384
this section, and if the applicant is a graduate of an 11385
unaccredited dental college located outside the United States, 11386
division (E) of this section. 11387

(C) To be granted a license to practice dentistry, an 11388
applicant must meet all of the following requirements: 11389

(1) Be at least eighteen years of age; 11390

(2) Be a graduate of an accredited dental college or of a 11391
dental college located outside the United States who meets the 11392
standards adopted under section 4715.11 of the Revised Code; 11393

(3) Have passed parts I and II of the examination given by 11394
the national board of dental examiners; 11395

(4) Have passed a written jurisprudence examination 11396
administered by the state dental board under division (E) (2) of 11397
section 4715.03 of the Revised Code; 11398

(5) Pay the fee required by division (A) (1) of section 11399
4715.13 of the Revised Code. 11400

(D) To be granted a license to practice dentistry, an 11401
applicant must meet any one of the following requirements: 11402

(1) Have taken an examination administered by any of the 11403
following regional testing agencies and received a passing score 11404
on the examination as determined by the administering agency: 11405
the central regional dental testing service, inc., northeast 11406
regional board of dental examiners, inc., the commission on 11407
dental competency assessments, the southern regional dental 11408
testing agency, inc., the council of interstate testing 11409

- agencies, inc., or the western regional examining board; 11410
- (2) Have taken an examination administered by the state 11411
dental board and received a passing score as established by the 11412
board; 11413
- ~~(3) Possess a license in good standing from another state 11414
and have actively engaged in the legal and reputable practice of 11415
dentistry in another state or in the armed forces of the United 11416
States, the United States public health service, or the United 11417
States department of veterans' affairs for five years 11418
immediately preceding application; 11419~~
- ~~(4) Have completed a dental residency program accredited 11420
or approved by the commission on dental accreditation and 11421
administered by an accredited dental college or hospital. 11422~~
- (E) To be granted a license to practice dentistry, a 11423
graduate of an unaccredited dental college located outside the 11424
United States must meet both of the following requirements: 11425
- (1) Have taken a basic science and laboratory examination 11426
consistent with rules adopted under section 4715.11 of the 11427
Revised Code and received a passing score as established by the 11428
board; 11429
- (2) Have had sufficient clinical training in an accredited 11430
institution to reasonably assure a level of competency equal to 11431
that of graduates of accredited dental colleges, as determined 11432
by the board. 11433
- (F) The board shall grant a license to practice dentistry 11434
in accordance with Chapter 4796. of the Revised Code to an 11435
applicant if either of the following applies: 11436
- (1) The applicant holds a license to practice dentistry in 11437

another state. 11438

(2) The applicant has satisfactory work experience, a 11439
government certification, or a private certification as 11440
described in that chapter in the practice of dentistry in a 11441
state that does not issue that license. 11442

Sec. 4715.16. (A) Upon payment of a fee of thirteen 11443
dollars, the state dental board may without examination issue a 11444
limited resident's license to any person who is a graduate of a 11445
dental college, is authorized to practice in another ~~state or~~ 11446
country or qualified to take the regular licensing examination 11447
in this state, and furnishes the board satisfactory proof of 11448
having been appointed a dental resident at an accredited dental 11449
college in this state or at an accredited program of a hospital 11450
in this state, but has not yet been licensed as a dentist by the 11451
board. Any person receiving a limited resident's license may 11452
practice dentistry only in connection with programs operated by 11453
the dental college or hospital at which the person is appointed 11454
as a resident as designated on the person's limited resident's 11455
license, and only under the direction of a licensed dentist who 11456
is a member of the dental staff of the college or hospital or a 11457
dentist holding a current limited teaching license issued under 11458
division (B) of this section, and only on bona fide patients of 11459
such programs. The holder of a limited resident's license may be 11460
disciplined by the board pursuant to section 4715.30 of the 11461
Revised Code. The board shall issue a limited resident's license 11462
in accordance with Chapter 4796. of the Revised Code to an 11463
applicant if either of the following applies: 11464

(1) The applicant holds a license to practice dentistry in 11465
another state. 11466

(2) The applicant has satisfactory work experience, a 11467

government certification, or a private certification as 11468
described in that chapter in the practice of dentistry in a 11469
state that does not issue that license. 11470

(B) Upon payment of one hundred twenty-seven dollars and 11471
upon application endorsed by an accredited dental college in 11472
this state, the board may without examination issue a limited 11473
teaching license to a dentist who is a resident of a state other 11474
than Ohio and who is a graduate of a dental college, is 11475
authorized to practice dentistry in another state or country, 11476
and has full-time appointment to the faculty of the endorsing 11477
dental college. A limited teaching license is subject to annual 11478
renewal in accordance with the standard renewal procedure of 11479
Chapter 4745. of the Revised Code, and automatically expires 11480
upon termination of the full-time faculty appointment. A person 11481
holding a limited teaching license may practice dentistry only 11482
in connection with programs operated by the endorsing dental 11483
college. The board may discipline the holder of a limited 11484
teaching license pursuant to section 4715.30 of the Revised 11485
Code. 11486

Chapter 4796. of the Revised Code does not apply to a 11487
limited teaching license issued under this division. 11488

(C) (1) As used in this division: 11489

(a) "Continuing dental education practicum" or "practicum" 11490
means a course of instruction, approved by the American dental 11491
association, Ohio dental association, or academy of general 11492
dentistry, that is designed to improve the clinical skills of a 11493
dentist by requiring the dentist to participate in clinical 11494
exercises on patients. 11495

(b) "Director" means the person responsible for the 11496

operation of a practicum. 11497

(2) Upon payment of one hundred twenty-seven dollars and 11498
application endorsed by the director of a continuing dental 11499
education practicum, the board shall, without examination, issue 11500
a temporary limited continuing education license to a resident 11501
of a state other than Ohio who is licensed to practice dentistry 11502
in such state and is in good standing, is a graduate of an 11503
accredited dental college, and is registered to participate in 11504
the endorsing practicum. The determination of whether a dentist 11505
is in good standing shall be made by the board. 11506

A dentist holding a temporary limited continuing education 11507
license may practice dentistry only on residents of the state in 11508
which the dentist is permanently licensed or on patients 11509
referred by a dentist licensed pursuant to section 4715.12 of 11510
the Revised Code to an instructing dentist licensed pursuant to 11511
that section, and only while participating in a required 11512
clinical exercise of the endorsing practicum on the premises of 11513
the facility where the practicum is being conducted. 11514

Practice under a temporary limited continuing education 11515
license shall be under the direct supervision and full 11516
professional responsibility of an instructing dentist licensed 11517
pursuant to section 4715.12 of the Revised Code, shall be 11518
limited to the performance of those procedures necessary to 11519
complete the endorsing practicum, and shall not exceed thirty 11520
days of actual patient treatment in any year. 11521

(3) A director of a continuing dental education practicum 11522
who endorses an application for a temporary limited continuing 11523
education license shall, prior to making the endorsement, notify 11524
the state dental board in writing of the identity of the 11525
sponsors and the faculty of the practicum and the dates and 11526

locations at which it will be offered. The notice shall also 11527
include a brief description of the course of instruction. The 11528
board may prohibit a continuing dental education practicum from 11529
endorsing applications for temporary limited continuing 11530
education licenses if the board determines that the practicum is 11531
engaged in activities that constitute a threat to public health 11532
and safety or do not constitute bona fide continuing dental 11533
education, or that the practicum permits activities which 11534
otherwise violate this chapter. Any continuing dental education 11535
practicum prohibited from endorsing applications may request an 11536
adjudication pursuant to Chapter 119. of the Revised Code. 11537

A temporary limited continuing education license shall be 11538
valid only when the dentist is participating in the endorsing 11539
continuing dental education practicum and shall expire at the 11540
end of one year. If the dentist fails to complete the endorsing 11541
practicum in one year, the board may, upon the dentist's 11542
application and payment of a fee of ninety-four dollars, renew 11543
the temporary limited continuing education license for a 11544
consecutive one-year period. Only two renewals may be granted. 11545
The holder of a temporary limited continuing education license 11546
may be disciplined by the board pursuant to section 4715.30 of 11547
the Revised Code. 11548

Chapter 4796. of the Revised Code does not apply to a 11549
temporary limited continuing education license issued under this 11550
division. 11551

(D) The board shall act either to approve or to deny any 11552
application for a limited license pursuant to division (A), (B), 11553
or (C) of this section not later than sixty days of the date the 11554
board receives the application. 11555

Sec. 4715.27. ~~The~~ (A)(1) Except as provided in division 11556

(A) (2) of this section, the state dental board may issue a 11557
license to an applicant who furnishes satisfactory proof of 11558
being at least eighteen years of age and who demonstrates, to 11559
the satisfaction of the board, knowledge of the laws, 11560
regulations, and rules governing the practice of a dental 11561
hygienist; who proves, to the satisfaction of the board, intent 11562
to practice as a dental hygienist in this state; who is a 11563
graduate from an accredited school of dental hygiene and who 11564
holds a license by examination from a similar dental board, and 11565
who passes an examination as prescribed by the board relating to 11566
dental hygiene. 11567

(2) The board shall issue a license to practice as a 11568
dental hygienist in accordance with Chapter 4796. of the Revised 11569
Code to an applicant if either of the following applies: 11570

(a) The applicant holds a license to practice as a dental 11571
hygienist in another state. 11572

(b) The applicant has satisfactory work experience, a 11573
government certification, or a private certification as 11574
described in that chapter in the practice of a dental hygienist 11575
in a state that does not issue that license. 11576

(B) Upon payment of seventy-three dollars and upon 11577
application endorsed by an accredited dental hygiene school in 11578
this state, the state dental board may without examination issue 11579
a teacher's certificate to a dental hygienist, authorized to 11580
practice in another state or country. A teacher's certificate 11581
shall be subject to annual renewal in accordance with the 11582
standard renewal procedure of sections 4745.01 to 4745.03 of the 11583
Revised Code, and shall not be construed as authorizing anything 11584
other than teaching or demonstrating the skills of a dental 11585
hygienist in the educational programs of the accredited dental 11586

hygiene school which endorsed the application. 11587

Chapter 4796. of the Revised Code does not apply to a 11588
teacher's certificate issued under this division. 11589

Sec. 4715.362. A dentist who desires to participate in the 11590
oral health access supervision program shall apply to the state 11591
dental board for an oral health access supervision permit. The 11592
application shall be under oath, on a form prescribed by the 11593
board in rules adopted under section 4715.372 of the Revised 11594
Code, and accompanied by an application fee of twenty-five 11595
dollars. To be eligible to receive the permit, an applicant 11596
shall meet the requirements established by the board in rules 11597
adopted under section 4715.372 of the Revised Code. 11598

The state dental board shall issue an oral health access 11599
supervision permit to a dentist who is in good standing with the 11600
board and satisfies all of the requirements of this section. 11601

Chapter 4796. of the Revised Code does not apply to a 11602
permit issued under this section. 11603

Sec. 4715.363. (A) A dental hygienist who desires to 11604
participate in the oral health access supervision program shall 11605
apply to the state dental board for a permit to practice under 11606
the oral health access supervision of a dentist. The application 11607
shall be under oath, on a form prescribed by the board in rules 11608
adopted under section 4715.372 of the Revised Code, and 11609
accompanied by an application fee of twenty-five dollars, which 11610
may be paid by credit card. 11611

(B) The applicant shall provide evidence satisfactory to 11612
the board that the applicant has done all of the following: 11613

(1) Completed at least one year and attained a minimum of 11614
one thousand five hundred hours of experience in the practice of 11615

dental hygiene; 11616

(2) Completed at least twenty-four hours of continuing 11617
dental hygiene education during the two years prior to 11618
submission of the application; 11619

(3) Completed a course pertaining to the practice of 11620
dental hygiene under the oral health access supervision of a 11621
dentist that meets standards established in rules adopted under 11622
section 4715.372 of the Revised Code; 11623

(4) Completed, during the two years prior to submission of 11624
the application, a course pertaining to the identification and 11625
prevention of potential medical emergencies that is the same as 11626
the course described in division (C) (2) of section 4715.22 of 11627
the Revised Code. 11628

(C) The state dental board shall issue a permit to 11629
practice under the oral health access supervision of a dentist 11630
to a dental hygienist who is in good standing with the board and 11631
meets all of the requirements of divisions (A) and (B) of this 11632
section. 11633

(D) Chapter 4796. of the Revised Code does not apply to a 11634
permit issued under this section. 11635

Sec. 4715.39. (A) The state dental board may define the 11636
duties that may be performed by dental assistants and other 11637
individuals designated by the board as qualified personnel. If 11638
defined, the duties shall be defined in rules adopted in 11639
accordance with Chapter 119. of the Revised Code. The rules may 11640
include training and practice standards for dental assistants 11641
and other qualified personnel. The standards may include 11642
examination and issuance of a certificate. If the board issues a 11643
certificate, the recipient shall display the certificate in a 11644

conspicuous location in any office in which the recipient is 11645
employed to perform the duties authorized by the certificate. 11646

(B) A dental assistant may polish the clinical crowns of 11647
teeth if all of the following requirements are met: 11648

(1) The dental assistant's polishing activities are 11649
limited to the use of a rubber cup attached to a slow-speed 11650
rotary dental hand piece to remove soft deposits that build up 11651
over time on the crowns of teeth. 11652

(2) The polishing is performed only after a dentist has 11653
evaluated the patient and any calculus detected on the teeth to 11654
be polished has been removed by a dentist or dental hygienist. 11655

(3) The dentist supervising the assistant supervises not 11656
more than two dental assistants engaging in polishing activities 11657
at any given time. 11658

(4) The dental assistant is certified by the dental 11659
assisting national board, the Ohio commission on dental 11660
assistant certification, or the American medical technologists. 11661

(5) The dental assistant receives a certificate from the 11662
board authorizing the assistant to engage in the polishing 11663
activities. The board shall issue the certificate if the 11664
individual has successfully completed training in the polishing 11665
of clinical crowns through a program accredited by the American 11666
dental association commission on dental accreditation or 11667
equivalent training approved by the board. The training shall 11668
include courses in basic dental anatomy and infection control, 11669
followed by a course in coronal polishing that includes 11670
didactic, preclinical, and clinical training; any other training 11671
required by the board; and a skills assessment that includes 11672
successful completion of standardized testing. The board shall 11673

adopt rules pursuant to division (A) of this section 11674
establishing standards for approval of this training. 11675

The board shall issue a certificate to engage in polishing 11676
activities in accordance with Chapter 4796. of the Revised Code 11677
to a dental assistant if either of the following applies: 11678

(a) The applicant holds a license or certificate to engage 11679
in polishing activities in another state. 11680

(b) The applicant has satisfactory work experience, a 11681
government certification, or a private certification as 11682
described in that chapter in polishing activities in a state 11683
that does not issue that license or certificate. 11684

(C) A dental assistant may apply pit and fissure sealants 11685
if all of the following requirements are met: 11686

(1) A dentist evaluates the patient and designates the 11687
teeth and surfaces that will benefit from the application of 11688
sealant on the day the application is to be performed. 11689

(2) The dental assistant is certified by the dental 11690
assisting national board, the Ohio commission on dental 11691
assistant certification, or the American medical technologists. 11692

(3) The dental assistant has successfully completed a 11693
course in the application of sealants consisting of at least two 11694
hours of didactic instruction and six hours of clinical 11695
instruction through a program provided by an institution 11696
accredited by the American dental association commission on 11697
dental accreditation or a program provided by a sponsor of 11698
continuing education approved by the board. 11699

(4) The dentist supervising the assistant has observed the 11700
assistant successfully apply at least six sealants. 11701

(5) Except as provided in division (D) or (E) of this section, the dentist supervising the assistant checks and approves the application of all sealants placed by the assistant before the patient leaves the location where the sealant application procedure is performed.

(D) (1) A dental assistant who is certified by the dental assisting national board, the Ohio commission on dental assistant certification, or the American medical technologists may provide, for not more than fifteen consecutive business days, all of the following services to a patient when the supervising dentist is not physically present at the location where the services are provided if the conditions specified in division (D) (2) of this section have been satisfied:

(a) Recementation of temporary crowns or recementation of crowns with temporary cement;

(b) Application of fluoride varnish;

(c) Application of disclosing solutions;

(d) Application of desensitizing agents, excluding silver diamine fluoride;

(e) Caries susceptibility testing;

(f) Instruction on oral hygiene home care, including the use of toothbrushes and dental floss.

(2) The conditions that must be satisfied before a dental assistant may provide the services specified in division (D) (1) of this section are all of the following:

(a) The dental assistant has at least one year and a minimum of one thousand five hundred hours of experience practicing as a dental assistant.

(b) The dental assistant has successfully completed a 11730
course approved by the state dental board in the identification 11731
and prevention of potential medical emergencies. 11732

(c) The supervising dentist has evaluated the dental 11733
assistant's skills. 11734

(d) The supervising dentist has established written 11735
protocols or written standing orders for the dental assistant to 11736
follow during and in the absence of an emergency. 11737

(e) The supervising dentist completed and evaluated a 11738
medical and dental history of the patient not more than one year 11739
prior to the date that the dental assistant provides services to 11740
the patient, and the supervising dentist determines that the 11741
patient is in a medically stable condition. 11742

(f) The patient is notified, in advance of the appointment 11743
for services, that the supervising dentist will be absent from 11744
the location and that the dental assistant cannot diagnose the 11745
patient's dental health care status. 11746

(g) The dental assistant is employed by, or under contract 11747
with, the supervising dentist, a dentist licensed under this 11748
chapter who meets one of the criteria specified in division (C) 11749
(10) (b) of section 4715.22 of the Revised Code, or a government 11750
entity that employs the dental assistant to provide services in 11751
a public school or in connection with other programs the 11752
government entity administers. 11753

(3) A dental assistant who is certified by the dental 11754
assisting national board, the Ohio commission on dental 11755
assistant certification, or the American medical technologists 11756
may apply, for not more than fifteen business days, pit and 11757
fissure sealants when the supervising dentist is not physically 11758

present at the location where the sealants are to be applied if 11759
the dental assistant meets the requirements in divisions (C) (3) 11760
and (4) of this section and all of the conditions specified in 11761
division (D) (2) of this section have been satisfied. 11762

(E) A dental assistant who is certified by the dental 11763
assisting national board, the Ohio commission on dental 11764
assistant certification, or the American medical technologists 11765
may apply pit and fissure sealants prior to a dentist examining 11766
the patient and rendering a diagnosis, and when a dentist is not 11767
physically present at the location where the service is 11768
provided, if all of the following are the case: 11769

(1) The dental assistant meets the requirements in 11770
divisions (C) (3) and (4) of this section. 11771

(2) The conditions specified in divisions (D) (2) (a), (b), 11772
(c), (d), (f), and (g) of this section have been satisfied. 11773

(3) The dental assistant is providing the service as part 11774
of a program operated through any of the following: a school 11775
district board of education or the governing board of an 11776
educational service center; the board of health of a city or 11777
general health district or the authority having the duties of a 11778
board of health under section 3709.05 of the Revised Code; a 11779
national, state, district, or local dental association; or any 11780
other public or private entity recognized by the state dental 11781
board. 11782

(4) A supervising dentist for the program described in 11783
division (E) (3) of this section meets both of the following 11784
conditions: 11785

(a) Is employed by or a volunteer for, and the patients 11786
are referred by, the entity through which the program is 11787

operated; 11788

(b) Is available for consultation by telephone, 11789
videoconferencing, or other means of electronic communication. 11790

(5) The application of pit and fissure sealants is limited 11791
to erupted permanent posterior teeth without suspicion of 11792
dentinal cavitation. 11793

(6) If the patient is a minor, a parent, guardian, or 11794
other person responsible for the patient has been notified that 11795
a dentist will not be present at the location and that the 11796
dental assistant is not trained to diagnose or treat other 11797
serious dental concerns that could exist. 11798

(F) Subject to this section and the applicable rules of 11799
the board, licensed dentists may assign to dental assistants and 11800
other qualified personnel dental procedures that do not require 11801
the professional competence or skill of the licensed dentist, a 11802
dental hygienist, or an expanded function dental auxiliary as 11803
this section or the board by rule authorizes dental assistants 11804
and other qualified personnel to perform. Except as provided in 11805
division (D) or (E) of this section, the performance of dental 11806
procedures by dental assistants and other qualified personnel 11807
shall be under direct supervision and full responsibility of the 11808
licensed dentist. 11809

(G) Nothing in this section shall be construed by rule of 11810
the state dental board or otherwise to do the following: 11811

(1) Authorize dental assistants or other qualified 11812
personnel to engage in the practice of dental hygiene as defined 11813
by sections 4715.22 and 4715.23 of the Revised Code or to 11814
perform the duties of a dental hygienist, including the removal 11815
of calcarious deposits, dental cement, or accretions on the 11816

crowns and roots of teeth other than as authorized pursuant to	11817
this section;	11818
(2) Authorize dental assistants or other qualified	11819
personnel to engage in the practice of an expanded function	11820
dental auxiliary as specified in section 4715.64 of the Revised	11821
Code or to perform the duties of an expanded function dental	11822
auxiliary other than as authorized pursuant to this section.	11823
(3) Authorize the assignment of any of the following:	11824
(a) Diagnosis;	11825
(b) Treatment planning and prescription, including	11826
prescription for drugs and medicaments or authorization for	11827
restorative, prosthodontic, or orthodontic appliances;	11828
(c) Surgical procedures on hard or soft tissue of the oral	11829
cavity, or any other intraoral procedure that contributes to or	11830
results in an irremediable alteration of the oral anatomy;	11831
(d) The making of final impressions from which casts are	11832
made to construct any dental restoration.	11833
(H) No dentist shall assign any dental assistant or other	11834
individual acting in the capacity of qualified personnel to	11835
perform any dental procedure that the assistant or other	11836
individual is not authorized by this section or by board rule to	11837
perform. No dental assistant or other individual acting in the	11838
capacity of qualified personnel shall perform any dental	11839
procedure other than in accordance with this section and any	11840
applicable board rule or any dental procedure that the assistant	11841
or other individual is not authorized by this section or by	11842
board rule to perform.	11843
Sec. 4715.42. (A) (1) As used in this section:	11844

(a) "Free clinic" has the same meaning as in section 11845
3701.071 of the Revised Code. 11846

(b) "Indigent and uninsured person" and "operation" have 11847
the same meanings as in section 2305.234 of the Revised Code. 11848

(2) For the purposes of this section, a person shall be 11849
considered retired from practice if the person's license has 11850
been surrendered or allowed to expire with the intention of 11851
ceasing to practice as a dentist or dental hygienist for 11852
remuneration. 11853

(B) Within thirty days after receiving an application for 11854
a volunteer's certificate that includes all of the items listed 11855
in divisions (C) (1), (2), and (3) of this section, the state 11856
dental board shall issue, without examination, a volunteer's 11857
certificate to a person who is retired from practice so that the 11858
person may provide dental services to indigent and uninsured 11859
persons at any location, including a free clinic. 11860

(C) An application for a volunteer's certificate shall 11861
include all of the following: 11862

(1) A copy of the applicant's degree from dental college 11863
or dental hygiene school. 11864

(2) One of the following, as applicable: 11865

(a) A copy of the applicant's most recent license to 11866
practice dentistry or dental hygiene issued by a jurisdiction in 11867
the United States that licenses persons to practice dentistry or 11868
dental hygiene. 11869

(b) A copy of the applicant's most recent license 11870
equivalent to a license to practice dentistry or dental hygiene 11871
in one or more branches of the United States armed services that 11872

the United States government issued. 11873

(3) Evidence of one of the following, as applicable: 11874

(a) The applicant has maintained for at least ten years 11875
prior to retirement full licensure in good standing in any 11876
jurisdiction in the United States that licenses persons to 11877
practice dentistry or dental hygiene. 11878

(b) The applicant has practiced as a dentist or dental 11879
hygienist in good standing for at least ten years prior to 11880
retirement in one or more branches of the United States armed 11881
services. 11882

(D) The holder of a volunteer's certificate may provide 11883
dental services only to indigent and uninsured persons, but may 11884
do so at any location, including a free clinic. The holder shall 11885
not accept any form of remuneration for providing dental 11886
services while in possession of the certificate. Except in a 11887
dental emergency, the holder shall not perform any operation. 11888
The board may revoke a volunteer's certificate on receiving 11889
proof satisfactory to the board that the holder has engaged in 11890
practice in this state outside the scope of the holder's 11891
certificate or that there are grounds for action against the 11892
person under section 4715.30 of the Revised Code. 11893

(E) (1) A volunteer's certificate shall be valid for a 11894
period of three years, and may be renewed upon the application 11895
of the holder, unless the certificate was previously revoked 11896
under division (D) of this section. The board shall maintain a 11897
register of all persons who hold volunteer's certificates. The 11898
board shall not charge a fee for issuing or renewing a 11899
certificate pursuant to this section. 11900

(2) To be eligible for renewal of a volunteer's 11901

certificate, the holder of the certificate shall certify to the board completion of sixty hours of continuing dental education that meets the requirements of section 4715.141 of the Revised Code and the rules adopted under that section, or completion of eighteen hours of continuing dental hygiene education that meets the requirements of section 4715.25 of the Revised Code and the rules adopted under that section, as the case may be. The board may not renew a certificate if the holder has not complied with the appropriate continuing education requirements. Any entity for which the holder provides dental services may pay for or reimburse the holder for any costs incurred in obtaining the required continuing education credits.

(3) The board shall issue to each person who qualifies under this section for a volunteer's certificate a wallet certificate and a wall certificate that state that the certificate holder is authorized to provide dental services pursuant to the laws of this state. The holder shall keep the wallet certificate on the holder's person while providing dental services and shall display the wall certificate prominently at the location where the holder primarily practices.

(4) The holder of a volunteer's certificate issued pursuant to this section is subject to the immunity provisions regarding the provision of services to indigent and uninsured persons in section 2305.234 of the Revised Code.

(F) The board shall adopt rules in accordance with Chapter 119. of the Revised Code to administer and enforce this section.

(G) The state dental board shall make available through the board's web site the application form for a volunteer's certificate under this section, a description of the application process, and a list of all items that are required by division

(C) of this section to be submitted with the application. 11932

(H) Chapter 4796. of the Revised Code does not apply to a 11933
license issued under this section. 11934

Sec. 4715.421. (A) As used in this section: 11935

(1) "Accredited dental college" has the same meaning as in 11936
section 4715.10 of the Revised Code. 11937

(2) "Accredited dental hygiene school" has the same 11938
meaning as in section 4715.36 of the Revised Code. 11939

(3) "Operation" has the same meaning as in section 11940
2305.234 of the Revised Code. 11941

(B) Within thirty days after receiving an application for 11942
a temporary volunteer's certificate that includes all of the 11943
items listed in divisions (C)(1) and (2) of this section, the 11944
state dental board shall issue, without examination, a temporary 11945
volunteer's certificate to a person not licensed under this 11946
chapter so that the person may provide dental services in this 11947
state as a volunteer. 11948

(C) An application for a temporary volunteer's certificate 11949
shall include both of the following: 11950

(1) A copy of the applicant's degree from an accredited 11951
dental college or accredited dental hygiene school; 11952

(2) One of the following, as applicable: 11953

(a) Evidence satisfactory to the board that the applicant 11954
holds a valid, unrestricted license to practice dentistry or 11955
dental hygiene issued by a jurisdiction in the United States 11956
that licenses persons to practice dentistry or dental hygiene; 11957

(b) Evidence satisfactory to the board that the applicant 11958

is practicing dentistry or dental hygiene in one or more 11959
branches of the United States armed services. 11960

(D) The holder of a temporary volunteer's certificate 11961
shall not accept any form of remuneration for providing dental 11962
services pursuant to the certificate. Except in a dental 11963
emergency, the holder shall not perform any operation. The board 11964
may revoke a temporary volunteer's certificate on receiving 11965
proof satisfactory to the board that the holder has engaged in 11966
practice in this state outside the scope of the holder's 11967
certificate or that there are grounds for action against the 11968
person under section 4715.30 of the Revised Code. 11969

(E) (1) A temporary volunteer's certificate shall be valid 11970
for a period of seven days, and may be renewed upon the 11971
application of the holder, unless the certificate was previously 11972
revoked under division (D) of this section. The board shall 11973
maintain a register of all persons who hold a temporary 11974
volunteer's certificate. The board may charge a fee not to 11975
exceed twenty-five dollars for issuing or renewing a certificate 11976
pursuant to this section. 11977

(2) The board shall issue to each person who qualifies 11978
under this section for a temporary volunteer's certificate a 11979
wallet certificate that states that the certificate holder is 11980
authorized to provide dental services pursuant to the laws of 11981
this state. The holder shall keep the wallet certificate on the 11982
holder's person while providing dental services. 11983

(3) The holder of a temporary volunteer's certificate 11984
issued pursuant to this section is subject to the immunity 11985
provisions in section 2305.234 of the Revised Code. 11986

(F) The board shall adopt rules in accordance with Chapter 11987

119. of the Revised Code to administer and enforce this section. 11988

(G) Not later than ninety days after ~~the effective date of~~ 11989
~~this section~~ March 23, 2015, the state dental board shall make 11990
available through the board's internet web site the application 11991
form for a temporary volunteer's certificate under this section, 11992
a description of the application process, and a list of all 11993
items that are required by division (C) of this section to be 11994
submitted with the application. 11995

(H) Chapter 4796. of the Revised Code does not apply to a 11996
temporary volunteer's certificate issued under this section. 11997

Sec. 4715.53. (A) Each individual seeking a certificate to 11998
practice as a dental x-ray machine operator shall apply to the 11999
state dental board on a form the board shall prescribe and 12000
provide. ~~The~~ Except as provided in division (C) of this section, 12001
the application shall be accompanied by an application fee of 12002
thirty-two dollars. 12003

(B) The board shall review all applications received and, 12004
except as provided in division (C) of this section, issue a 12005
dental x-ray machine operator certificate to each applicant who 12006
submits evidence satisfactory to the board of one of the 12007
following: 12008

(1) The applicant holds certification from the dental 12009
assisting national board, the Ohio commission on dental 12010
assistant certification, or the American medical technologists. 12011

(2) ~~The applicant holds a license, certificate, permit,~~ 12012
~~registration, or other credential issued by another state that~~ 12013
~~the board determines uses standards for dental x-ray machine~~ 12014
~~operators that are at least equal to those established under~~ 12015
~~this chapter.~~ 12016

~~(3)~~—The applicant has successfully completed an 12017
educational program consisting of at least seven hours of 12018
instruction in dental x-ray machine operation that meets either 12019
of the following requirements: 12020

(a) Has been approved by the board in accordance with 12021
section 4715.57 of the Revised Code; 12022

(b) Is conducted by an institution accredited by the 12023
American dental association commission on dental accreditation. 12024

(C) The board shall issue a certificate in accordance with 12025
Chapter 4796. of the Revised Code to an applicant if either of 12026
the following applies: 12027

(1) The applicant holds a license or certificate in 12028
another state. 12029

(2) The applicant has satisfactory work experience, a 12030
government certification, or a private certification as 12031
described in that chapter as a dental x-ray machine operator in 12032
a state that does not issue that license or certificate. 12033

(D) A certificate issued under this section expires two 12034
years after it is issued and may be renewed if the certificate 12035
holder does both of the following: 12036

(1) Certifies to the board that the certificate holder has 12037
completed at least two hours of instruction in dental x-ray 12038
machine operation approved by the board in accordance with 12039
section 4715.57 of the Revised Code during the two-year period 12040
preceding the date the renewal application is received by the 12041
board. 12042

(2) Submits a renewal fee of thirty-two dollars to the 12043
board. 12044

Renewals shall be made in accordance with the standard 12045
renewal procedure established under Chapter 4745. of the Revised 12046
Code. 12047

Sec. 4715.62. (A) Each individual seeking to register with 12048
the state dental board as an expanded function dental auxiliary 12049
shall file with the secretary of the board a written application 12050
for registration, under oath, on a form the board shall 12051
prescribe and provide. ~~An Except as provided in division (C) of~~ 12052
this section, an applicant shall include with the completed 12053
application all of the following: 12054

(1) An application fee of twenty-five dollars; 12055

(2) Proof satisfactory to the board that the applicant has 12056
successfully completed, at an educational institution accredited 12057
by the commission on dental accreditation of the American dental 12058
association or the higher learning commission of the north 12059
central association of colleges and schools, the education or 12060
training specified by the board in rules adopted under section 12061
4715.66 of the Revised Code as the education or training that is 12062
necessary to obtain registration under this chapter to practice 12063
as an expanded function dental auxiliary, as evidenced by a 12064
diploma or other certificate of graduation or completion that 12065
has been signed by an appropriate official of the accredited 12066
institution that provided education or training; 12067

(3) Proof satisfactory to the board that the applicant has 12068
passed an examination that meets the standards established by 12069
the board in rules adopted under section 4715.66 of the Revised 12070
Code to be accepted by the board as an examination of competency 12071
to practice as an expanded function dental auxiliary; 12072

(4) Proof that the applicant holds current certification 12073

to perform basic life-support procedures, evidenced by 12074
documentation showing the successful completion of a basic life- 12075
support training course certified by the American red cross, the 12076
American heart association, or the American safety and health 12077
institute. 12078

(B) If an applicant complies with division (A) of this 12079
section, the board shall register the applicant as an expanded 12080
function dental auxiliary. 12081

(C) The board shall register an applicant in accordance 12082
with Chapter 4796. of the Revised Code if either of the 12083
following applies: 12084

(1) The applicant is licensed or registered as an expanded 12085
function dental auxiliary in another state. 12086

(2) The applicant has satisfactory work experience, a 12087
government certification, or a private certification as 12088
described in that chapter as an expanded function dental 12089
auxiliary in a state that does not issue that license or 12090
registration. 12091

Sec. 4717.05. (A) Any person who desires to be licensed as 12092
an embalmer shall apply to the board of embalmers and funeral 12093
directors on a form provided by the board. The applicant shall 12094
include with the application an initial license fee as set forth 12095
in section 4717.07 of the Revised Code and evidence, verified by 12096
oath and satisfactory to the board, that the applicant meets all 12097
of the following requirements: 12098

(1) The applicant is at least eighteen years of age. 12099

(2) The applicant holds at least a bachelor's degree from 12100
a college or university authorized to confer degrees by the 12101
department of higher education or the comparable legal agency of 12102

another state in which the college or university is located and 12103
submits an official transcript from that college or university 12104
with the application. 12105

(3) The applicant has satisfactorily completed at least 12106
twelve months of instruction in a prescribed course in mortuary 12107
science as approved by the board and has presented to the board 12108
a certificate showing successful completion of the course. The 12109
course of mortuary science college training may be completed 12110
either before or after the completion of the educational 12111
standard set forth in division (A) (2) of this section. 12112

(4) The applicant has been certified by the board prior to 12113
beginning an embalmer apprenticeship. 12114

(5) The applicant has satisfactorily completed at least 12115
one year of apprenticeship under an embalmer licensed in this 12116
state and has participated in embalming at least twenty-five 12117
dead human bodies. 12118

(6) The applicant, upon meeting the educational standards 12119
provided for in divisions (A) (2) and (3) of this section and 12120
completing the apprenticeship required in division (A) (5) of 12121
this section, has completed the examination for an embalmer's 12122
license required by the board. 12123

(B) Upon receiving satisfactory evidence verified by oath 12124
that the applicant meets all the requirements of division (A) of 12125
this section, the board shall issue the applicant an embalmer's 12126
license. 12127

(C) Any person who desires to be licensed as a funeral 12128
director shall apply to the board on a form prescribed by the 12129
board. The application shall include an initial license fee as 12130
set forth in section 4717.07 of the Revised Code and evidence, 12131

verified by oath and satisfactory to the board, that the 12132
applicant meets all of the following requirements: 12133

(1) Except as otherwise provided in division (D) of this 12134
section, the applicant has satisfactorily met all the 12135
requirements for an embalmer's license as described in divisions 12136
(A) (1) to (3) of this section. 12137

(2) The applicant has been certified by the board prior to 12138
beginning a funeral director apprenticeship. 12139

(3) The applicant, following mortuary science college 12140
training described in division (A) (3) of this section, has 12141
satisfactorily completed a one-year apprenticeship under a 12142
licensed funeral director in this state and has participated in 12143
directing at least twenty-five funerals. 12144

(4) The applicant has satisfactorily completed the 12145
examination for a funeral director's license as required by the 12146
board. 12147

(D) In lieu of mortuary science college training required 12148
for a funeral director's license under division (C) (1) of this 12149
section, the applicant may substitute a satisfactorily completed 12150
two-year apprenticeship under a licensed funeral director in 12151
this state assisting that person in directing at least fifty 12152
funerals. 12153

(E) Upon receiving satisfactory evidence that the 12154
applicant meets all the requirements of division (C) of this 12155
section, the board shall issue to the applicant a funeral 12156
director's license. 12157

(F) The board shall issue an embalmer or funeral director 12158
apprentice card in accordance with Chapter 4796. of the Revised 12159
Code to an applicant if either of the following applies: 12160

(1) The applicant holds a license or card in another 12161
state. 12162

(2) The applicant has satisfactory work experience, a 12163
government certification, or a private certification as 12164
described in that chapter as an embalmer or funeral director 12165
apprentice in a state that does not issue that license or card. 12166

(G) A funeral director or embalmer may request the funeral 12167
director's or embalmer's license be placed on inactive status by 12168
submitting to the board a form prescribed by the board and such 12169
other information as the board may request. A funeral director 12170
or embalmer may not place the funeral director's or embalmer's 12171
license on inactive status unless the funeral director or 12172
embalmer is in good standing with the board and is in compliance 12173
with applicable continuing education requirements. A funeral 12174
director or embalmer who is granted inactive status is 12175
prohibited from participating in any activity for which a 12176
funeral director's or embalmer's license is required in this 12177
state. A funeral director or embalmer who has been granted 12178
inactive status is exempt from the continuing education 12179
requirements under section 4717.09 of the Revised Code during 12180
the period of the inactive status. 12181

~~(G)~~ (H) A funeral director or embalmer who has been 12182
granted inactive status may not return to active status for at 12183
least two years following the date that the inactive status was 12184
granted. Following a period of at least two years of inactive 12185
status, the funeral director or embalmer may apply to return to 12186
active status upon completion of all of the following 12187
conditions: 12188

(1) The funeral director or embalmer files with the board 12189
a form prescribed by the board seeking active status and 12190

provides any other information as the board may request; 12191

(2) The funeral director or embalmer takes and passes the 12192
Ohio laws examination for each license being activated; 12193

(3) The funeral director or embalmer pays to the board the 12194
reactivation fee described in division (A) (1) of section 4717.07 12195
of the Revised Code. 12196

Sec. 4717.051. (A) Any Except as provided in division (D) 12197
of this section, any person who desires to obtain a permit as a 12198
crematory operator shall apply to the board of embalmers and 12199
funeral directors on a form prescribed by the board. The 12200
applicant shall include with the application the initial permit 12201
fee set forth in section 4717.07 of the Revised Code and 12202
evidence, verified under oath and satisfactory to the board, 12203
that the applicant satisfies both of the following requirements: 12204

(1) The applicant is at least eighteen years of age. 12205

(2) The applicant has satisfactorily completed a crematory 12206
operation certification program approved by the board and has 12207
presented to the board a certificate showing completion of the 12208
program. 12209

(B) If the board of embalmers and funeral directors, upon 12210
receiving satisfactory evidence, determines that the applicant 12211
satisfies all of the requirements of division (A) of this 12212
section, the board shall issue to the applicant a permit as a 12213
crematory operator. 12214

(C) The board of embalmers and funeral directors may 12215
revoke or suspend a crematory operator permit or subject a 12216
crematory operator permit holder to discipline in accordance 12217
with the laws, rules, and procedures applicable to licensees 12218
under this chapter. 12219

(D) The board shall issue a crematory operator permit in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 12220
12221
12222

(1) The applicant holds a license or permit in another state. 12223
12224

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a crematory operator in a state that does not issue that license or permit. 12225
12226
12227
12228

Sec. 4717.07. (A) The board of embalmers and funeral directors shall charge and collect the following fees: 12229
12230

(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)~~(H) of section 4717.05 of the Revised Code, two hundred dollars; 12231
12232
12233
12234

(2) For applying for an embalmer or funeral director certificate of apprenticeship, thirty-five dollars; 12235
12236

(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; 12237
12238
12239

(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; 12240
12241
12242

(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; 12243
12244
12245
12246
12247

(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;

(7) For applying for a license to operate an embalming facility, four hundred dollars and biennial renewal of a license to operate an embalming facility, four hundred dollars;

(8) For the reinstatement of a lapsed license to operate an embalming facility, the renewal fee prescribed in division (A) (7) 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;

(9) For applying for a license to operate a crematory facility, four hundred dollars and biennial renewal of a license to operate a crematory facility, four hundred dollars;

(10) For the reinstatement of a lapsed license to operate a crematory facility, the renewal fee prescribed in division (A) (9) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement, but not more than five hundred dollars;

(11) For applying for the initial or biennial renewal of a crematory operator permit, one hundred fifty dollars;

(12) For the reinstatement of a lapsed crematory operator permit, the renewal fee prescribed in division (A) (11) of this section plus fifty dollars for each month or portion of a month the permit is lapsed, but not more than five hundred dollars;

(13) For the issuance of a duplicate of a license issued under this chapter, ten dollars;

(14) For each preneed funeral contract sold in the state 12277
other than those funded by the assignment of an existing 12278
insurance policy, ten dollars. 12279

(B) In addition to the fees set forth in division (A) of 12280
this section, an applicant shall pay the examination fee 12281
assessed by any examining agency the board uses for any section 12282
of an examination required under this chapter. 12283

(C) Subject to the approval of the controlling board, the 12284
board of embalmers and funeral directors may establish fees in 12285
excess of the amounts set forth in this section, provided that 12286
these fees do not exceed the amounts set forth in this section 12287
by more than fifty per cent. 12288

Sec. 4717.10. (A) The board of embalmers and funeral 12289
~~directors may recognize a license issued to an embalmer or a~~ 12290
~~funeral director by another state. Upon presentation of such~~ 12291
~~license and evidence satisfactory to the board showing such~~ 12292
~~embalmer or funeral director meets all requirements of this~~ 12293
~~division and is in good standing in that other state, the board~~ 12294
shall issue to the holder an embalmer's or funeral director's 12295
license under this chapter. The board shall charge the same fee 12296
as prescribed in section 4717.07 of the Revised Code to issue or 12297
~~renew such an embalmer's or funeral director's license in~~ 12298
accordance with Chapter 4796. of the Revised Code to an 12299
applicant who holds a license in another state or who has 12300
satisfactory work experience, a government certification, or a 12301
private certification as described in that chapter as an 12302
embalmer or funeral director in a state that does not issue that 12303
license. Such licenses shall be renewed biennially as provided 12304
in section 4717.08 of the Revised Code. ~~The board shall not~~ 12305
~~issue a license to any person under this division unless the~~ 12306

~~applicant proves that the applicant, in the state in which the~~ 12307
~~applicant is licensed, has complied with requirements~~ 12308
~~substantially equal to those established in section 4717.05 of~~ 12309
~~the Revised Code.~~ 12310

~~(B)~~ (B) (1) The board of embalmers and funeral directors may 12311
issue courtesy card permits to nonresident funeral directors 12312
licensed in a state that borders this state. A courtesy card 12313
permit holder shall be authorized to undertake both the 12314
following acts in this state: 12315

~~(1)~~ (a) Prepare and complete those sections of a death 12316
certificate and other permits needed for disposition of deceased 12317
human remains in this state and sign and file such death 12318
certificates and permits; 12319

~~(2)~~ (b) Supervise and conduct funeral ceremonies, 12320
interments, and entombments in this state. 12321

(2) Chapter 4796. of the Revised Code does not apply to a 12322
courtesy card permit issued under this division. 12323

(C) The board of embalmers and funeral directors shall 12324
determine under what conditions a courtesy card permit shall be 12325
issued to funeral directors in bordering states after taking 12326
into account whether and under what conditions and fees such 12327
border states issue similar courtesy card permits to funeral 12328
directors licensed in this state. A courtesy card permit holder 12329
shall comply with all applicable laws and rules of this state 12330
while engaged in any acts of funeral directing in this state. 12331
The board may revoke or suspend a courtesy card permit or 12332
subject a courtesy card permit holder to discipline in 12333
accordance with the laws, rules, and procedures applicable to 12334
funeral directors under this chapter. Applicants for courtesy 12335

card permits shall apply on forms prescribed by the board, pay a 12336
biennial fee set by the board for initial applications and 12337
renewals, and adhere to such other requirements imposed by the 12338
board on courtesy card permit holders. 12339

(D) No courtesy card permit holder shall be authorized to 12340
undertake any of the following activities in this state: 12341

(1) Arranging funerals or disposition services with 12342
members of the public in this state; 12343

(2) Be employed by or under contract to a funeral home 12344
licensed in this state to perform funeral services in this 12345
state; 12346

(3) Advertise funeral or disposition services in this 12347
state; 12348

(4) Enter into or execute funeral or disposition contracts 12349
in this state; 12350

(5) Prepare or embalm deceased human remains in this 12351
state; 12352

(6) Arrange for or carry out the disinterment of human 12353
remains in this state. 12354

(E) As used in this section, "courtesy card permit" means 12355
a special permit that may be issued to a nonresident funeral 12356
director licensed in a state that borders this state and who 12357
does not hold a funeral director's license under this chapter. 12358

Sec. 4723.08. (A) The board of nursing may impose fees not 12359
to exceed the following limits: 12360

(1) For application for licensure by examination or 12361
endorsement to practice nursing as a registered nurse or as a 12362

licensed practical nurse <u>submitted under division (A) or (B) of section 4723.09 of the Revised Code</u> , seventy-five dollars;	12363 12364
(2) For application for licensure to practice nursing as an advanced practice registered nurse <u>submitted under division (A) or (B) (2) of section 4723.41 of the Revised Code</u> , one hundred fifty dollars;	12365 12366 12367 12368
(3) For application for a dialysis technician intern certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code;	12369 12370 12371
(4) For application for a dialysis technician certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code;	12372 12373 12374
(5) For providing, pursuant to division (B) of section 4723.271 of the Revised Code, written verification of a nursing license, dialysis technician certificate, medication aide certificate, or community health worker certificate to another jurisdiction, fifteen dollars;	12375 12376 12377 12378 12379
(6) For providing, pursuant to division (A) of section 4723.271 of the Revised Code, a replacement copy of a wall certificate suitable for framing as described in that division, twenty-five dollars;	12380 12381 12382 12383
(7) For renewal of a license to practice as a registered nurse or licensed practical nurse, sixty-five dollars;	12384 12385
(8) For renewal of a license to practice as an advanced practice registered nurse, one hundred thirty-five dollars;	12386 12387
(9) For renewal of a dialysis technician certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code;	12388 12389 12390

(10) For processing a late application for renewal of a nursing license or dialysis technician certificate, fifty dollars;	12391 12392 12393
(11) For application for authorization to approve continuing education programs and courses from an applicant accredited by a national accreditation system for nursing, five hundred dollars;	12394 12395 12396 12397
(12) For application for authorization to approve continuing education programs and courses from an applicant not accredited by a national accreditation system for nursing, one thousand dollars;	12398 12399 12400 12401
(13) For each year for which authorization to approve continuing education programs and courses is renewed, one hundred fifty dollars;	12402 12403 12404
(14) For application for approval to operate a dialysis training program, the amount specified in rules adopted under section 4723.79 of the Revised Code;	12405 12406 12407
(15) For reinstatement of a lapsed license or certificate issued under this chapter, one hundred dollars except as provided in section 5903.10 of the Revised Code;	12408 12409 12410
(16) For processing a check returned to the board by a financial institution, twenty-five dollars;	12411 12412
(17) The amounts specified in rules adopted under section 4723.88 of the Revised Code pertaining to the issuance of certificates to community health workers, including fees for application for a certificate, renewal of a certificate, processing a late application for renewal of a certificate, reinstatement of a lapsed certificate, application for approval of a community health worker training program for community	12413 12414 12415 12416 12417 12418 12419

health workers, and renewal of the approval of a training 12420
program for community health workers. 12421

(B) Each quarter, for purposes of transferring funds under 12422
section 4743.05 of the Revised Code to the nurse education 12423
assistance fund created in section 3333.28 of the Revised Code, 12424
the board of nursing shall certify to the director of budget and 12425
management the number of licenses renewed under this chapter 12426
during the preceding quarter and the amount equal to that number 12427
times five dollars. 12428

(C) The board may charge a participant in a board- 12429
sponsored continuing education activity an amount not exceeding 12430
fifteen dollars for each activity. 12431

(D) The board may contract for services pertaining to the 12432
process of providing written verification of a license or 12433
certificate when the verification is performed for purposes 12434
other than providing verification to another jurisdiction. The 12435
contract may include provisions pertaining to the collection of 12436
the fee charged for providing the written verification. As part 12437
of these provisions, the board may permit the contractor to 12438
retain a portion of the fees as compensation, before any amounts 12439
are deposited into the state treasury. 12440

Sec. 4723.09. (A) (1) An application for licensure by 12441
examination to practice as a registered nurse or as a licensed 12442
practical nurse shall be submitted to the board of nursing in 12443
the form prescribed by rules of the board. The application shall 12444
include all of the following: 12445

(a) Evidence that the applicant has met the educational 12446
requirements described in division (C) of this section; 12447

(b) Any other information required by rules of the board; 12448

(c) The application fee required by section 4723.08 of the Revised Code. 12449
12450

(2) The board shall grant a license to practice nursing as 12451
a registered nurse or as a licensed practical nurse if the 12452
following conditions are met: 12453

(a) The applicant passes the examination accepted by the 12454
board under section 4723.10 of the Revised Code. 12455

(b) In the case of an applicant who entered a prelicensure 12456
nursing education program on or after June 1, 2003, the results 12457
of a criminal records check conducted in accordance with section 12458
4723.091 of the Revised Code demonstrate that the applicant is 12459
not ineligible for licensure in accordance with section 4723.092 12460
of the Revised Code. 12461

(c) The board determines that the applicant has not 12462
committed any act that is grounds for disciplinary action under 12463
section 3123.47 or 4723.28 of the Revised Code or determines 12464
that an applicant who has committed any act that is grounds for 12465
disciplinary action under either section has made restitution or 12466
has been rehabilitated, or both. 12467

(3) The board is not required to afford an adjudication to 12468
an individual to whom it has refused to grant a license because 12469
of that individual's failure to pass the examination. 12470

(B) (1) An application for licensure by endorsement to 12471
practice nursing as a registered nurse or as a licensed 12472
practical nurse shall be submitted to the board in the form 12473
prescribed by rules of the board. The application shall include 12474
all of the following: 12475

(a) Evidence that the applicant holds a current, valid, 12476
and unrestricted license or equivalent authorization from 12477

another jurisdiction other than another state granted after 12478
passing an examination approved by the board of that 12479
jurisdiction that is equivalent to the examination requirements 12480
under this chapter for a license to practice nursing as a 12481
registered nurse or licensed practical nurse; 12482

(b) Any other information required by rules of the board; 12483

(c) The application fee required by section 4723.08 of the 12484
Revised Code. 12485

(2) The board shall grant a license by endorsement to 12486
practice nursing as a registered nurse or as a licensed 12487
practical nurse to an applicant who applied under division (B) 12488
(1) of this section if the following conditions are met: 12489

(a) The applicant provides evidence satisfactory to the 12490
board that the applicant has met the educational requirements 12491
described in division (C) of this section. 12492

(b) The examination, at the time it is successfully 12493
completed, is equivalent to the examination requirements in 12494
effect at that time for applicants who were licensed by 12495
examination in this state. 12496

(c) The board determines there is sufficient evidence that 12497
the applicant completed two contact hours of continuing 12498
education directly related to this chapter or the rules adopted 12499
under it. 12500

(d) The results of a criminal records check conducted in 12501
accordance with section 4723.091 of the Revised Code demonstrate 12502
that the applicant is not ineligible for licensure in accordance 12503
with section 4723.092 of the Revised Code. 12504

(e) The applicant has not committed any act that is 12505

grounds for disciplinary action under section 3123.47 or 4723.28 12506
of the Revised Code, or the board determines that an applicant 12507
who has committed any act that is grounds for disciplinary 12508
action under either of those sections has made restitution or 12509
has been rehabilitated, or both. 12510

(C) (1) To be eligible for licensure by examination or 12511
endorsement under division (A) or (B) of this section, an 12512
applicant seeking a license to practice nursing as a registered 12513
nurse must successfully complete either of the following: 12514

(a) A nursing education program approved by the board 12515
under division (A) of section 4723.06 of the Revised Code; 12516

(b) A nursing education program approved by a board of 12517
another jurisdiction that is a member of the national council of 12518
state boards of nursing. 12519

(2) To be eligible for licensure by examination or 12520
endorsement, an applicant seeking a license to practice nursing 12521
as a licensed practical nurse must successfully complete one of 12522
the following: 12523

(a) A nursing education program approved by the board 12524
under division (A) of section 4723.06 of the Revised Code; 12525

(b) A nursing education program approved by a board of 12526
another jurisdiction that is a member of the national council of 12527
state boards of nursing; 12528

(c) A practical nurse course offered or approved by the 12529
United States army; 12530

(d) A practical nurse education program approved by the 12531
United States air force as either of the following: 12532

(i) The community college of the air force associate 12533

degree in practical nursing technology; 12534

(ii) The allied health program, for students who graduated 12535
that program prior to 2016. 12536

(D) The board shall grant a license to practice nursing as 12537
a registered nurse or as a licensed practical nurse in 12538
accordance with Chapter 4796. of the Revised Code to an 12539
applicant if either of the following applies: 12540

(1) The applicant holds a license in another state. 12541

(2) The applicant has satisfactory work experience, a 12542
government certification, or a private certification as 12543
described in that chapter as a registered nurse or licensed 12544
practical nurse in a state that does not issue that license. 12545

(E) The board may grant a nonrenewable temporary permit to 12546
practice nursing as a registered nurse or as a licensed 12547
practical nurse to an applicant for a license by endorsement 12548
under division (B) or (D) of this section if the board is 12549
satisfied by the evidence that the applicant holds a current, 12550
valid, and unrestricted license or equivalent authorization from 12551
another jurisdiction. Chapter 4796. of the Revised Code does not 12552
apply for a temporary permit issued under this division. Subject 12553
to earlier automatic termination as described in this paragraph, 12554
the temporary permit shall expire at the earlier of one hundred 12555
eighty days after issuance or upon the issuance of a license by 12556
endorsement under division (B) or (D) of this section. The 12557
temporary permit shall terminate automatically if the criminal 12558
records check completed by the bureau of criminal identification 12559
and investigation as described in section 4723.091 of the 12560
Revised Code regarding the applicant indicates that the 12561
applicant is ineligible for licensure in accordance with section 12562

4723.092 of the Revised Code. An applicant whose temporary permit is automatically terminated is permanently prohibited from obtaining a license to practice nursing in this state as a registered nurse or as a licensed practical nurse.

Sec. 4723.26. (A) (1) As used in this section:

(a) "Free clinic" has the same meaning as in section 3701.071 of the Revised Code.

(b) "Indigent and uninsured person" and "operation" have the same meanings as in section 2305.234 of the Revised Code.

(2) For the purposes of this section, a person shall be considered retired from practice if the person's license has expired with the intention of ceasing to practice nursing as a registered nurse, licensed practical nurse, or advanced practice registered nurse for remuneration.

(B) The board of nursing may issue, without examination, a volunteer's certificate to a qualified person who is retired from practice so that the person may provide nursing services to indigent and uninsured persons at any location, including a free clinic.

(C) Except as provided in division (D) of this section, an application for a volunteer's certificate shall include all of the following:

(1) A copy or other evidence of the applicant's degree from a school of registered nursing, practical nursing, or advanced practice registered nursing;

(2) One of the following, as applicable:

(a) A copy or other evidence of the applicant's most recent license to practice nursing as a registered nurse,

licensed practical nurse, or advanced practice registered nurse 12591
issued by a jurisdiction in the United States that licenses 12592
persons to practice nursing as a registered nurse, licensed 12593
practical nurse, or advanced practice registered nurse; 12594

(b) A copy or other evidence of the applicant's most 12595
recent license equivalent to a license to practice nursing as a 12596
registered nurse, licensed practical nurse, or advanced practice 12597
registered nurse in one or more branches of the United States 12598
armed services that the United States government issued. 12599

(3) Evidence of one of the following, as applicable: 12600

(a) The applicant has maintained for at least ten years 12601
prior to retirement a valid, unrestricted license in any 12602
jurisdiction in the United States that licenses persons to 12603
practice nursing as a registered nurse, licensed practical 12604
nurse, or advanced practice registered nurse. 12605

(b) The applicant has practiced nursing as a registered 12606
nurse, licensed practical nurse, or advanced practice registered 12607
nurse under a valid, unrestricted license for at least ten years 12608
prior to retirement in one or more branches of the United States 12609
armed services. 12610

(D) For an applicant retired from practice for at least 12611
ten years, the applicant shall do both of the following: 12612

(1) Certify to the board completion of continuing nursing 12613
education that meets the requirements of section 4723.24 of the 12614
Revised Code and the rules adopted under that section; 12615

(2) Submit a request to the bureau of criminal 12616
identification and investigation for a criminal records check 12617
and check of federal bureau of investigation records pursuant to 12618
section 4723.091 of the Revised Code. 12619

(E) Chapter 4796. of the Revised Code does not apply to a certificate issued under this section. 12620
12621

(F) The holder of a volunteer's certificate may provide 12622
nursing services only to indigent and uninsured persons, but may 12623
do so at any location, including a free clinic. The holder shall 12624
not accept any form of remuneration for providing nursing 12625
services while in possession of the certificate. The board may 12626
suspend or revoke a volunteer's certificate on receiving proof 12627
satisfactory to the board that the holder has engaged in 12628
practice in this state outside the scope of the holder's 12629
certificate or that there are grounds for action against the 12630
person under section 4723.28 of the Revised Code. In revoking a 12631
certificate, the board may specify that the revocation is 12632
permanent. 12633

~~(F)~~(G) (1) A volunteer's certificate shall be valid for a 12634
period of two years, and may be renewed upon the application of 12635
the holder, unless the certificate is suspended or revoked under 12636
division ~~(E)~~(F) of this section. The board shall maintain a 12637
record of all persons who hold volunteer's certificates. The 12638
board shall not charge a fee for issuing or renewing a 12639
certificate pursuant to this section. 12640

(2) To be eligible for renewal of a volunteer's 12641
certificate, the holder of the certificate shall certify to the 12642
board completion of continuing nursing education that meets the 12643
requirements of section 4723.24 of the Revised Code and the 12644
rules adopted under that section. The board may not renew a 12645
certificate if the holder has not complied with the appropriate 12646
continuing education requirements. Any entity for which the 12647
holder provides nursing services may pay for or reimburse the 12648
holder for any costs incurred in obtaining the required 12649

continuing education hours. 12650

(3) The holder of a volunteer's certificate issued 12651
pursuant to this section is subject to the immunity provisions 12652
regarding the provision of services to indigent and uninsured 12653
persons in section 2305.234 of the Revised Code. 12654

~~(G)~~(H) The board shall adopt rules in accordance with 12655
Chapter 119. of the Revised Code to administer and enforce this 12656
section. 12657

Sec. 4723.32. This chapter does not prohibit any of the 12658
following: 12659

(A) The practice of nursing by a student currently 12660
enrolled in and actively pursuing completion of a prelicensure 12661
nursing education program, if all of the following are the case: 12662

(1) The student is participating in a program located in 12663
this state and approved by the board of nursing or participating 12664
in this state in a component of a program located in another 12665
jurisdiction and approved by a board that is a member of the 12666
national council of state boards of nursing; 12667

(2) The student's practice is under the auspices of the 12668
program; 12669

(3) The student acts under the supervision of a registered 12670
nurse serving for the program as a faculty member or teaching 12671
assistant. 12672

(B) The rendering of medical assistance to a licensed 12673
physician, licensed dentist, or licensed podiatrist by a person 12674
under the direction, supervision, and control of such licensed 12675
physician, dentist, or podiatrist; 12676

(C) The activities of persons employed as nursing aides, 12677

attendants, orderlies, or other auxiliary workers in patient 12678
homes, nurseries, nursing homes, hospitals, home health 12679
agencies, or other similar institutions; 12680

(D) The provision of nursing services to family members or 12681
in emergency situations; 12682

(E) The care of the sick when done in connection with the 12683
practice of religious tenets of any church and by or for its 12684
members; 12685

(F) The practice of nursing as an advanced practice 12686
registered nurse by a student currently enrolled in and actively 12687
pursuing completion of a program of study leading to initial 12688
authorization by the board of nursing to practice nursing as an 12689
advanced practice registered nurse in a designated specialty, if 12690
all of the following are the case: 12691

(1) The program qualifies the student to sit for the 12692
examination of a national certifying organization approved by 12693
the board under section 4723.46 of the Revised Code or the 12694
program prepares the student to receive a master's or doctoral 12695
degree in accordance with division (A) (2) of section 4723.41 of 12696
the Revised Code; 12697

(2) The student's practice is under the auspices of the 12698
program; 12699

(3) The student acts under the supervision of an advanced 12700
practice registered nurse serving for the program as a faculty 12701
member, teaching assistant, or preceptor. 12702

(G) The activities of an individual who is a resident of a 12703
state other than this state and who currently holds a license to 12704
practice nursing or equivalent authorization from another 12705
jurisdiction, but only if the individual's activities are 12706

limited to those activities that the same type of nurse may 12707
engage in pursuant to a license issued under this chapter, the 12708
individual's authority to practice has not been revoked, the 12709
individual is not currently under suspension or on probation, 12710
the individual does not represent the individual as being 12711
licensed under this chapter, and one of the following is the 12712
case: 12713

(1) The individual is engaging in the practice of nursing 12714
by discharging official duties while employed by or under 12715
contract with the United States government or any agency 12716
thereof; 12717

(2) The individual is engaging in the practice of nursing 12718
as an employee of an individual, agency, or corporation located 12719
in the other jurisdiction in a position with employment 12720
responsibilities that include transporting patients into, out 12721
of, or through this state, as long as each trip in this state 12722
does not exceed seventy-two hours; 12723

(3) The individual is consulting with an individual 12724
licensed in this state to practice any health-related 12725
profession; 12726

(4) The individual is engaging in activities associated 12727
with teaching in this state as a guest lecturer at or for a 12728
nursing education program, continuing nursing education program, 12729
or in-service presentation; 12730

(5) The individual is conducting evaluations of nursing 12731
care that are undertaken on behalf of an accrediting 12732
organization, including the national league for nursing 12733
accrediting committee, the joint commission (formerly known as 12734
the joint commission on accreditation of healthcare 12735

organizations), or any other nationally recognized accrediting organization; 12736
12737

(6) The individual is providing nursing care to an individual who is in this state on a temporary basis, not to exceed six months in any one calendar year, if the nurse is directly employed by or under contract with the individual or a guardian or other person acting on the individual's behalf; 12738
12739
12740
12741
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(7) The individual is providing nursing care during any disaster, natural or otherwise, that has been officially declared to be a disaster by a public announcement issued by an appropriate federal, state, county, or municipal official; 12743
12744
12745
12746

(8) The individual is providing nursing care at a free-of-charge camp accredited by the SeriousFun children's network that specializes in providing therapeutic recreation, as defined in section 2305.231 of the Revised Code, for individuals with chronic diseases, if all of the following are the case: 12747
12748
12749
12750
12751

(a) The individual provides documentation to the medical director of the camp that the individual holds a current, valid license to practice nursing or equivalent authorization from another jurisdiction. 12752
12753
12754
12755

(b) The individual provides nursing care only at the camp or in connection with camp events or activities that occur off the grounds of the camp. 12756
12757
12758

(c) The individual is not compensated for the individual's services. 12759
12760

(d) The individual provides nursing care within this state for not more than thirty days per calendar year. 12761
12762

(e) The camp has a medical director who holds an 12763

unrestricted license to practice medicine issued in accordance 12764
with Chapter 4731. of the Revised Code. 12765

(9) The individual is providing nursing care as a 12766
volunteer without remuneration during a charitable event that 12767
lasts not more than seven days if both of the following are the 12768
case: 12769

(a) The individual, or the charitable event's organizer, 12770
notifies the board of nursing not less than seven calendar days 12771
before the first day of the charitable event of the individual's 12772
intent to engage in the practice of nursing as a registered 12773
nurse, advanced practice registered nurse, or licensed practical 12774
nurse at the event; 12775

(b) If the individual's scope of practice in the other 12776
jurisdiction is more restrictive than in this state, the 12777
individual is limited to performing only those procedures that a 12778
registered nurse, advanced practice registered nurse, or 12779
licensed practical nurse in the other jurisdiction may perform. 12780

(H) The administration of medication by an individual who 12781
holds a valid medication aide certificate issued under this 12782
chapter, if the medication is administered to a resident of a 12783
nursing home, residential care facility, or ICF/IID authorized 12784
by section 4723.64 of the Revised Code to use a certified 12785
medication aide and the medication is administered in accordance 12786
with section 4723.67 of the Revised Code. 12787

(I) An individual who is a resident of a state other than 12788
this state and who holds a license to practice nursing or 12789
equivalent authorization from another jurisdiction is not 12790
required to obtain a license in accordance with Chapter 4796. of 12791
the Revised Code to perform the activities described under 12792

division (G) of this section. 12793

Sec. 4723.41. (A) Each person who desires to practice 12794
nursing as a certified nurse-midwife and has not been authorized 12795
to practice midwifery prior to December 1, 1967, and each person 12796
who desires to practice nursing as a certified registered nurse 12797
anesthetist, clinical nurse specialist, or certified nurse 12798
practitioner shall file with the board of nursing a written 12799
application for a license to practice nursing as an advanced 12800
practice registered nurse and designation in the desired 12801
specialty. The application must be filed, under oath, on a form 12802
prescribed by the board accompanied by the application fee 12803
required by section 4723.08 of the Revised Code. 12804

Except as provided in division (B), (C), or (D) of this 12805
section, at the time of making application, the applicant shall 12806
meet all of the following requirements: 12807

(1) Be a registered nurse; 12808

(2) Submit documentation satisfactory to the board that 12809
the applicant has earned a master's or doctoral degree with a 12810
major in a nursing specialty or in a related field that 12811
qualifies the applicant to sit for the certification examination 12812
of a national certifying organization approved by the board 12813
under section 4723.46 of the Revised Code; 12814

(3) Submit documentation satisfactory to the board of 12815
having passed the certification examination of a national 12816
certifying organization approved by the board under section 12817
4723.46 of the Revised Code to examine and certify, as 12818
applicable, nurse-midwives, registered nurse anesthetists, 12819
clinical nurse specialists, or nurse practitioners; 12820

(4) Submit an affidavit with the application that states 12821

all of the following: 12822

(a) That the applicant is the person named in the 12823
documents submitted under this section and is the lawful 12824
possessor thereof; 12825

(b) The applicant's age, residence, the school at which 12826
the applicant obtained education in the applicant's nursing 12827
specialty, and any other facts that the board requires; 12828

(c) The specialty in which the applicant seeks 12829
designation. 12830

(B) (1) A certified registered nurse anesthetist, clinical 12831
nurse specialist, certified nurse-midwife, or certified nurse 12832
practitioner who is practicing or has practiced as such in 12833
another jurisdiction other than another state may apply for a 12834
license by endorsement to practice nursing as an advanced 12835
practice registered nurse and designation as a certified 12836
registered nurse anesthetist, clinical nurse specialist, 12837
certified nurse-midwife, or certified nurse practitioner in this 12838
state if the nurse meets the requirements set forth in division 12839
(A) of this section or division (B) (2) of this section. 12840

(2) If an applicant who is practicing or has practiced in 12841
another jurisdiction other than another state applies for 12842
designation under division (B) (2) of this section, the 12843
application shall be submitted to the board in the form 12844
prescribed by rules of the board and be accompanied by the 12845
application fee required by section 4723.08 of the Revised Code. 12846
The application shall include evidence that the applicant meets 12847
the requirements of division (B) (2) of this section, holds 12848
authority to practice nursing and is in good standing in another 12849
jurisdiction other than another state granted after meeting 12850

requirements approved by the entity of that jurisdiction that 12851
regulates nurses, and other information required by rules of the 12852
board of nursing. 12853

With respect to the educational requirements and national 12854
certification requirements that an applicant under division (B) 12855
(2) of this section must meet, both of the following apply: 12856

(a) If the applicant is a certified registered nurse 12857
anesthetist, certified nurse-midwife, or certified nurse 12858
practitioner who, on or before December 31, 2000, obtained 12859
certification in the applicant's nursing specialty with a 12860
national certifying organization listed in division (A)(3) of 12861
section 4723.41 of the Revised Code as that division existed 12862
prior to March 20, 2013, or that was at that time approved by 12863
the board under section 4723.46 of the Revised Code, the 12864
applicant must have maintained the certification. The applicant 12865
is not required to have earned a master's or doctoral degree 12866
with a major in a nursing specialty or in a related field that 12867
qualifies the applicant to sit for the certification 12868
examination. 12869

(b) If the applicant is a clinical nurse specialist, one 12870
of the following must apply to the applicant: 12871

(i) On or before December 31, 2000, the applicant obtained 12872
a master's or doctoral degree with a major in a clinical area of 12873
nursing from an educational institution accredited by a national 12874
or regional accrediting organization. The applicant is not 12875
required to have passed a certification examination. 12876

(ii) On or before December 31, 2000, the applicant 12877
obtained a master's or doctoral degree in nursing or a related 12878
field and was certified as a clinical nurse specialist by the 12879

American nurses credentialing center or another national 12880
certifying organization that was at that time approved by the 12881
board under section 4723.46 of the Revised Code. 12882

(3) The board shall grant a license to practice nursing as 12883
an advanced practice registered nurse in accordance with Chapter 12884
4796. of the Revised Code to an applicant if either of the 12885
following applies: 12886

(a) The applicant holds a license in another state. 12887

(b) The applicant has satisfactory work experience, a 12888
government certification, or a private certification as 12889
described in that chapter as an advanced practice registered 12890
nurse in a state that does not issue that license. 12891

(4) The board may grant a nonrenewable temporary permit to 12892
practice nursing as an advanced practice registered nurse to an 12893
applicant for licensure ~~by endorsement under division (B) (2) or~~ 12894
(3) of this section if the board is satisfied by the evidence 12895
that the applicant holds a valid, unrestricted license in or 12896
equivalent authorization from another jurisdiction. Chapter 12897
4796. of the Revised Code does not apply to a temporary permit 12898
issued under this division. The temporary permit shall expire at 12899
the earlier of one hundred eighty days after issuance or upon 12900
the issuance of a license by endorsement under division (B) (2) 12901
or (3) of this section. 12902

(C) An applicant who desires to practice nursing as a 12903
certified registered nurse anesthetist, certified nurse-midwife, 12904
or certified nurse practitioner is exempt from the educational 12905
requirements in division (A) (2) of this section if all of the 12906
following are the case: 12907

(1) Before January 1, 2001, the board issued to the 12908

applicant a certificate of authority to practice as a certified 12909
registered nurse anesthetist, certified nurse-midwife, or 12910
certified nurse practitioner; 12911

(2) The applicant submits documentation satisfactory to 12912
the board that the applicant obtained certification in the 12913
applicant's nursing specialty with a national certifying 12914
organization listed in division (A) (3) of section 4723.41 of the 12915
Revised Code as that division existed prior to March 20, 2013, 12916
or that was at that time approved by the board under section 12917
4723.46 of the Revised Code; 12918

(3) The applicant submits documentation satisfactory to 12919
the board that the applicant has maintained the certification 12920
described in division (C) (2) of this section. 12921

(D) An applicant who desires to practice as a clinical 12922
nurse specialist is exempt from the examination requirement in 12923
division (A) (3) of this section if both of the following are the 12924
case: 12925

(1) Before January 1, 2001, the board issued to the 12926
applicant a certificate of authority to practice as a clinical 12927
nurse specialist; 12928

(2) The applicant submits documentation satisfactory to 12929
the board that the applicant earned either of the following: 12930

(a) A master's or doctoral degree with a major in a 12931
clinical area of nursing from an educational institution 12932
accredited by a national or regional accrediting organization; 12933

(b) A master's or doctoral degree in nursing or a related 12934
field and was certified as a clinical nurse specialist by the 12935
American nurses credentialing center or another national 12936
certifying organization that was at that time approved by the 12937

board under section 4723.46 of the Revised Code. 12938

Sec. 4723.651. (A) To be eligible to receive a medication 12939
aide certificate, an applicant shall meet all of the following 12940
conditions: 12941

(1) Be at least eighteen years of age; 12942

(2) Have a high school diploma or a certificate of high 12943
school equivalence as defined in section 5107.40 of the Revised 12944
Code; 12945

(3) If the applicant is to practice as a medication aide 12946
in a nursing home, be a nurse aide who satisfies the 12947
requirements of division (A)(1), (2), (3), (4), (5), (6), or (8) 12948
of section 3721.32 of the Revised Code; 12949

(4) If the applicant is to practice as a medication aide 12950
in a residential care facility, be a nurse aide who satisfies 12951
the requirements of division (A)(1), (2), (3), (4), (5), (6), or 12952
(8) of section 3721.32 of the Revised Code or an individual who 12953
has at least one year of direct care experience in a residential 12954
care facility; 12955

(5) If the applicant is to practice as a medication aide 12956
in an ICF/IID, be a nurse aide who satisfies the requirements of 12957
division (A)(1), (2), (3), (4), (5), (6), or (8) of section 12958
3721.32 of the Revised Code or an individual who has at least 12959
one year of direct care experience in an ICF/IID; 12960

(6) Successfully complete the course of instruction 12961
provided by a training program approved under section 4723.66 of 12962
the Revised Code; 12963

(7) Not be ineligible for licensure or certification in 12964
accordance with section 4723.092 of the Revised Code; 12965

(8) Have not committed any act that is grounds for disciplinary action under section 3123.47 or 4723.28 of the Revised Code or be determined by the board to have made restitution, been rehabilitated, or both;

(9) Meet all other requirements for a medication aide certificate established in rules adopted under section 4723.69 of the Revised Code.

(B) ~~If Except as provided in division (C) of this section, if~~ an applicant meets the requirements specified in division (A) of this section, the board of nursing shall issue a medication aide certificate to the applicant. If a medication aide certificate is issued to an individual on the basis of having at least one year of direct care experience working in a residential care facility, as provided in division (A)(4) of this section, the certificate is valid for use only in a residential care facility. If a medication aide certificate is issued to an individual on the basis of having at least one year of direct care experience working in an ICF/IID, as provided in division (A)(5) of this section, the certificate is valid for use only in an ICF/IID. The board shall state the limitation on the certificate issued to the individual.

(C) The board shall issue a medication aide certificate in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a certificate or license in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a medication aide in a state that

does not issue that certificate or license. 12995

(D) A medication aide certificate is valid for two years, 12996
unless earlier suspended or revoked. The certificate may be 12997
renewed in accordance with procedures specified by the board in 12998
rules adopted under section 4723.69 of the Revised Code. To be 12999
eligible for renewal, an applicant shall pay the renewal fee 13000
established in the rules and meet all renewal qualifications 13001
specified in the rules. 13002

Sec. 4723.75. (A) The Except as provided in division (D) 13003
of this section, the board of nursing shall issue a certificate 13004
to practice as a dialysis technician to an applicant if the 13005
following conditions are met: 13006

(1) The application is submitted to the board in 13007
accordance with rules adopted under section 4723.79 of the 13008
Revised Code and includes both of the following: 13009

(a) The fee established in rules adopted under section 13010
4723.79 of the Revised Code; 13011

(b) The name and address of each approved dialysis 13012
training program in which the applicant has enrolled and the 13013
dates during which the applicant was enrolled in each program. 13014

(2) The applicant meets the requirements established by 13015
the board's rules. 13016

(3) The applicant demonstrates competency to practice as a 13017
dialysis technician, as specified in division (B) of this 13018
section. 13019

(4) In the case of an applicant who entered a dialysis 13020
training program on or after June 1, 2003, the results of a 13021
criminal records check conducted in accordance with section 13022

4723.091 of the Revised Code demonstrate that the applicant is 13023
not ineligible for certification in accordance with section 13024
4723.092 of the Revised Code. 13025

(B) For an applicant to demonstrate competence to practice 13026
as a dialysis technician, one of the following must apply: 13027

(1) The applicant has successfully completed a dialysis 13028
training program approved by the board under section 4723.74 of 13029
the Revised Code and meets both of the following requirements: 13030

(a) Has performed dialysis care for a dialysis provider 13031
for not less than six months immediately prior to the date of 13032
application; 13033

(b) Has passed a certification examination demonstrating 13034
competence to perform dialysis care not later than eighteen 13035
months after successfully completing a dialysis training program 13036
approved by the board under section 4723.74 of the Revised Code. 13037

(2) The applicant does all of the following: 13038

(a) Has a testing organization approved by the board 13039
submit evidence satisfactory to the board that the applicant 13040
passed an examination, in another jurisdiction, that 13041
demonstrates the applicant's competence to provide dialysis 13042
care; 13043

(b) Submits evidence satisfactory to the board that the 13044
applicant has been employed to perform dialysis care in another 13045
jurisdiction for not less than six months immediately prior to 13046
the date of application for certification under this section; 13047

(c) Submits evidence satisfactory to the board that the 13048
applicant completed at least two hours of education directly 13049
related to this chapter and the rules adopted under it. 13050

(C) An applicant who does not pass the certification 13051
examination described in division (B) (1) (b) of this section 13052
within the time period prescribed in that division may continue 13053
to pursue certification by repeating the entire training and 13054
application process, including doing all of the following: 13055

(1) Enrolling in and successfully completing a dialysis 13056
training program approved by the board; 13057

(2) Submitting a request to the bureau of criminal 13058
identification and investigation for a criminal records check 13059
and check of federal bureau of investigation records pursuant to 13060
section 4723.091 of the Revised Code; 13061

(3) Submitting an application for a dialysis technician 13062
intern certificate in accordance with section 4723.76 of the 13063
Revised Code; 13064

(4) Demonstrating competence to perform dialysis care in 13065
accordance with division (B) of this section. 13066

(D) The board shall issue a certificate to practice as a 13067
dialysis technician in accordance with Chapter 4796. of the 13068
Revised Code to an applicant if either of the following applies: 13069

(1) The applicant holds a certificate or license in 13070
another state. 13071

(2) The applicant has satisfactory work experience, a 13072
government certification, or a private certification as 13073
described in that chapter as a dialysis technician in a state 13074
that does not issue that certificate or license. 13075

Sec. 4723.76. (A) The Except as provided in division (D) 13076
of this section, the board of nursing shall issue a certificate 13077
to practice as a dialysis technician intern to an applicant who 13078

has not passed the dialysis technician certification examination 13079
required by section 4723.751 of the Revised Code, but who 13080
satisfies all of the following requirements: 13081

(1) Applies to the board in accordance with rules adopted 13082
under section 4723.79 of the Revised Code and includes with the 13083
application both of the following: 13084

(a) The fee established in rules adopted under section 13085
4723.79 of the Revised Code; 13086

(b) The name and address of all dialysis training programs 13087
approved by the board in which the applicant has been enrolled 13088
and the dates of enrollment in each program. 13089

(2) Provides documentation from the applicant's employer 13090
attesting that the applicant is competent to perform dialysis 13091
care; 13092

(3) Has successfully completed a dialysis training program 13093
approved by the board of nursing under section 4723.74 of the 13094
Revised Code. 13095

(B) A dialysis technician intern certificate issued to an 13096
applicant who meets the requirements in division (A) of this 13097
section is valid for a period of time that is eighteen months 13098
from the date on which the applicant successfully completed a 13099
dialysis training program approved by the board under section 13100
4723.74 of the Revised Code, minus the time the applicant was 13101
enrolled in one or more dialysis training programs approved by 13102
the board. 13103

(C) A dialysis technician intern certificate issued under 13104
this section may not be renewed. 13105

(D) (1) The board shall issue a certificate to practice as 13106

a dialysis technician intern in accordance with Chapter 4796. of 13107
the Revised Code to an applicant if either of the following 13108
applies: 13109

(a) The applicant holds a certificate or license in 13110
another state. 13111

(b) The applicant has satisfactory work experience, a 13112
government certification, or a private certification as 13113
described in that chapter as a dialysis technician intern in a 13114
state that does not issue that certificate or license. 13115

(2) A certificate issued under Chapter 4796. of the 13116
Revised Code is valid for the same time period as described in 13117
division (B) of this section. 13118

Sec. 4723.85. (A) The board of nursing shall review all 13119
applications received under section 4723.83 of the Revised Code. 13120
If an applicant meets the requirements of section 4723.84 of the 13121
Revised Code, the board shall issue a community health worker 13122
certificate to the applicant. 13123

(B) Notwithstanding the requirements specified in section 13124
4723.84 of the Revised Code, the board shall issue a community 13125
health worker certificate in accordance with Chapter 4796. of 13126
the Revised Code to an applicant if either of the following 13127
applies: 13128

(1) The applicant holds a certificate or license in 13129
another state. 13130

(2) The applicant has satisfactory work experience, a 13131
government certification, or a private certification as 13132
described in that chapter as a community health worker in a 13133
state that does not issue that certificate or license. 13134

(C) A community health worker certificate issued under 13135
division (A) or (B) of this section expires biennially and may 13136
be renewed in accordance with the schedule and procedures 13137
established by the board in rules adopted under section 4723.88 13138
of the Revised Code. To be eligible for renewal, an individual 13139
must complete the continuing education requirements established 13140
by the board in rules adopted under section 4723.88 of the 13141
Revised Code and meet all other requirements for renewal, as 13142
specified in the board's rules adopted under that section. If an 13143
applicant for renewal has successfully completed the continuing 13144
education requirements and meets all other requirements for 13145
renewal, the board shall issue a renewed community health worker 13146
certificate to the applicant. 13147

Sec. 4725.13. (A) The state vision professionals board, by 13148
an affirmative vote of a majority of its members, shall issue 13149
certificates under its seal as follows: 13150

(1) Every applicant who, prior to May 19, 1992, passed the 13151
licensing examination then in effect, and who otherwise complies 13152
with sections 4725.01 to 4725.34 of the Revised Code shall 13153
receive from the board a certificate of licensure authorizing 13154
the holder to engage in the practice of optometry as provided in 13155
division (A) (1) of section 4725.01 of the Revised Code. 13156

(2) Every applicant who, prior to May 19, 1992, passed the 13157
general and ocular pharmacology examination then in effect, and 13158
who otherwise complies with sections 4725.01 to 4725.34 of the 13159
Revised Code, shall receive from the board a separate topical 13160
ocular pharmaceutical agents certificate authorizing the holder 13161
to administer topical ocular pharmaceutical agents as provided 13162
in division (A) (2) of section 4725.01 of the Revised Code and in 13163
accordance with sections 4725.01 to 4725.34 of the Revised Code. 13164

(3) Every applicant who holds a valid certificate of licensure issued prior to May 19, 1992, and meets the requirements of section 4725.14 of the Revised Code shall receive from the board a separate therapeutic pharmaceutical agents certificate authorizing the holder to engage in the practice of optometry as provided in division (A) (3) of section 4725.01 of the Revised Code.

(4) Every applicant who, on or after May 19, 1992, passes all parts of the licensing examination accepted by the board under section 4725.11 of the Revised Code and otherwise complies with the requirements of sections 4725.01 to 4725.34 of the Revised Code shall receive from the board a certificate of licensure authorizing the holder to engage in the practice of optometry as provided in division (A) (1) of section 4725.01 of the Revised Code and a separate therapeutic pharmaceutical agents certificate authorizing the holder to engage in the practice of optometry as provided in division (A) (3) of that section.

(B) Each person to whom a certificate is issued pursuant to this section by the board shall keep the certificate displayed in a conspicuous place in the location at which that person practices optometry and shall whenever required exhibit the certificate to any member or agent of the board. If an optometrist practices outside of or away from the location at which the optometrist's certificate of licensure is displayed, the optometrist shall deliver to each person examined or fitted with optical accessories by the optometrist, a receipt signed by the optometrist in which the optometrist shall set forth the amounts charged, the optometrist's post-office address, and the number assigned to the optometrist's certificate of licensure. The information may be provided as part of a prescription given

to the person. 13196

(C) A person who, on May 19, 1992, holds a valid 13197
certificate of licensure or topical ocular pharmaceutical agents 13198
certificate issued by the board may continue to engage in the 13199
practice of optometry as provided by the certificate of 13200
licensure or topical ocular pharmaceutical agents certificate if 13201
the person continues to comply with sections 4725.01 to 4725.34 13202
of the Revised Code as required by the certificate of licensure 13203
or topical ocular pharmaceutical agents certificate. 13204

(D) Chapter 4796. of the Revised Code does not apply to 13205
certificates issued under division (A) (2) or (3) of this 13206
section. 13207

Sec. 4725.18. (A) The state vision professionals board may 13208
issue a certificate of licensure and therapeutic pharmaceutical 13209
agents certificate by endorsement to an individual licensed as 13210
an optometrist by ~~another state or~~ a Canadian province if the 13211
board determines that the ~~other state or~~ province has standards 13212
for the practice of optometry that are at least as stringent as 13213
the standards established under sections 4725.01 to 4725.34 of 13214
the Revised Code and the individual meets the conditions 13215
specified in division (B) of this section. The certificates may 13216
be issued only by an affirmative vote of a majority of the 13217
board's members. 13218

(B) An individual seeking a certificate of licensure and 13219
therapeutic pharmaceutical agents certificate pursuant to 13220
division (A) of this section shall submit an application to the 13221
board. To receive the certificates, an applicant must meet all 13222
of the following conditions: 13223

(1) Meet the same qualifications that an individual must 13224

- 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~~ Canadian 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 established under section 4725.34 of the Revised Code for a certificate of licensure and therapeutic pharmaceutical agents certificate;
- (7) Submit all transcripts, reports, or other information the board requires;
- (8) Participate in a two-hour instruction session provided
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by the board on the optometry statutes and rules of this state 13254
or pass an Ohio optometry jurisprudence test administered by the 13255
board; 13256

(9) Pass all or part of the licensing examination accepted 13257
by the board under section 4725.11 of the Revised Code, if the 13258
board determines that testing is necessary to determine whether 13259
the applicant's qualifications are sufficient for issuance of a 13260
certificate of licensure and therapeutic pharmaceutical agents 13261
certificate under this section; 13262

(10) Not have been previously denied issuance of a 13263
certificate by the board. 13264

(C) The board shall issue a certificate of licensure and 13265
therapeutic pharmaceutical agents certificate in accordance with 13266
Chapter 4796. of the Revised Code to an applicant if either of 13267
the following applies: 13268

(1) The applicant holds a certificate or license in 13269
another state. 13270

(2) The applicant has satisfactory work experience, a 13271
government certification, or a private certification as 13272
described in that chapter in the practice of optometry using 13273
therapeutic pharmaceutical agents in a state that does not issue 13274
that license or certificate. 13275

Sec. 4725.26. Division (A) of section 4725.02 of the 13276
Revised Code does not apply to the following: 13277

(A) Physicians authorized to practice medicine and surgery 13278
or osteopathic medicine and surgery under Chapter 4731. of the 13279
Revised Code; 13280

(B) Persons who sell optical accessories but do not assume 13281

to adapt them to the eye, and neither practice nor profess to 13282
practice optometry; 13283

(C) ~~An~~ A nonresident instructor in a school of optometry 13284
that is located in this state and approved by the state vision 13285
professionals board under section 4725.10 of the Revised Code 13286
who holds a valid current license to practice optometry from a 13287
licensing body in another jurisdiction and limits the practice 13288
of optometry to the instruction of students enrolled in the 13289
school. The state vision professionals board shall not require a 13290
nonresident instructor who holds a license in another state to 13291
obtain a license in accordance with Chapter 4796. of the Revised 13292
Code to practice optometry in the manner described under this 13293
division. 13294

(D) A student enrolled in a school of optometry, located 13295
in this or another state and approved by the board under section 13296
4725.10 of the Revised Code, while the student is participating 13297
in this state in an optometry training program provided or 13298
sponsored by the school, if the student acts under the direct, 13299
personal supervision and control of an optometrist licensed by 13300
the board or authorized to practice pursuant to division (C) of 13301
this section. 13302

(E) An individual who is licensed or otherwise 13303
specifically authorized by the Revised Code to engage in an 13304
activity that is included in the practice of optometry. 13305

(F) An individual who is not licensed or otherwise 13306
specifically authorized by the Revised Code to engage in an 13307
activity that is included in the practice of optometry, but is 13308
acting pursuant to the rules for delegation of optometric tasks 13309
adopted under section 4725.09 of the Revised Code. 13310

(G) ~~An~~ A nonresident individual who holds in good standing 13311
a valid license to practice optometry from a licensing body in 13312
another jurisdiction and is practicing as a volunteer without 13313
remuneration during a charitable event that lasts not more than 13314
seven days. 13315

When an individual meets the conditions of this division, 13316
the individual shall be deemed to hold, during the course of the 13317
charitable event, a license to practice optometry from the state 13318
vision professionals board and shall be subject to the 13319
provisions of this chapter authorizing the board to take 13320
disciplinary action against a license holder. Not less than 13321
seven calendar days before the first day of the charitable 13322
event, the individual or the event's organizer shall notify the 13323
board of the individual's intent to engage in the practice of 13324
optometry at the event. During the course of the charitable 13325
event, the individual's scope of practice is limited to the 13326
procedures that an optometrist licensed under this chapter is 13327
authorized to perform unless the individual's scope of practice 13328
in the other jurisdiction is more restrictive than in this 13329
state. If the latter is the case, the individual's scope of 13330
practice is limited to the procedures that an optometrist in the 13331
other jurisdiction may perform. 13332

The board shall not require a nonresident individual who 13333
holds a license in another state to obtain a license in 13334
accordance with Chapter 4796. of the Revised Code to practice 13335
optometry as a volunteer in the manner described under this 13336
division. 13337

Sec. 4725.48. (A) Any person who desires to engage in 13338
optical dispensing shall file a properly completed application 13339
for an examination with the state vision professionals board or 13340

with the testing service the board has contracted with pursuant 13341
to section 4725.49 of the Revised Code. The application for 13342
examination shall be made using a form provided by the board and 13343
shall be accompanied by an examination fee the board shall 13344
establish by rule. 13345

(B) Any person who desires to engage in optical dispensing 13346
shall file a properly completed application for a license with 13347
the board with a licensure application fee of fifty dollars. 13348

No person shall be eligible to apply for a license under 13349
this division, unless the person is at least eighteen years of 13350
age, is free of contagious or infectious disease, has received a 13351
passing score, as determined by the board, on the examination 13352
administered under division (A) of this section, is a graduate 13353
of an accredited high school of any state, or has received an 13354
equivalent education and has successfully completed either of 13355
the following: 13356

(1) Two years of supervised experience under a licensed 13357
dispensing optician, optometrist, or physician engaged in the 13358
practice of ophthalmology, up to one year of which may be 13359
continuous experience of not less than thirty hours a week in an 13360
optical laboratory; 13361

(2) A two-year college level program in optical dispensing 13362
that has been approved by the board and that includes, but is 13363
not limited to, courses of study in mathematics, science, 13364
English, anatomy and physiology of the eye, applied optics, 13365
ophthalmic optics, measurement and inspection of lenses, lens 13366
grinding and edging, ophthalmic lens design, keratometry, and 13367
the fitting and adjusting of spectacle lenses and frames and 13368
contact lenses, including methods of fitting contact lenses and 13369
post-fitting care. 13370

(C) (1) Any person who desires to obtain a license to practice as an ocularist shall file a properly completed application with the board accompanied by the appropriate fee and proof that the applicant has met the requirements for licensure. The board shall establish, by rule, the application fee and the minimum requirements for licensure, including education, examination, or experience standards recognized by the board as national standards for ocularists. The board shall issue a license to practice as an ocularist to an applicant who satisfies the requirements of this division and rules adopted pursuant to this division.

(2) The board shall issue a license to practice as an ocularist in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(a) The applicant holds a license in another state.

(b) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as an ocularist in a state that does not issue that license.

(D) (1) Subject to divisions (D) (3) and (4) of this section, the board shall not adopt, maintain, renew, or enforce any rule that precludes an individual from renewing a license as a dispensing optician issued under sections 4725.40 to 4725.59 of the Revised Code due to any past criminal activity or interpretation of moral character, unless the individual has committed a crime of moral turpitude or a disqualifying offense as those terms are defined in section 4776.10 of the Revised Code.

If the board denies an individual a license or license

renewal, the reasons for such denial shall be put in writing. 13400

(2) The board may refuse to issue a license to an 13401
applicant because of a conviction of or plea of guilty to an 13402
offense if the refusal is in accordance with section 9.79 of the 13403
Revised Code. 13404

(3) In considering a renewal of an individual's license, 13405
the board shall not consider any conviction or plea of guilty 13406
prior to the initial licensing. However, the board may consider 13407
a conviction or plea of guilty if it occurred after the 13408
individual was initially licensed, or after the most recent 13409
license renewal. 13410

(4) The board may grant an individual a conditional 13411
license that lasts for one year. After the one-year period has 13412
expired, the license is no longer considered conditional, and 13413
the individual shall be considered fully licensed. 13414

(E) The board, subject to the approval of the controlling 13415
board, may establish examination fees in excess of the amount 13416
established by rule pursuant to this section, provided that such 13417
fees do not exceed those amounts established in rule by more 13418
than fifty per cent. 13419

Sec. 4725.52. Any licensed dispensing optician may 13420
supervise a maximum of three apprentices who shall be permitted 13421
to engage in optical dispensing only under the supervision of 13422
the licensed dispensing optician. 13423

To serve as an apprentice, a person shall register with 13424
the state vision professionals board on a form provided by the 13425
board and in the form of a statement giving the name and address 13426
of the supervising licensed dispensing optician, the location at 13427
which the apprentice will be employed, and any other information 13428

required by the board. For the duration of the apprenticeship, 13429
the apprentice shall register annually on the form provided by 13430
the board and in the form of a statement. 13431

Each apprentice shall pay an initial registration fee of 13432
twenty dollars. For each registration renewal thereafter, each 13433
apprentice shall pay a registration renewal fee of twenty 13434
dollars. 13435

The board shall grant registration as an apprentice under 13436
this section in accordance with Chapter 4796. of the Revised 13437
Code to an applicant if the applicant holds a registration or 13438
license in another state or has satisfactory work experience, a 13439
government certification, or a private certification as 13440
described in that chapter as an apprentice permitted to engage 13441
in supervised optical dispensing in a state that does not grant 13442
that registration or license. 13443

The board shall not deny registration as an apprentice 13444
under this section to any individual based on the individual's 13445
past criminal history or an interpretation of moral character 13446
unless the denial is for a disqualifying offense in accordance 13447
with section 9.79 of the Revised Code. In considering a renewal 13448
of an individual's registration, the board shall not consider 13449
any conviction or plea of guilty prior to the initial 13450
registration. However, the board may consider a conviction or 13451
plea of guilty if it occurred after the individual was initially 13452
registered, or after the most recent registration renewal. If 13453
the board denies an individual for a registration or 13454
registration renewal, the reasons for such denial shall be put 13455
in writing. Additionally, the board may grant an individual a 13456
conditional registration that lasts for one year. After the one- 13457
year period has expired, the registration is no longer 13458

considered conditional, and the individual shall be considered 13459
fully registered. 13460

A person who is gaining experience under the supervision 13461
of a licensed optometrist or ophthalmologist that would qualify 13462
the person under division (B) (1) of section 4725.48 of the 13463
Revised Code to take the examination for optical dispensing is 13464
not required to register with the board. 13465

~~Sec. 4725.57. An applicant for licensure as a licensed 13466
dispensing optician who is licensed or registered in another 13467
state shall be accorded the full privileges of practice within 13468
this state, upon the payment of a fifty-dollar fee and the 13469
submission of a certified copy of the license or certificate 13470
issued by such other state, without the necessity of 13471
examination, if the The state vision professionals board 13472
determines that the shall issue a license to engage in optical 13473
dispensing in accordance with Chapter 4796. of the Revised Code
to an applicant meets the remaining requirements of division (B) 13475
of section 4725.48 of the Revised Code. The board may require 13476
that the applicant have received a passing score, as determined 13477
by the board, on an examination that is substantially the same 13478
as the examination described in division (A) of section 4725.48 13479
of the Revised Code if either of the following applies: 13480~~

(A) The applicant holds a license or registration in 13481
another state. 13482

(B) The applicant has satisfactory work experience, a 13483
government certification, or a private certification as 13484
described in that chapter as a dispensing optician in a state 13485
that does not issue that license or registration. 13486

Sec. 4725.591. Section 4725.41 of the Revised Code does 13487

not apply to a nonresident person who holds in good standing a valid license from another state to engage in optical dispensing and is engaging in optical dispensing as a volunteer without remuneration during a charitable event that lasts not more than seven days.

When a person meets the conditions of this section, the person shall be deemed to hold, during the course of the charitable event, a license to engage in optical dispensing from the state vision professionals board and shall be subject to the provisions of this chapter authorizing the board to take disciplinary action against a license holder. Not less than seven calendar days before the first day of the charitable event, the person or the event's organizer shall notify the board of the person's intent to engage in optical dispensing at the event. During the course of the charitable event, the person's scope of practice is limited to the procedures that a dispensing optician licensed under this chapter is authorized to perform unless the person's scope of practice in the other state is more restrictive than in this state. If the latter is the case, the person's scope of practice is limited to the procedures that a dispensing optician in the other state may perform.

The state vision professionals board shall not require a nonresident person who holds a license in another state to obtain a license in accordance with Chapter 4796. of the Revised Code to practice optometry as a volunteer in the manner described under this section.

Sec. 4727.03. (A) As used in this section, "experience in the capacity involved" means that the applicant for a pawnbroker's license demonstrates sufficient financial

responsibility and experience in the pawnbroker business, or in 13518
a related business, to act as a pawnbroker in compliance with 13519
this chapter. "Experience in the capacity involved" shall be 13520
determined by: 13521

(1) Prior or current ownership or management of, or 13522
employment in, a pawnshop; 13523

(2) Demonstration to the satisfaction of the 13524
superintendent of financial institutions of a thorough working 13525
knowledge of all pawnbroker laws and rules as they relate to the 13526
actual operation of a pawnshop. 13527

A demonstration shall include a demonstration of an 13528
ability to properly complete forms, knowledge of how to properly 13529
calculate interest and storage charges, and knowledge of legal 13530
notice and forfeiture procedures. The final determination of 13531
whether an applicant's demonstration is adequate rests with the 13532
superintendent. 13533

(3) A submission by the applicant and any stockholders, 13534
owners, managers, directors, or officers of the pawnshop, and 13535
employees of the applicant to a police record check; and 13536

(4) Liquid assets in a minimum amount of one hundred 13537
twenty-five thousand dollars at the time of applying for initial 13538
licensure and demonstration of the ability to maintain the 13539
liquid assets at a minimum amount of seventy-five thousand 13540
dollars for the duration of holding a valid pawnbroker's 13541
license. If an applicant holds a pawnbroker's license at the 13542
time of application or is applying for more than one license, 13543
this requirement shall be met separately for each license. 13544

~~(B) The~~ (1) Except as provided in division (B) (2) of this 13545
section, the superintendent may grant a license to act as a 13546

pawnbroker to any person having experience in the capacity 13547
involved to engage in the business of pawnbroking upon the 13548
payment to the superintendent of a license fee determined by the 13549
superintendent pursuant to section 1321.20 of the Revised Code. 13550
A license is not transferable or assignable. 13551

(2) The superintendent shall grant a license to act as a 13552
pawnbroker in accordance with Chapter 4796. of the Revised Code 13553
to a person if either of the following applies: 13554

(a) The person holds a license in another state. 13555

(b) The person has satisfactory work experience, a 13556
government certification, or a private certification as 13557
described in that chapter as a pawnbroker in a state that does 13558
not issue that license. 13559

(C) The superintendent may consider an application 13560
withdrawn and may retain the investigation fee required under 13561
division (D) of this section if both of the following are true: 13562

(1) An application for a license does not contain all of 13563
the information required under division (B) of this section. 13564

(2) The information is not submitted to the superintendent 13565
within ninety days after the superintendent requests the 13566
information from the applicant in writing. 13567

(D) The superintendent shall require an applicant for a 13568
pawnbroker's license to pay to the superintendent a 13569
nonrefundable initial investigation fee of two hundred dollars, 13570
which is for the exclusive use of the state. 13571

(E) (1) Except as otherwise provided in division (E) (2) of 13572
this section, a pawnbroker's license issued by the 13573
superintendent expires on the thirtieth day of June next 13574

following the date of its issuance, or on a different date set 13575
by the superintendent pursuant to section 1181.23 of the Revised 13576
Code, and may be renewed annually in accordance with the 13577
standard renewal procedure set forth in Chapter 4745. of the 13578
Revised Code. Fifty per cent of the annual license fee shall be 13579
for the use of the state, and fifty per cent shall be paid by 13580
the state to the municipal corporation, or if outside the limits 13581
of any municipal corporation, to the county, in which the office 13582
of the licensee is located. All such fees payable to municipal 13583
corporations or counties shall be paid annually. 13584

(2) A pawnbroker's license issued or renewed by the 13585
superintendent on or after January 1, 2006, expires on the 13586
thirtieth day of June in the even-numbered year next following 13587
the date of its issuance or renewal, as applicable, and may be 13588
renewed biennially by the thirtieth day of June in accordance 13589
with the standard renewal procedure set forth in Chapter 4745. 13590
of the Revised Code. Fifty per cent of the biennial license fee 13591
shall be for the use of the state, and fifty per cent shall be 13592
paid by the state to the municipal corporation, or if outside 13593
the limits of any municipal corporation, to the county, in which 13594
the office of the licensee is located. All such fees payable to 13595
municipal corporations or counties shall be paid biennially. If 13596
deemed necessary for participation, the superintendent may reset 13597
the renewal date and require annual registration pursuant to 13598
section 1181.23 of the Revised Code. 13599

(F) The fee for renewal of a license shall be equivalent 13600
to the fee for an initial license established by the 13601
superintendent pursuant to section 1321.20 of the Revised Code. 13602
Any licensee who wishes to renew the pawnbroker's license but 13603
who fails to do so on or before the date the license expires 13604
shall reapply for licensure in the same manner and pursuant to 13605

the same requirements as for initial licensure, unless the 13606
licensee pays to the superintendent on or before the thirty- 13607
first day of August of the year the license expires, a late 13608
renewal penalty of one hundred dollars in addition to the 13609
regular renewal fee. Any licensee who fails to renew the license 13610
on or before the date the license expires is prohibited from 13611
acting as a pawnbroker until the license is renewed or a new 13612
license is issued under this section. Any licensee who renews a 13613
license between the first day of July and the thirty-first day 13614
of August of the year the license expires is not relieved from 13615
complying with this division. The superintendent may refuse to 13616
issue to or renew the license of any licensee who violates this 13617
division. 13618

(G) No license shall be granted to any person not a 13619
resident of or the principal office of which is not located in 13620
the municipal corporation or county designated in such license 13621
unless that applicant, in writing and in due form approved by 13622
and filed with the superintendent, first appoints an agent, a 13623
resident of the state, and city or county where the office is to 13624
be located, upon whom all judicial and other process, or legal 13625
notice, directed to the applicant may be served. In case of the 13626
death, removal from the state, or any legal disability or any 13627
disqualification of any such agent, service of such process or 13628
notice may be made upon the superintendent. 13629

The superintendent may, upon notice to the licensee and 13630
reasonable opportunity to be heard, suspend or revoke any 13631
license or assess a penalty against the licensee if the 13632
licensee, or the licensee's officers, agents, or employees, has 13633
violated this chapter. Any penalty shall be appropriate to the 13634
violation but in no case shall the penalty be less than two 13635
hundred nor more than two thousand dollars. Whenever, for any 13636

cause, a license is suspended or revoked, the superintendent 13637
shall not issue another license to the licensee nor to the legal 13638
spouse of the licensee, nor to any business entity of which the 13639
licensee is an officer or member or partner, nor to any person 13640
employed by the licensee, until the expiration of at least two 13641
years from the date of revocation or suspension of the license. 13642
The superintendent shall deposit all penalties allocated 13643
pursuant to this section into the state treasury to the credit 13644
of the consumer finance fund. 13645

Any proceedings for the revocation or suspension of a 13646
license or to assess a penalty against a licensee are subject to 13647
Chapter 119. of the Revised Code. 13648

(H) If a licensee surrenders or chooses not to renew the 13649
pawnbroker's license, the licensee shall notify the 13650
superintendent thirty days prior to the date on which the 13651
licensee intends to close the licensee's business as a 13652
pawnbroker. Prior to the date, the licensee shall do either of 13653
the following with respect to all active loans: 13654

(1) Dispose of an active loan by selling the loan to 13655
another person holding a valid pawnbroker's license issued under 13656
this section; 13657

(2) Reduce the rate of interest on pledged articles held 13658
as security for a loan to eight per cent per annum or less 13659
effective on the date that the pawnbroker's license is no longer 13660
valid. 13661

Sec. 4728.03. (A) As used in this section, "experience in 13662
the capacity involved" means that the applicant for a precious 13663
metals dealer's license has had sufficient financial 13664
responsibility and experience in the business of precious metals 13665

dealer, or a related business, to act as a precious metals dealer in compliance with this chapter. 13666
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(B) (1) ~~The~~ Except as provided in division (B) (3) of this section, the division of financial institutions in the department of commerce may grant a precious metals dealer's license to any person having experience in the capacity involved, who demonstrates a net worth of at least ten thousand dollars and the ability to maintain that net worth during the licensure period. The superintendent of financial institutions shall compute the applicant's net worth according to generally accepted accounting principles. 13668
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(2) In place of the demonstration of net worth required by division (B) (1) of this section, an applicant may obtain a surety bond issued by a surety company authorized to do business in this state if all of the following conditions are met: 13677
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(a) A copy of the surety bond is filed with the division; 13681

(b) The bond is in favor of any person, and of the state for the benefit of any person, injured by any violation of this chapter; 13682
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(c) The bond is in the amount of not less than ten thousand dollars. 13685
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(3) The division shall grant a precious metals dealer's license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 13687
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(a) The applicant holds a license in another state. 13690

(b) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a precious metals dealer in a state 13691
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that does not issue that license. 13694

(4) Before granting a license under this division, the 13695
division shall determine that the applicant meets the 13696
requirements of division (B) (1) ~~or~~, (2), or (3) of this section. 13697

(C) ~~The~~ Except for a license issued under division (B) (3) 13698
of this section, the division shall require an applicant for a 13699
precious metals dealer's license to pay to the division a 13700
nonrefundable, initial investigation fee of two hundred dollars 13701
which shall be for the exclusive use of the state. The license 13702
fee for a precious metals dealer's license and the renewal fee 13703
shall be determined by the superintendent, provided that the fee 13704
may not exceed three hundred dollars. A license issued by the 13705
division shall expire on the last day of June next following the 13706
date of its issuance or annually on a different date set by the 13707
superintendent pursuant to section 1181.23 of the Revised Code. 13708
Fifty per cent of license fees shall be for the use of the 13709
state, and fifty per cent shall be paid to the municipal 13710
corporation, or if outside the limits of any municipal 13711
corporation, to the county in which the office of the licensee 13712
is located. All portions of license fees payable to municipal 13713
corporations or counties shall be paid as they accrue, by the 13714
treasurer of state, on vouchers issued by the director of budget 13715
and management. 13716

(D) Every such license shall be renewed annually by the 13717
last day of June, or annually on a different date set by the 13718
superintendent pursuant to section 1181.23 of the Revised Code, 13719
according to the standard renewal procedure of Chapter 4745. of 13720
the Revised Code. No license shall be granted to any person not 13721
a resident of or the principal office of which is not located in 13722
the municipal corporation or county designated in such license, 13723

unless, and until such applicant shall, in writing and in due 13724
form, to be first approved by and filed with the division, 13725
appoint an agent, a resident of the state, and city or county 13726
where the office is to be located, upon whom all judicial and 13727
other process, or legal notice, directed to the applicant may be 13728
served; and in case of the death, removal from the state, or any 13729
legal disability or any disqualification of any agent, service 13730
of process or notice may be made upon the superintendent. 13731

(E) The division may, pursuant to Chapter 119. of the 13732
Revised Code, upon notice to the licensee and after giving the 13733
licensee reasonable opportunity to be heard, revoke or suspend 13734
any license, if the licensee or the licensee's officers, agents, 13735
or employees violate this chapter. Whenever, for any cause, the 13736
license is revoked or suspended, the division shall not issue 13737
another license to the licensee nor to the husband or wife of 13738
the licensee, nor to any copartnership or corporation of which 13739
the licensee is an officer, nor to any person employed by the 13740
licensee, until the expiration of at least one year from the 13741
date of revocation of the license. 13742

(F) In conducting an investigation to determine whether an 13743
applicant satisfies the requirements for licensure under this 13744
section, the superintendent may request that the superintendent 13745
of the bureau of criminal identification and investigation 13746
investigate and determine whether the bureau has procured any 13747
information pursuant to section 109.57 of the Revised Code 13748
pertaining to the applicant. 13749

If the superintendent of financial institutions determines 13750
that conducting an investigation to determine whether an 13751
applicant satisfies the requirements for licensure under this 13752
section will require procuring information outside the state, 13753

then, in addition to the fee established under division (C) of 13754
this section, the superintendent may require the applicant to 13755
pay any of the actual expenses incurred by the division to 13756
conduct such an investigation, provided that the superintendent 13757
shall assess the applicant a total no greater than one thousand 13758
dollars for such expenses. The superintendent may require the 13759
applicant to pay in advance of the investigation, sufficient 13760
funds to cover the estimated cost of the actual expenses. If the 13761
superintendent requires the applicant to pay investigation 13762
expenses, the superintendent shall provide to the applicant an 13763
itemized statement of the actual expenses incurred by the 13764
division to conduct the investigation. 13765

(G) (1) Except as otherwise provided in division (G) (2) of 13766
this section a precious metals dealer licensed under this 13767
section shall maintain a net worth of at least ten thousand 13768
dollars, computed as required under division (B) (1) of this 13769
section, for as long as the licensee holds a valid precious 13770
metals dealer's license issued pursuant to this section. 13771

(2) A licensee who obtains a surety bond under division 13772
(B) (2) of this section is exempt from the requirement of 13773
division (G) (1) of this section, but shall maintain the bond for 13774
at least two years after the date on which the licensee ceases 13775
to conduct business in this state. 13776

Sec. 4729.09. The state board of pharmacy ~~may~~ shall issue 13777
a license an individual as a pharmacist without examination if 13778
~~the individual:~~ 13779

~~(A) Holds a license in good standing to practice pharmacy~~ 13780
~~under the laws of~~ in accordance with Chapter 4796. of the 13781
Revised Code to an applicant if either of the following applies: 13782

~~(A) The applicant holds a license in another state, has successfully completed an examination for licensure in the other state, and in the opinion of the board, the examination was at least as thorough as that required by the board at the time the individual took the examination;.~~ 13783
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~~(B) Has filed with the licensing body of the other state at least the credentials or the equivalent that were required by this state at the time the other state licensed the individual as a pharmacist.~~ 13788
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~~The board shall not issue a license to practice pharmacy to an individual licensed in another state if the state in which the individual is licensed does not reciprocate by granting licenses to practice pharmacy to individuals holding valid licenses received through examination by the state board of pharmacy.~~ 13792
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The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a pharmacist in a state that does not issue that license. 13797
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Sec. 4729.11. The state board of pharmacy shall establish a pharmacy internship program for the purpose of providing the practical experience necessary to practice as a pharmacist. Any individual who desires to become a pharmacy intern shall apply for licensure to the board. An application filed under this section may not be withdrawn without the approval of the board. 13801
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Each applicant shall be issued a license as a pharmacy intern if the board determines that the applicant is actively pursuing an educational program in preparation for licensure as a pharmacist and meets the other requirements as determined by the board. The board shall issue a pharmacy intern license in accordance with Chapter 4796. of the Revised Code to an 13807
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applicant who holds a license in another state or has 13813
satisfactory work experience, a government certification, or a 13814
private certification as described in that chapter as a pharmacy 13815
intern in a state that does not issue that license. A license 13816
shall be valid until the next renewal date and shall be renewed 13817
only if the intern is meeting the requirements and rules of the 13818
board. 13819

Sec. 4729.15. (A) Except as provided in division (B) of 13820
this section, the state board of pharmacy shall charge the 13821
following fees: 13822

(1) For applying for a license to practice as a 13823
pharmacist, an amount adequate to cover all expenses of the 13824
board related to examination except the expenses of procuring 13825
and grading the examination, which fee shall not be returned if 13826
the applicant fails to pass the examination; 13827

(2) For the examination of an applicant for licensure as a 13828
pharmacist, an amount adequate to cover any expenses to the 13829
board of procuring and grading the examination or any part 13830
thereof, which fee shall not be returned if the applicant fails 13831
to pass the examination; 13832

(3) For issuing a license to an individual who passes the 13833
examination described in section 4729.07 of the Revised Code, an 13834
amount that is adequate to cover the expense; 13835

(4) For a pharmacist applying for renewal of a license 13836
before the expiration date, two hundred fifty dollars, which fee 13837
shall not be returned if the applicant fails to qualify for 13838
renewal; 13839

(5) For a pharmacist applying for renewal of a license 13840
that has been expired for less than three years, the renewal fee 13841

identified in division (A) (4) of this section plus a penalty of 13842
thirty-seven dollars and fifty cents, which fee shall not be 13843
returned if the applicant fails to qualify for renewal; 13844

(6) For a pharmacist applying for renewal of a license 13845
that has been expired for more than three years, three hundred 13846
thirty-seven dollars and fifty cents, which fee shall not be 13847
returned if the applicant fails to qualify for renewal; 13848

(7) For a pharmacist applying for a license on 13849
presentation of a pharmacist license granted by another state, 13850
~~three hundred thirty-seven dollars and fifty cents~~the fee 13851
specified in Chapter 4796. of the Revised Code, which fee shall 13852
not be returned if the applicant fails to qualify for licensure. 13853

(8) For a license to practice as a pharmacy intern, forty- 13854
five dollars, which fee shall not be returned if the applicant 13855
fails to qualify for licensure; 13856

(9) For the renewal of a pharmacy intern license, forty- 13857
five dollars, which fee shall not be returned if the applicant 13858
fails to qualify for renewal; 13859

(10) For certifying licensure and grades for reciprocal 13860
licensure, thirty-five dollars; 13861

(11) For making copies of any application, affidavit, or 13862
other document filed in the state board of pharmacy office, an 13863
amount fixed by the board that is adequate to cover the expense, 13864
except that for copies required by federal or state agencies or 13865
law enforcement officers for official purposes, no charge need 13866
be made; 13867

(12) For certifying and affixing the seal of the board, an 13868
amount fixed by the board that is adequate to cover the expense, 13869
except that for certifying and affixing the seal of the board to 13870

a document required by federal or state agencies or law enforcement officers for official purposes, no charge need be made;

(13) For each copy of a book or pamphlet that includes laws administered by the state board of pharmacy, rules adopted by the board, and chapters of the Revised Code with which the board is required to comply, an amount fixed by the board that is adequate to cover the expense of publishing and furnishing the book or pamphlet.

(B) (1) Subject to division (B) (2) of this section, the fees described in divisions (A) (1) to (10) of this section do not apply to an individual who is on active duty in the armed forces of the United States, as defined in section 5903.01 of the Revised Code, to the spouse of an individual who is on active duty in the armed forces of the United States, or to an individual who served in the armed forces of the United States and presents documentation that the individual has been discharged under honorable conditions from the armed forces or has been transferred to the reserve with evidence of satisfactory service.

(2) The state board of pharmacy may establish limits with respect to the individuals for whom fees are not applicable under division (B) (1) of this section.

Sec. 4729.901. (A) An applicant for registration under section 4729.90 of the Revised Code shall file with the state board of pharmacy an application in the form and manner prescribed in rules adopted under section 4729.94 of the Revised Code. The application shall be accompanied by an application fee of fifty dollars, which shall not be returned if the applicant fails to qualify for registration.

(B) If the board is satisfied that the applicant meets the requirements of section 4729.90 of the Revised Code and any additional requirements established by the board and determines that the results of a criminal records check do not make the applicant ineligible, the board shall register the applicant as a registered pharmacy technician or certified pharmacy technician, as applicable.

(C) The board shall register as a registered pharmacy technician or certified pharmacy technician, as applicable, in accordance with Chapter 4796. of the Revised Code an applicant if either of the following applies:

(1) The applicant holds a license or is registered in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a pharmacy technician in a state that does not issue that license or registration.

(D) Registration under division (B) or (C) of this section is valid for the period specified by the board in rules adopted under section 4729.94 of the Revised Code. The period shall not exceed twenty-four months unless the board extends the period in the rules to adjust license renewal schedules.

Sec. 4729.921. An applicant for registration as a pharmacy technician trainee shall file with the state board of pharmacy an application in the form and manner prescribed in rules adopted under section 4729.94 of the Revised Code. The application shall be accompanied by an application fee of twenty-five dollars, which shall not be returned if the applicant fails to qualify for registration.

If the board is satisfied that an applicant meets the requirements of section 4729.92 of the Revised Code and any additional requirements established by the board and determines that the results of a criminal records check do not make the applicant ineligible, the board shall register the applicant as a pharmacy technician trainee.

The board shall register as a pharmacy technician trainee in accordance with Chapter 4796. of the Revised Code an applicant who either holds a license or is registered in another state or has satisfactory work experience, a government certification, or a private certification as described in that chapter as a pharmacy technician trainee in a state that does not issue that license or registration.

The board may register as a pharmacy technician trainee an applicant who is seventeen years of age and does not possess a high school diploma or certificate of high school equivalence if the applicant is enrolled in a career-technical school program that is approved by the board and conducted by a city, exempted village, local, or joint vocational school district.

The board shall not refuse to register an applicant as a pharmacy technician trainee because of a conviction for an offense unless the refusal is in accordance with section 9.79 of the Revised Code~~an applicant who either holds a license or is registered in another state or has satisfactory work experience, a government certification, or a private certification as described in that section as a pharmacy technician trainee in a state that does not issue that license or registration.~~

Registration is valid for one year from the date of registration, except that the board may extend the time period for which registration is valid. Registration is not renewable,

but an individual may reapply for registration if the 13960
individual's previous registration has lapsed for more than five 13961
years or the board grants its approval. 13962

Sec. 4730.10. (A) ~~An~~ Except as provided in division (C) of 13963
this section, an individual seeking a license to practice as a 13964
physician assistant shall file with the state medical board a 13965
written application on a form prescribed and supplied by the 13966
board. The application shall include all of the following: 13967

(1) The applicant's name, residential address, business 13968
address, if any, and social security number; 13969

(2) Satisfactory proof that the applicant meets the age 13970
requirement specified in division (A) (1) of section 4730.11 of 13971
the Revised Code; 13972

(3) Satisfactory proof that the applicant meets either the 13973
educational requirements specified in division (B) (1) or (2) of 13974
section 4730.11 of the Revised Code or the educational or other 13975
applicable requirements specified in division (C) (1), (2), or 13976
(3) of that section; 13977

(4) Any other information the board requires. 13978

(B) At the time of making application for a license to 13979
practice, the applicant shall pay the board a fee of four 13980
hundred dollars, no part of which shall be returned. The fees 13981
shall be deposited in accordance with section 4731.24 of the 13982
Revised Code. 13983

(C) The board shall issue a license to practice as a 13984
physician assistant in accordance with Chapter 4796. of the 13985
Revised Code to an applicant if either of the following applies: 13986

(1) The applicant holds a license in another state. 13987

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a physician assistant in a state that does not issue that license.

Sec. 4731.151. (A) Naprapaths who received a certificate to practice from the state medical board prior to March 2, 1992, may continue to practice naprapathy, as defined in rules adopted by the board. Such naprapaths shall practice in accordance with rules adopted by the board.

(B) (1) As used in this division:

(a) "Mechanotherapy" means all of the following:

(i) Examining patients by verbal inquiry;

(ii) Examination of the musculoskeletal system by hand;

(iii) Visual inspection and observation;

(iv) Diagnosing a patient's condition only as to whether the patient has a disorder of the musculoskeletal system;

(v) In the treatment of patients, employing the techniques of advised or supervised exercise; electrical neuromuscular stimulation; massage or manipulation; or air, water, heat, cold, sound, or infrared ray therapy only to those disorders of the musculoskeletal system that are amenable to treatment by such techniques and that are identifiable by examination performed in accordance with division (B) (1) (a) (i) of this section and diagnosable in accordance with division (B) (1) (a) (ii) of this section.

(b) "Educational requirements" means the completion of a course of study appropriate for certification to practice mechanotherapy on or before November 3, 1985, as determined by

rules adopted under this chapter. 14016

(2) Mechanotherapists who received a certificate to 14017
practice from the board prior to March 2, 1992, may continue to 14018
practice mechanotherapy, as defined in rules adopted by the 14019
board. Such mechanotherapists shall practice in accordance with 14020
rules adopted by the board. 14021

A person authorized by this division to practice as a 14022
mechanotherapist may examine, diagnose, and assume 14023
responsibility for the care of patients with due regard for 14024
first aid and the hygienic and nutritional care of the patients. 14025
Roentgen rays shall be used by a mechanotherapist only for 14026
diagnostic purposes. 14027

(3) A person who holds a certificate to practice 14028
mechanotherapy and completed educational requirements in 14029
mechanotherapy on or before November 3, 1985, is entitled to use 14030
the title "doctor of mechanotherapy" and is a "physician" who 14031
performs "medical services" for the purposes of Chapters 4121. 14032
and 4123. of the Revised Code and the medicaid program, and 14033
shall receive payment or reimbursement as provided under those 14034
chapters and that program. 14035

(C) Chapter 4796. of the Revised Code does not apply to a 14036
certificate to practice naprapathy or mechanotherapy issued 14037
under this section. 14038

Sec. 4731.19. (A) A-Except as provided in division (E) of 14039
this section, a person seeking a license to practice a limited 14040
branch of medicine shall file with the state medical board an 14041
application in a manner prescribed by the board. The application 14042
shall include or be accompanied by all of the following: 14043

(1) Evidence that the applicant is at least eighteen years 14044

of age;	14045
(2) Evidence that the applicant has attained high school graduation or its equivalent;	14046 14047
(3) Evidence that the applicant holds one of the following:	14048 14049
(a) A diploma or certificate from a school, college, or institution in good standing as determined by the board, showing the completion of the following required courses of instruction:	14050 14051 14052
(i) Two hundred seventy-five hours in anatomy and physiology and pathology;	14053 14054
(ii) Two hundred seventy-five hours in massage theory and practical, including hygiene;	14055 14056
(iii) Twenty-five hours in ethics;	14057
(iv) Twenty-five hours in business and law.	14058
(b) A diploma or certificate from a school, college, or institution in another state or jurisdiction showing completion of a course of instruction that meets the requirements of division (A) (3) (a) of this section and any other course requirements determined by the board through rules adopted under section 4731.05 of the Revised Code;	14059 14060 14061 14062 14063 14064
(c) During the five-year period immediately preceding the date of application, a current license, registration, or certificate in good standing in another state for massage therapy.	14065 14066 14067 14068
(4) Evidence that the applicant has successfully passed an examination, prescribed in rules described in section 4731.16 of the Revised Code, to determine competency to practice the	14069 14070 14071

applicable limited branch of medicine; 14072

(5) An attestation that the information submitted under 14073
this section is accurate and truthful and that the applicant 14074
consents to release of information; 14075

(6) Any other information the board requires. 14076

(B) An applicant for a license to practice a limited 14077
branch of medicine shall comply with the requirements of section 14078
4731.171 of the Revised Code. 14079

(C) At the time of making application for a license to 14080
practice a limited branch of medicine, the applicant shall pay 14081
to the board a fee of one hundred fifty dollars, no part of 14082
which shall be returned. No application shall be considered 14083
filed until the board receives the appropriate fee. 14084

(D) The board may investigate the application materials 14085
received under this section and contact any agency or 14086
organization for recommendations or other information about the 14087
applicant. 14088

(E) The board shall issue a certificate to practice a 14089
limited branch of medicine in accordance with Chapter 4796. of 14090
the Revised Code to an applicant if either of the following 14091
applies: 14092

(1) The applicant holds a license or certificate in 14093
another state. 14094

(2) As described in that chapter, the applicant has 14095
satisfactory work experience in practicing, or a government 14096
certification or private certification to practice, a limited 14097
branch of medicine in a state that does not issue that license 14098
or certificate. 14099

Sec. 4731.293. (A) The state medical board shall issue, 14100
without examination, a clinical research faculty certificate to 14101
practice medicine and surgery, osteopathic medicine and surgery, 14102
or podiatric medicine and surgery to any person who applies for 14103
the certificate and provides to the board satisfactory evidence 14104
of both of the following: 14105

(1) That the applicant holds a current, unrestricted 14106
license to practice medicine and surgery, osteopathic medicine 14107
and surgery, or podiatric medicine and surgery issued by another 14108
state or country; 14109

(2) That the applicant has been appointed to serve in this 14110
state on the academic staff of a medical school accredited by 14111
the liaison committee on medical education, an osteopathic 14112
medical school accredited by the American osteopathic 14113
association, or a college of podiatric medicine and surgery in 14114
good standing with the board. 14115

(B) The holder of a clinical research faculty certificate 14116
may do one of the following, as applicable: 14117

(1) Practice medicine and surgery or osteopathic medicine 14118
and surgery only as is incidental to the certificate holder's 14119
teaching or research duties at the medical school or a teaching 14120
hospital affiliated with the school; 14121

(2) Practice podiatric medicine and surgery only as is 14122
incidental to the certificate holder's teaching or research 14123
duties at the college of podiatric medicine and surgery or a 14124
teaching hospital affiliated with the college. 14125

(C) The board may revoke a certificate on receiving proof 14126
satisfactory to the board that the certificate holder has 14127
engaged in practice in this state outside the scope of the 14128

certificate or that there are grounds for action against the 14129
certificate holder under section 4731.22 of the Revised Code. 14130

(D) A clinical research faculty certificate is valid for 14131
three years, except that the certificate ceases to be valid if 14132
the holder's academic staff appointment described in division 14133
(A) (2) of this section is no longer valid or the certificate is 14134
revoked pursuant to division (C) of this section. 14135

(E) (1) The board shall provide a renewal notice to the 14136
certificate holder at least one month before the certificate 14137
expires. Failure of a certificate holder to receive a notice of 14138
renewal from the board shall not excuse the certificate holder 14139
from the requirements contained in this section. The notice 14140
shall inform the certificate holder of the renewal procedure. 14141
The notice also shall inform the certificate holder of the 14142
reporting requirement established by division (H) of section 14143
3701.79 of the Revised Code. At the discretion of the board, the 14144
information may be included on the application for renewal or on 14145
an accompanying page. 14146

(2) A clinical research faculty certificate may be renewed 14147
for an additional three-year period. There is no limit on the 14148
number of times a certificate may be renewed. A person seeking 14149
renewal of a certificate shall apply to the board. The board 14150
shall provide the application for renewal in a form determined 14151
by the board. 14152

(3) An applicant is eligible for renewal if the applicant 14153
does all of the following: 14154

(a) Reports any criminal offense to which the applicant 14155
has pleaded guilty, of which the applicant has been found 14156
guilty, or for which the applicant has been found eligible for 14157

intervention in lieu of conviction, since last filing an 14158
application for a clinical research faculty certificate; 14159

(b) Provides evidence satisfactory to the board of both of 14160
the following: 14161

(i) That the applicant continues to maintain a current, 14162
unrestricted license to practice medicine and surgery, 14163
osteopathic medicine and surgery, or podiatric medicine and 14164
surgery issued by another state or country; 14165

(ii) That the applicant's initial appointment to serve in 14166
this state on the academic staff of a school or college is still 14167
valid or has been renewed. 14168

(4) Regardless of whether the certificate has expired, a 14169
person who was granted a visiting medical faculty certificate 14170
under this section as it existed immediately prior to June 6, 14171
2012, may apply for a clinical research faculty certificate as a 14172
renewal. The board may issue the clinical research faculty 14173
certificate if the applicant meets the requirements of division 14174
(E) (3) of this section. The board may not issue a clinical 14175
research faculty certificate if the visiting medical faculty 14176
certificate was revoked. 14177

(F) A person holding a clinical research faculty 14178
certificate issued under this section shall not be required to 14179
obtain a certificate under Chapter 4796. of the Revised Code. 14180

(G) The board may adopt any rules it considers necessary 14181
to implement this section. The rules shall be adopted in 14182
accordance with Chapter 119. of the Revised Code. 14183

Sec. 4731.294. (A) The state medical board may issue, 14184
without examination, a special activity certificate to any 14185
nonresident person seeking to practice medicine and surgery or 14186

osteopathic medicine and surgery in conjunction with a special activity, program, or event taking place in this state. 14187
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(B) An applicant for a special activity certificate shall submit evidence satisfactory to the board of all of the following: 14189
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(1) The applicant holds a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued by another state or country and that within the two-year period immediately preceding application, the applicant has done one of the following: 14192
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(a) Actively practiced medicine and surgery or osteopathic medicine and surgery in the United States; 14197
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(b) Participated in a graduate medical education program accredited by either the accreditation council for graduate medical education of the American medical association or the American osteopathic association; 14199
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(c) Successfully passed the federation licensing examination established by the federation of state medical boards, a special examination established by the federation of state medical boards, or all parts of a standard medical licensing examination established for purposes of determining the competence of individuals to practice medicine and surgery or osteopathic medicine and surgery in the United States. 14203
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(2) The applicant meets the same educational requirements that individuals must meet under sections 4731.09 and 4731.14 of the Revised Code. 14210
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(3) The applicant's practice in conjunction with the special activity, program, or event will be in the public interest. 14213
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(C) The applicant shall pay a fee of one hundred twenty-five dollars. 14216
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(D) The holder of a special activity certificate may 14218
practice medicine and surgery or osteopathic medicine and 14219
surgery only in conjunction with the special activity, event, or 14220
program for which the certificate is issued. The board may 14221
revoke a certificate on receiving proof satisfactory to the 14222
board that the holder of the certificate has engaged in practice 14223
in this state outside the scope of the certificate or that there 14224
are grounds for action against the certificate holder under 14225
section 4731.22 of the Revised Code. 14226

(E) A special activity certificate is valid for the 14227
shorter of thirty days or the duration of the special activity, 14228
program, or event. The certificate may not be renewed. 14229

(F) The board shall not require a person holding a special 14230
activity certificate issued under this section to obtain a 14231
certificate under Chapter 4796. of the Revised Code. 14232

(G) The state medical board shall adopt rules in 14233
accordance with Chapter 119. of the Revised Code that specify 14234
how often an applicant may be granted a certificate under this 14235
section. 14236

Sec. 4731.295. (A) (1) As used in this section: 14237

(a) "Free clinic" has the same meaning as in section 14238
3701.071 of the Revised Code. 14239

(b) "Indigent and uninsured person" and "operation" have 14240
the same meanings as in section 2305.234 of the Revised Code. 14241

(2) For the purposes of this section, a person shall be 14242
considered retired from practice if the person's license has 14243

expired with the person's intention of ceasing to practice 14244
medicine and surgery or osteopathic medicine and surgery for 14245
remuneration. 14246

(B) The state medical board may issue, without 14247
examination, a volunteer's certificate to a person who is 14248
retired from practice so that the person may provide medical 14249
services to indigent and uninsured persons at any location, 14250
including a free clinic. The board shall deny issuance of a 14251
volunteer's certificate to a person who is not qualified under 14252
this section to hold a volunteer's certificate. 14253

(C) An application for a volunteer's certificate shall 14254
include all of the following: 14255

(1) A copy of the applicant's degree of medicine or 14256
osteopathic medicine. 14257

(2) One of the following, as applicable: 14258

(a) A copy of the applicant's most recent license 14259
authorizing the practice of medicine and surgery or osteopathic 14260
medicine and surgery issued by a jurisdiction in the United 14261
States that licenses persons to practice medicine and surgery or 14262
osteopathic medicine and surgery-. 14263

(b) A copy of the applicant's most recent license 14264
equivalent to a license to practice medicine and surgery or 14265
osteopathic medicine and surgery in one or more branches of the 14266
United States armed services that the United States government 14267
issued. 14268

(3) Evidence of one of the following, as applicable: 14269

(a) That the applicant has maintained for at least ten 14270
years prior to retirement full licensure in good standing in any 14271

jurisdiction in the United States that licenses persons to 14272
practice medicine and surgery or osteopathic medicine and 14273
surgery. 14274

(b) That the applicant has practiced for at least ten 14275
years prior to retirement in good standing as a doctor of 14276
medicine and surgery or osteopathic medicine and surgery in one 14277
or more of the branches of the United States armed services. 14278

(4) An attestation that the applicant will not accept any 14279
form of remuneration for any medical services rendered while in 14280
possession of a volunteer's certificate. 14281

(D) The holder of a volunteer's certificate may provide 14282
medical services only to indigent and uninsured persons, but may 14283
do so at any location, including a free clinic. The holder shall 14284
not accept any form of remuneration for providing medical 14285
services while in possession of the certificate. Except in a 14286
medical emergency, the holder shall not perform any operation or 14287
deliver babies. The board may revoke a volunteer's certificate 14288
on receiving proof satisfactory to the board that the holder has 14289
engaged in practice in this state outside the scope of the 14290
certificate. 14291

(E) (1) A volunteer's certificate shall be valid for a 14292
period of three years, unless earlier revoked under division (D) 14293
of this section or pursuant to section 4731.22 of the Revised 14294
Code. A volunteer's certificate may be renewed upon the 14295
application of the holder. The board shall maintain a register 14296
of all persons who hold volunteer's certificates. The board 14297
shall not charge a fee for issuing or renewing a certificate 14298
pursuant to this section. 14299

(2) To be eligible for renewal of a volunteer's 14300

certificate the holder of the certificate shall certify to the 14301
board completion of one hundred fifty hours of continuing 14302
medical education that meets the requirements of section 14303
4731.282 of the Revised Code regarding certification by private 14304
associations and approval by the board. The board may not renew 14305
a certificate if the holder has not complied with the continuing 14306
medical education requirements. Any entity for which the holder 14307
provides medical services may pay for or reimburse the holder 14308
for any costs incurred in obtaining the required continuing 14309
medical education credits. 14310

(3) The board shall issue a volunteer's certificate to 14311
each person who qualifies under this section for the 14312
certificate. The certificate shall state that the certificate 14313
holder is authorized to provide medical services pursuant to the 14314
laws of this state. The holder shall display the certificate 14315
prominently at the location where the holder primarily 14316
practices. 14317

(4) The holder of a volunteer's certificate issued 14318
pursuant to this section is subject to the immunity provisions 14319
regarding the provision of services to indigent and uninsured 14320
persons in section 2305.234 of the Revised Code. 14321

(F) The holder of a volunteer's certificate issued under 14322
this section is not required to obtain a license under Chapter 14323
4796. of the Revised Code. 14324

(G) The board shall adopt rules in accordance with Chapter 14325
119. of the Revised Code to administer and enforce this section. 14326

Sec. 4731.297. (A) As used in this section: 14327

(1) "Academic medical center" means a medical school and 14328
its affiliated teaching hospitals and clinics partnering to do 14329

all of the following: 14330

(a) Provide the highest quality of patient care from 14331
expert physicians; 14332

(b) Conduct groundbreaking research leading to medical 14333
advancements for current and future patients; 14334

(c) Provide medical education and graduate medical 14335
education to educate and train physicians. 14336

(2) "Affiliated physician group practice" means a medical 14337
practice that consists of one or more physicians authorized 14338
under this chapter to practice medicine and surgery or 14339
osteopathic medicine and surgery and that is affiliated with an 14340
academic medical center to further the objectives described in 14341
divisions (A) (1) (a) to (c) of this section. 14342

(B) The state medical board shall issue, without 14343
examination, to an applicant who meets the requirements of this 14344
section a certificate of conceded eminence authorizing the 14345
practice of medicine and surgery or osteopathic medicine and 14346
surgery as part of the applicant's employment with an academic 14347
medical center in this state or affiliated physician group 14348
practice in this state. 14349

(C) To be eligible for a certificate of conceded eminence, 14350
an applicant shall provide to the board all of the following: 14351

(1) Evidence satisfactory to the board of all of the 14352
following: 14353

(a) That the applicant is an international medical 14354
graduate who holds a medical degree from an educational 14355
institution listed in the international medical education 14356
directory; 14357

(b) That the applicant has been appointed to serve in this state as a full-time faculty member of a medical school accredited by the liaison committee on medical education or an osteopathic medical school accredited by the American osteopathic association;

(c) That the applicant has accepted an offer of employment with an academic medical center in this state or affiliated physician group practice in this state;

(d) That the applicant holds a license in good standing in another state or country authorizing the practice of medicine and surgery or osteopathic medicine and surgery;

(e) That the applicant has unique talents and extraordinary abilities not generally found within the applicant's specialty, as demonstrated by satisfying at least four of the following:

(i) The applicant has achieved educational qualifications beyond those that are required for entry into the applicant's specialty, including advanced degrees, special certifications, or other academic credentials.

(ii) The applicant has written multiple articles in journals listed in the index medicus or an equivalent scholarly publication acceptable to the board.

(iii) The applicant has a sustained record of excellence in original research, at least some of which involves serving as the principal investigator or co-principal investigator for a research project.

(iv) The applicant has received nationally or internationally recognized prizes or awards for excellence.

(v) The applicant has participated in peer review in a field of specialization that is the same as or similar to the applicant's specialty.	14386 14387 14388
(vi) The applicant has developed new procedures or treatments for complex medical problems that are recognized by peers as a significant advancement in the applicable field of medicine.	14389 14390 14391 14392
(vii) The applicant has held previous academic appointments with or been employed by a health care organization that has a distinguished national or international reputation.	14393 14394 14395
(viii) The applicant has been the recipient of a national institutes of health or other competitive grant award.	14396 14397
(f) That the applicant has received staff membership or professional privileges from the academic medical center pursuant to standards adopted under section 3701.351 of the Revised Code on a basis that requires the applicant's medical education and graduate medical education to be at least equivalent to that of a physician educated and trained in the United States;	14398 14399 14400 14401 14402 14403 14404
(g) That the applicant has sufficient written and oral English skills to communicate effectively and reliably with patients, their families, and other medical professionals;	14405 14406 14407
(h) That the applicant will have professional liability insurance through the applicant's employment with the academic medical center or affiliated physician group practice.	14408 14409 14410
(2) An attestation that the applicant agrees to practice only within the clinical setting of the academic medical center or for the affiliated physician group practice;	14411 14412 14413

(3) Three letters of reference from distinguished experts 14414
in the applicant's specialty attesting to the unique 14415
capabilities of the applicant, at least one of which must be 14416
from outside the academic medical center or affiliated physician 14417
group practice; 14418

(4) An affidavit from the dean of the medical school where 14419
the applicant has been appointed to serve as a faculty member 14420
stating that the applicant meets all of the requirements of 14421
division (C) (1) of this section and that the letters of 14422
reference submitted under division (C) (3) of this section are 14423
from distinguished experts in the applicant's specialty, and 14424
documentation to support the affidavit; 14425

(5) A fee of one thousand dollars for the certificate. 14426

(D) (1) The holder of a certificate of conceded eminence 14427
may practice medicine and surgery or osteopathic medicine and 14428
surgery only within the clinical setting of the academic medical 14429
center with which the certificate holder is employed or for the 14430
affiliated physician group practice with which the certificate 14431
holder is employed. 14432

(2) A certificate holder may supervise medical students, 14433
physicians participating in graduate medical education, advanced 14434
practice nurses, and physician assistants when performing 14435
clinical services in the certificate holder's area of specialty. 14436

(E) The board may revoke a certificate issued under this 14437
section on receiving proof satisfactory to the board that the 14438
certificate holder has engaged in practice in this state outside 14439
the scope of the certificate or that there are grounds for 14440
action against the certificate holder under section 4731.22 of 14441
the Revised Code. 14442

(F) A certificate of conceded eminence is valid for the 14443
shorter of two years or the duration of the certificate holder's 14444
employment with the academic medical center or affiliated 14445
physician group practice. The certificate ceases to be valid if 14446
the holder resigns or is otherwise terminated from the academic 14447
medical center or affiliated physician group practice. 14448

(G) A certificate of conceded eminence may be renewed for 14449
an additional two-year period. There is no limit on the number 14450
of times a certificate may be renewed. A person seeking renewal 14451
of a certificate shall apply to the board and is eligible for 14452
renewal if the applicant does all of the following: 14453

(1) Pays the renewal fee of one thousand dollars; 14454

(2) Provides to the board an affidavit and supporting 14455
documentation from the academic medical center or affiliated 14456
physician group practice of all of the following: 14457

(a) That the applicant's initial appointment to the 14458
medical faculty is still valid or has been renewed; 14459

(b) That the applicant's clinical practice is consistent 14460
with the established standards in the field; 14461

(c) That the applicant has demonstrated continued 14462
scholarly achievement; 14463

(d) That the applicant has demonstrated continued 14464
professional achievement consistent with the academic medical 14465
center's requirements, established pursuant to standards adopted 14466
under section 3701.351 of the Revised Code, for physicians with 14467
staff membership or professional privileges with the academic 14468
medical center. 14469

(3) Satisfies the same continuing medical education 14470

requirements set forth in section 4731.282 of the Revised Code 14471
that apply to a person who holds a certificate to practice 14472
medicine and surgery or osteopathic medicine and surgery issued 14473
under this chapter. 14474

(4) Complies with any other requirements established by 14475
the board. 14476

(H) The board shall not require a person to obtain a 14477
certificate under Chapter 4796. of the Revised Code to practice 14478
medicine and surgery or osteopathic medicine and surgery if the 14479
person holds a certificate of conceded eminence issued under 14480
this section. 14481

(I) The board may adopt any rules it considers necessary 14482
to implement this section. The rules shall be adopted in 14483
accordance with Chapter 119. of the Revised Code. 14484

Sec. 4731.299. (A) The Except as provided in division (I) 14485
of this section, the state medical board may issue, without 14486
examination, to an applicant who meets all of the requirements 14487
of this section an expedited license to practice medicine and 14488
surgery or osteopathic medicine and surgery by endorsement. 14489

(B) An individual who seeks an expedited license by 14490
endorsement shall file with the board a written application on a 14491
form prescribed and supplied by the board. The application shall 14492
include all of the information the board considers necessary to 14493
process it. 14494

(C) ~~To~~ Except as provided in division (I) of this section, 14495
to be eligible to receive an expedited license by endorsement, 14496
an applicant shall do both of the following: 14497

(1) Provide evidence satisfactory to the board that the 14498
applicant meets all of the following requirements: 14499

(a) Has passed one of the following:	14500
(i) Steps one, two, and three of the United States medical licensing examination;	14501 14502
(ii) Levels one, two, and three of the comprehensive osteopathic medical licensing examination of the United States;	14503 14504
(iii) Any other medical licensing examination recognized by the board.	14505 14506
(b) During the five-year period immediately preceding the date of application, has held a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued by the licensing authority of another state or a Canadian province;	14507 14508 14509 14510 14511
(c) For at least two years immediately preceding the date of application, has actively practiced medicine and surgery or osteopathic medicine and surgery in a clinical setting;	14512 14513 14514
(d) Is in compliance with the medical education and training requirements in sections 4731.09 and 4731.14 of the Revised Code.	14515 14516 14517
(2) Certify to the board that all of the following are the case:	14518 14519
(a) Not more than two malpractice claims, which resulted in a finding of liability or in payment, have been filed against the applicant during the ten-year period immediately preceding the date of application and no malpractice claim against the applicant during that ten-year period has resulted in total payment of more than five hundred thousand dollars.	14520 14521 14522 14523 14524 14525
(b) The applicant does not have a medical condition that could affect the applicant's ability to practice according to	14526 14527

acceptable and prevailing standards of care. 14528

(c) No adverse action has been taken against the applicant 14529
by a health care institution. 14530

(d) To the applicant's knowledge, no federal agency, 14531
medical society, medical association, or branch of the United 14532
States military has investigated or taken action against the 14533
applicant. 14534

(e) No professional licensing or regulatory authority has 14535
filed a complaint against, investigated, or taken action against 14536
the applicant and the applicant has not withdrawn a professional 14537
license application. 14538

(f) The applicant has not been suspended or expelled from 14539
any institution of higher education or school, including a 14540
medical school. 14541

(D) An applicant for an expedited license by endorsement 14542
shall comply with section 4731.08 of the Revised Code. 14543

(E) ~~At~~ Except as provided in division (I) of this section, 14544
at the time of application, the applicant shall pay to the board 14545
a fee of one thousand dollars, no part of which shall be 14546
returned. No application shall be considered filed until the 14547
board receives the fee. 14548

(F) The secretary and supervising member of the board 14549
shall review all applications received under this section. 14550

If the secretary and supervising member determine that an 14551
applicant meets the requirements for an expedited license by 14552
endorsement, the board shall issue the license to the applicant. 14553

If the secretary and supervising member determine that an 14554
applicant does not meet the requirements for an expedited 14555

license by endorsement, the application shall be treated as an 14556
application under section 4731.09 of the Revised Code. 14557

(G) Each license issued by the board under this section 14558
shall be signed by the president and secretary of the board and 14559
attested by the board's seal. 14560

(H) Within sixty days after September 29, 2013, the board 14561
shall approve acceptable means of demonstrating compliance with 14562
sections 4731.09 and 4731.14 of the Revised Code as required by 14563
division (C) (1) (d) of this section. 14564

(I) The board shall issue a license to practice medicine 14565
and surgery or osteopathic medicine and surgery in accordance 14566
with Chapter 4796. of the Revised Code to an applicant if either 14567
of the following applies: 14568

(1) The applicant holds a license in another state. 14569

(2) The applicant has satisfactory work experience, a 14570
government certification, or a private certification as 14571
described in that chapter as a physician in a state that does 14572
not issue that license. 14573

Sec. 4731.52. (A) A-Except as provided in division (E) of 14574
this section, a person seeking a license to practice podiatric 14575
medicine and surgery shall file with the state medical board an 14576
application in the form and manner prescribed by the board. The 14577
application must include all of the following: 14578

(1) Evidence satisfactory to the board to demonstrate that 14579
the applicant meets all of the following requirements: 14580

(a) Is at least eighteen years of age; 14581

(b) Possesses a high school diploma or a certificate of 14582
high school equivalence or has obtained the equivalent of such 14583

education as determined by the board; 14584

(c) Has completed at least two years of undergraduate work 14585
in a college of arts and sciences or the equivalent of such 14586
education as determined by the board; 14587

(d) Holds a degree from a college of podiatric medicine 14588
and surgery that was in good standing with the board at the time 14589
the degree was granted, as determined by the board; 14590

(e) Has completed one year of postgraduate training in a 14591
podiatric internship, residency, or clinical fellowship program 14592
accredited by the council on podiatric medicine or the American 14593
podiatric medical association or its equivalent as determined by 14594
the board; 14595

(f) Has successfully passed an examination prescribed in 14596
rules adopted by the board to determine competency to practice 14597
podiatric medicine and surgery; 14598

(g) Has complied with section 4731.531 of the Revised 14599
Code. 14600

(2) An attestation that the information submitted under 14601
this section is accurate and truthful; 14602

(3) Consent to the release of the applicant's information; 14603

(4) Any other information the board requires. 14604

(B) ~~An~~ Except as provided in division (E) of this section, an 14605
applicant for a license to practice podiatric medicine and 14606
surgery shall include with the application a fee of three 14607
hundred five dollars, no part of which may be returned. An 14608
application is not considered submitted until the board receives 14609
the fee. 14610

(C) The board may conduct an investigation related to the application materials received pursuant to this section and may contact any individual, agency, or organization for recommendations or other information about the applicant.

(D) The board shall conclude any investigation of an applicant conducted under section 4731.22 of the Revised Code not later than ninety days after receipt of a complete application unless the applicant agrees in writing to an extension or the board determines that there is a substantial question of a violation of this chapter or the rules adopted under it and notifies the applicant in writing of the reasons for continuation of the investigation. If the board determines that the applicant is not in violation of this chapter or the rules adopted under it, the board shall issue a license not later than forty-five days after making that determination.

(E) The board shall issue a license to practice podiatric medicine and surgery in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a podiatrist in a state that does not issue that license.

Sec. 4731.572. (A) The state medical board shall issue, without examination, a visiting podiatric faculty certificate to any nonresident person who holds a current, unrestricted license to practice podiatric medicine and surgery issued by another state or country and has been appointed to serve in this state on the academic staff of an approved college of podiatric

medicine and surgery in good standing, as determined by the 14640
board. The board shall not require a nonresident person who 14641
holds a license in another state to obtain a license under 14642
Chapter 4796. of the Revised Code. 14643

(B) An applicant for a visiting podiatric faculty 14644
certificate shall submit evidence satisfactory to the board that 14645
the applicant meets the requirements of division (A) of this 14646
section. 14647

(C) The holder of a visiting podiatric faculty certificate 14648
may practice podiatric medicine and surgery only as is 14649
incidental to the certificate holder's teaching duties at the 14650
college or the teaching hospitals affiliated with the college. 14651
The board may revoke a certificate on receiving proof 14652
satisfactory to the board that the holder of the certificate has 14653
engaged in practice in this state outside the scope of the 14654
certificate or that there are grounds for action against the 14655
certificate holder under section 4731.22 of the Revised Code. 14656

(D) A visiting podiatric faculty certificate is valid for 14657
the shorter of one year or the duration of the holder's 14658
appointment to the academic staff of the college. The 14659
certificate may not be renewed. 14660

Sec. 4732.10. (A) The state board of psychology shall 14661
appoint an entrance examiner who shall determine the sufficiency 14662
of an applicant's qualifications for admission to the 14663
appropriate examination. A member of the board or the executive 14664
director may be appointed as the entrance examiner. 14665

(B) Requirements for admission to examination for a 14666
psychologist license shall be that the applicant: 14667

(1) Is at least twenty-one years of age; 14668

(2) Meets one of the following requirements:	14669
(a) Received an earned doctoral degree from an institution	14670
accredited or recognized by a national or regional accrediting	14671
agency and a program accredited by any of the following:	14672
(i) The American psychological association, office of	14673
program consultation and accreditation;	14674
(ii) The accreditation office of the Canadian	14675
psychological association;	14676
(iii) A program listed by the association of state and	14677
provincial psychology boards/national register designation	14678
committee;	14679
(iv) The national association of school psychologists.	14680
(b) Received an earned doctoral degree in psychology or	14681
school psychology from an institution accredited or recognized	14682
by a national or regional accrediting agency but the program	14683
does not meet the program accreditation requirements of division	14684
(B) (2) (a) of this section;	14685
(c) Received from an academic institution outside of the	14686
United States or Canada a degree determined, under rules adopted	14687
by the board under division (E) of this section, to be	14688
equivalent to a doctoral degree in psychology from a program	14689
described in division (B) (2) (a) of this section;	14690
(d) Held a psychologist license, certificate, or	14691
registration required for practice in another United States or a	14692
Canadian jurisdiction for a minimum of ten years and meets	14693
educational, experience, and professional requirements	14694
established under rules adopted by the board.	14695
(3) Has had at least two years of supervised professional	14696

experience in psychological work of a type satisfactory to the 14697
board, at least one year of which must be a predoctoral 14698
internship. The board shall adopt guidelines for the kind of 14699
supervised professional experience that fulfill this 14700
requirement. 14701

(4) If applying under division (B) (2) (b) or (c) of this 14702
section, has had at least two years of supervised professional 14703
experience in psychological work of a type satisfactory to the 14704
board, at least one year of which must be postdoctoral. The 14705
board shall adopt guidelines for the kind of supervised 14706
professional experience that fulfill this requirement. 14707

(C) Requirements for admission to examination for a school 14708
psychologist license shall be that the applicant: 14709

(1) Has received from an educational institution 14710
accredited or recognized by national or regional accrediting 14711
agencies as maintaining satisfactory standards, including those 14712
approved by the state board of education for the training of 14713
school psychologists, at least a master's degree in school 14714
psychology, or a degree considered equivalent by the board; 14715

(2) Is at least twenty-one years of age; 14716

(3) Has completed at least sixty quarter hours, or the 14717
semester hours equivalent, at the graduate level, of accredited 14718
study in course work relevant to the study of school psychology; 14719

(4) Has completed an internship in an educational 14720
institution approved by the Ohio department of education for 14721
school psychology supervised experience or one year of other 14722
training experience acceptable to the board, such as supervised 14723
professional experience under the direction of a licensed 14724
psychologist or licensed school psychologist; 14725

(5) Furnishes proof of at least twenty-seven months, 14726
exclusive of internship, of full-time experience as a 14727
certificated school psychologist employed by a board of 14728
education or a private school meeting the standards prescribed 14729
by the state board of education, or of experience that the board 14730
deems equivalent. 14731

(D) If the entrance examiner finds that the applicant 14732
meets the requirements set forth in this section, the applicant 14733
shall be admitted to the appropriate examination. 14734

(E) The board shall adopt under Chapter 119. of the 14735
Revised Code rules for determining for the purposes of division 14736
(B) (2) (b) of this section whether a degree is equivalent to a 14737
degree in psychology from an institution in the United States. 14738

Sec. 4732.12. If an applicant for a license issued by the 14739
state board of psychology to practice as a psychologist or 14740
school psychologist receives a score acceptable to the board on 14741
the appropriate examination required by section 4732.11 of the 14742
Revised Code and has paid the fee required by section 4732.15 of 14743
the Revised Code, the board shall issue the appropriate license. 14744

The board shall issue a license to practice as a 14745
psychologist or school psychologist, as appropriate, in 14746
accordance with Chapter 4796. of the Revised Code to an 14747
applicant who holds a license in another state or has 14748
satisfactory work experience, a government certification, or a 14749
private certification as described in that chapter as a 14750
psychologist or school psychologist in a state that does not 14751
issue that license. 14752

Sec. 4732.22. (A) The following persons are exempted from 14753
the licensing requirements of this chapter: 14754

(1) A person who holds a license or certificate issued by the state board of education authorizing the practice of school psychology, while practicing school psychology within the scope of employment by a board of education or by a private school meeting the standards prescribed by the state board of education under division (D) of section 3301.07 of the Revised Code, or while acting as a school psychologist within the scope of employment in a program for children with disabilities established under Chapter 3323. or 5126. of the Revised Code. A person exempted under this division shall not offer psychological services to any other individual, organization, or group for remuneration, monetary or otherwise, unless the person is licensed by the state board of psychology.

(2) Any nonresident temporarily employed in this state to render psychological services for not more than thirty days a year, who, in the opinion of the board, meets the standards for entrance in division (B) of section 4732.10 of the Revised Code, who has paid the required fee and submitted an application prescribed by the board, and who holds whatever license or certificate, if any, is required for such practice in the person's home state or home country. The state board of psychology shall not require a nonresident temporarily employed in this state who holds a license or certificate in another state to obtain a license in accordance with Chapter 4796. of the Revised Code to practice or render psychological services in the manner described under this division.

(3) Any person working under the supervision of a psychologist or school psychologist licensed under this chapter, while carrying out specific tasks, under the license holder's supervision, as an extension of the license holder's legal and ethical authority as specified under this chapter if the person

is registered under division (B) of this section. All fees shall 14786
be billed under the name of the license holder. The person 14787
working under the license holder's supervision shall not 14788
represent self to the public as a psychologist or school 14789
psychologist, although supervised persons and persons in 14790
training may be ascribed such titles as "psychology trainee," 14791
"psychology assistant," "psychology intern," or other 14792
appropriate term that clearly implies their supervised or 14793
training status. 14794

(4) Any student in an accredited educational institution, 14795
while carrying out activities that are part of the student's 14796
prescribed course of study, provided such activities are 14797
supervised by a professional person who is qualified to perform 14798
such activities and is licensed under this chapter or is a 14799
qualified supervisor pursuant to rules of the board; 14800

(5) Recognized religious officials, including ministers, 14801
priests, rabbis, imams, Christian science practitioners, and 14802
other persons recognized by the board, conducting counseling 14803
when the counseling activities are within the scope of the 14804
performance of their regular duties and are performed under the 14805
auspices or sponsorship of an established and legally cognizable 14806
religious denomination or sect, as defined in current federal 14807
tax regulations, and when the religious official does not refer 14808
to the official's self as a psychologist and remains accountable 14809
to the established authority of the religious denomination or 14810
sect; 14811

(6) Persons in the employ of the federal government 14812
insofar as their activities are a part of the duties of their 14813
positions; 14814

(7) Persons licensed, certified, or registered under any 14815

other provision of the Revised Code who are practicing those 14816
arts and utilizing psychological procedures that are allowed and 14817
within the standards and ethics of their profession or within 14818
new areas of practice that represent appropriate extensions of 14819
their profession, provided that they do not hold themselves out 14820
to the public by the title of psychologist; 14821

(8) Persons using the term "social psychologist," 14822
"experimental psychologist," "developmental psychologist," 14823
"research psychologist," "cognitive psychologist," and other 14824
terms used by those in academic and research settings who 14825
possess a doctoral degree in psychology from an educational 14826
institution accredited or recognized by national or regional 14827
accrediting agencies as maintaining satisfactory standards and 14828
who do not use such a term in the solicitation or rendering of 14829
professional psychological services. 14830

(B) The license holder who is supervising a person 14831
described in division (A) (3) of this section shall register the 14832
person with the board. The board shall adopt rules regarding the 14833
registration process and the supervisory relationship. 14834

Sec. 4733.18. (A) The state board of registration for 14835
professional engineers and surveyors ~~may shall~~ authorize a 14836
temporary registration for an individual who has filed with the 14837
board an application for a temporary registration and has paid 14838
the required fee in accordance with Chapter 4796. of the Revised 14839
Code. The temporary registration continues only for the time the 14840
board requires for consideration of the application for 14841
registration, ~~provided a person is legally qualified to practice~~ 14842
~~that profession in the person's own state in which the~~ 14843
~~requirements and qualifications of registration are not lower~~ 14844
~~than those specified in this chapter.~~ 14845

(B) (1) The following persons are exempt from this chapter:	14846
(a) An employee or a subordinate of a person registered under this chapter or an employee of a person holding temporary registration under division (A) of this section, provided the employee's or subordinate's duties do not include responsible charge of engineering or surveying work;	14847 14848 14849 14850 14851
(b) Officers and employees of the government of the United States while engaged within this state in the practice of engineering or surveying, for that government;	14852 14853 14854
(c) An engineer engaged solely as an officer of a privately owned public utility.	14855 14856
(2) This chapter does not require registration for the purpose of practicing professional engineering, or professional surveying by an individual, firm, or corporation on property owned or leased by that individual, firm, or corporation unless the same involves the public welfare or the safeguarding of life, health, or property, or for the performance of engineering or surveying which relates solely to the design or fabrication of manufactured products.	14857 14858 14859 14860 14861 14862 14863 14864
(C) Nothing in this chapter prevents persons other than engineers from preparing plans, drawings, specifications, or data, from filing applications for building permits, or from obtaining those permits for residential buildings, as defined by section 3781.06 of the Revised Code, or buildings that are erected as one-, two-, or three-family units or structures within the meaning of the term "industrialized unit" as provided in section 3781.06 of the Revised Code.	14865 14866 14867 14868 14869 14870 14871 14872
(D) Nothing in this chapter prevents persons other than engineers from preparing drawings or data, from filing	14873 14874

applications for building permits, or from obtaining those 14875
permits for the installation of replacement equipment or systems 14876
that are similar in type or capacity to the equipment or systems 14877
being replaced, and for any improvement, alteration, repair, 14878
painting, decorating, or other modification of any buildings or 14879
structures subject to sections 3781.06 to 3781.18 and 3791.04 of 14880
the Revised Code where the building official determines that no 14881
plans or specifications are required for approval. 14882

Sec. 4733.19. ~~A~~ With respect to a person registered or 14883
licensed to engage in the practice of engineering or surveying 14884
by a proper authority of a ~~another~~ state, territory, or 14885
possession of the United States, or the District of Columbia, 14886
~~who, in the opinion of or who has a government certification or~~ 14887
private certification as an engineer or surveyor in another 14888
state, territory, or possession of the United States, or the 14889
District of Columbia that does not issue that registration or 14890
license, the state board of registration for professional 14891
engineers and surveyors, ~~meets the requirements of this chapter,~~ 14892
~~based on verified evidence, may, upon application and payment of~~ 14893
~~the established fee, be registered~~ shall register the person as 14894
a professional engineer or surveyor in accordance with Chapter 14895
4796. of the Revised Code. Notwithstanding section 4796.05 of 14896
the Revised Code, the board shall register a person who has 14897
satisfactory work experience as a professional engineer or 14898
surveyor in accordance with Chapter 4796. of the Revised Code if 14899
the person satisfies a minimum education requirement and passes 14900
an examination. 14901

~~Any person who seeks registration as a professional~~ 14902
~~surveyor under this section must pass a two-hour professional~~ 14903
~~practice examination, devoted to the laws and practices of this~~ 14904
~~state prior to receiving such registration.~~ 14905

Sec. 4734.23. (A) A person licensed by another ~~state or~~ 14906
country in the practice of chiropractic may apply under this 14907
section for a license to practice chiropractic in this state in 14908
lieu of applying under section 4734.20 of the Revised Code. The 14909
fee for applying under this ~~section~~ division shall be five 14910
hundred dollars. 14911

(B) The state chiropractic board may, for good cause, 14912
waive all or part of the educational and testing requirements 14913
specified under section 4734.20 of the Revised Code and issue a 14914
license to an applicant under division (A) of this section, if 14915
the applicant presents satisfactory proof of being licensed to 14916
practice chiropractic in another ~~state or~~ country where the 14917
requirements for receipt of the license, on the date the license 14918
was issued, are considered by the board to be substantially 14919
equivalent to those of this chapter. The applicant must meet the 14920
same age requirement that must be met under section 4734.20 of 14921
the Revised Code. If the board does not waive all of the 14922
educational and testing requirements, the board may require that 14923
the applicant complete and receive a score specified by the 14924
board on one or more tests administered by the board or by the 14925
national board of chiropractic examiners or another testing 14926
entity. 14927

(C) The board shall issue a license to practice 14928
chiropractic in accordance with Chapter 4796. of the Revised 14929
Code to an applicant if either of the following applies: 14930

(1) The applicant holds a license to practice chiropractic 14931
in another state. 14932

(2) The applicant has satisfactory work experience, a 14933
government certification, or a private certification as 14934
described in that chapter as a chiropractor in a state that does 14935

not issue that license. 14936

Sec. 4734.27. (A) To the extent it is in the public 14937
interest, the state chiropractic board may issue, without 14938
examination, a special limited license to practice chiropractic 14939
as follows: 14940

(1) To a person who is seeking to participate in an 14941
internship, residency, preceptorship, or clinical fellowship in 14942
this state in preparation for the practice of chiropractic; 14943

(2) To a nonresident person who plans to provide 14944
chiropractic services in connection with a special activity, 14945
program, or event conducted in this state, if the person holds a 14946
current, valid, and unrestricted license to practice 14947
chiropractic in another state or country; 14948

(3) To a person who previously held an unrestricted 14949
license to practice chiropractic in this state who plans to 14950
offer gratuitous chiropractic services as a voluntary public 14951
service; 14952

(4) To any other person for any other reason specified as 14953
good cause by the board in rules adopted under this section. 14954

(B) An applicant for a special limited license shall 14955
submit to the board a complete application on a form prescribed 14956
by the board, pay an application fee of seventy-five dollars, 14957
and furnish proof satisfactory to the board of being at least 14958
twenty-one years of age and of either holding the degree of 14959
doctor of chiropractic or being enrolled in a program leading to 14960
the degree. The institution from which the applicant received 14961
the degree or in which the applicant is enrolled must be a 14962
school or college that is approved by the board under section 14963
4734.21 of the Revised Code. 14964

(C) The provisions of this chapter that apply to applicants for and holders of licenses to practice chiropractic shall apply to applicants for and holders of special limited licenses to the extent the board considers appropriate, including the board's authority to conduct any investigation it considers appropriate to verify an applicant's credentials and fitness to receive a license and the board's authority to take actions under section 4734.31 of the Revised Code.

(D) The board shall adopt any rules it considers necessary to implement this section. All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code.

(E) (1) The board shall issue a special limited license to practice chiropractic under division (A) (1) of this section in accordance with Chapter 4796. of the Revised Code to a person if either of the following applies:

(a) The person holds a limited license to practice chiropractic in another state.

(b) The person has satisfactory work experience, a government certification, or a private certification as described in that chapter as a chiropractor in a state that does not issue that limited license.

(2) A nonresident person who holds a special limited license to practice chiropractic under division (A) (2) of this section is not required to obtain a license under Chapter 4796. of the Revised Code to practice under the special limited license.

(3) Chapter 4796. of the Revised Code does not apply to a special limited license issued under division (A) (3) or (4) of

this section. 14994

Sec. 4734.283. If the state chiropractic board determines 14995
under section 4734.282 of the Revised Code that an applicant 14996
meets the requirements for a certificate to practice 14997
acupuncture, the executive director of the board shall issue to 14998
the applicant a certificate to practice acupuncture. 14999

A certificate to practice acupuncture expires biennially 15000
in accordance with a schedule the board shall establish. The 15001
certificate may be renewed in accordance with section 4734.284 15002
of the Revised Code. 15003

Notwithstanding the requirements for a certificate under 15004
this chapter, the executive director shall issue a certificate 15005
to practice acupuncture in accordance with Chapter 4796. of the 15006
Revised Code to a chiropractor who holds a license or 15007
certificate to practice acupuncture in another state or has 15008
satisfactory work experience, a government certification, or a 15009
private certification as described in that chapter as an 15010
acupuncturist in a state that does not issue that license or 15011
certificate. 15012

Sec. 4735.023. (A) An oil and gas land professional who is 15013
not otherwise permitted to engage in the activities described in 15014
division (A) of section 4735.01 of the Revised Code may perform 15015
such activities, if the oil and gas land professional does all 15016
of the following: 15017

(1) (a) Registers on an annual basis as an oil and gas land 15018
professional with the superintendent of real estate by such date 15019
specified and on a form approved by the superintendent, which 15020
form includes both of the following: 15021

(i) The name and address of the oil and gas land 15022

professional; 15023

(ii) Evidence of the oil and gas land professional's 15024
membership in good standing in a national, state, or local 15025
professional organization that has been in existence for at 15026
least three years and has, as part of its mission, developed a 15027
set of standards of performance and ethics for oil and gas land 15028
professionals. 15029

(b) Pays an annual fee, established by the superintendent 15030
in an amount not to exceed one hundred dollars, which shall 15031
accompany the registration. 15032

(2) At or prior to first contacting any landowner or other 15033
person with an interest in real estate for the purpose of 15034
engaging in the activities of an oil and gas land professional, 15035
and on a form approved by the superintendent, discloses to the 15036
landowner or other person all of the following: 15037

(a) The oil and gas land professional's name and address 15038
as registered with the superintendent; 15039

(b) That the oil and gas land professional is registered 15040
as such with the superintendent and is a member in good standing 15041
in a national, state, or local professional organization that 15042
has been in existence for at least three years and has, as part 15043
of its mission, developed a set of standards of performance and 15044
ethics for oil and gas land professionals; 15045

(c) That the oil and gas land professional is not a 15046
licensed real estate broker or real estate salesperson under 15047
Chapter 4735. of the Revised Code; 15048

(d) That the landowner or other person with an interest in 15049
real estate may seek legal counsel in connection with any 15050
transaction with the oil and gas land professional; 15051

(e) That the oil and gas land professional is not 15052
representing the landowner or other person with an interest in 15053
real estate. 15054

(3) At or prior to entering into any agreements for the 15055
purpose of exploring for, transporting, producing, or developing 15056
oil and gas mineral interests including, but not limited to, oil 15057
and gas leases and pipeline easements with any landowner or 15058
other person with an interest in real estate, and on a form 15059
approved by the superintendent, discloses to the landowner or 15060
other person with an interest in real estate all of the 15061
following: 15062

(a) The oil and gas land professional's name and address 15063
as registered with the superintendent; 15064

(b) That the oil and gas land professional is registered 15065
as such with the superintendent and a member in good standing in 15066
a national, state, or local professional organization that has 15067
been in existence for at least three years and has, as part of 15068
its mission, developed a set of standards of performance and 15069
ethics for oil and gas land professionals; 15070

(c) That the oil and gas land professional is not a 15071
licensed real estate broker or real estate salesperson under 15072
Chapter 4735. of the Revised Code; 15073

(d) That the landowner or other person may seek legal 15074
counsel in connection with any transaction with the oil and gas 15075
land professional; 15076

(e) That the oil and gas land professional is not 15077
representing the landowner or other person with an interest in 15078
real estate. 15079

(B) Any oil and gas land professional who must be 15080

registered as such with the superintendent pursuant to this 15081
section who ceases to be a member in good standing of an 15082
organization described in division (A) (1) (a) (ii) of this section 15083
shall report the change in membership status to the 15084
superintendent within thirty days of that change. Failure to 15085
report such change in membership status shall result in the 15086
automatic suspension of registration status and subject the 15087
registrant to the penalties for unlicensed activity as found in 15088
section 4735.052 of the Revised Code. 15089

(C) Any oil and gas land professional who fails to 15090
register with the superintendent pursuant to this section is 15091
subject to the penalties for unlicensed activity as found in 15092
section 4735.052 of the Revised Code. 15093

(D) Notwithstanding any provision of this section to the 15094
contrary, the superintendent shall register in accordance with 15095
Chapter 4796. of the Revised Code as an oil and gas land 15096
professional a person if either of the following applies: 15097

(1) The person is licensed or registered as an oil and gas 15098
land professional in another state. 15099

(2) The person has satisfactory work experience, a 15100
government certification, or a private certification as 15101
described in that chapter as an oil and gas land professional in 15102
a state that does not issue that license or registration. 15103

Sec. 4735.07. (A) The superintendent of real estate, with 15104
the consent of the Ohio real estate commission, may enter into 15105
agreements with recognized national testing services to 15106
administer the real estate broker's examination under the 15107
superintendent's supervision and control, consistent with the 15108
requirements of this chapter as to the contents of such 15109

examination.	15110
(B) No applicant for a real estate broker's license shall	15111
take the broker's examination who has not established to the	15112
satisfaction of the superintendent that the applicant:	15113
(1) Is honest and truthful;	15114
(2) (a) Has not been convicted of a disqualifying offense	15115
as determined in accordance with section 9.79 of the Revised	15116
Code;	15117
(b) Has not been finally adjudged by a court to have	15118
violated any municipal, state, or federal civil rights laws	15119
relevant to the protection of purchasers or sellers of real	15120
estate or, if the applicant has been so adjudged, at least two	15121
years have passed since the court decision and the	15122
superintendent has disregarded the adjudication because the	15123
applicant has proven, by a preponderance of the evidence, that	15124
the applicant's activities and employment record since the	15125
adjudication show that the applicant is honest and truthful, and	15126
there is no basis in fact for believing that the applicant will	15127
again violate the laws involved.	15128
(3) Has not, during any period in which the applicant was	15129
licensed under this chapter, violated any provision of, or any	15130
rule adopted pursuant to, this chapter, or, if the applicant has	15131
violated any such provision or rule, has established to the	15132
satisfaction of the superintendent that the applicant will not	15133
again violate such provision or rule;	15134
(4) Is at least eighteen years of age;	15135
(5) Has been a licensed real estate broker or salesperson	15136
for at least two years; during at least two of the five years	15137
preceding the person's application, has worked as a licensed	15138

real estate broker or salesperson for an average of at least 15139
thirty hours per week; and has completed one of the following: 15140

(a) At least twenty real estate transactions, in which 15141
property was sold for another by the applicant while acting in 15142
the capacity of a real estate broker or salesperson; 15143

(b) Such equivalent experience as is defined by rules 15144
adopted by the commission. 15145

(6) (a) If licensed as a real estate salesperson prior to 15146
August 1, 2001, successfully has completed at an institution of 15147
higher education all of the following credit-eligible courses by 15148
either classroom instruction or distance education: 15149

(i) Thirty hours of instruction in real estate practice; 15150

(ii) Thirty hours of instruction that includes the 15151
subjects of Ohio real estate law, municipal, state, and federal 15152
civil rights law, new case law on housing discrimination, 15153
desegregation issues, and methods of eliminating the effects of 15154
prior discrimination. If feasible, the instruction in Ohio real 15155
estate law shall be taught by a member of the faculty of an 15156
accredited law school. If feasible, the instruction in 15157
municipal, state, and federal civil rights law, new case law on 15158
housing discrimination, desegregation issues, and methods of 15159
eliminating the effects of prior discrimination shall be taught 15160
by a staff member of the Ohio civil rights commission who is 15161
knowledgeable with respect to those subjects. The requirements 15162
of this division do not apply to an applicant who is admitted to 15163
practice before the supreme court. 15164

(iii) Thirty hours of instruction in real estate 15165
appraisal; 15166

(iv) Thirty hours of instruction in real estate finance; 15167

(v) Three quarter hours, or its equivalent in semester hours, in financial management;	15168 15169
(vi) Three quarter hours, or its equivalent in semester hours, in human resource or personnel management;	15170 15171
(vii) Three quarter hours, or its equivalent in semester hours, in applied business economics;	15172 15173
(viii) Three quarter hours, or its equivalent in semester hours, in business law.	15174 15175
(b) If licensed as a real estate salesperson on or after August 1, 2001, successfully has completed at an institution of higher education all of the following credit-eligible courses by either classroom instruction or distance education:	15176 15177 15178 15179
(i) Forty hours of instruction in real estate practice;	15180
(ii) Forty hours of instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination. If feasible, the instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of this division do not apply to an applicant who is admitted to practice before the supreme court.	15181 15182 15183 15184 15185 15186 15187 15188 15189 15190 15191 15192 15193 15194
(iii) Twenty hours of instruction in real estate appraisal;	15195 15196

(iv) Twenty hours of instruction in real estate finance;	15197
(v) The training in the amount of hours specified under	15198
divisions (B) (6) (a) (v), (vi), (vii), and (viii) of this section.	15199
(c) Division (B) (6) (a) or (b) of this section does not	15200
apply to any applicant who holds a valid real estate	15201
salesperson's license issued prior to January 2, 1972. Divisions	15202
(B) (6) (a) (v), (vi), (vii), and (viii) or division (B) (6) (b) (v)	15203
of this section do not apply to any applicant who holds a valid	15204
real estate salesperson's license issued prior to January 3,	15205
1984.	15206
(d) Divisions (B) (6) (a) (iii) and (B) (6) (b) (iii) of this	15207
section do not apply to any new applicant who holds a valid Ohio	15208
real estate appraiser license or certificate issued prior to the	15209
date of application for a real estate broker's license.	15210
(e) Successful completion of the instruction required by	15211
division (B) (6) (a) or (b) of this section shall be determined by	15212
the law in effect on the date the instruction was completed.	15213
(7) If licensed as a real estate salesperson on or after	15214
January 3, 1984, satisfactorily has completed a minimum of two	15215
years of post-secondary education, or its equivalent in semester	15216
or quarter hours, at an institution of higher education, and has	15217
fulfilled the requirements of division (B) (6) (a) or (b) of this	15218
section. The requirements of division (B) (6) (a) or (b) of this	15219
section may be included in the two years of post-secondary	15220
education, or its equivalent in semester or quarter hours, that	15221
is required by this division. The post-secondary education	15222
requirement may be satisfied by completing the credit-eligible	15223
courses using either classroom instruction or distance	15224
education. Successful completion of any course required by this	15225

section shall be determined by the law in effect on the date the course was completed.

(C) Each applicant for a broker's license shall be examined in the principles of real estate practice, Ohio real estate law, and financing and appraisal, and as to the duties of real estate brokers and real estate salespersons, the applicant's knowledge of real estate transactions and instruments relating to them, and the canons of business ethics pertaining to them. The commission from time to time shall promulgate such canons and cause them to be published in printed form.

(D) Examinations shall be administered with reasonable accommodations in accordance with the requirements of the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C. 12101. The contents of an examination shall be consistent with the requirements of division (B) (6) of this section and with the other specific requirements of this section. An applicant who has completed the requirements of division (B) (6) of this section at the time of application shall be examined no later than twelve months after the applicant is notified of admission to the examination.

~~(E) The superintendent may waive one or more of the requirements of this section in the case of an application from a nonresident real estate broker pursuant to a reciprocity agreement with the licensing authority of the state from which the nonresident applicant holds a valid real estate broker license. Notwithstanding any provision of this chapter or Chapter 4796. of the Revised Code to the contrary, the superintendent shall issue a real estate broker's license in accordance with Chapter 4796. of the Revised Code to an applicant if either of~~

<u>the following applies:</u>	15256
<u>(1) The applicant satisfies the requirements specified in section 4796.03 or 4796.04 of the Revised Code, as applicable, and all of the following apply:</u>	15257
<u>(a) The applicant has worked as a real estate broker for at least two of the five years immediately preceding the date of the application.</u>	15258
<u>(b) The applicant has completed not less than twenty real estate transactions in which the applicant acted in the capacity of a real estate broker.</u>	15259
<u>(c) The applicant passes an examination on Ohio real estate law.</u>	15260
<u>(2) The applicant satisfies the requirements specified in section 4796.05 of the Revised Code and divisions (E) (1) (b) and (c) of this section.</u>	15261
(F) There shall be no limit placed on the number of times an applicant may retake the examination.	15262
(G) (1) Not earlier than the date of issue of a real estate broker's license to a licensee, but not later than twelve months after the date of issue of a real estate broker's license to a licensee, the licensee shall submit proof satisfactory to the superintendent, on forms made available by the superintendent, of the completion of ten hours of instruction that shall be completed in schools, seminars, and educational institutions that are approved by the commission. Approval of the curriculum and providers shall be granted according to rules adopted pursuant to section 4735.10 of the Revised Code and may be taken through classroom instruction or distance education.	15263
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If the required proof of completion is not submitted to 15284
the superintendent within twelve months of the date a license is 15285
issued under this section, the license of the real estate broker 15286
is suspended automatically without the taking of any action by 15287
the superintendent. The broker's license shall not be 15288
reactivated by the superintendent until it is established, to 15289
the satisfaction of the superintendent, that the requirements of 15290
this division have been met and that the licensee is in 15291
compliance with this chapter. A licensee's license is revoked 15292
automatically without the taking of any action by the 15293
superintendent if the licensee fails to submit proof of 15294
completion of the education requirements specified under 15295
division (G) (1) of this section within twelve months of the date 15296
the license is suspended. 15297

(2) If the license of a real estate broker is suspended 15298
pursuant to division (G) (1) of this section, the license of a 15299
real estate salesperson associated with that broker 15300
correspondingly is suspended pursuant to division (H) of section 15301
4735.20 of the Revised Code. However, the suspended license of 15302
the associated real estate salesperson shall be reactivated and 15303
no fee shall be charged or collected for that reactivation if 15304
all of the following occur: 15305

(a) That broker subsequently submits satisfactory proof to 15306
the superintendent that the broker has complied with the 15307
requirements of division (G) (1) of this section and requests 15308
that the broker's license as a real estate broker be 15309
reactivated; 15310

(b) The superintendent then reactivates the broker's 15311
license as a real estate broker; 15312

(c) The associated real estate salesperson intends to 15313

continue to be associated with that broker and otherwise is in 15314
compliance with this chapter. 15315

Sec. 4735.08. The superintendent of real estate shall 15316
issue a real estate broker's license when the superintendent is 15317
satisfied that: 15318

(A) An applicant who is not a partnership, association, 15319
limited liability company, limited liability partnership, or 15320
corporation ~~satisfies one of the following:~~ 15321

~~(1) Has has received a passing score on each portion of~~ 15322
the real estate broker's examination as determined by rule by 15323
the real estate commission~~;~~ 15324

~~(2) Is qualified to be licensed without examination as a~~ 15325
~~nonresident real estate broker, under division (E) of section~~ 15326
~~4735.07 of the Revised Code.~~ 15327

(B) All the members or officers who are authorized to 15328
perform the functions of a real estate broker as the agents of 15329
an applicant that is a partnership, association, limited 15330
liability company, limited liability partnership, or 15331
corporation, are licensed themselves as real estate brokers 15332
under this chapter. 15333

Sec. 4735.09. (A) Application for a license as a real 15334
estate salesperson shall be made to the superintendent of real 15335
estate on forms furnished by the superintendent and signed by 15336
the applicant. The application shall be in the form prescribed 15337
by the superintendent and shall contain such information as is 15338
required by this chapter and the rules of the Ohio real estate 15339
commission. The application shall be accompanied by the 15340
recommendation of the real estate broker with whom the applicant 15341
is associated or with whom the applicant intends to be 15342

associated, certifying that the applicant is honest and 15343
truthful, and has not been finally adjudged by a court to have 15344
violated any municipal, state, or federal civil rights laws 15345
relevant to the protection of purchasers or sellers of real 15346
estate, which conviction or adjudication the applicant has not 15347
disclosed to the superintendent, and recommending that the 15348
applicant be admitted to the real estate salesperson 15349
examination. 15350

(B) A fee of eighty-one dollars shall accompany the 15351
application, which fee includes the fee for the initial year of 15352
the licensing period, if a license is issued. The initial year 15353
of the licensing period commences at the time the license is 15354
issued and ends on the applicant's first birthday thereafter. 15355
The application fee shall be nonrefundable. A fee of eighty-one 15356
dollars shall be charged by the superintendent for each 15357
successive application made by the applicant. One dollar of each 15358
application fee shall be credited to the real estate education 15359
and research fund. 15360

(C) There shall be no limit placed on the number of times 15361
an applicant may retake the examination. 15362

(D) The superintendent, with the consent of the 15363
commission, may enter into an agreement with a recognized 15364
national testing service to administer the real estate 15365
salesperson's examination under the superintendent's supervision 15366
and control, consistent with the requirements of this chapter as 15367
to the contents of the examination. 15368

If the superintendent, with the consent of the commission, 15369
enters into an agreement with a national testing service to 15370
administer the real estate salesperson's examination, the 15371
superintendent may require an applicant to pay the testing 15372

service's examination fee directly to the testing service. If 15373
the superintendent requires the payment of the examination fee 15374
directly to the testing service, each applicant shall submit to 15375
the superintendent a processing fee in an amount determined by 15376
the Ohio real estate commission pursuant to division (A) (1) of 15377
section 4735.10 of the Revised Code. 15378

(E) The superintendent shall issue a real estate 15379
salesperson's license when satisfied that the applicant has 15380
received a passing score on each portion of the salesperson's 15381
examination as determined by rule by the real estate commission, ~~7-~~ 15382
~~except that the superintendent may waive one or more of the~~ 15383
~~requirements of this section in the case of an applicant who is~~ 15384
~~a licensed real estate salesperson in another state pursuant to~~ 15385
~~a reciprocity agreement with the licensing authority of the~~ 15386
~~state from which the applicant holds a valid real estate~~ 15387
~~salesperson's license.~~ 15388

(F) No applicant for a salesperson's license shall take 15389
the salesperson's examination who has not established to the 15390
satisfaction of the superintendent that the applicant: 15391

(1) Is honest and truthful; 15392

(2) (a) Has not been convicted of a disqualifying offense 15393
as determined in accordance with section 9.79 of the Revised 15394
Code; 15395

(b) Has not been finally adjudged by a court to have 15396
violated any municipal, state, or federal civil rights laws 15397
relevant to the protection of purchasers or sellers of real 15398
estate or, if the applicant has been so adjudged, at least two 15399
years have passed since the court decision and the 15400
superintendent has disregarded the adjudication because the 15401

applicant has proven, by a preponderance of the evidence, that 15402
the applicant is honest and truthful, and there is no basis in 15403
fact for believing that the applicant again will violate the 15404
laws involved. 15405

(3) Has not, during any period in which the applicant was 15406
licensed under this chapter, violated any provision of, or any 15407
rule adopted pursuant to this chapter, or, if the applicant has 15408
violated such provision or rule, has established to the 15409
satisfaction of the superintendent that the applicant will not 15410
again violate such provision or rule; 15411

(4) Is at least eighteen years of age; 15412

(5) If born after the year 1950, has a high school diploma 15413
or a certificate of high school equivalence issued by the 15414
department of education; 15415

(6) Has successfully completed at an institution of higher 15416
education all of the following credit-eligible courses by either 15417
classroom instruction or distance education: 15418

(a) Forty hours of instruction in real estate practice; 15419

(b) Forty hours of instruction that includes the subjects 15420
of Ohio real estate law, municipal, state, and federal civil 15421
rights law, new case law on housing discrimination, 15422
desegregation issues, and methods of eliminating the effects of 15423
prior discrimination. If feasible, the instruction in Ohio real 15424
estate law shall be taught by a member of the faculty of an 15425
accredited law school. If feasible, the instruction in 15426
municipal, state, and federal civil rights law, new case law on 15427
housing discrimination, desegregation issues, and methods of 15428
eliminating the effects of prior discrimination shall be taught 15429
by a staff member of the Ohio civil rights commission who is 15430

knowledgeable with respect to those subjects. The requirements 15431
of this division do not apply to an applicant who is admitted to 15432
practice before the supreme court. 15433

(c) Twenty hours of instruction in real estate appraisal; 15434

(d) Twenty hours of instruction in real estate finance. 15435

(G) (1) Successful completion of the instruction required 15436
by division (F) (6) of this section shall be determined by the 15437
law in effect on the date the instruction was completed. 15438

(2) Division (F) (6) (c) of this section does not apply to 15439
any new applicant who holds a valid Ohio real estate appraiser 15440
license or certificate issued prior to the date of application 15441
for a real estate salesperson's license. 15442

(H) Only for noncredit course offerings, an institution of 15443
higher education shall obtain approval from the appropriate 15444
state authorizing entity prior to offering a real estate course 15445
that is designed and marketed as satisfying the salesperson 15446
license education requirements of division (F) (6) of this 15447
section. The state authorizing entity may consult with the 15448
superintendent in reviewing the course for compliance with this 15449
section. 15450

(I) Any person who has not been licensed as a real estate 15451
salesperson or broker within a four-year period immediately 15452
preceding the person's current application for the salesperson's 15453
examination shall have successfully completed the prelicensure 15454
instruction required by division (F) (6) of this section within a 15455
ten-year period immediately preceding the person's current 15456
application for the salesperson's examination. 15457

(J) Not earlier than the date of issue of a real estate 15458
salesperson's license to a licensee, but not later than twelve 15459

months after the date of issue of a real estate salesperson 15460
license to a licensee, the licensee shall submit proof 15461
satisfactory to the superintendent, on forms made available by 15462
the superintendent, of the completion of twenty hours of 15463
instruction that shall be completed in schools, seminars, and 15464
educational institutions approved by the commission. The 15465
instruction shall include, but is not limited to, current 15466
practices relating to commercial real estate, property 15467
management, short sales, and land contracts; contract law; 15468
federal and state programs; economic conditions; and fiduciary 15469
responsibility. Approval of the curriculum and providers shall 15470
be granted according to rules adopted pursuant to section 15471
4735.10 of the Revised Code and may be taken through classroom 15472
instruction or distance education. 15473

If proof of completion of the required instruction is not 15474
submitted within twelve months of the date a license is issued 15475
under this section, the licensee's license is suspended 15476
automatically without the taking of any action by the 15477
superintendent. The superintendent immediately shall notify the 15478
broker with whom such salesperson is associated of the 15479
suspension of the salesperson's license. A salesperson whose 15480
license has been suspended under this division shall have twelve 15481
months after the date of the suspension of the salesperson's 15482
license to submit proof of successful completion of the 15483
instruction required under this division. No such license shall 15484
be reactivated by the superintendent until it is established, to 15485
the satisfaction of the superintendent, that the requirements of 15486
this division have been met and that the licensee is in 15487
compliance with this chapter. A licensee's license is revoked 15488
automatically without the taking of any action by the 15489
superintendent when the licensee fails to submit the required 15490

proof of completion of the education requirements under division 15491
(I) of this section within twelve months of the date the license 15492
is suspended. 15493

(K) Examinations shall be administered with reasonable 15494
accommodations in accordance with the requirements of the 15495
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 15496
U.S.C. 12189. The contents of an examination shall be consistent 15497
with the classroom instructional requirements of division (F) (6) 15498
of this section. An applicant who has completed the classroom 15499
instructional requirements of division (F) (6) of this section at 15500
the time of application shall be examined no later than twelve 15501
months after the applicant is notified of the applicant's 15502
admission to the examination. 15503

(L) Notwithstanding any provision of this chapter or 15504
Chapter 4796. of the Revised Code to the contrary, the 15505
superintendent shall issue a real estate salesperson's license 15506
in accordance with Chapter 4796. of the Revised Code to an 15507
applicant if both of the following apply: 15508

(1) The applicant satisfies the requirements specified in 15509
section 4796.03, 4796.04, or 4796.05 of the Revised Code, as 15510
applicable. 15511

(2) The applicant passes an examination on Ohio real 15512
estate law. 15513

Sec. 4735.10. (A) (1) The Ohio real estate commission may 15514
adopt reasonable rules in accordance with Chapter 119. of the 15515
Revised Code, necessary for implementing the provisions of this 15516
chapter relating, but not limited to, the following: 15517

(a) The form and manner of filing applications for 15518
licensure; 15519

(b) Times and form of examination for license;	15520
(c) Placing an existing broker's license on deposit or a salesperson's license on an inactive status for an indefinite period;	15521 15522 15523
(d) Specifying the process by which a licensee may resign the licensee's license;	15524 15525
(e) Defining any additional license status that the commission determines is necessary and that is not otherwise defined in this chapter and establishing the process by which a licensee places the licensee's license in a status defined by the commission in the rules the commission adopts;	15526 15527 15528 15529 15530
(f) Clarification of the activities that require a license under this chapter;	15531 15532
(g) Permitting a broker to act as principal broker for more than one brokerage.	15533 15534
(2) The commission shall adopt reasonable rules in accordance with Chapter 119. of the Revised Code, for implementing the provisions of this chapter relating to the following:	15535 15536 15537 15538
(a) The issuance, renewal, suspension, and revocation of licenses, other sanctions that may be imposed for violations of this chapter, the conduct of hearings related to these actions, and the process of reactivating a license;	15539 15540 15541 15542
(b) A three-year license and a three-year license renewal system;	15543 15544
(c) Standards for the approval of the postlicensure courses as required by division (G) of section 4735.07 and division (J) of section 4735.09 of the Revised Code, courses of	15545 15546 15547

study required for licenses, courses offered in preparation for 15548
license examinations, or courses required as continuing 15549
education for licenses. 15550

(d) Guidelines to ensure that continuing education classes 15551
are open to all persons licensed under this chapter. The rules 15552
shall specify that an organization that sponsors a continuing 15553
education class may offer its members a reasonable reduction in 15554
the fees charged for the class. 15555

(e) Requirements for trust accounts and property 15556
management accounts. The rules shall specify that: 15557

(i) Brokerages engaged in the management of property for 15558
another may, pursuant to a written contract with the property 15559
owner, exercise signatory authority for withdrawals from 15560
property management accounts maintained in the name of the 15561
property owner. The exercise of authority for withdrawals does 15562
not constitute a violation of any provision of division (A) of 15563
section 4735.18 of the Revised Code. 15564

(ii) The interest earned on property management trust 15565
accounts maintained in the name of the property owner or the 15566
broker shall be payable to the property owner unless otherwise 15567
specified in a written contract. 15568

(f) Notice of renewal forms and filing deadlines; 15569

(g) Special assessments under division (A) of section 15570
4735.12 of the Revised Code. 15571

(B) The commission may adopt rules in accordance with 15572
Chapter 119. of the Revised Code establishing standards and 15573
guidelines with which the superintendent of real estate shall 15574
comply in the exercise of the following powers: 15575

(1) Appointment and recommendation of ancillary trustees	15576
under section 4735.05 of the Revised Code;	15577
(2) Rejection of names proposed to be used by	15578
partnerships, associations, limited liability companies, limited	15579
liability partnerships, and corporations, under division (B) of	15580
section 4735.06 of the Revised Code, including procedures for	15581
the application and approval of more than one trade name for a	15582
brokerage;	15583
(3) Acceptance and rejection of applications to take the	15584
broker and salesperson examinations and licensure, with	15585
appropriate waivers pursuant to division (E) of section 4735.07	15586
and section 4735.09 of the Revised Code;	15587
(4) Approval of applications of brokers to place their	15588
licenses in an inactive status and to become salespersons under	15589
section 4735.13 of the Revised Code;	15590
(5) Appointment of hearing examiners under section 119.09	15591
of the Revised Code;	15592
(6) Acceptance and rejection of applications to take the	15593
foreign real estate dealer and salesperson examinations and	15594
licensure, with waiver of examination, under sections 4735.27	15595
and 4735.28 of the Revised Code;	15596
(7) Qualification of foreign real estate under section	15597
4735.25 of the Revised Code.	15598
If at any time there is no rule in effect establishing a	15599
guideline or standard required by this division, the	15600
superintendent may adopt a rule in accordance with Chapter 119.	15601
of the Revised Code for such purpose.	15602
(C) The commission or superintendent may hear testimony in	15603

matters relating to the duties imposed upon them, and the 15604
president of the commission and superintendent may administer 15605
oaths. The commission or superintendent may require other proof 15606
of the honesty and truthfulness of any person named in an 15607
application for a real estate broker's or real estate 15608
salesperson's license before admitting the applicant to the 15609
examination or issuing a license. 15610

Sec. 4735.27. (A) An application to act as a foreign real 15611
estate dealer shall be in writing and filed with the 15612
superintendent of real estate. It shall be in the form the 15613
superintendent prescribes and shall contain the following 15614
information: 15615

(1) The name and address of the applicant; 15616

(2) A description of the applicant, including, if the 15617
applicant is a partnership, unincorporated association, or any 15618
similar form of business organization, the names and the 15619
residence and business addresses of all partners, officers, 15620
directors, trustees, or managers of the organization, and the 15621
limitation of the liability of any partner or member; and if the 15622
applicant is a corporation, a list of its officers and 15623
directors, and the residence and business addresses of each, 15624
and, if it is a foreign corporation, a copy of its articles of 15625
incorporation in addition; 15626

(3) The location and addresses of the principal office and 15627
all other offices of the applicant; 15628

(4) A general description of the business of the applicant 15629
prior to the application, including a list of states in which 15630
the applicant is a licensed foreign real estate dealer; 15631

(5) The names and addresses of all salespersons of the 15632

applicant at the date of the application; 15633

(6) The nature of the business of the applicant, and its 15634
places of business, for the ten-year period preceding the date 15635
of application. 15636

(B) Every nonresident applicant shall name a person within 15637
this state upon whom process against the applicant may be served 15638
and shall give the complete residence and business address of 15639
the person designated. Every applicant shall file an irrevocable 15640
written consent, executed and acknowledged by an individual duly 15641
authorized to give such consent, that actions growing out of a 15642
fraud committed by the applicant in connection with the sale in 15643
this state of foreign real estate may be commenced against it, 15644
in the proper court of any county in this state in which a cause 15645
of action for such fraud may arise or in which the plaintiff in 15646
such action may reside, by serving on the secretary of state any 15647
proper process or pleading authorized by the laws of this state, 15648
in the event that the applicant if a resident of this state, or 15649
the person designated by the nonresident applicant, cannot be 15650
found at the address given. The consent shall stipulate that the 15651
service of process on the secretary of state shall be taken in 15652
all courts to be as valid and binding as if service had been 15653
made upon the foreign real estate dealer. If the applicant is a 15654
corporation or an unincorporated association, the consent shall 15655
be accompanied by a certified copy of the resolution of the 15656
board of directors, trustees, or managers of the corporation or 15657
association, authorizing such individual to execute the consent. 15658

(C) The superintendent may investigate any applicant for a 15659
dealer's license, and may require any additional information the 15660
superintendent considers necessary to determine the 15661
qualifications of the applicant to act as a foreign real estate 15662

dealer. If the application for a dealer's license involves 15663
investigation outside this state, the superintendent may require 15664
the applicant to advance sufficient funds to pay any of the 15665
actual expenses of the investigation, and an itemized statement 15666
of such expense shall be furnished to the applicant. 15667

(D) Every applicant shall take a written examination, 15668
prescribed and conducted by the superintendent, which covers the 15669
applicant's knowledge of the principles of real estate practice, 15670
real estate law, financing and appraisal, real estate 15671
transactions and instruments relating to them, canons of 15672
business ethics relating to real estate transactions, and the 15673
duties of foreign real estate dealers and salespersons. The fee 15674
for the examination, when administered by the superintendent, is 15675
one hundred one dollars. If the applicant does not appear for 15676
the examination, the fee shall be forfeited and a new 15677
application and fee shall be filed, unless good cause for the 15678
failure to appear is shown to the superintendent. ~~The~~ 15679
~~requirement of an examination may be waived in whole or in part~~ 15680
~~by the superintendent if an applicant is licensed as a real~~ 15681
~~estate broker by any state.~~ 15682

Any applicant who fails the examination twice shall wait 15683
six months before applying to retake the examination. 15684

(E) No person shall take the foreign real estate dealer's 15685
examination who has not established to the satisfaction of the 15686
superintendent that the person: 15687

(1) Has not been convicted of a disqualifying offense as 15688
determined in accordance with section 9.79 of the Revised Code; 15689

(2) Has not been finally adjudged by a court to have 15690
violated any municipal, state, or federal civil rights laws 15691

relevant to the protection of purchasers or sellers of real 15692
estate or, if the applicant has been so adjudged, at least two 15693
years have passed since the court decision and the 15694
superintendent has disregarded the adjudication because the 15695
applicant has proven, by a preponderance of the evidence, that 15696
the applicant's activities and employment record since the 15697
adjudication show that the applicant is honest and truthful, and 15698
there is no basis in fact for believing that the applicant again 15699
will violate the laws involved; 15700

(3) Has not, during any period for which the applicant was 15701
licensed under this chapter or any former section of the Revised 15702
Code applicable to licensed foreign real estate dealers or 15703
salespersons, violated any provision of, or any rule adopted 15704
pursuant to, this chapter or that section, or, if the applicant 15705
has violated any such provision or rule, has established to the 15706
satisfaction of the superintendent that the applicant will not 15707
again violate the provision or rule. 15708

(F) ~~If Except as provided in division (H) of this section,~~ 15709
if the superintendent finds that an applicant for a license as a 15710
foreign real estate dealer, or each named member, manager, or 15711
officer of a partnership, association, or corporate applicant is 15712
at least eighteen years of age, has passed the examination 15713
required under this section ~~or has had the requirement of an~~ 15714
~~examination waived~~, and appears otherwise qualified, the 15715
superintendent shall issue a license to the applicant to engage 15716
in business in this state as a foreign real estate dealer. 15717
Dealers licensed pursuant to this section shall employ as 15718
salespersons of foreign real estate only persons licensed 15719
pursuant to section 4735.28 of the Revised Code. If at any time 15720
such salespersons resign or are discharged or new salespersons 15721
are added, the dealer forthwith shall notify the superintendent 15722

and shall file with the division of real estate the names and 15723
addresses of new salespersons. 15724

(G) If the applicant merely is renewing the applicant's 15725
license for the previous year, the application need contain only 15726
the information required by divisions (A) (2), (3), and (6) of 15727
this section. 15728

(H) The superintendent shall issue a license to engage in 15729
business in this state as a foreign real estate dealer in 15730
accordance with Chapter 4796. of the Revised Code to an 15731
applicant if either of the following applies: 15732

(1) The applicant holds a license in another state. 15733

(2) The applicant has satisfactory work experience, a 15734
government certification, or a private certification as 15735
described in that chapter as a foreign real estate dealer in a 15736
state that does not issue that license. 15737

Sec. 4735.28. (A) An application to act as a foreign real 15738
estate salesperson shall be in writing and filed with the 15739
superintendent of real estate. It shall be in the form the 15740
superintendent prescribes and shall contain the following 15741
information: 15742

(1) The name and complete residence and business addresses 15743
of the applicant; 15744

(2) The name of the foreign real estate dealer who is 15745
employing the applicant or who intends to employ the applicant; 15746

(3) The age and education of the applicant, and the 15747
applicant's experience in the sale of foreign real estate; 15748
whether the applicant has ever been licensed by the 15749
superintendent, and if so, when; whether the applicant has ever 15750

been refused a license by the superintendent; and whether the 15751
applicant has ever been licensed or refused a license or any 15752
similar permit by any division or superintendent of real estate, 15753
by whatsoever name known or designated, anywhere; 15754

(4) The nature of the employment, and the names and 15755
addresses of the employers, of the applicant for the period of 15756
ten years immediately preceding the date of the application. 15757

(B) Every applicant shall take a written examination, 15758
prescribed and conducted by the superintendent, which covers the 15759
applicant's knowledge of the principles of real estate practice, 15760
real estate law, financing and appraisal, real estate 15761
transactions and instruments relating to them, canons of 15762
business ethics relating to real estate transactions, and the 15763
duties of foreign real estate salespersons. The fee for the 15764
examination, when administered by the superintendent, is sixty- 15765
eight dollars. If the applicant does not appear for the 15766
examination, the fee shall be forfeited and a new application 15767
and fee shall be filed, unless good cause for the failure to 15768
appear is shown to the superintendent. ~~The requirement of an 15769
examination may be waived in whole or in part by the 15770
superintendent if an applicant is licensed as a real estate 15771
broker or salesperson by any state. 15772~~

Any applicant who fails the examination twice shall wait 15773
six months before applying to retake the examination. 15774

(C) No person shall take the foreign real estate 15775
salesperson's examination who has not established to the 15776
satisfaction of the superintendent that the person: 15777

(1) Has not been convicted of a disqualifying offense as 15778
determined in accordance with section 9.79 of the Revised Code; 15779

(2) Has not been finally adjudged by a court to have 15780
violated any municipal, state, or federal civil rights laws 15781
relevant to the protection of purchasers or sellers of real 15782
estate or, if the applicant has been so adjudged, at least two 15783
years have passed since the court decision and the 15784
superintendent has disregarded the adjudication because the 15785
applicant has proven, by a preponderance of the evidence, that 15786
the applicant's activities and employment record since the 15787
adjudication show that the applicant is honest and truthful, and 15788
there is no basis in fact for believing that the applicant will 15789
again violate the laws; 15790

(3) Has not, during any period for which the applicant was 15791
licensed under this chapter or any former section of the Revised 15792
Code applicable to licensed foreign real estate dealers or 15793
salespersons, violated any provision of, or any rule adopted 15794
pursuant to, this chapter or that section, or, if the applicant 15795
has violated any such provision or rule, has established to the 15796
satisfaction of the superintendent that the applicant will not 15797
again violate the provision or rule. 15798

(D) Every salesperson of foreign real estate shall be 15799
licensed by the superintendent of real estate and shall be 15800
employed only by the licensed foreign real estate dealer 15801
specified on the salesperson's license. 15802

(E) If the superintendent finds that the applicant appears 15803
to be qualified to act as a foreign real estate salesperson, and 15804
has fully complied with the provisions of this chapter, and that 15805
the dealer in the application is a licensed foreign real estate 15806
dealer, the superintendent, upon payment of the fees prescribed 15807
by section 4735.15 of the Revised Code, shall issue a license to 15808
the applicant authorizing the applicant to act as a salesperson 15809

for the dealer named in the application. 15810

(F) The superintendent shall issue a license to act as a salesperson of foreign real estate in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 15811
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(1) The applicant holds a license in another state. 15815

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as acting as a salesperson of foreign real estate in a state that does not issue that license. 15816
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Sec. 4736.10. ~~Any~~ (A) Except as provided in division (B) of this section, any person who meets the educational qualifications of division (A), (B), or (C) of section 4736.08 of the Revised Code, but does not meet the experience requirement of such division may make application to the director of health on a form prescribed by the director for registration as an environmental health specialist in training. The director shall register the person as an environmental health specialist in training upon payment of the fee required by section 4736.12 of the Revised Code. 15820
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(B) The director shall issue an environmental health specialist in training registration in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 15830
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(1) The applicant holds a license or registration in another state. 15834
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(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as an environmental health specialist 15836
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in training in a state that does not issue that license or 15839
registration. 15840

(C) An environmental health specialist in training shall 15841
apply for registration as an environmental health specialist 15842
within three years after registration as an environmental health 15843
specialist in training. The director may extend the registration 15844
of any environmental health specialist in training who 15845
furnishes, in writing, sufficient cause for not applying for 15846
registration as an environmental health specialist within the 15847
three-year period. However, the director shall not extend the 15848
registration more than an additional two years beyond the three- 15849
year period. 15850

Sec. 4736.14. The director of health ~~may, upon application-~~ 15851
~~and proof of valid registration, shall~~ issue a certificate of 15852
registration in accordance with Chapter 4796. of the Revised 15853
Code to any a person who if either of the following applies: 15854

(A) The person is or has been registered as an 15855
environmental health specialist by any other state, ~~if the-~~ 15856
~~requirements of that state at the time of such registration are-~~ 15857
~~determined by the director to be at least equivalent to the-~~ 15858
~~requirements of this chapter.~~ 15859

(B) The person has satisfactory work experience, a 15860
government certification, or a private certification as 15861
described in that chapter as an environmental health specialist 15862
in a state that does not issue that certificate of registration. 15863

Sec. 4740.05. Each specialty section of the Ohio 15864
construction industry licensing board, other than the 15865
administrative section, shall do all of the following: 15866

(A) Adopt rules in accordance with Chapter 119. of the 15867

Revised Code that are limited to the following:	15868
(1) Criteria for the section to use in evaluating the qualifications of an individual;	15869 15870
(2) Criteria for the section to use in deciding whether to issue, renew, suspend, revoke, or refuse to issue or renew a license;	15871 15872 15873
(3) The determinations and approvals the section makes under the reciprocity provision of section 4740.08 of the Revised Code;	15874 15875 15876
(4) Criteria for continuing education courses conducted pursuant to this chapter;	15877 15878
(5) <u>(4)</u> A requirement that any training agency seeking approval to provide continuing education courses submit the required information to the appropriate specialty section of the board at least thirty days, but not more than one year, prior to the date on which the course is proposed to be offered;	15879 15880 15881 15882 15883
(6) <u>(5)</u> A prohibition against any training agency providing a continuing education course unless the administrative section of the board approved that training agency not more than one year prior to the date the course is offered;	15884 15885 15886 15887 15888
(7) <u>(6)</u> A list of disqualifying offenses pursuant to sections 9.79, 4740.06, 4740.10, and 4776.10 of the Revised Code.	15889 15890 15891
(B) Investigate allegations in reference to violations of this chapter and the rules adopted pursuant to it that pertain to the specialty section and determine by rule a procedure to conduct investigations and hearings on these allegations;	15892 15893 15894 15895

(C) Maintain a record of its proceedings;	15896
(D) Grant approval to a training agency to offer continuing education courses pursuant to rules the board adopts;	15897 15898
(E) As required, do all things necessary to carry out this chapter;	15899 15900
(F) Establish or approve a continuing education curriculum for license renewal for each class of contractors for which the section has primary responsibility. No curriculum may require more than five hours per year in specific course requirements. No contractor may be required to take more than ten hours per year in continuing education courses. The ten hours shall be the aggregate of hours of continuing education for all licenses the contractor holds.	15901 15902 15903 15904 15905 15906 15907 15908
(G) Design the examination for the type of contractor the specialty section licenses to determine an applicant's competence to perform that type of contracting.	15909 15910 15911
Sec. 4740.06. (A) Any individual who applies for a license shall file a written application with the appropriate specialty section of the Ohio construction industry licensing board, accompanied with the application fee as determined pursuant to section 4740.09 of the Revised Code. The application shall be on the form the section prescribes and verified by the applicant's oath. The applicant shall provide information satisfactory to the section showing that the applicant meets the requirements of division (B), (C), or (D) of this section.	15912 15913 15914 15915 15916 15917 15918 15919 15920
(B) To qualify to take an examination, an individual shall:	15921 15922
(1) Be at least eighteen years of age;	15923

- (2) Be a United States citizen or legal alien who produces valid documentation to demonstrate the individual is a legal resident of the United States; 15924
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- (3) Either have been a tradesperson in the type of licensed trade for which the application is filed for not less than five years immediately prior to the date the application is filed, be a currently registered engineer in this state with three years of business experience in the construction industry in the trade for which the engineer is applying to take an examination, or have other experience acceptable to the appropriate specialty section of the board; 15927
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- (4) Maintain contractor's liability insurance in an amount the appropriate specialty section of the board determines and only in one contracting company name; 15935
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15937
- (5) Not have done any of the following: 15938
- (a) Violated this chapter or any rule adopted pursuant to it; 15939
15940
- (b) Obtained or renewed a license issued pursuant to this chapter, or any order, ruling, or authorization of the board or a section of the board by fraud, misrepresentation, or deception; 15941
15942
15943
15944
- (c) Engaged in fraud, misrepresentation, or deception in the conduct of business. 15945
15946
- (C) For an individual who holds an out-of-state occupational license, as defined in section 4796.01 of the Revised Code, that is substantially similar to the license for which the individual is applying under this chapter, to qualify to take an examination, an individual shall: 15947
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15951

(1) Provide proof that the individual was issued at least five authorizations for construction, erection, equipment, alteration, or addition of any building by an authority with responsibility for enforcing building regulations in the jurisdiction where the individual holds the out-of-state occupational license; 15952
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(2) Provide at least one tax return that reflects income earned for services provided under the individual's out-of-state occupational license; 15958
15959
15960

(3) Provide proof that the contracting company with whom the individual is employed in the jurisdiction where the individual holds the out-of-state occupational license is either of the following: 15961
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15964

(a) Licensed as a foreign corporation under section 1703.04 of the Revised Code and has designated an agent in this state in accordance with section 1703.041 of the Revised Code; 15965
15966
15967

(b) Registered as a foreign limited liability company under section 1706.511 of the Revised Code and has designated an agent in this state in accordance with section 1706.09 of the Revised Code. 15968
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(4) Meet the requirements described in divisions (B) (1), (2), (4), and (5) of this section. 15972
15973

(D) (1) For an individual who has been actively engaged in activities in the service of the uniformed services, as defined in section 4796.01 of the Revised Code, that are substantially similar to the activities for which the license the individual is applying under this chapter is required, to qualify to take an examination, an individual shall: 15974
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(a) Provide proof that the individual was actively engaged 15980

in the activities in the service of the uniformed services for 15981
at least three of the five years immediately preceding the date 15982
the application is submitted; 15983

(b) Meet the requirements described in divisions (B) (1), 15984
(2), (4), and (5) of this section. 15985

(2) Each specialty section of the board may adopt a rule 15986
in accordance with Chapter 119. of the Revised Code to waive the 15987
requirement that an applicant under division (D) (1) (a) of this 15988
section has been actively engaged in the activity for three of 15989
the five years immediately preceding the date the application is 15990
submitted. 15991

(E) The board secretary, or the secretary's designee, 15992
shall approve an application for examination submitted under 15993
division (C) or (D) of this section within thirty days after 15994
receiving a complete application that meets the requirements of 15995
that division. 15996

(F) When an applicant for licensure as a contractor in a 15997
licensed trade meets the qualifications set forth in division 15998
(B), (C), or (D) of this section and passes the required 15999
examination, the appropriate specialty section of the board, 16000
within ninety days after the application was filed, shall 16001
authorize the administrative section of the board to license the 16002
applicant for the type of contractor's license for which the 16003
applicant qualifies. A specialty section of the board may 16004
withdraw its authorization to the administrative section for 16005
issuance of a license for good cause shown, on the condition 16006
that notice of that withdrawal is given prior to the 16007
administrative section's issuance of the license. 16008

~~(D) (1) (G) (1)~~ Except as provided in division ~~(D) (2) (G) (2)~~ 16009

of this section, if an applicant does not pass the required 16010
examination, the applicant may retake the examination not less 16011
than sixty days after the applicant's most recent examination. 16012

(2) An applicant who does not pass the required 16013
examination after taking the examination five times under this 16014
section shall reapply for a license under division (A) of this 16015
section before retaking the required examination any subsequent 16016
time. 16017

~~(E)~~ (H) All licenses a contractor holds pursuant to this 16018
chapter shall expire annually on the same date, which shall be 16019
the expiration date of the original license the contractor 16020
holds. An individual holding a valid, unexpired license may 16021
renew the license, without reexamination, by submitting an 16022
application to the appropriate specialty section of the board 16023
not more than ninety calendar days before the expiration of the 16024
license, along with the renewal fee the specialty section 16025
requires and proof of compliance with the applicable continuing 16026
education requirements. The applicant shall provide information 16027
in the renewal application satisfactory to demonstrate to the 16028
appropriate specialty section that the applicant continues to 16029
meet the requirements of ~~division (B)~~ divisions (B) (2), (4), and 16030
(5) of this section. 16031

Upon application and within one calendar year after a 16032
license has expired, a section may waive any of the requirements 16033
for renewal of a license upon finding that an applicant 16034
substantially meets the renewal requirements or that failure to 16035
timely apply for renewal is due to excusable neglect. A section 16036
that waives requirements for renewal of a license may impose 16037
conditions upon the licensee and assess a late filing fee of not 16038
more than double the usual renewal fee. An applicant shall 16039

satisfy any condition the section imposes before a license is 16040
reissued. 16041

~~(F)~~ (I) An individual holding a valid license may request 16042
the section of the board that authorized that license to place 16043
the license in inactive status under conditions, and for a 16044
period of time, as that section determines. 16045

~~(G)~~ (J) Except for the ninety-day extension provided for a 16046
license assigned to a contracting company under division (D) of 16047
section 4740.07 of the Revised Code, a license held by an 16048
individual immediately terminates upon the death of the 16049
individual. 16050

~~(H)~~ (K) Nothing in any license issued by the Ohio 16051
construction industry licensing board shall be construed to 16052
limit or eliminate any requirement of or any license issued by 16053
the Ohio fire marshal. 16054

~~(I) (1)~~ (L) (1) Subject to division ~~(I) (3)~~ (L) (3) of this 16055
section, no specialty section of the board shall adopt, 16056
maintain, renew, or enforce any rule, or otherwise preclude in 16057
any way, an individual from renewing a license under this 16058
chapter due to any past criminal activity or interpretation of 16059
moral character. If the specialty section denies an individual a 16060
license renewal, the reasons for such denial shall be put in 16061
writing. 16062

(2) The section may refuse to issue a license to an 16063
applicant because of a conviction of or plea of guilty to an 16064
offense if the refusal is in accordance with section 9.79 of the 16065
Revised Code. 16066

(3) In considering a renewal of an individual's license, 16067
the section shall not consider any conviction or plea of guilty 16068

prior to the initial licensing. However, the board may consider 16069
a conviction or plea of guilty if it occurred after the 16070
individual was initially licensed, or after the most recent 16071
license renewal. 16072

(4) The section may grant an individual a conditional 16073
license that lasts for one year. After the one-year period has 16074
expired, the license is no longer considered conditional, and 16075
the individual shall be considered fully licensed. 16076

~~(J)~~ (M) Notwithstanding divisions ~~(E)~~ (H) and ~~(I)~~ (L) of 16077
this section and sections 4740.04 and 4740.05 of the Revised 16078
Code, the board may establish rules that amend the continuing 16079
education requirements and license renewal schedule for 16080
licensees as provided in or adopted pursuant to those sections 16081
for the purpose of establishing a compliance incentive program. 16082
These rules may include provisions for the creation of the 16083
program and the qualifications, continuing education 16084
requirements, and renewal schedule for the program. 16085

Sec. 4741.12. (A) The state veterinary medical licensing 16086
board shall issue a license to practice veterinary medicine in 16087
accordance with Chapter 4796. of the Revised Code to an 16088
applicant if either of the following applies: 16089

(1) The applicant holds a license in another state. 16090

(2) The applicant has satisfactory work experience, a 16091
government certification, or a private certification as 16092
described in that chapter in the practice of veterinary medicine 16093
in a state that does not issue that license. 16094

(B) The board may issue a license to practice veterinary 16095
medicine without the examination required pursuant to section 16096
4741.11 of the Revised Code to an applicant from another ~~state,~~ 16097

~~territory, country, or the District of Columbia~~ who furnishes 16098
satisfactory proof to the board that the applicant meets all of 16099
the following criteria: 16100

~~(A)~~ (1) The applicant is a graduate of a veterinary 16101
college accredited by the American veterinary medical 16102
association or holds a certificate issued, on or after May 1, 16103
1987, by the education commission for foreign veterinary 16104
graduates of the American veterinary medical association or 16105
issued by any other nationally recognized certification program 16106
the board approves by rule. 16107

~~(B)~~ (2) The applicant holds a license, which is not under 16108
suspension, revocation, or other disciplinary action, issued by 16109
an agency similar to this board of another ~~state, territory,~~ 16110
~~country, or the District of Columbia,~~ having requirements 16111
equivalent to those of this state, provided the laws of such 16112
~~state, territory, country, or district~~ accord equal rights to 16113
the holder of a license to practice in this state who removes to 16114
such ~~state, territory, country, or district.~~ 16115

~~(C)~~ (3) The applicant is not under investigation for an 16116
act which would constitute a violation of this chapter that 16117
would require the revocation of or refusal to renew a license. 16118

~~(D)~~ (4) The applicant has a thorough knowledge of the laws 16119
and rules governing the practice of veterinary medicine in this 16120
state, as determined by the board. 16121

Sec. 4741.13. The state veterinary medical licensing board 16122
may issue a limited license to practice veterinary medicine to 16123
~~an~~ a nonresident individual whose sole professional capacity is 16124
with a veterinary academic institution or veterinary technology 16125
institution recognized by the board in accordance with rules the 16126

board adopts or with a government diagnostic laboratory. A 16127
person holding a limited license is authorized to engage in the 16128
practice of veterinary medicine only to the extent necessary to 16129
fulfill the person's employment or educational obligations as an 16130
instructor, researcher, diagnostician, intern, resident in a 16131
veterinary specialty, or graduate student. 16132

The board may issue a limited license to ~~an~~ a nonresident 16133
applicant who submits a completed application on a form 16134
prescribed by the board, pays the applicable fee prescribed in 16135
section 4741.17 of the Revised Code, and meets the criteria 16136
established by the board. The board shall not require an 16137
individual issued a limited license under this section to obtain 16138
a license under Chapter 4796. of the Revised Code. 16139

Sec. 4741.14. The state veterinary medical licensing board 16140
may issue, without the examination required pursuant to section 16141
4741.11 of the Revised Code, a temporary permit to practice 16142
veterinary medicine to a nonresident veterinarian holding a 16143
license which is not revoked, suspended, expired, or under any 16144
restrictions and is otherwise in good standing from another 16145
state, territory, or the District of Columbia, provided that a 16146
veterinarian who holds a current license in this state applies 16147
for the temporary permit for the veterinarian. The board shall 16148
not require a veterinarian issued a temporary permit under this 16149
section to obtain a license under Chapter 4796. of the Revised 16150
Code. 16151

A temporary permit issued pursuant to this section only 16152
authorizes the permit holder to act as a veterinary consultant 16153
or to provide veterinary medical services in this state for a 16154
specific animal or animals. When using the services of a 16155
veterinary consultant, the responsibility for the care and 16156

treatment of the patient remains with the veterinarian who holds 16157
a current license in this state and who is providing treatment, 16158
or consultation as to treatment, to the patient. The board shall 16159
determine by rule the specific purposes for which it may issue a 16160
temporary permit and the duration of the permit, not to exceed 16161
six months, under rules it adopts pursuant to Chapter 119. of 16162
the Revised Code. No more than two temporary permits may be 16163
issued pursuant to this section to any one applicant. Any 16164
subsequent applications shall be made pursuant to section 16165
4741.12 of the Revised Code. 16166

Sec. 4741.15. (A) A person who has done both of the 16167
following may submit an application to the state veterinary 16168
medical licensing board for a provisional veterinary graduate 16169
license: 16170

(1) Graduated from a veterinary college approved by the 16171
board; 16172

(2) Applied for and is waiting to take a nationally 16173
recognized examination approved by the board for a license to 16174
practice veterinary medicine. 16175

The application shall be on a form that the board 16176
prescribes and shall contain any information that the board 16177
requires together with a letter or letters of recommendation 16178
from a licensed veterinarian or veterinarians who will be 16179
directly supervising and responsible for the applicant as 16180
provided in division (C) of this section. The applicant shall 16181
include with the application the fee established in section 16182
4741.17 of the Revised Code. 16183

(B) The board may issue a provisional veterinary graduate 16184
license to an applicant who has satisfied the requirements 16185

established in division (A) of this section. The board shall 16186
issue a provisional veterinary graduate license in accordance 16187
with Chapter 4796. of the Revised Code to an applicant if the 16188
applicant holds a license in another state or has satisfactory 16189
work experience, a government certification, or a private 16190
certification as described in that chapter in performing or 16191
assisting in medical treatments, diagnoses, and surgeries under 16192
veterinary supervision in a state that does not issue that 16193
license. A provisional veterinary graduate license is valid for 16194
six months following the date of its issuance and is not 16195
renewable. 16196

(C) A person who holds a provisional veterinary graduate 16197
license may perform or assist in medical treatments, diagnosis, 16198
and surgery on a patient only under the direct veterinary 16199
supervision of the veterinarian or veterinarians who provided 16200
the letter or letters of recommendation accompanying the 16201
person's application under division (A) of this section and may 16202
engage in other duties related to the practice of veterinary 16203
medicine only under veterinary supervision. 16204

(D) No person who holds a provisional veterinary graduate 16205
license shall be represented, explicitly or implicitly, as being 16206
a licensed veterinarian. 16207

(E) The board may revoke a provisional veterinary graduate 16208
license if the person who holds the license violates division 16209
(C) or (D) of this section. 16210

Sec. 4741.19. (A) Unless exempted under this chapter, no 16211
person shall practice veterinary medicine, or any of its 16212
branches, without a license or limited license issued by the 16213
state veterinary medical licensing board pursuant to sections 16214
4741.11 to 4741.13 of the Revised Code, a temporary permit 16215

issued pursuant to section 4741.14 of the Revised Code, or a 16216
registration certificate issued pursuant to division (C) of this 16217
section, or with an inactive, expired, suspended, terminated, or 16218
revoked license, temporary permit, or registration. 16219

(B) No veterinary student shall: 16220

(1) Perform or assist surgery unless under direct 16221
veterinary supervision and unless the student has had the 16222
minimum education and experience prescribed by rule of the 16223
board; 16224

(2) Engage in any other work related to the practice of 16225
veterinary medicine unless under veterinary supervision; 16226

(3) Participate in the operation of a branch office, 16227
clinic, or allied establishment unless a licensed veterinarian 16228
is present on the establishment premises. 16229

(C) No person shall act as a registered veterinary 16230
technician unless the person is registered with the board on a 16231
biennial basis and pays the biennial registration fee. A 16232
registered veterinary technician registration expires biennially 16233
on the first day of March in the odd-numbered years and may be 16234
renewed in accordance with the standard renewal procedures 16235
contained in Chapter 4745. of the Revised Code upon payment of 16236
the biennial registration fee and fulfillment of ten continuing 16237
education hours during the two years immediately preceding 16238
renewal for registration. Each registered veterinary technician 16239
shall notify in writing the executive director of the board of 16240
any change in the registered veterinary technician's office 16241
address or employment within ninety days after the change has 16242
taken place. 16243

(1) A registered veterinary technician operating under 16244

veterinary supervision may perform the following duties:	16245
(a) Prepare or supervise the preparation of patients,	16246
instruments, equipment, and medications for surgery;	16247
(b) Collect or supervise the collection of specimens and	16248
perform laboratory procedures as required by the supervising	16249
veterinarian;	16250
(c) Apply wound dressings, casts, or splints as required	16251
by the supervising veterinarian;	16252
(d) Assist a veterinarian in immunologic, diagnostic,	16253
medical, and surgical procedures;	16254
(e) Suture skin incisions;	16255
(f) Administer or supervise the administration of topical,	16256
oral, or parenteral medication under the direction of the	16257
supervising veterinarian;	16258
(g) Other ancillary veterinary technician functions that	16259
are performed pursuant to the order and control and under the	16260
full responsibility of a licensed veterinarian.	16261
(h) Any additional duties as established by the board in	16262
rule.	16263
(2) A registered veterinary technician operating under	16264
direct veterinary supervision may perform all of the following:	16265
(a) Induce and monitor general anesthesia according to	16266
medically recognized and appropriate methods;	16267
(b) Dental prophylaxis, periodontal care, and extraction	16268
not involving sectioning of teeth or resection of bone or both	16269
of these;	16270
(c) Equine dental procedures, including the floating of	16271

molars, premolars, and canine teeth; removal of deciduous teeth; 16272
and the extraction of first premolars or wolf teeth. 16273

The degree of supervision by a licensed veterinarian over 16274
the functions performed by the registered veterinary technician 16275
shall be consistent with the standards of generally accepted 16276
veterinary medical practices. 16277

(3) The board shall issue a registration to be a 16278
veterinary technician in accordance with Chapter 4796. of the 16279
Revised Code to an applicant if either of the following applies: 16280

(a) The applicant holds a similar registration or license 16281
in another state. 16282

(b) The applicant has satisfactory work experience, a 16283
government certification, or a private certification as 16284
described in that chapter as a veterinary technician in a state 16285
that does not issue that registration or license. 16286

(D) A veterinarian licensed to practice in this state 16287
shall not present the person's self as or state a claim that the 16288
person is a specialist unless the veterinarian has previously 16289
met the requirements for certification by a specialty 16290
organization recognized by the American board of veterinary 16291
specialties for a specialty or such other requirements set by 16292
rule of the board and has paid the fee required by division (A) 16293
(10) of section 4741.17 of the Revised Code. 16294

The board shall issue a certification as a veterinary 16295
specialist in accordance with Chapter 4796. of the Revised Code 16296
to an applicant if the applicant holds a certification as a 16297
specialist in another state or has satisfactory work experience, 16298
a government certification, or a private certification as 16299
described in that chapter as a veterinary specialist in a state 16300

that does not issue that certification. 16301

(E) Notwithstanding division (A) of this section, any 16302
animal owner or the owner's designee may engage in the practice 16303
of embryo transfer on the owner's animal if a licensed 16304
veterinarian directly supervises the owner or the owner's 16305
designee and the means used to perform the embryo transfer are 16306
nonsurgical. 16307

(F) Allied medical support may assist a licensed 16308
veterinarian to the extent to which the law that governs the 16309
individual providing the support permits, if all of the 16310
following apply: 16311

(1) A valid veterinary-client-patient-relationship exists. 16312

(2) The individual acts under direct veterinary 16313
supervision. 16314

(3) The allied medical support individual receives 16315
informed, written, client consent. 16316

(4) The veterinarian maintains responsibility for the 16317
patient and keeps the patient's medical records. 16318

The board may inspect the facilities of an allied medical 16319
support individual in connection with an investigation based on 16320
a complaint received in accordance with section 4741.26 of the 16321
Revised Code involving that individual. 16322

Sec. 4743.04. (A) The renewal of a license or other 16323
authorization to practice a trade or profession issued under 16324
Title XLVII of the Revised Code is subject to the provisions of 16325
section 5903.10 of the Revised Code relating to service in the 16326
armed forces. 16327

(B) Continuing education requirements applicable to the 16328

licensees under Title XLVII of the Revised Code are subject to 16329
the provisions of section 5903.12 of the Revised Code relating 16330
to active duty military service. 16331

~~(C) A department, agency, or office of any political 16332
subdivision of this state that issues a license or certificate 16333
to practice a trade or profession may, pursuant to rules adopted 16334
by the department, agency, or office, issue a temporary license 16335
or certificate to practice the trade or profession to a person 16336
whose spouse is on active military duty in this state. 16337~~

~~(D)~~ A department, agency, or office of this state that 16338
issues a license or certificate to practice a trade or 16339
profession shall issue a temporary license or certificate to 16340
practice the trade or profession as provided in section 4743.041 16341
of the Revised Code. 16342

~~(E)~~ (D) The issuance of a license or other authorization 16343
to practice a trade or profession issued under Title XLVII of 16344
the Revised Code is subject to the provisions of section 5903.03 16345
of the Revised Code relating to service in the armed forces. 16346

Sec. 4743.041. (A) As used in this section: 16347

"Active guard and reserve" has the meaning defined in 10 16348
U.S.C. 101. 16349

"Military duty" includes service in the uniformed services 16350
on active duty, in the active guard and reserve, and as a 16351
military technician dual status under 10 U.S.C. 10216. 16352

"Uniformed services" has the meaning defined in 10 U.S.C. 16353
101. 16354

(B) Pursuant to division ~~(D)~~ (C) of section 4743.04 of the 16355
Revised Code, a department, agency, or office of this state 16356

shall issue a temporary license or certificate to practice a 16357
trade or profession to an individual, provided that all of the 16358
following qualifications are met: 16359

(1) The individual holds a valid license or certificate to 16360
practice the trade or profession issued by any other state or 16361
jurisdiction; 16362

(2) The individual is in good standing in the state or 16363
jurisdiction of licensure or certification; 16364

(3) The individual presents adequate proof to the 16365
department, agency, or office of this state that the individual 16366
or the individual's spouse is on military duty in this state; 16367
and 16368

(4) The individual complies with sections 4776.01 to 16369
4776.04 of the Revised Code if a department, agency, or office 16370
of this state requires an applicant under the law governing the 16371
applicable trade or profession to submit to a criminal records 16372
check to receive a license or certificate. 16373

(C) A department, agency, or office of this state may, 16374
under this section, issue a regular license or certificate in 16375
lieu of issuing a temporary license or certificate, provided 16376
that the applicant meets the requirements of this section, and 16377
provided that the regular license is issued by the deadline 16378
specified in division (D) of this section. 16379

(D) If the department, agency, or office of this state 16380
requires an individual under the law governing the applicable 16381
trade or profession to submit to a criminal records check to 16382
receive a license or certificate, and the individual applies for 16383
a license or certificate under this section, the department, 16384
agency, or office of this state shall, within twenty-four hours 16385

after receiving the report under division (A) of section 4776.04 16386
of the Revised Code, notify the applicant that the department, 16387
agency, or office of this state has received the results of a 16388
criminal records check. A department, agency, or office of this 16389
state shall issue a temporary license or certificate or a 16390
regular license under this section, provided that the applicant 16391
meets the requirements of this section, within thirty days of 16392
having received an application, or, if the applicant is subject 16393
to a criminal records check, within fourteen days of having 16394
received the results of a criminal records check. If the 16395
department, agency, or office of this state finds that the 16396
individual is under investigation by the licensing agency of any 16397
other state or jurisdiction, the department, agency, or office 16398
of this state may postpone issuing the license or certificate 16399
until the investigation is complete and the licensing agency of 16400
the other state or jurisdiction confirms that the individual is 16401
in good standing. The department, agency, or office of this 16402
state shall verify the standing of the license or certificate 16403
issued by another state or jurisdiction when the temporary 16404
license is up for renewal. No temporary license shall be valid 16405
for a period of more than six years. 16406

(E) A department, agency, or office of this state shall, 16407
in accordance with Chapter 119. of the Revised Code, deny an 16408
individual a temporary license or certificate issued under this 16409
section or revoke an individual's temporary license or 16410
certificate issued under this section if any of the following 16411
circumstances occur: 16412

(1) The individual's license or certificate issued by 16413
another state or jurisdiction expires or is revoked, or the 16414
individual is not in good standing; 16415

(2) With respect to an individual who was eligible for a temporary license under this section as the spouse of an individual on military duty, six months have elapsed since the divorce, dissolution, or annulment of the marriage;

(3) The individual is disqualified from obtaining a license in the trade or profession because of a conviction, judicial finding of guilt, or plea of guilty to a disqualifying criminal offense specified on the list the department, agency, or office of this state makes available pursuant to division (C) of section 9.78 of the Revised Code.

(F) An individual with a temporary license or certificate or a regular license issued under this section may practice the trade or profession in this state only within the scope and practice that is permitted under Ohio law and that does not exceed the individual's training.

(G) Notwithstanding any other provision of the Revised Code, a department, agency, or office of this state shall waive all fees associated with the issuance of a temporary license or certificate issued under this section.

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

(I) Each department, agency, or office of this state that issues a license or certificate to practice a trade or profession, shall, upon the conclusion of the state fiscal year, prepare a report on the number and type of temporary licenses or certificates that were issued during the fiscal year under this section. The report shall be provided to the director of

veterans services not later than thirty days after the end of 16445
the fiscal year. The director shall compile the reports and make 16446
them available to the public. 16447

(J) A license or certificate issued under this section 16448
shall be considered a license issued under the laws regulating 16449
the practice of the applicable occupation or profession in this 16450
state. Provisions of law applicable to a license issued to an 16451
applicant who does not obtain a license under this section apply 16452
in the same manner to licenses issued under this section. 16453

(K) Chapter 4796. of the Revised Code does not apply to a 16454
license or certificate issued under this section. 16455

(L) A department, agency, or office of this state shall 16456
not require an individual who meets the requirements of this 16457
section to apply for the license or certificate under Chapter 16458
4796. of the Revised Code. However, the individual may elect to 16459
apply for the license or certificate under Chapter 4796. of the 16460
Revised Code. 16461

Sec. 4747.04. (A) The state speech and hearing 16462
professionals board shall: 16463

(1) Establish the nature and scope of qualifying 16464
examinations in accordance with section 4747.08 of the Revised 16465
Code; 16466

(2) Determine whether persons holding similar valid 16467
licenses from other ~~states or jurisdictions~~ other than other 16468
states shall be required to take and successfully pass the 16469
appropriate qualifying examination as a condition for licensing 16470
in this state; 16471

(3) Review complaints and conduct investigations in 16472
accordance with section 4747.13 of the Revised Code and hold any 16473

hearings that are necessary to carry out this chapter; 16474

(4) Determine and specify the length of time each license 16475
that is suspended or revoked shall remain suspended or revoked; 16476

(5) Deposit all payments collected under this chapter into 16477
the state treasury to the credit of the occupational licensing 16478
and regulatory fund created in section 4743.05 of the Revised 16479
Code; 16480

(6) Establish a list of disqualifying offenses for 16481
licensure as a hearing aid dealer or fitter, or for a hearing 16482
aid dealer or fitter trainee permit, pursuant to sections 9.79, 16483
4747.05, 4747.10, 4747.12, and 4776.10 of the Revised Code. 16484

(B) The board shall adopt reasonable rules, in accordance 16485
with Chapter 119. of the Revised Code, necessary for the 16486
administration of this chapter. The board shall include all of 16487
the following in those rules: 16488

(1) The amount of any fees required under this chapter; 16489

(2) The information to be included in a hearing aid 16490
receipt provided by a licensed hearing aid dealer or fitter to a 16491
person under section 4747.09 of the Revised Code; 16492

(3) The amount of time a licensed hearing aid dealer or 16493
fitter or trainee permit holder has to provide the notice of a 16494
change in address or addresses required under section 4747.11 of 16495
the Revised Code and any other requirements relating to the 16496
notice; 16497

(4) Any additional conduct for which the board may 16498
discipline a licensee or permit holder under section 4747.12 of 16499
the Revised Code. 16500

(C) Nothing in this section shall be interpreted as 16501

granting to the board the right to restrict advertising which is 16502
not false or misleading, or to prohibit or in any way restrict a 16503
hearing aid dealer or fitter from renting or leasing space from 16504
any person, firm or corporation in a mercantile establishment 16505
for the purpose of using such space for the lawful sale of 16506
hearing aids or to prohibit a mercantile establishment from 16507
selling hearing aids if the sale would be otherwise lawful under 16508
this chapter. 16509

Sec. 4747.05. (A) (1) The state speech and hearing 16510
professionals board shall issue to each applicant, within sixty 16511
days of receipt of a properly completed application and payment 16512
of an application fee set by the board in rules adopted under 16513
section 4747.04 of the Revised Code, a hearing aid dealer's or 16514
fitter's license if the applicant: 16515

~~(1)~~ (a) In the case of an individual, the individual is at 16516
least eighteen years of age, is free of contagious or infectious 16517
disease, and has successfully passed a qualifying examination 16518
specified and administered by the board. 16519

~~(2)~~ (b) In the case of a firm, partnership, association, 16520
or corporation, the application, in addition to such information 16521
as the board requires, is accompanied by an application for a 16522
license for each person, whether owner or employee, of the firm, 16523
partnership, association, or corporation, who engages in dealing 16524
in or fitting of hearing aids, or contains a statement that such 16525
applications are submitted separately. No firm, partnership, 16526
association, or corporation licensed pursuant to this chapter 16527
shall permit any unlicensed person to sell or fit hearing aids. 16528

(2) The board shall issue a hearing aid dealer's or 16529
fitter's license in accordance with Chapter 4796. of the Revised 16530
Code to an applicant if either of the following applies: 16531

- (a) The applicant holds a license in another state. 16532
- (b) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a hearing aid dealer or fitter in a state that does not issue that license. 16533
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- (B) (1) Subject to division (B) (3) of this section, the board shall not adopt or enforce any rule that precludes an individual from renewing a license issued under this chapter due to any past criminal activity, unless the individual has committed a crime of moral turpitude or a disqualifying offense as those terms are defined in section 4776.10 of the Revised Code. The board shall comply with Chapter 119. of the Revised Code when denying an individual a license renewal. 16537
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- (2) The board may refuse to issue a license to an applicant because of a conviction of or plea of guilty to an offense if the refusal is in accordance with section 9.79 of the Revised Code. 16545
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- (3) In considering a renewal of an individual's license, the board shall not consider any conviction or plea of guilty prior to the initial licensing. However, the board may consider a conviction or plea of guilty if it occurred after the individual was initially licensed, or after the most recent license renewal. 16549
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- (4) The board may grant an individual a conditional license that lasts for one year. After the one-year period has expired, the license is no longer considered conditional, and the individual shall be considered fully licensed. 16555
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- (C) (1) Except as provided in division (C) (2) of this section, each license issued is valid from the date of issuance 16559
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until the thirty-first day of December of the even-numbered year 16561
that follows the date of issuance. 16562

(2) A license issued less than one hundred days before the 16563
thirty-first day of December of an even-numbered year is valid 16564
from the date of issuance until the thirty-first day of December 16565
of the even-numbered year that follows the thirty-first day of 16566
December immediately after the date of issuance. 16567

Sec. 4747.10. (A) (1) Each person currently engaged in 16568
training to become a licensed hearing aid dealer or fitter shall 16569
apply to the state speech and hearing professionals board for a 16570
hearing aid dealer's and fitter's trainee permit. The board 16571
shall issue to each applicant within thirty days of receipt of a 16572
properly completed application and payment of an application fee 16573
set by the board in rules adopted under section 4747.04 of the 16574
Revised Code, a trainee permit if such applicant meets all of 16575
the following criteria: 16576

~~(A)~~ (a) Is at least eighteen years of age; 16577

~~(B)~~ (b) Is the holder of a diploma from an accredited high 16578
school or a certificate of high school equivalence issued by the 16579
department of education; 16580

~~(C)~~ (c) Is free of contagious or infectious disease. 16581

(2) The board shall issue a hearing aid dealer's and 16582
fitter's trainee permit in accordance with Chapter 4796. of the 16583
Revised Code to an applicant if either of the following applies: 16584

(a) The applicant holds a permit or license in another 16585
state. 16586

(b) The applicant has satisfactory work experience, a 16587
government certification, or a private certification as 16588

described in that chapter as a hearing aid dealer and fitter 16589
trainee in a state that does not issue that permit or license. 16590

(B) The board shall not deny a trainee permit issued under 16591
this section to any individual based on the individual's past 16592
criminal history unless the denial is in accordance with section 16593
9.79 of the Revised Code. 16594

In considering a renewal of an individual's trainee 16595
permit, the board shall not consider any conviction or plea of 16596
guilty prior to the issuance of the initial trainee permit. 16597
However, the board may consider a conviction or plea of guilty 16598
if it occurred after the individual was initially granted the 16599
trainee permit, or after the most recent trainee permit renewal. 16600
The board shall comply with Chapter 119. of the Revised Code 16601
when denying an individual for a trainee permit or renewal. 16602
Additionally, the board may grant an individual a conditional 16603
trainee permit that lasts for one year. After the one-year 16604
period has expired, the permit is no longer considered 16605
conditional, and the individual shall be considered to be 16606
granted a full trainee permit. 16607

(C) Each trainee permit issued by the board expires one 16608
year from the date it was first issued, and may be renewed once 16609
if the trainee has not successfully completed the qualifying 16610
requirements for licensing as a hearing aid dealer or fitter 16611
before the expiration date of such permit. The board shall issue 16612
a renewed permit to each applicant upon receipt of a properly 16613
completed application and payment of a renewal fee set by the 16614
board in rules adopted under section 4747.04 of the Revised 16615
Code. No person holding a trainee permit shall engage in the 16616
practice of dealing in or fitting of hearing aids except while 16617
under supervision by a licensed hearing aid dealer or fitter. 16618

Sec. 4749.12. (A) A The director of public safety shall 16619
issue a license as a private investigator, security guard 16620
provider, or as a private investigator and a security guard 16621
provider in accordance with Chapter 4796. of the Revised Code to 16622
a person who is a resident of another state, if either of the 16623
following applies: 16624

(A) The person is licensed as a private investigator, 16625
security guard provider, or as a private investigator and a 16626
security guard provider in another state, and wishes to engage 16627
in the business of private investigation, the business of 16628
security services, or both businesses in this state, shall be 16629
licensed pursuant to section 4749.03 of the Revised Code, but 16630
the director of public safety may waive the examination 16631
requirement of that section and issue a license to a nonresident 16632
under the circumstances described in division (B) of this 16633
section. 16634

(B) If a nonresident The person has satisfactory work 16635
experience, a government certification, or a private 16636
certification as described in that chapter as a private 16637
investigator, security guard provider, or a private investigator 16638
and security guard provider seeking licensure under this chapter 16639
submits with the application and accompanying matter specified 16640
in section 4749.03 of the Revised Code proof of licensure in 16641
another state, and if the requirements of divisions (A) (1) (a), 16642
(b), and (d) and, if applicable, (F) (1) of section 4749.03 of 16643
the Revised Code are satisfied and the nonresident meets all 16644
current requirements of the laws of the other state regulating 16645
the business of private investigation, the business of security 16646
services, or both businesses, the director may waive the 16647
examination requirement and fee of that section. This waiver 16648
authority may be exercised only if the director determines that 16649

~~the other state has a law similar to this division and extends-~~ 16650
~~to residents of this state a similar waiver of examination-~~ 16651
~~privilege in a state that does not issue that license.~~ 16652

Sec. 4751.01. As used in this chapter: 16653

(A) "Health-care licensing agency" means any department, 16654
division, board, section of a board, or other government unit 16655
that is authorized by a statute of this or another state to 16656
issue a license, certificate, permit, card, or other authority 16657
to do either of the following in the context of health care: 16658

(1) Engage in a specific profession, occupation, or 16659
occupational activity; 16660

(2) Have charge of and operate certain specified 16661
equipment, machinery, or premises. 16662

(B) "Licensed health services executive" means an 16663
individual who holds a valid health services executive license. 16664

(C) "Licensed nursing home administrator" means an 16665
individual who holds a valid nursing home administrator license. 16666

(D) "Licensed temporary nursing home administrator" means 16667
an individual who holds a valid temporary nursing home 16668
administrator license. 16669

(E) "Long-term services and supports setting" means any 16670
institutional or community-based setting in which medical, 16671
health, psychosocial, habilitative, rehabilitative, or personal 16672
care services are provided to individuals on a post-acute care 16673
basis. 16674

(F) "Nursing home" means a nursing home as defined by or 16675
under the authority of section 3721.01 of the Revised Code, or a 16676
nursing home operated by a governmental agency. 16677

(G) "Nursing home administration" means planning, 16678
organizing, directing, and managing the operation of a nursing 16679
home. 16680

(H) "Nursing home administrator" means any individual who 16681
engages in the practice of nursing home administration, whether 16682
or not the individual shares the functions and duties of nursing 16683
home administration with one or more other individuals. 16684

(I) "Valid health services executive license" means a 16685
health services executive license to which all of the following 16686
apply: 16687

(1) It was issued by the board of executives of long-term 16688
services and supports under section 4751.201, 4751.21, 4751.23, 16689
4751.25, or 4751.33 of the Revised Code; 16690

(2) It was not sold, fraudulently furnished, or 16691
fraudulently obtained in violation of division (F) of section 16692
4751.10 of the Revised Code; 16693

(3) It is current and in good standing. 16694

(J) "Valid nursing home administrator license" means a 16695
nursing home administrator license to which all of the following 16696
apply: 16697

(1) It was issued by the board under section 4751.20, 16698
4751.201, 4751.23, 4751.24, or 4751.33 of the Revised Code; 16699

(2) It was not sold, fraudulently furnished, or 16700
fraudulently obtained in violation of division (F) of section 16701
4751.10 of the Revised Code; 16702

(3) It is current and in good standing. 16703

(K) "Valid temporary nursing home administrator license" 16704

means a temporary nursing home administrator license to which 16705
all of the following apply: 16706

(1) It was issued by the board under section 4751.202, 16707
4751.23, or 4751.33 of the Revised Code; 16708

(2) It was not sold, fraudulently furnished, or 16709
fraudulently obtained in violation of division (F) of section 16710
4751.10 of the Revised Code; 16711

(3) It is current and in good standing. 16712

Sec. 4751.15. The board of executives of long-term 16713
services and supports shall administer, or contract with a 16714
government or private entity to administer, examinations that an 16715
individual must pass to obtain a nursing home administrator 16716
license under section 4751.20 ~~or 4751.201~~ of the Revised Code. 16717
If the board contracts with a government or private entity to 16718
administer the examinations, the contract may authorize the 16719
entity to collect and keep, as all or part of the entity's 16720
compensation under the contract, any fee an individual pays to 16721
take the examination. The entity is not required to deposit the 16722
fee into the state treasury. 16723

To be admitted to an examination administered under this 16724
section, an individual must pay the examination fee charged by 16725
the board or government or private entity. If an individual 16726
fails three times to pass the examination, the individual, 16727
before being admitted to the examination a subsequent time, also 16728
must satisfy any education requirements, experience 16729
requirements, or both, that may be prescribed in rules adopted 16730
under section 4751.04 of the Revised Code in addition to any 16731
education requirements or experience requirements that must be 16732
satisfied to obtain a nursing home administrator license under 16733

section 4751.20 ~~or 4751.201~~ of the Revised Code. 16734

Sec. 4751.20. (A) ~~Subject~~ Except as provided in section 16735
4751.201 of the Revised Code, and subject to section 4751.32 of 16736
the Revised Code, the board of executives of long-term services 16737
and supports shall issue a nursing home administrator license to 16738
an individual under this section if all of the following 16739
requirements are satisfied: 16740

(1) The individual has submitted to the board a completed 16741
application for the license in accordance with rules adopted 16742
under section 4751.04 of the Revised Code. 16743

(2) If the individual is required by rules adopted under 16744
section 4751.04 of the Revised Code to serve as a nursing home 16745
administrator in training, the individual has paid to the board 16746
the administrator in training fee of fifty dollars. 16747

(3) The individual is at least twenty-one years of age. 16748

(4) The individual has successfully completed educational 16749
requirements and work experience specified in rules adopted 16750
under section 4751.04 of the Revised Code, including, if so 16751
required by the rules, experience obtained as a nursing home 16752
administrator in training. 16753

(5) The individual has complied with section 4776.02 of 16754
the Revised Code regarding a criminal records check. 16755

(6) The board, in accordance with section 9.79 of the 16756
Revised Code, has determined that the results of the criminal 16757
records check do not make the individual ineligible for the 16758
license. 16759

(7) The individual has passed the licensing examination 16760
administered under section 4751.15 of the Revised Code. 16761

(8) The individual has paid to the board a license fee of 16762
two hundred fifty dollars. 16763

(9) The individual has satisfied any additional 16764
requirements as may be prescribed in rules adopted under section 16765
4751.04 of the Revised Code. 16766

(B) A nursing home administrator license shall certify 16767
that the individual to whom it was issued has met the applicable 16768
requirements of this chapter and any applicable rules adopted 16769
under section 4751.04 of the Revised Code and is authorized to 16770
practice nursing home administration while the license is valid. 16771

Sec. 4751.201. ~~(A) Subject to section 4751.32 of the~~ 16772
~~Revised Code, Notwithstanding the requirements for a license~~ 16773
~~under this chapter, the board of executives of long-term~~ 16774
~~services and supports may shall issue a nursing home~~ 16775
~~administrator license or a health services executive license in~~ 16776
~~accordance with Chapter 4796. of the Revised Code to an~~ 16777
~~individual under this section if all of the following~~ 16778
~~requirements are satisfied:—~~ 16779

~~(1) The individual is legally authorized to practice~~ 16780
~~nursing home administration in another state.—~~ 16781

~~(2) The individual has submitted to the board a completed~~ 16782
~~application for the license in accordance with rules adopted~~ 16783
~~under section 4751.04 of the Revised Code.—~~ 16784

~~(3) The individual is at least twenty one years of age.—~~ 16785

~~(4) The individual holds at least a bachelor's degree from~~ 16786
~~an accredited educational institution.—~~ 16787

~~(5) The individual is of good moral character.—~~ 16788

~~(6) The individual has complied with section 4776.02 of~~ 16789

~~the Revised Code regarding a criminal records check.~~ 16790

~~(7) The board, in its discretion, has determined that the results of the criminal records check do not make the individual ineligible for the license.~~ 16791
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~~(8) The individual has passed the licensing examination administered under section 4751.15 of the Revised Code.~~ 16794
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~~(9) The individual has paid to the board a license fee of two hundred fifty dollars.~~ 16796
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~~(10) The individual has satisfied any additional requirements as may be prescribed in rules adopted under section 4751.04 of the Revised Code.~~ 16798
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~~(B) A nursing home administrator license shall certify that the individual to whom it was issued has met the applicable requirements of this chapter and any applicable rules adopted under section 4751.04 of the Revised Code and is authorized to practice nursing home administration while the license is valid.~~ 16801
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applicant if either of the following applies: 16806

(A) The applicant holds a license in another state. 16807

(B) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a nursing home administrator or a health services executive in a state that does not issue that license. 16808
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Sec. 4751.202. (A) Subject to section 4751.32 of the Revised Code, the board of executives of long-term services and supports may issue a temporary nursing home administrator license to an individual if all of the following requirements are satisfied: 16813
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(1) The operator of a nursing home has requested that the board issue a temporary nursing home administrator license to the individual to authorize the individual to temporarily practice nursing home administration at the nursing home because of a vacancy in the position of nursing home administrator at the nursing home resulting from a death, illness, or other unexpected cause.

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

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

(4) The board, in accordance with section 9.79 of the Revised Code, has determined that the results of the criminal records check do not make the individual ineligible for the license.

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

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

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

(C) Except as provided in section 4751.32 of the Revised Code, a temporary nursing home administrator license is valid for a period of time the board shall specify on the temporary license. That period shall not exceed one hundred eighty days.

If that period is less than one hundred eighty days, the 16847
individual holding the temporary license may apply to the board 16848
for renewal of the temporary license in accordance with rules 16849
the board shall adopt under section 4751.04 of the Revised Code. 16850
Except as provided in section 4751.32 of the Revised Code, a 16851
renewed temporary nursing home administrator license is valid 16852
for a period of time the board shall specify on the renewed 16853
temporary license. That period shall not exceed the difference 16854
between one hundred eighty days and the number of days for which 16855
the original temporary license was valid. A renewed temporary 16856
nursing home administrator license shall not be renewed. A 16857
licensed temporary nursing home administrator who intends to 16858
continue to practice nursing home administration after the 16859
temporary license, including, if applicable, the renewed 16860
temporary license, expires must obtain a nursing home 16861
administrator license under section 4751.20 of the Revised Code. 16862

(D) Chapter 4796. of the Revised Code does not apply to a 16863
temporary license issued under this section. 16864

Sec. 4751.21. (A) Subject ~~Except as provided in section~~ 16865
4751.201 of the Revised Code, and subject to section 4751.32 of 16866
the Revised Code, the board of executives of long-term services 16867
and supports shall issue a health services executive license to 16868
an individual if all of the following requirements are 16869
satisfied: 16870

(1) The individual has submitted to the board a completed 16871
application for the license in accordance with rules adopted 16872
under section 4751.04 of the Revised Code. 16873

(2) The individual is a licensed nursing home 16874
administrator. 16875

(3) The individual has obtained the health services executive qualification through the national association of long-term care administrator boards. 16876
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(4) The individual has complied with section 4776.02 of the Revised Code regarding a criminal records check. 16879
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(5) The board, in accordance with section 9.79 of the Revised Code, has determined that the results of the criminal records check do not make the individual ineligible for the license. 16881
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(6) The individual has paid to the board a license fee of one hundred dollars. 16885
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(B) A health services executive license shall certify that the individual to whom it was issued has met the applicable requirements of this chapter and any applicable rules adopted under section 4751.04 of the Revised Code and is a licensed health services executive while the license is valid. 16887
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Sec. 4751.32. (A) Except as provided in division (D) of this section, the board of executives of long-term services and supports may take any of the actions authorized by division (B) of this section against an individual who has applied for or holds a nursing home administrator license, temporary nursing home administrator license, or health services executive license if any of the following apply to the individual: 16892
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(1) The individual has failed to satisfy any requirement established by this chapter or the rules adopted under section 4751.04 of the Revised Code that must be satisfied to obtain the license or temporary license. 16899
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(2) The individual has violated, or failed to comply with a requirement of, this chapter or a rule adopted under section 16903
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4751.04 of the Revised Code regarding the practice of nursing 16905
home administration, including the requirements of sections 16906
4751.40 and 4751.41 of the Revised Code. 16907

(3) The individual is unfit or incompetent to practice 16908
nursing home administration, serve in a leadership position at a 16909
long-term services and supports setting, or direct the practices 16910
of others in such a setting by reason of negligence, habits, or 16911
other causes, including the individual's habitual or excessive 16912
use or abuse of drugs, alcohol, or other substances. 16913

(4) The individual has acted in a manner inconsistent with 16914
the health and safety of either of the following: 16915

(a) The residents of the nursing home at which the 16916
individual practices nursing home administration; 16917

(b) The consumers of services and supports provided by a 16918
long-term services and supports setting at which the individual 16919
serves in a leadership position or directs the practices of 16920
others. 16921

(5) The individual has been convicted of, or pleaded 16922
guilty to, either of the following in a court of competent 16923
jurisdiction, either within or without this state: 16924

(a) A felony; 16925

(b) An offense of moral turpitude that constitutes a 16926
misdemeanor in this state. 16927

(6) The individual made a false, fraudulent, deceptive, or 16928
misleading statement in seeking to obtain, or obtaining, a 16929
nursing home administrator license, temporary nursing home 16930
administrator license, or health services executive license. 16931

(7) The individual made a fraudulent misrepresentation in 16932

attempting to obtain, or obtaining, money or anything of value 16933
in the practice of nursing home administration or while serving 16934
in a leadership position at a long-term services and supports 16935
setting or directing the practices of others in such a setting. 16936

(8) The individual has substantially deviated from the 16937
board's code of ethics. 16938

(9) Another health care licensing agency has taken any of 16939
the following actions against the individual for any reason 16940
other than nonpayment of a fee: 16941

(a) Denied, refused to renew or reinstate, limited, 16942
revoked, or suspended, or accepted the surrender of, a license 16943
or other authorization to practice; 16944

(b) Imposed probation; 16945

(c) Issued a censure or other reprimand. 16946

(10) The individual has failed to do any of the following: 16947

(a) Cooperate with an investigation conducted by the board 16948
under section 4751.31 of the Revised Code; 16949

(b) Respond to or comply with a subpoena issued by the 16950
board in an investigation of the individual; 16951

(c) Comply with any disciplinary action the board has 16952
taken against the individual pursuant to this section. 16953

(B) The following are the actions that the board may take 16954
for the purpose of division (A) of this section: 16955

(1) Deny the individual any of the following: 16956

(a) A nursing home administrator license under section 16957
4751.20, 4751.201, 4751.23, or 4751.24 of the Revised Code; 16958

(b) A temporary nursing home administrator license under section 4751.202 or 4751.23 of the Revised Code;	16959 16960
(c) A health services executive license under section <u>4751.201</u> , 4751.21, 4751.23, or 4751.25 of the Revised Code.	16961 16962
(2) Suspend the individual's nursing home administrator license, temporary nursing home administrator license, or health services executive license;	16963 16964 16965
(3) Revoke the individual's nursing home administrator license, temporary nursing home administrator license, or health services executive license, either permanently or for a period of time the board specifies;	16966 16967 16968 16969
(4) Place a limitation on the individual's nursing home administrator license, temporary nursing home administrator license, or health services executive license;	16970 16971 16972
(5) Place the individual on probation;	16973
(6) Issue a written reprimand of the individual;	16974
(7) Impose on the individual a civil penalty, fine, or other sanction specified in rules adopted under section 4751.04 of the Revised Code.	16975 16976 16977
(C) The board shall take actions authorized by division (B) of this section in accordance with Chapter 119. of the Revised Code, except that the board may enter into a consent agreement with an individual to resolve an alleged violation of this chapter or a rule adopted under section 4751.04 of the Revised Code in lieu of making an adjudication regarding the alleged violation. A consent agreement constitutes the board's findings and order with respect to the matter addressed in the consent agreement if the board ratifies the consent agreement.	16978 16979 16980 16981 16982 16983 16984 16985 16986

Any admissions or findings included in a proposed consent 16987
agreement have no force or effect if the board refuses to ratify 16988
the consent agreement. 16989

(D) The board shall not refuse to issue an initial nursing 16990
home administrator license, temporary nursing home administrator 16991
license, or health services executive license, unless the 16992
refusal is in accordance with section 9.79 of the Revised Code. 16993

Sec. 4752.05. (A) The Except as provided in division (D) 16994
of this section, the state board of pharmacy shall issue a 16995
license to provide home medical equipment services to each 16996
applicant under section 4752.04 of the Revised Code that meets 16997
either of the following requirements: 16998

(1) Meets the standards established by the board in rules 16999
adopted under section 4752.17 of the Revised Code; 17000

(2) Is a pharmacy licensed under Chapter 4729. of the 17001
Revised Code that receives total payments of ten thousand 17002
dollars or more per year from selling or renting home medical 17003
equipment. 17004

(B) During the period ending one year after September 16, 17005
2004, an applicant that does not meet either of the requirements 17006
of division (A) of this section shall be granted a provisional 17007
license if for at least twelve months prior to September 16, 17008
2004, the applicant was engaged in the business of providing 17009
home medical equipment services. The provisional license expires 17010
one year following the date on which it is issued and is not 17011
subject to renewal under section 4752.06 of the Revised Code. 17012

(C) The board may conduct a personal interview of an 17013
applicant, or an applicant's representative, to determine the 17014
applicant's qualifications for licensure. 17015

(D) The board shall issue a license to provide home medical equipment services in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 17016
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(1) The applicant holds a license in another state. 17020

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a provider of home medical equipment services in a state that does not issue that license. 17021
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~~(E) A license issued under division (A) of this section to provide home medical equipment services expires at the end of the licensing period for which it is issued and may be renewed in accordance with section 4752.06 of the Revised Code. For purposes of issuing and renewing licenses, the board shall use a biennial licensing period that begins on the first day of July of each even-numbered year and ends on the thirtieth day of June of the next succeeding even-numbered year.~~ 17025
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~~(E)~~(F) Any license issued under this section is valid only for the facility named in the application. 17033
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Sec. 4752.12. (A) The~~Except as provided in division (B) of this section, the~~ state board of pharmacy shall issue a certificate of registration to provide home medical equipment services to each applicant who submits a complete application under section 4752.11 of the Revised Code. For purposes of this division, an application is complete only if the board finds that the applicant holds accreditation from the joint commission on accreditation of healthcare organizations or another national accrediting body recognized by the board, as specified in rules adopted under section 4752.17 of the Revised Code. 17035
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(B) The board shall issue a certificate of registration in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 17045
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(1) The applicant holds a certificate of registration or license in another state. 17048
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(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a provider of home medical equipment services in a state that does not issue that certificate or license. 17050
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(C) A certificate of registration issued under this section expires at the end of the registration period for which it is issued and may be renewed in accordance with section 4752.13 of the Revised Code. For purposes of renewing certificates of registration, the board shall use a biennial registration period that begins on the first day of July of each even-numbered year and ends on the thirtieth day of June of the next succeeding even-numbered year. 17055
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~~(C)~~ (D) A certificate of registration issued under this section is valid only for the facility named in the application. 17063
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Sec. 4753.07. The state speech and hearing professionals board shall issue under its seal a license or conditional license to every applicant who has passed the appropriate examinations designated by the board and who otherwise complies with the licensure requirements of this chapter. The license or conditional license entitles the holder to practice speech-language pathology or audiology. 17065
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The board shall issue under its seal a license or conditional license to practice speech-language pathology or 17072
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audiology to an applicant in accordance with Chapter 4796. of 17074
the Revised Code if the applicant holds a license or conditional 17075
license in another state or the applicant has satisfactory work 17076
experience, a government certification, or a private 17077
certification as described in that chapter as a speech-language 17078
pathologist or audiologist in a state that does not issue those 17079
licenses. 17080

Each licensee shall display the license or conditional 17081
license or an official duplicate in a conspicuous place where 17082
the licensee practices speech-language pathology or audiology or 17083
both. 17084

Sec. 4753.071. A person who is required to meet the 17085
supervised professional experience requirement of division (F) 17086
of section 4753.06 of the Revised Code shall submit to the state 17087
speech and hearing professionals board an application for a 17088
conditional license. The application shall include a plan for 17089
the content of the supervised professional experience on a form 17090
the board shall prescribe. The board shall issue the conditional 17091
license to the applicant if the applicant meets the requirements 17092
of section 4753.06 of the Revised Code, other than the 17093
requirement to have obtained the supervised professional 17094
experience, and pays to the board the appropriate fee for a 17095
conditional license. The board shall issue a conditional license 17096
in accordance with Chapter 4796. of the Revised Code to an 17097
applicant if the applicant holds a license in another state or 17098
the applicant has satisfactory work experience, a government 17099
certification, or a private certification as described in that 17100
chapter in a state that does not issue a conditional license. An 17101
applicant may not begin employment until the conditional license 17102
has been issued. 17103

A conditional license authorizes an individual to practice speech-language pathology or audiology while completing the supervised professional experience as required by division (F) of section 4753.06 of the Revised Code. A person holding a conditional license may practice speech-language pathology or audiology while working under the supervision of a person fully licensed in accordance with this chapter. A conditional license is valid for eighteen months unless suspended or revoked pursuant to section 3123.47 or 4753.10 of the Revised Code.

A person holding a conditional license may perform services for which payment will be sought under the medicare program or the medicaid program but all requests for payment for such services shall be made by the person who supervises the person performing the services.

Sec. 4753.072. The state speech and hearing professionals board shall establish by rule pursuant to Chapter 119. of the Revised Code the qualifications for persons seeking licensure as a speech-language pathology aide or an audiology aide. The qualifications shall be less than the standards for licensure as a speech-language pathologist or audiologist. An aide shall not act independently and shall work under the direction and supervision of a speech-language pathologist or audiologist licensed by the board. An aide shall not dispense hearing aids. An applicant shall not begin employment until the license has been approved.

The board shall issue a license for a speech-language pathology aide or an audiology aide in accordance with Chapter 4796. of the Revised Code to an applicant who holds a license in another state or has satisfactory work experience, a government certification, or a private certification as described in that

chapter as a speech-language pathology aide or an audiology aide 17134
in a state that does not issue those licenses. 17135

Sec. 4753.073. (A) The state speech and hearing 17136
professionals board shall issue under its seal a speech-language 17137
pathology student permit to any applicant who submits a plan 17138
that has been approved by the applicant's university graduate 17139
program in speech-language pathology and that conforms to 17140
requirements determined by the board by rule and who meets all 17141
of the following requirements: 17142

(1) Is enrolled in a graduate program at an educational 17143
institution located in this state that is accredited by the 17144
council on academic accreditation in audiology and speech- 17145
language pathology of the American speech-language-hearing 17146
association; 17147

(2) Has completed at least one year of postgraduate 17148
training in speech-language pathology, or equivalent coursework 17149
as determined by the board, and any student clinical experience 17150
the board may require by rule. 17151

(B) The board shall issue under its seal a speech-language 17152
pathology student permit in accordance with Chapter 4796. of the 17153
Revised Code to an applicant if either of the following applies: 17154

(1) The applicant holds a permit or license in another 17155
state. 17156

(2) The applicant has satisfactory work experience, a 17157
government certification, or a private certification as 17158
described in that chapter as a speech-language pathology student 17159
in a state that does not issue that permit or license. 17160

(C) The speech-language pathology student permit 17161
authorizes the holder to practice speech-language pathology 17162

within limits determined by the board by rule, which shall 17163
include the following: 17164

(1) The permit holder's caseload shall be limited in a 17165
manner to be determined by the board by rule. 17166

(2) The permit holder's authorized scope of practice shall 17167
be limited in a manner to be determined by the board by rule. 17168
The rule shall consider the coursework and clinical experience 17169
that has been completed by the permit holder and the 17170
recommendation of the applicant's university graduate program in 17171
speech-language pathology. 17172

(3) The permit holder shall practice only when under the 17173
supervision of a speech-language pathologist who is licensed by 17174
the board and acting under the approval and direction of the 17175
applicant's university graduate program in speech-language 17176
pathology. The board shall determine by rule the manner of 17177
supervision. 17178

~~(C)~~ (D) A permit ~~issued under this section~~ shall expire two 17179
years after the date of issuance. Student permits may be renewed 17180
in a manner to be determined by the board by rule. 17181

~~(D)~~ (E) Each permit holder shall display the permit or an 17182
official duplicate in a conspicuous place where the permit 17183
holder practices speech-language pathology. 17184

Sec. 4753.08. The state speech and hearing professionals 17185
board shall waive the examination, educational, and professional 17186
experience requirements for any applicant who meets ~~any either~~ 17187
of the following requirements: 17188

(A) On September 26, 1975, had at least a bachelor's 17189
degree with a major in speech-language pathology or audiology 17190
from an accredited college or university, or was employed as a 17191

speech-language pathologist or audiologist for at least nine 17192
months at any time within the three years prior to September 26, 17193
1975, if an application providing bona fide proof of such degree 17194
or employment was filed with the former board of speech-language 17195
pathology and audiology within one year after that date, and was 17196
accompanied by the application fee as prescribed in division (A) 17197
of section 4753.11 of the Revised Code. 17198

~~(B) Presents proof to the state speech and hearing 17199
professionals board of current certification or licensure in 17200
good standing in the area in which licensure is sought in a 17201
state that has standards at least equal to the standards for 17202
licensure that are in effect in this state at the time the 17203
applicant applies for the license. 17204~~

~~(C) Presents proof to the state speech and hearing 17205
professionals board of both of the following: 17206~~

~~(1) Having current certification or licensure in good 17207
standing in audiology in a state that has standards at least 17208
equal to the standards for licensure as an audiologist that were 17209
in effect in this state on December 31, 2005. 17210~~

~~(2) Having first obtained that certification or licensure 17211
not later than December 31, 2007. 17212~~

~~(D) Presents proof to the state speech and hearing 17213
professionals board of a current certificate of clinical 17214
competence in speech-language pathology or audiology that is in 17215
good standing and received from the American speech-language- 17216
hearing association in the area in which licensure is sought. 17217~~

Sec. 4753.09. Except as provided in this section and in 17218
section 4753.10 of the Revised Code, a license issued by the 17219
state speech and hearing professionals board shall be renewed 17220

biennially in accordance with the standard renewal procedure 17221
contained in Chapter 4745. of the Revised Code. If the 17222
application for renewal is made one year or longer after the 17223
renewal application is due, the person shall apply for licensure 17224
as provided in section 4753.06 or division (B), ~~(C), or (D)~~ of 17225
section 4753.08 of the Revised Code. The board shall not renew a 17226
conditional license; however, the board may grant an applicant a 17227
second conditional license. 17228

The board shall establish by rule adopted pursuant to 17229
Chapter 119. of the Revised Code the qualifications for license 17230
renewal. Applicants shall demonstrate continued competence, 17231
which may include continuing education, examination, self- 17232
evaluation, peer review, performance appraisal, or practical 17233
simulation. The board may establish other requirements as a 17234
condition for license renewal as considered appropriate by the 17235
board. 17236

The board may renew a license which expires while the 17237
license is suspended, but the renewal shall not affect the 17238
suspension. The board shall not renew a license which has been 17239
revoked. If a revoked license is reinstated under section 17240
4753.10 of the Revised Code after it has expired, the licensee, 17241
as a condition of reinstatement, shall pay a reinstatement fee 17242
in the amount equal to the renewal fee in effect on the last 17243
preceding regular renewal date on which it is reinstated, plus 17244
any delinquent fees accrued from the time of the revocation, if 17245
such a fee is prescribed by the board by rule. 17246

Sec. 4753.12. Nothing in this chapter shall be construed 17247
to: 17248

(A) Prohibit a person other than an individual from 17249
engaging in the business of speech-language pathology or 17250

audiology without licensure if it employs a licensed individual 17251
in the direct practice of speech-language pathology and 17252
audiology. Such entity shall file a statement with the state 17253
speech and hearing professionals board, on a form approved by 17254
the board for this purpose, swearing that it submits itself to 17255
the rules of the board and the provisions of this chapter which 17256
the board determines applicable. 17257

(B) Prevent or restrict the practice of a person employed 17258
as a speech-language pathologist or audiologist by any agency of 17259
the federal government. 17260

(C) Restrict the activities and services of a student or 17261
intern in speech-language pathology or audiology from pursuing a 17262
course of study leading to a degree in these areas at a college 17263
or university accredited by a recognized regional or national 17264
accrediting body or in one of its cooperating clinical training 17265
facilities, if these activities and services are supervised by a 17266
person licensed in the area of study or certified by the 17267
American speech-language-hearing association in the area of 17268
study and if the student is designated by a title such as 17269
"speech-language pathology intern," "audiology intern," 17270
"trainee," or other such title clearly indicating the training 17271
status. 17272

(D) Prevent a person from performing speech-language 17273
pathology or audiology services when performing these services 17274
in pursuit of the required supervised professional experience as 17275
prescribed in section 4753.06 of the Revised Code and that 17276
person has been issued a conditional license pursuant to section 17277
4753.071 of the Revised Code. 17278

(E) Restrict a speech-language pathologist or audiologist 17279
who holds the certification of the American speech-language- 17280

hearing association, or who is licensed as a speech-language 17281
pathologist or audiologist in another state and who has made 17282
application to the board for a license in this state from 17283
practicing speech-language pathology or audiology without a 17284
valid license pending the disposition of the application. The 17285
board shall not require a speech-language pathologist or 17286
audiologist who is licensed in another state to obtain a license 17287
in accordance with Chapter 4796. of the Revised Code to practice 17288
speech-language pathology or audiology in the manner described 17289
under this division. 17290

(F) Restrict a person not a resident of this state from 17291
offering speech-language pathology or audiology services in this 17292
state if such services are performed for not more than one 17293
period of thirty consecutive calendar days in any year, if the 17294
person is licensed in the state of the person's residence or 17295
certified by the American speech-language-hearing association 17296
and files a statement as prescribed by the board in advance of 17297
providing these services. Such person shall be subject to the 17298
rules of the board and the provisions of this chapter. The board 17299
shall not require a person not a resident of this state who is 17300
licensed in the state of the person's residence to obtain a 17301
license in accordance with Chapter 4796. of the Revised Code to 17302
offer speech-language pathology or audiology services in the 17303
manner described under this division. 17304

(G) Restrict a person licensed under Chapter 4747. of the 17305
Revised Code from engaging in the duties as defined in that 17306
chapter related to measuring, testing, and counseling for the 17307
purpose of identifying or modifying hearing conditions in 17308
connection with the fitting, dispensing, or servicing of a 17309
hearing aid, or affect the authority of hearing aid dealers to 17310
deal in hearing aids or advertise the practice of dealing in 17311

hearing aids in accordance with Chapter 4747. of the Revised Code.	17312 17313
(H) Restrict a physician from engaging in the practice of medicine and surgery or osteopathic medicine and surgery or prevent any individual from carrying out any properly delegated responsibilities within the normal practice of medicine and surgery or osteopathic medicine and surgery.	17314 17315 17316 17317 17318
(I) Restrict a person registered or licensed under Chapter 4723. of the Revised Code from performing those acts and utilizing those procedures that are within the scope of the practice of professional or practical nursing as defined in Chapter 4723. of the Revised Code and the ethics of the nursing profession, provided such a person does not claim to the public to be a speech-language pathologist or audiologist.	17319 17320 17321 17322 17323 17324 17325
(J) Restrict an individual licensed as an audiologist under this chapter from fitting, selling, or dispensing hearing aids.	17326 17327 17328
(K) Authorize the practice of medicine and surgery or entitle a person licensed pursuant to this chapter to engage in the practice of medicine or surgery or any of its branches.	17329 17330 17331
(L) Restrict a person licensed pursuant to Chapter 4755. of the Revised Code from performing those acts and utilizing those procedures that are within the scope of the practice of occupational therapy or occupational therapy assistant as defined in Chapter 4755. of the Revised Code, provided the person does not claim to the public to be a speech-language pathologist or audiologist.	17332 17333 17334 17335 17336 17337 17338
Sec. 4755.08. The occupational therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers	17339 17340

board shall issue a license to every applicant who has passed 17341
the appropriate examination designated by the section and who 17342
otherwise complies with the licensure requirements of sections 17343
4755.04 to 4755.13 of the Revised Code. The license entitles the 17344
holder to practice occupational therapy or to assist in the 17345
practice of occupational therapy. The licensee shall display the 17346
license in a conspicuous place at the licensee's principal place 17347
of business. 17348

The section shall issue a license to practice occupational 17349
therapy or to assist in the practice of occupational therapy in 17350
accordance with Chapter 4796. of the Revised Code to an 17351
applicant if either of the following applies: 17352

(A) The applicant holds a license in another state. 17353

(B) The applicant has satisfactory work experience, a 17354
government certification, or a private certification as 17355
described in that chapter as an occupational therapist or 17356
assistant occupational therapist in a state that does not issue 17357
that license. 17358

Sec. 4755.09. The occupational therapy section of the Ohio 17359
occupational therapy, physical therapy, and athletic trainers 17360
board may waive the examination requirement under section 17361
4755.07 of the Revised Code for any applicant for licensure as 17362
an occupational therapist or occupational therapy assistant who 17363
~~either has met educational, training, and job experience 17364
requirements established by the section, or presents proof of 17365
current certification or licensure in another state that 17366
requires standards for licensure at least equal to those for 17367
licensure in this state.~~ 17368

The section may waive the educational requirements under 17369

section 4755.07 of the Revised Code for any applicant who has met job experience requirements established by the section.	17370 17371
Sec. 4755.411. The physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board shall adopt rules in accordance with Chapter 119. of the Revised Code pertaining to the following:	17372 17373 17374 17375
(A) Fees for the verification of a license and license reinstatement, and other fees established by the section;	17376 17377
(B) Provisions for the section's government and control of its actions and business affairs;	17378 17379
(C) Minimum curricula for physical therapy education programs that prepare graduates to be licensed in this state as physical therapists and physical therapist assistants;	17380 17381 17382
(D) Eligibility criteria to take the examinations required under sections 4755.43 and 4755.431 of the Revised Code;	17383 17384
(E) The form and manner for filing applications for licensure with the section;	17385 17386
(F) For purposes of section 4755.46 of the Revised Code, all of the following:	17387 17388
(1) A schedule regarding when licenses to practice as a physical therapist and physical therapist assistant expire during a biennium;	17389 17390 17391
(2) An additional fee, not to exceed thirty-five dollars, that may be imposed if a licensee files a late application for renewal;	17392 17393 17394
(3) The conditions under which the license of a person who files a late application for renewal will be reinstated.	17395 17396

(G) The issuance, renewal, suspension, and permanent revocation of a license and the conduct of hearings;	17397 17398
(H) Appropriate ethical conduct in the practice of physical therapy;	17399 17400
(I) Requirements, including continuing education requirements, for restoring licenses that are inactive or have lapsed through failure to renew;	17401 17402 17403
(J) Conditions that may be imposed for reinstatement of a license following suspension pursuant to section 4755.47 of the Revised Code;	17404 17405 17406
(K) For purposes of sections 4755.45 and 4755.451 of the Revised Code, both of the following:	17407 17408
(1) Identification of the credentialing organizations from which the section will accept equivalency evaluations for foreign physical therapist education and foreign physical therapist assistant education. The physical therapy section shall identify only those credentialing organizations that use a course evaluation tool or form approved by the physical therapy section.	17409 17410 17411 17412 17413 17414 17415
(2) Evidence, other than the evaluations described in division (K)(1) of this section, that the section will consider for purposes of evaluating whether an applicant's education is reasonably equivalent to the educational requirements that were in force for licensure in this state as a physical therapist or physical therapist assistant on the date of the applicant's initial licensure or registration in another state or country.	17416 17417 17418 17419 17420 17421 17422
(L) Standards of conduct for physical therapists and physical therapist assistants, including requirements for supervision, delegation, and practicing with or without referral	17423 17424 17425

or prescription; 17426

(M) Appropriate display of a license; 17427

(N) Procedures for a licensee to follow in notifying the 17428
section within thirty days of a change in name or address, or 17429
both; 17430

(O) The amount and content of corrective action courses 17431
required by the board under section 4755.47 of the Revised Code. 17432

Sec. 4755.44. If an applicant passes the examination or 17433
examinations required under section 4755.43 of the Revised Code 17434
and pays the fee required by division (B) of section 4755.42 of 17435
the Revised Code, the physical therapy section of the Ohio 17436
occupational therapy, physical therapy, and athletic trainers 17437
board shall issue a license, attested by the seal of the board, 17438
to the applicant to practice as a physical therapist. 17439

The section shall issue a license to practice as a 17440
physical therapist in accordance with Chapter 4796. of the 17441
Revised Code, attested by the seal of the board, to an applicant 17442
if either of the following applies: 17443

(A) The applicant holds a license in another state. 17444

(B) The applicant has satisfactory work experience, a 17445
government certification, or a private certification as 17446
described in that chapter as a physical therapist in a state 17447
that does not issue that license. 17448

Sec. 4755.441. If an applicant passes the examination or 17449
examinations required under section 4755.431 of the Revised Code 17450
and pays the fee required by division (B) of section 4755.421 of 17451
the Revised Code, the physical therapy section of the Ohio 17452
occupational therapy, physical therapy, and athletic trainers 17453

board shall issue a license, attested by the seal of the board, 17454
to the applicant to practice as physical therapist assistant. 17455

The section shall issue a license to practice as a 17456
physical therapist assistant in accordance with Chapter 4796. of 17457
the Revised Code, attested by the seal of the board, to an 17458
applicant if either of the following applies: 17459

(A) The applicant holds a license in another state. 17460

(B) The applicant has satisfactory work experience, a 17461
government certification, or a private certification as 17462
described in that chapter as a physical therapist assistant in a 17463
state that does not issue that license. 17464

Sec. 4755.45. (A) The physical therapy section of the Ohio 17465
occupational therapy, physical therapy, and athletic trainers 17466
board shall issue to an applicant a license to practice as a 17467
physical therapist without requiring the applicant to have 17468
passed the national examination for physical therapists 17469
described in division (A) of section 4755.43 of the Revised Code 17470
within one year of filing an application described in section 17471
4755.42 of the Revised Code if all of the following are true: 17472

(1) The applicant presents evidence satisfactory to the 17473
physical therapy section that the applicant received a score on 17474
the national physical therapy examination described in division 17475
(A) of section 4755.43 of the Revised Code that would have been 17476
a passing score according to the board in the year the applicant 17477
sat for the examination; 17478

(2) The applicant presents evidence satisfactory to the 17479
physical therapy section that the applicant passed the 17480
jurisprudence examination described in division (B) of section 17481
4755.43 of the Revised Code; 17482

(3) The applicant holds a current and valid license or registration to practice physical therapy in another ~~state or~~ country; 17483
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(4) Subject to division (B) of this section, the applicant can demonstrate that the applicant's education is reasonably equivalent to the educational requirements that were in force for licensure in this state on the date of the applicant's initial licensure or registration in the other ~~state or~~ country; 17486
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(5) The applicant pays the fee described in division (B) of section 4755.42 of the Revised Code; 17491
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(6) The applicant is not in violation of any section of this chapter or rule adopted under it. 17493
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(B) For purposes of division (A)(4) of this section, if, after receiving the results of an equivalency evaluation from a credentialing organization identified by the section pursuant to rules adopted under section 4755.411 of the Revised Code, the section determines that regardless of the results of the evaluation the applicant's education is not reasonably equivalent to the educational requirements that were in force for licensure in this state on the date of the applicant's initial licensure or registration in ~~another state or~~ a foreign country, the section shall send a written notice to the applicant stating that the section is denying the applicant's application and stating the specific reason why the section is denying the applicant's application. The section shall send the notice to the applicant through certified mail within thirty days after the section makes that determination. 17495
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Sec. 4755.451. (A) The physical therapy section of the Ohio occupational therapy, physical therapy, and athletic 17510
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trainers board shall issue to an applicant a license as a 17512
physical therapist assistant without requiring the applicant to 17513
have passed the national examination for physical therapist 17514
assistants described in division (A) of section 4755.431 of the 17515
Revised Code within one year of filing an application described 17516
in section 4755.421 of the Revised Code if all of the following 17517
are true: 17518

(1) The applicant presents evidence satisfactory to the 17519
physical therapy section that the applicant received a score on 17520
the national physical therapy examination described in division 17521
(A) of section 4755.431 of the Revised Code that would have been 17522
a passing score according to the board in the year the applicant 17523
sat for the examination; 17524

(2) The applicant presents evidence satisfactory to the 17525
physical therapy section that the applicant passed the 17526
jurisprudence examination described in division (B) of section 17527
4755.431 of the Revised Code; 17528

(3) The applicant holds a current and valid license or 17529
registration to practice as a physical therapist assistant in 17530
another ~~state or~~ country; 17531

(4) Subject to division (B) of this section, the applicant 17532
can demonstrate that the applicant's education is reasonably 17533
equivalent to the educational requirements that were in force 17534
for licensure in this state on the date of the applicant's 17535
initial licensure or registration in the other ~~state or~~ country; 17536

(5) The applicant pays the fee described in division (B) 17537
of section 4755.421 of the Revised Code; 17538

(6) The applicant is not in violation of any section of 17539
this chapter or rule adopted under it. 17540

(B) For purposes of division (A)(4) of this section, if, 17541
after receiving the results of an equivalency evaluation from a 17542
credentialing organization identified by the section pursuant to 17543
rules adopted under section 4755.411 of the Revised Code, the 17544
section determines that, regardless of the results of the 17545
evaluation, the applicant's education is not reasonably 17546
equivalent to the educational requirements that were in force 17547
for licensure in this state on the date of the applicant's 17548
initial licensure or registration in ~~another state or a~~ foreign 17549
country, the section shall send a written notice to the 17550
applicant stating that the section is denying the applicant's 17551
application and stating the specific reason why the section is 17552
denying the applicant's application. The section shall send the 17553
notice to the applicant through certified mail within thirty 17554
days after the section makes the determination. 17555

Sec. 4755.48. (A) No person shall employ fraud or 17556
deception in applying for or securing a license to practice 17557
physical therapy or to be a physical therapist assistant. 17558

(B) No person shall practice or in any way imply or claim 17559
to the public by words, actions, or the use of letters as 17560
described in division (C) of this section to be able to practice 17561
physical therapy or to provide physical therapy services, 17562
including practice as a physical therapist assistant, unless the 17563
person holds a valid license under sections 4755.40 to 4755.56 17564
of the Revised Code or except for submission of claims as 17565
provided in section 4755.56 of the Revised Code. 17566

(C) No person shall use the words or letters, physical 17567
therapist, physical therapy, physical therapy services, 17568
physiotherapist, physiotherapy, physiotherapy services, licensed 17569
physical therapist, P.T., Ph.T., P.T.T., R.P.T., L.P.T., M.P.T., 17570

D.P.T., M.S.P.T., P.T.A., physical therapy assistant, physical 17571
therapist assistant, physical therapy technician, licensed 17572
physical therapist assistant, L.P.T.A., R.P.T.A., or any other 17573
letters, words, abbreviations, or insignia, indicating or 17574
implying that the person is a physical therapist or physical 17575
therapist assistant without a valid license under sections 17576
4755.40 to 4755.56 of the Revised Code. 17577

(D) No person who practices physical therapy or assists in 17578
the provision of physical therapy treatments under the 17579
supervision of a physical therapist shall fail to display the 17580
person's current license granted under sections 4755.40 to 17581
4755.56 of the Revised Code in a conspicuous location in the 17582
place where the person spends the major part of the person's 17583
time so engaged. 17584

(E) Nothing in sections 4755.40 to 4755.56 of the Revised 17585
Code shall affect or interfere with the performance of the 17586
duties of any physical therapist or physical therapist assistant 17587
in active service in the army, navy, coast guard, marine corps, 17588
air force, public health service, or marine hospital service of 17589
the United States, while so serving. 17590

(F) Nothing in sections 4755.40 to 4755.56 of the Revised 17591
Code shall prevent or restrict the activities or services of a 17592
person pursuing a course of study leading to a degree in 17593
physical therapy in an accredited or approved educational 17594
program if the activities or services constitute a part of a 17595
supervised course of study and the person is designated by a 17596
title that clearly indicates the person's status as a student. 17597

(G) (1) Subject to division (G) (2) of this section, nothing 17598
in sections 4755.40 to 4755.56 of the Revised Code shall prevent 17599
or restrict the activities or services of any person who holds a 17600

current, unrestricted license to practice physical therapy in 17601
another state when that person, pursuant to contract or 17602
employment with an athletic team located in the state in which 17603
the person holds the license, provides physical therapy to any 17604
of the following while the team is traveling to or from or 17605
participating in a sporting event in this state: 17606

(a) A member of the athletic team; 17607

(b) A member of the athletic team's coaching, 17608
communications, equipment, or sports medicine staff; 17609

(c) A member of a band or cheerleading squad accompanying 17610
the athletic team; 17611

(d) The athletic team's mascot. 17612

(2) In providing physical therapy pursuant to division (G) 17613
(1) of this section, the person shall not do either of the 17614
following: 17615

(a) Provide physical therapy at a health care facility; 17616

(b) Provide physical therapy for more than sixty days in a 17617
calendar year. 17618

(3) The limitations described in divisions (G)(1) and (2) 17619
of this section do not apply to a person who is practicing in 17620
accordance with the compact privilege granted by this state 17621
through the "Physical Therapy Licensure Compact" entered into 17622
under section 4755.57 of the Revised Code. 17623

(4) The physical therapy section of the occupational 17624
therapy, physical therapy, and athletic trainers board shall not 17625
require a nonresident person who holds a license to practice 17626
physical therapy in another state to obtain a license in 17627
accordance with Chapter 4796. of the Revised Code to provide 17628

physical therapy services in the manner described under division 17629
(G) (1) of this section. 17630

(H) (1) Except as provided in division (H) (2) of this 17631
section and subject to division (I) of this section, no person 17632
shall practice physical therapy other than on the prescription 17633
of, or the referral of a patient by, a person who is licensed in 17634
this or another state to do at least one of the following: 17635

(a) Practice medicine and surgery, chiropractic, 17636
dentistry, osteopathic medicine and surgery, podiatric medicine 17637
and surgery; 17638

(b) Practice as a physician assistant; 17639

(c) Practice nursing as an advanced practice registered 17640
nurse. 17641

(2) The prohibition in division (H) (1) of this section on 17642
practicing physical therapy other than on the prescription of, 17643
or the referral of a patient by, any of the persons described in 17644
that division does not apply if either of the following applies 17645
to the person: 17646

(a) The person holds a master's or doctorate degree from a 17647
professional physical therapy program that is accredited by a 17648
national physical therapy accreditation agency approved by the 17649
physical therapy section of the Ohio occupational therapy, 17650
physical therapy, and athletic trainers board. 17651

(b) On or before December 31, 2004, the person has 17652
completed at least two years of practical experience as a 17653
licensed physical therapist. 17654

(I) To be authorized to prescribe physical therapy or 17655
refer a patient to a physical therapist for physical therapy, a 17656

person described in division (H) (1) of this section must be in 17657
good standing with the relevant licensing board in this state or 17658
the state in which the person is licensed and must act only 17659
within the person's scope of practice. 17660

(J) In the prosecution of any person for violation of 17661
division (B) or (C) of this section, it is not necessary to 17662
allege or prove want of a valid license to practice physical 17663
therapy or to practice as a physical therapist assistant, but 17664
such matters shall be a matter of defense to be established by 17665
the accused. 17666

Sec. 4755.482. (A) Except as otherwise provided in 17667
divisions (B) and (C) of this section, a person shall not teach 17668
a physical therapy theory and procedures course in physical 17669
therapy education without obtaining a license as a physical 17670
therapist from the physical therapy section of the Ohio 17671
occupational therapy, physical therapy, and athletic trainers 17672
board. 17673

(B) A nonresident person who is registered or licensed as 17674
a physical therapist under the laws of another state shall not 17675
teach a physical therapy theory and procedures course in 17676
physical therapy education for more than one year without 17677
obtaining a license as a physical therapist from the physical 17678
therapy section, and the section shall not require that person 17679
to obtain a license in accordance with Chapter 4796. of the 17680
Revised Code to teach as described in this division. 17681

(C) A person who is registered or licensed as a physical 17682
therapist under the laws of a foreign country and is not 17683
registered or licensed as a physical therapist in any state who 17684
wishes to teach a physical therapy theory and procedures course 17685
in physical therapy education in this state, or an institution 17686

that wishes the person to teach such a course at the 17687
institution, may apply to the physical therapy section to 17688
request authorization for the person to teach such a course for 17689
a period of not more than one year. Any member of the physical 17690
therapy section may approve the person's or institution's 17691
application. No person described in this division shall teach 17692
such a course for longer than one year without obtaining a 17693
license from the physical therapy section. 17694

(D) The physical therapy section may investigate any 17695
person who allegedly has violated this section. The physical 17696
therapy section has the same powers to investigate an alleged 17697
violation of this section as those powers specified in section 17698
4755.02 of the Revised Code. If, after investigation, the 17699
physical therapy section determines that reasonable evidence 17700
exists that a person has violated this section, within seven 17701
days after that determination, the physical therapy section 17702
shall send a written notice to that person in the same manner as 17703
prescribed in section 119.07 of the Revised Code for licensees, 17704
except that the notice shall specify that a hearing will be held 17705
and specify the date, time, and place of the hearing. 17706

The physical therapy section shall hold a hearing 17707
regarding the alleged violation in the same manner prescribed 17708
for an adjudication hearing under section 119.09 of the Revised 17709
Code. If the physical therapy section, after the hearing, 17710
determines a violation has occurred, the physical therapy 17711
section may discipline the person in the same manner as the 17712
physical therapy section disciplines licensees under section 17713
4755.47 of the Revised Code. The physical therapy section's 17714
determination is an order that the person may appeal in 17715
accordance with section 119.12 of the Revised Code. 17716

If a person who allegedly committed a violation of this section fails to appear for a hearing, the physical therapy section may request the court of common pleas of the county where the alleged violation occurred to compel the person to appear before the physical therapy section for a hearing. If the physical therapy section assesses a person a civil penalty for a violation of this section and the person fails to pay that civil penalty within the time period prescribed by the physical therapy section, the physical therapy section shall forward to the attorney general the name of the person and the amount of the civil penalty for the purpose of collecting that civil penalty. In addition to the civil penalty assessed pursuant to this section, the person also shall pay any fee assessed by the attorney general for collection of the civil penalty.

Sec. 4755.62. (A) No person shall claim to the public to be an athletic trainer or imply by words, actions, or letters that the person is an athletic trainer, or otherwise engage in the practice of athletic training, unless the person is licensed as an athletic trainer pursuant to this chapter.

(B) Except as otherwise provided in division (B) of section 4755.65 of the Revised Code, no educational institution, partnership, association, or corporation shall advertise or otherwise offer to provide or convey the impression that it is providing athletic training unless an individual licensed as an athletic trainer pursuant to this chapter is employed by, or under contract to, the educational institution, partnership, association, or corporation and will be performing the athletic training services to which reference is made.

(C) To qualify for an athletic trainers license, a person shall:

(1) Have satisfactorily completed an application for licensure in accordance with rules adopted by the athletic trainers section of the Ohio occupational therapy, physical therapy, and athletic trainers board under section 4755.61 of the Revised Code;

(2) Have paid the examination fee required under this section;

(3) Have shown, to the satisfaction of the athletic trainers section, that the applicant has received a baccalaureate or higher degree from an institution of higher education, approved by the athletic trainers section of the board and the federal regional accreditation agency and recognized by the council on postsecondary accreditation, and has satisfactorily completed the educational course work requirements established by rule of the athletic trainers section under section 4755.61 of the Revised Code.

(4) In addition to educational course work requirements, have obtained supervised clinical experience that meets the requirements established in rules adopted by the athletic trainers section under section 4755.61 of the Revised Code;

(5) Have passed an examination adopted by the athletic trainers section under division (A) (8) of section 4755.61 of the Revised Code. Each applicant for licensure shall pay, at the time of application, the nonrefundable examination fee set by the athletic trainers section.

~~(D) The section may waive the requirements of division (C) of this section for any applicant who presents proof of current licensure shall issue a license to engage in the practice of athletic training in accordance with Chapter 4796. of the~~

Revised Code to an applicant who holds a license in another 17776
state whose standards for licensure, as determined by the 17777
section, are equal to or greater than those in effect in this 17778
state on the date of application or to an applicant who has 17779
satisfactory work experience, a government certification, or a 17780
private certification as described in that chapter as an 17781
athletic trainer in a state that does not issue that license. 17782

(E) The section shall issue a license to every applicant 17783
who complies with the requirements of division (C) of this 17784
section, files the required application form, and pays the fees 17785
required by section 4755.61 of the Revised Code. Each licensee 17786
shall display the licensee's license in a conspicuous place at 17787
the licensee's principal place of employment. 17788

A license issued under this section entitles the holder to 17789
engage in the practice of athletic training, to claim to the 17790
public to be an athletic trainer, or to imply by words or 17791
letters that the licensee is an athletic trainer. A license 17792
issued under this section does not entitle the holder to 17793
provide, offer to provide, or represent that the holder is 17794
qualified to provide any care or services for which the holder 17795
lacks the education, training, or experience to provide or is 17796
prohibited by law from providing. 17797

Sec. 4755.65. (A) Nothing in sections 4755.61 to 4755.64 17798
of the Revised Code shall be construed to prevent or restrict 17799
the practice, services, or activities of any person who: 17800

(1) Is an individual authorized under Chapter 4731. of the 17801
Revised Code to practice medicine and surgery, osteopathic 17802
medicine and surgery, or podiatry, a dentist licensed under 17803
Chapter 4715. of the Revised Code, a chiropractor licensed under 17804
Chapter 4734. of the Revised Code, a dietitian licensed under 17805

Chapter 4759. of the Revised Code, a physical therapist licensed 17806
under this chapter, or a qualified member of any other 17807
occupation or profession practicing within the scope of the 17808
person's license or profession and who does not claim to the 17809
public to be an athletic trainer; 17810

(2) Is employed as an athletic trainer by an agency of the 17811
United States government and provides athletic training solely 17812
under the direction or control of the agency by which the person 17813
is employed; 17814

(3) Is a student in an athletic training education program 17815
approved by the athletic trainers section leading to a 17816
baccalaureate or higher degree from an accredited college or 17817
university and is performing duties that are a part of a 17818
supervised course of study; 17819

(4) Is ~~not an~~ a nonresident individual not licensed as an 17820
athletic trainer in this state who practices or offers to 17821
practice athletic training while traveling with a visiting team 17822
or organization from outside the state or an event approved by 17823
the section for the purpose of providing athletic training to 17824
the visiting team, organization, or event; 17825

(5) Provides athletic training only to relatives or in 17826
medical emergencies; 17827

(6) Provides gratuitous care to friends or members of the 17828
person's family; 17829

(7) Provides only self-care. 17830

(B) Nothing in this chapter shall be construed to prevent 17831
any person licensed under Chapter 4723. of the Revised Code and 17832
whose license is in good standing, any person authorized under 17833
Chapter 4731. of the Revised Code to practice medicine and 17834

surgery or osteopathic medicine and surgery and whose 17835
certificate to practice is in good standing, any person 17836
authorized under Chapter 4731. of the Revised Code to practice 17837
podiatry and whose certificate to practice is in good standing, 17838
any person licensed under Chapter 4734. of the Revised Code to 17839
practice chiropractic and whose license is in good standing, any 17840
person licensed as a dietitian under Chapter 4759. of the 17841
Revised Code to practice dietetics and whose license is in good 17842
standing, any person licensed as a physical therapist under this 17843
chapter to practice physical therapy and whose license is in 17844
good standing, or any association, corporation, or partnership 17845
from advertising, describing, or offering to provide athletic 17846
training, or billing for athletic training if the athletic 17847
training services are provided by a person licensed under this 17848
chapter and practicing within the scope of the person's license, 17849
by a person licensed under Chapter 4723. of the Revised Code and 17850
practicing within the scope of the person's license, by a person 17851
authorized under Chapter 4731. of the Revised Code to practice 17852
podiatry, by a person authorized under Chapter 4731. of the 17853
Revised Code to practice medicine and surgery or osteopathic 17854
medicine and surgery, by a person licensed under Chapter 4734. 17855
of the Revised Code to practice chiropractic, or by a person 17856
licensed under Chapter 4759. of the Revised Code to practice 17857
dietetics. 17858

(C) Nothing in this chapter shall be construed as 17859
authorizing a licensed athletic trainer to practice medicine and 17860
surgery, osteopathic medicine and surgery, podiatry, or 17861
chiropractic. 17862

(D) The athletic trainer section of the occupational 17863
therapy, physical therapy, and athletic trainers board shall not 17864
require a nonresident individual licensed as an athletic trainer 17865

in another state to obtain a license in accordance with Chapter 17866
4796. of the Revised Code to practice or offer to practice 17867
athletic training in the manner described under division (A) (4) 17868
of this section. 17869

~~Sec. 4757.18. The counselor, social worker, and marriage 17870~~
~~and family therapist board may enter into a reciprocal agreement 17871~~
~~with any state that regulates individuals practicing in the same 17872~~
~~capacities as those regulated under this chapter if the board 17873~~
~~finds that the state has requirements substantially equivalent 17874~~
~~to the requirements this state has for receipt of a license or 17875~~
~~certificate of registration under this chapter. In a reciprocal 17876~~
~~agreement, the board agrees to issue the appropriate license or 17877~~
~~certificate of registration to any resident of the other state 17878~~
~~whose practice is currently authorized by that state if that 17879~~
~~state's regulatory body agrees to authorize the appropriate 17880~~
~~practice of any resident of this state who holds a valid license 17881~~
~~or certificate of registration issued under this chapter. 17882~~

~~Subject to section 4757.25 of the Revised Code, the The 17883~~
~~professional standards committees of the counselor, social 17884~~
~~worker, and marriage and family therapist board mayshall, by 17885~~
~~endorsement, issue the appropriate license, temporary license, 17886~~
~~or certificate of registration in accordance with Chapter 4796. 17887~~
~~of the Revised Code to a resident of a state with which the 17888~~
~~board does not have a reciprocal agreement, if the person 17889~~
~~submits proof satisfactory to the committee of currently being 17890~~
~~licensed, certified, registered, or otherwise authorized to 17891~~
~~practice by that statean applicant if either of the following 17892~~
~~applies: 17893~~

(A) The applicant holds a license or certificate of 17894
registration in another state. 17895

(B) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter in a state that does not issue the license, temporary license, or certificate of registration for which the applicant is applying. 17896
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Sec. 4758.25. (A) The chemical dependency professionals board ~~may enter into a reciprocal agreement with any state that regulates individuals practicing in the same capacities as those regulated under this chapter if the board finds that the state has requirements substantially equivalent to the requirements of this state to receive a license or certificate under this chapter.~~ 17901
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~~The board may become a member of a national reciprocity organization that requires its members to have requirements substantially equivalent to the requirements of this state to receive a license or certificate to practice in the same capacities as those regulated under this chapter. If the board becomes a member of such an organization, the board shall consider itself to have a reciprocal agreement with the other states that are also members of the organization.~~ 17908
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~~(B) The board may, by endorsement, shall issue the appropriate a license or, certificate, or endorsement in accordance with Chapter 4796. of the Revised Code to a resident of a~~ an applicant if either of the following applies: 17916
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(1) The applicant holds a license, certificate, or endorsement in another state with which the board does not have a reciprocal agreement if both of the following apply: 17920
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~~(1) The board finds that the state has requirements substantially equivalent to the requirements of this state for~~ 17923
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~~receipt of a license or certificate under this chapter.~~ 17925

~~(2) The individual submits proof satisfactory to the board
of being currently authorized to practice by that state~~ 17926
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(2) The applicant has satisfactory work experience, a
government certification, or a private certification as
described in that chapter in a state that does not issue the
license, certificate, or endorsement for which the applicant is
applying. 17928
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~~(C) (B) A license or certificate obtained by reciprocity
or endorsement under this section may be renewed or restored
under section 4758.26 of the Revised Code if the individual
holding the license or certificate satisfies the renewal or
restoration requirements established by that section. An
individual holding a license or certificate obtained by
reciprocity or endorsement under this section may obtain, under
section 4758.24 of the Revised Code, a different license or
certificate available under this chapter if the individual meets
all of the requirements as specified in that section for the
license or certificate the individual seeks.~~ 17933
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Sec. 4759.05. (A) The ~~Except as provided in division (E)~~ 17944
of this section, the state medical board shall adopt, amend, or 17945
rescind rules pursuant to Chapter 119. of the Revised Code to 17946
carry out the provisions of this chapter, including rules 17947
governing the following: 17948

(1) Selection and approval of a dietitian licensure 17949
examination offered by the commission on dietetic registration 17950
or any other examination; 17951

(2) The examination of applicants for licensure as a 17952
dietitian, as required under division (A) of section 4759.06 of 17953

the Revised Code;	17954
(3) Requirements for pre-professional dietetic experience of applicants for licensure as a dietitian that are at least equivalent to the requirements adopted by the commission on dietetic registration;	17955 17956 17957 17958
(4) Requirements for a person holding a limited permit under division (G) of section 4759.06 of the Revised Code, including the duration of validity of a limited permit and procedures for renewal;	17959 17960 17961 17962
(5) Continuing education requirements for renewal of a license, including rules providing for pro rata reductions by month of the number of hours of continuing education that must be completed for license holders who have been disabled by illness or accident or have been absent from the country. Rules adopted under this division shall be consistent with the continuing education requirements adopted by the commission on dietetic registration.	17963 17964 17965 17966 17967 17968 17969 17970
(6) Any additional education requirements the board considers necessary, for applicants who have not practiced dietetics within five years of the initial date of application for licensure;	17971 17972 17973 17974
(7) Standards of professional responsibility and practice for persons licensed under this chapter that are consistent with those standards of professional responsibility and practice adopted by the academy of nutrition and dietetics;	17975 17976 17977 17978
(8) Formulation of an application form for licensure or license renewal;	17979 17980
(9) Procedures for license renewal;	17981

(10) Requirements for criminal records checks of 17982
applicants under section 4776.03 of the Revised Code. 17983

(B) (1) The board shall investigate evidence that appears 17984
to show that a person has violated any provision of this chapter 17985
or any rule adopted under it. Any person may report to the board 17986
in a signed writing any information that the person may have 17987
that appears to show a violation of any provision of this 17988
chapter or any rule adopted under it. In the absence of bad 17989
faith, any person who reports information of that nature or who 17990
testifies before the board in any adjudication conducted under 17991
Chapter 119. of the Revised Code shall not be liable in damages 17992
in a civil action as a result of the report or testimony. Each 17993
complaint or allegation of a violation received by the board 17994
shall be assigned a case number and shall be recorded by the 17995
board. 17996

(2) Investigations of alleged violations of this chapter 17997
or any rule adopted under it shall be supervised by the 17998
supervising member elected by the board in accordance with 17999
section 4731.02 of the Revised Code and by the secretary as 18000
provided in section 4759.012 of the Revised Code. The president 18001
may designate another member of the board to supervise the 18002
investigation in place of the supervising member. No member of 18003
the board who supervises the investigation of a case shall 18004
participate in further adjudication of the case. 18005

(3) In investigating a possible violation of this chapter 18006
or any rule adopted under this chapter, the board may issue 18007
subpoenas, question witnesses, conduct interviews, administer 18008
oaths, order the taking of depositions, inspect and copy any 18009
books, accounts, papers, records, or documents, and compel the 18010
attendance of witnesses and the production of books, accounts, 18011

papers, records, documents, and testimony, except that a 18012
subpoena for patient record information shall not be issued 18013
without consultation with the attorney general's office and 18014
approval of the secretary and supervising member of the board. 18015

Before issuance of a subpoena for patient record 18016
information, the secretary and supervising member shall 18017
determine whether there is probable cause to believe that the 18018
complaint filed alleges a violation of this chapter or any rule 18019
adopted under it and that the records sought are relevant to the 18020
alleged violation and material to the investigation. The 18021
subpoena may apply only to records that cover a reasonable 18022
period of time surrounding the alleged violation. 18023

On failure to comply with any subpoena issued by the board 18024
and after reasonable notice to the person being subpoenaed, the 18025
board may move for an order compelling the production of persons 18026
or records pursuant to the Rules of Civil Procedure. 18027

A subpoena issued by the board may be served by a sheriff, 18028
the sheriff's deputy, or a board employee or agent designated by 18029
the board. Service of a subpoena issued by the board may be made 18030
by delivering a copy of the subpoena to the person named 18031
therein, reading it to the person, or leaving it at the person's 18032
usual place of residence, usual place of business, or address on 18033
file with the board. When serving a subpoena to an applicant for 18034
or the holder of a license or limited permit issued under this 18035
chapter, service of the subpoena may be made by certified mail, 18036
return receipt requested, and the subpoena shall be deemed 18037
served on the date delivery is made or the date the person 18038
refuses to accept delivery. If the person being served refuses 18039
to accept the subpoena or is not located, service may be made to 18040
an attorney who notifies the board that the attorney is 18041

representing the person. 18042

A sheriff's deputy who serves a subpoena shall receive the 18043
same fees as a sheriff. Each witness who appears before the 18044
board in obedience to a subpoena shall receive the fees and 18045
mileage provided for under section 119.094 of the Revised Code. 18046

(4) All hearings, investigations, and inspections of the 18047
board shall be considered civil actions for the purposes of 18048
section 2305.252 of the Revised Code. 18049

(5) A report required to be submitted to the board under 18050
this chapter, a complaint, or information received by the board 18051
pursuant to an investigation is confidential and not subject to 18052
discovery in any civil action. 18053

The board shall conduct all investigations or inspections 18054
and proceedings in a manner that protects the confidentiality of 18055
patients and persons who file complaints with the board. The 18056
board shall not make public the names or any other identifying 18057
information about patients or complainants unless proper consent 18058
is given. 18059

The board may share any information it receives pursuant 18060
to an investigation or inspection, including patient records and 18061
patient record information, with law enforcement agencies, other 18062
licensing boards, and other governmental agencies that are 18063
prosecuting, adjudicating, or investigating alleged violations 18064
of statutes or administrative rules. An agency or board that 18065
receives the information shall comply with the same requirements 18066
regarding confidentiality as those with which the state medical 18067
board must comply, notwithstanding any conflicting provision of 18068
the Revised Code or procedure of the agency or board that 18069
applies when it is dealing with other information in its 18070

possession. In a judicial proceeding, the information may be 18071
admitted into evidence only in accordance with the Rules of 18072
Evidence, but the court shall require that appropriate measures 18073
are taken to ensure that confidentiality is maintained with 18074
respect to any part of the information that contains names or 18075
other identifying information about patients or complainants 18076
whose confidentiality was protected by the state medical board 18077
when the information was in the board's possession. Measures to 18078
ensure confidentiality that may be taken by the court include 18079
sealing its records or deleting specific information from its 18080
records. 18081

(6) On a quarterly basis, the board shall prepare a report 18082
that documents the disposition of all cases during the preceding 18083
three months. The report shall contain the following information 18084
for each case with which the board has completed its activities: 18085

(a) The case number assigned to the complaint or alleged 18086
violation; 18087

(b) The type of license, if any, held by the individual 18088
against whom the complaint is directed; 18089

(c) A description of the allegations contained in the 18090
complaint; 18091

(d) The disposition of the case. 18092

The report shall state how many cases are still pending 18093
and shall be prepared in a manner that protects the identity of 18094
each person involved in each case. The report shall be a public 18095
record under section 149.43 of the Revised Code. 18096

(C) The board shall keep records as are necessary to carry 18097
out the provisions of this chapter. 18098

(D) The board shall maintain and publish on its internet 18099
web site the board's rules and requirements for licensure 18100
adopted under division (A) of this section. 18101

(E) The board shall issue a license or limited permit to 18102
practice dietetics in accordance with Chapter 4796. of the 18103
Revised Code to an applicant if either of the following apply: 18104

(1) The applicant holds a license or permit in another 18105
state. 18106

(2) The applicant has satisfactory work experience, a 18107
government certification, or a private certification as 18108
described in that chapter as a dietitian in a state that does 18109
not issue that license. 18110

Sec. 4759.06. (A) The ~~Except as provided in section~~ 18111
4759.05 of the Revised Code, the state medical board shall issue 18112
a license to practice dietetics to an applicant who meets all of 18113
the following requirements: 18114

(1) Has satisfactorily completed an application for 18115
licensure in accordance with rules adopted under division (A) of 18116
section 4759.05 of the Revised Code; 18117

(2) Has paid the fee required under division (A) of 18118
section 4759.08 of the Revised Code; 18119

(3) Has received a baccalaureate or higher degree from an 18120
institution of higher education that is approved by the board or 18121
a regional accreditation agency that is recognized by the 18122
council on postsecondary accreditation, and has completed a 18123
program consistent with the academic standards for dietitians 18124
established by the academy of nutrition and dietetics; 18125

(4) Has successfully completed a pre-professional dietetic 18126

experience approved by the academy of nutrition and dietetics, 18127
or experience approved by the board under division (A) (3) of 18128
section 4759.05 of the Revised Code; 18129

(5) Has passed the examination approved by the board under 18130
division (A) (1) of section 4759.05 of the Revised Code. 18131

(B) The board shall waive the requirements of divisions 18132
(A) (3), (4), and (5) of this section and any rules adopted under 18133
division (A) (6) of section 4759.05 of the Revised Code if the 18134
applicant presents satisfactory evidence to the board of current 18135
registration as a registered dietitian with the commission on 18136
dietetic registration. 18137

(C) (1) The board shall issue a license to practice 18138
dietetics to an applicant who meets the requirements of division 18139
(A) of this section. A license shall be valid for a two-year 18140
period unless revoked or suspended by the board and shall expire 18141
on the date that is two years after the date of issuance. A 18142
license may be renewed for additional two-year periods. 18143

(2) The board shall renew an applicant's license if the 18144
applicant has paid the license renewal fee specified in section 18145
4759.08 of the Revised Code and certifies to the board that the 18146
applicant has met the continuing education requirements adopted 18147
under division (A) (5) of section 4759.05 of the Revised Code. 18148
The renewal shall be pursuant to the standard renewal procedure 18149
of sections 4745.01 to 4745.03 of the Revised Code. 18150

At least one month before a license expires, the board 18151
shall provide a renewal notice. Failure of any person to receive 18152
a notice of renewal from the board shall not excuse the person 18153
from the requirements contained in this section. Each person 18154
holding a license shall give notice to the board of a change in 18155

the license holder's residence address, business address, or 18156
electronic mail address not later than thirty days after the 18157
change occurs. 18158

(D) Any person licensed to practice dietetics by the 18159
former Ohio board of dietetics before January 21, 2018, may 18160
continue to practice dietetics in this state under that license 18161
if the person continues to meet the requirements to renew a 18162
license under this chapter and renews the license through the 18163
state medical board. 18164

The state medical board may take any of the following 18165
actions, as provided in section 4759.07 of the Revised Code, 18166
against the holder of a license to practice dietetics issued 18167
before January 21, 2018, by the former Ohio board of dietetics: 18168

(1) Limit, revoke, or suspend the holder's license; 18169

(2) Refuse to renew or reinstate the holder's license; 18170

(3) Reprimand the holder or place the holder on probation. 18171

(E) The board may require a random sample of dietitians to 18172
submit materials documenting that the continuing education 18173
requirements adopted under division (A) (5) of section 4759.05 of 18174
the Revised Code have been met. 18175

This division does not limit the board's authority to 18176
conduct investigations pursuant to section 4759.07 of the 18177
Revised Code. 18178

(F) (1) If, through a random sample conducted under 18179
division (E) of this section or any other means, the board finds 18180
that an individual who certified completion of the number of 18181
hours and type of continuing education required to renew, 18182
reinstate, or restore a license to practice did not complete the 18183

requisite continuing education, the board may do either of the 18184
following: 18185

(a) Take disciplinary action against the individual under 18186
section 4759.07 of the Revised Code, impose a civil penalty, or 18187
both; 18188

(b) Permit the individual to agree in writing to complete 18189
the continuing education and pay a civil penalty. 18190

(2) The board's finding in any disciplinary action taken 18191
under division (F) (1) (a) of this section shall be made pursuant 18192
to an adjudication under Chapter 119. of the Revised Code and by 18193
an affirmative vote of not fewer than six of its members. 18194

(3) A civil penalty imposed under division (F) (1) (a) of 18195
this section or paid under division (F) (1) (b) of this section 18196
shall be in an amount specified by the board of not more than 18197
five thousand dollars. The board shall deposit civil penalties 18198
in accordance with section 4731.24 of the Revised Code. 18199

(G) (1) ~~The~~ Except as provided in section 4759.05 of the 18200
Revised Code, the board may grant a limited permit to a person 18201
who has completed the education and pre-professional 18202
requirements of divisions (A) (3) and (4) of this section and who 18203
presents evidence to the board of having applied to take the 18204
examination approved by the board under division (A) (1) of 18205
section 4759.05 of the Revised Code. An application for a 18206
limited permit shall be made on forms that the board shall 18207
furnish and shall be accompanied by the limited permit fee 18208
specified in section 4759.08 of the Revised Code. 18209

(2) If no grounds apply under section 4759.07 of the 18210
Revised Code for denying a license to the applicant and the 18211
applicant meets the requirements of division (G) (1) of this 18212

section, the board shall issue a limited permit to the 18213
applicant. 18214

A limited permit expires in accordance with rules adopted 18215
under section 4759.05 of the Revised Code. A limited permit may 18216
be renewed in accordance with those rules. 18217

(3) A person holding a limited permit who has failed the 18218
examination shall practice only under the direct supervision of 18219
a licensed dietitian. 18220

(4) The board may revoke a limited permit on proof 18221
satisfactory to the board that the permit holder has engaged in 18222
practice in this state outside the scope of the permit, that the 18223
holder has engaged in unethical conduct, or that grounds for 18224
action against the holder exist under section 4759.07 of the 18225
Revised Code. 18226

Sec. 4760.03. (A) ~~An~~ Except as provided in division (D) of 18227
this section, an individual seeking a license to practice as an 18228
anesthesiologist assistant shall file with the state medical 18229
board a written application on a form prescribed and supplied by 18230
the board. The application shall include all of the following 18231
information: 18232

(1) Evidence satisfactory to the board that the applicant 18233
is at least twenty-one years of age; 18234

(2) Evidence satisfactory to the board that the applicant 18235
has successfully completed the training necessary to prepare 18236
individuals to practice as anesthesiologist assistants, as 18237
specified in section 4760.031 of the Revised Code; 18238

(3) Evidence satisfactory to the board that the applicant 18239
holds current certification from the national commission for 18240
certification of anesthesiologist assistants and that the 18241

requirements for receiving the certification included passage of 18242
an examination to determine the individual's competence to 18243
practice as an anesthesiologist assistant; 18244

(4) Any other information the board considers necessary to 18245
process the application and evaluate the applicant's 18246
qualifications. 18247

(B) (1) At the time of making application for a license 18248
under division (A) of this section, ~~the~~ an applicant shall pay 18249
the board a fee of one hundred dollars, no part of which shall 18250
be returned. 18251

(2) An applicant seeking a license under division (D) of 18252
this section shall pay the fee required under Chapter 4796. of 18253
the Revised Code. 18254

(C) The board shall review all applications received under 18255
this section. Not later than sixty days after receiving a 18256
complete application, the board shall determine whether an 18257
applicant meets the requirements to receive a license. ~~The~~ 18258
Except as provided in division (D) of this section, the 18259
board shall not issue a license to an applicant unless the applicant 18260
is certified by the national commission for certification of 18261
anesthesiologist assistants or a successor organization that is 18262
recognized by the board. 18263

(D) The board shall issue a license to practice as an 18264
anesthesiologist assistant in accordance with Chapter 4796. of 18265
the Revised Code to an applicant if either of the following 18266
applies: 18267

(1) The applicant holds a license in another state. 18268

(2) The applicant has satisfactory work experience, a 18269
government certification, or a private certification as 18270

described in that chapter as an anesthesiologist assistant in a 18271
state that does not issue that license. 18272

Sec. 4760.031. As—Except for a license issued under 18273
division (D) of section 4760.03 of the Revised Code, as a 18274
condition of being eligible to receive a license to practice as 18275
an anesthesiologist assistant, an individual must successfully 18276
complete the following training requirements: 18277

(A) A baccalaureate or higher degree program at an 18278
institution of higher education accredited by an organization 18279
recognized by the department of higher education. The program 18280
must have included courses in the following areas of study: 18281

- (1) General biology; 18282
- (2) General chemistry; 18283
- (3) Organic chemistry; 18284
- (4) Physics; 18285
- (5) Calculus. 18286

(B) A training program conducted for the purpose of 18287
preparing individuals to practice as anesthesiologist 18288
assistants. If the program was completed prior to May 31, 2000, 18289
the program must have been completed at case western reserve 18290
university or emory university in Atlanta, Georgia. If the 18291
program is completed on or after May 31, 2000, the program must 18292
be a graduate-level program accredited by the commission on 18293
accreditation of allied health education programs or any of the 18294
commission's successor organizations. In either case, the 18295
training program must have included at least all of the 18296
following components: 18297

- (1) Basic sciences of anesthesia: physiology, 18298

pathophysiology, anatomy, and biochemistry. The courses must be 18299
presented as a continuum of didactic courses designed to teach 18300
students the foundations of human biological existence on which 18301
clinical correlations to anesthesia practice are based. 18302

(2) Pharmacology for the anesthetic sciences. The course 18303
must include instruction in the anesthetic principles of 18304
pharmacology, pharmacodynamics, pharmacokinetics, uptake and 18305
distribution, intravenous anesthetics and narcotics, and 18306
volatile anesthetics. 18307

(3) Physics in anesthesia. 18308

(4) Fundamentals of anesthetic sciences, presented as a 18309
continuum of courses covering a series of topics in basic 18310
medical sciences with special emphasis on the effects of 18311
anesthetics on normal physiology and pathophysiology. 18312

(5) Patient instrumentation and monitoring, presented as a 18313
continuum of courses focusing on the design of, proper 18314
preparation of, and proper methods of resolving problems that 18315
arise with anesthesia equipment. The courses must provide a 18316
balance between the engineering concepts used in anesthesia 18317
instruments and the clinical application of anesthesia 18318
instruments. 18319

(6) Clinically based conferences in which techniques of 18320
anesthetic management, quality assurance issues, and current 18321
professional literature are reviewed from the perspective of 18322
practice improvement. 18323

(7) Clinical experience consisting of at least two 18324
thousand hours of direct patient contact, presented as a 18325
continuum of courses throughout the entirety of the program, 18326
beginning with a gradual introduction of the techniques for the 18327

anesthetic management of patients and culminating in the	18328
assimilation of the graduate of the program into the work force.	18329
Areas of instruction must include the following:	18330
(a) Preoperative patient assessment;	18331
(b) Indwelling vascular catheter placement, including	18332
intravenous and arterial catheters;	18333
(c) Airway management, including mask airway and	18334
orotracheal intubation;	18335
(d) Intraoperative charting;	18336
(e) Administration and maintenance of anesthetic agents,	18337
narcotics, hypnotics, and muscle relaxants;	18338
(f) Administration and maintenance of volatile	18339
anesthetics;	18340
(g) Administration of blood products and fluid therapy;	18341
(h) Patient monitoring;	18342
(i) Postoperative management of patients;	18343
(j) Regional anesthesia techniques;	18344
(k) Administration of vasoactive substances for treatment	18345
of unacceptable patient hemodynamic status;	18346
(l) Specific clinical training in all the subspecialties	18347
of anesthesia, including pediatrics, neurosurgery,	18348
cardiovascular surgery, trauma, obstetrics, orthopedics, and	18349
vascular surgery.	18350
(8) Basic life support that qualifies the individual to	18351
administer cardiopulmonary resuscitation to patients in need.	18352
The course must include the instruction necessary to be	18353

certified in basic life support by the American red cross or the 18354
American heart association. 18355

(9) Advanced cardiac life support that qualifies the 18356
individual to participate in the pharmacologic intervention and 18357
management resuscitation efforts for a patient in full cardiac 18358
arrest. The course must include the instruction necessary to be 18359
certified in advanced cardiac life support by the American red 18360
cross or the American heart association. 18361

Sec. 4761.04. (A) Except as provided in division (B) or 18362
(C) of this section, no person is eligible for licensure as a 18363
respiratory care professional unless the person has shown, to 18364
the satisfaction of the state medical board, all of the 18365
following: 18366

(1) That the person has successfully completed the 18367
requirements of an educational program approved by the board 18368
that includes instruction in the biological and physical 18369
sciences, pharmacology, respiratory care theory, procedures, and 18370
clinical practice, and cardiopulmonary rehabilitation 18371
techniques; 18372

(2) That the person has passed an examination approved 18373
under rules adopted by the board that tests the applicant's 18374
knowledge of the basic and clinical sciences relating to 18375
respiratory care theory and practice, professional skills and 18376
judgment in the utilization of respiratory care techniques, and 18377
such other subjects as the board considers useful in determining 18378
fitness to practice. 18379

(B) Any person licensed to practice respiratory care by 18380
the former Ohio respiratory care board before January 21, 2018, 18381
may continue to practice respiratory care in this state under 18382

that license if the person continues to meet the requirements to 18383
renew a license under this chapter and renews the license 18384
through the state medical board. 18385

The state medical board may take any of the following 18386
actions, as provided in section 4761.09 of the Revised Code, 18387
against the holder of a license to practice respiratory care 18388
issued before January 21, 2018, by the former Ohio respiratory 18389
care board: 18390

(1) Limit, revoke, or suspend the holder's license; 18391

(2) Refuse to renew or reinstate the holder's license; 18392

(3) Reprimand the holder or place the holder on probation. 18393

(C) The board shall issue a license to act as a 18394
respiratory care professional in accordance with Chapter 4796. 18395
of the Revised Code to an applicant if either of the following 18396
apply: 18397

(1) The applicant holds a license in another state. 18398

(2) The applicant has satisfactory work experience, a 18399
government certification, or a private certification as 18400
described in that chapter as a respiratory care professional in 18401
a state that does not issue that license. 18402

Sec. 4761.05. (A) The—Except as provided in division (C) 18403
of section 4761.04 of the Revised Code, the state medical board 18404
shall issue a license to any applicant who complies with the 18405
requirements of section 4761.04 of the Revised Code, files the 18406
prescribed application form, and pays the fee or fees required 18407
under section 4761.07 of the Revised Code. The license entitles 18408
the holder to practice respiratory care. 18409

(B) (1) The—Except as provided in division (D) of this 18410

section, the board shall issue a limited permit to any applicant 18411
who files an application on a form furnished by the board, pays 18412
the fee required under section 4761.07 of the Revised Code, and 18413
meets either of the following requirements: 18414

(a) Is enrolled in and is in good standing in a 18415
respiratory care educational program approved by the board that 18416
meets the requirements of division (A) (1) of section 4761.04 of 18417
the Revised Code leading to a degree or certificate of 18418
completion or is a graduate of the program; 18419

(b) Is employed as a provider of respiratory care in this 18420
state and was employed as a provider of respiratory care in this 18421
state prior to March 14, 1989. 18422

(2) If no grounds apply under section 4761.09 of the 18423
Revised Code for denying a limited permit to the applicant and 18424
the applicant meets the requirements of division (B) of this 18425
section, the board shall issue a limited permit to the 18426
applicant. 18427

The limited permit authorizes the holder to provide 18428
respiratory care under the supervision of a respiratory care 18429
professional. A person issued a limited permit under division 18430
(B) (1) (a) of this section may practice respiratory care under 18431
the limited permit for not more than three years after the date 18432
the limited permit is issued, except that the limited permit 18433
shall cease to be valid one year following the date of receipt 18434
of a certificate of completion from a board-approved respiratory 18435
care education program or immediately if the holder discontinues 18436
participation in the educational program. 18437

The holder shall notify the board as soon as practicable 18438
when the holder completes a board-approved respiratory care 18439

education program or discontinues participation in the 18440
educational program. 18441

This division does not require a student enrolled in an 18442
educational program leading to a degree or certificate of 18443
completion in respiratory care approved by the board to obtain a 18444
limited permit to perform any duties that are part of the 18445
required course of study. 18446

(3) A person issued a limited permit under division (B) (1) 18447
(b) of this section may practice under a limited permit for not 18448
more than three years, except that this restriction does not 18449
apply to a permit holder who, on March 14, 1989, has been 18450
employed as a provider of respiratory care for an average of not 18451
less than twenty-five hours per week for a period of not less 18452
than five years by a hospital. 18453

(4) During the three-year period in which a person may 18454
practice under a limited permit, the person shall apply for 18455
renewal on an annual basis in accordance with section 4761.06 of 18456
the Revised Code. 18457

(5) The board may revoke a limited permit upon proof 18458
satisfactory to the board that the permit holder has engaged in 18459
practice in this state outside the scope of the permit, that the 18460
holder has engaged in unethical conduct, or that there are 18461
grounds for action against the holder under section 4761.09 of 18462
the Revised Code. 18463

(C) The holder of a license or limited permit issued under 18464
this section shall either provide verification of licensure or 18465
permit status from the board's internet web site on request or 18466
prominently display a wall certificate in the license holder's 18467
office or place where the majority of the holder's practice is 18468

conducted. 18469

(D) The board shall issue a limited permit to practice 18470
respiratory care in accordance with Chapter 4796. of the Revised 18471
Code to an applicant if either of the following applies: 18472

(1) The applicant holds a license or permit in another 18473
state. 18474

(2) The applicant has satisfactory work experience, a 18475
government certification, or a private certification as 18476
described in that chapter as a provider of respiratory care in a 18477
state that does not issue that license or permit. 18478

Sec. 4762.03. (A) An Except as provided in division (D) of 18479
this section, an individual seeking a license to practice as an 18480
oriental medicine practitioner or license to practice as an 18481
acupuncturist shall file with the state medical board a written 18482
application on a form prescribed and supplied by the board. 18483

(B) To Except as provided in division (D) of this section, 18484
to be eligible for the license, an applicant shall meet all of 18485
the following conditions, as applicable: 18486

(1) The applicant shall submit evidence satisfactory to 18487
the board that the applicant is at least eighteen years of age. 18488

(2) In the case of an applicant seeking a license to 18489
practice as an oriental medicine practitioner, the applicant 18490
shall submit evidence satisfactory to the board of both of the 18491
following: 18492

(a) That the applicant holds a current and active 18493
designation from the national certification commission for 18494
acupuncture and oriental medicine as either a diplomate in 18495
oriental medicine or diplomate of acupuncture and Chinese 18496

herbology; 18497

(b) That the applicant has successfully completed, in the 18498
two-year period immediately preceding application for the 18499
license to practice, one course approved by the commission on 18500
federal food and drug administration dispensary and compounding 18501
guidelines and procedures. 18502

(3) In the case of an applicant seeking a license to 18503
practice as an acupuncturist, the applicant shall submit 18504
evidence satisfactory to the board that the applicant holds a 18505
current and active designation from the national certification 18506
commission for acupuncture and oriental medicine as a diplomate 18507
in acupuncture. 18508

(4) The applicant shall demonstrate to the board 18509
proficiency in spoken English by satisfying one of the following 18510
requirements: 18511

(a) Passing the examination described in section 4731.142 18512
of the Revised Code; 18513

(b) Submitting evidence satisfactory to the board that the 18514
applicant was required to demonstrate proficiency in spoken 18515
English as a condition of obtaining designation from the 18516
national certification commission for acupuncture and oriental 18517
medicine as a diplomate in oriental medicine, diplomate of 18518
acupuncture and Chinese herbology, or diplomate in acupuncture; 18519

(c) Submitting evidence satisfactory to the board that the 18520
applicant, in seeking a designation from the national 18521
certification commission for acupuncture and oriental medicine 18522
as a diplomate of oriental medicine, diplomate of acupuncture 18523
and Chinese herbology, or diplomate of acupuncture, has 18524
successfully completed in English the examination required for 18525

such a designation by the national certification commission for 18526
acupuncture and oriental medicine; 18527

(d) In the case of an applicant seeking a license to 18528
practice as an oriental medicine practitioner, submitting 18529
evidence satisfactory to the board that the applicant has 18530
previously held a license to practice as an acupuncturist issued 18531
under section 4762.04 of the Revised Code. 18532

(5) The applicant shall submit to the board any other 18533
information the board requires. 18534

(6) The applicant shall pay to the board a fee of one 18535
hundred dollars, no part of which may be returned to the 18536
applicant. 18537

(C) The board shall review all applications received under 18538
this section. The board shall determine whether an applicant 18539
meets the requirements to receive a license not later than sixty 18540
days after receiving a complete application. 18541

(D) The board shall issue a license to practice as an 18542
oriental medicine practitioner or acupuncturist in accordance 18543
with Chapter 4796. of the Revised Code to an applicant if either 18544
of the following applies: 18545

(1) The applicant holds a license in another state. 18546

(2) The applicant has satisfactory work experience, a 18547
government certification, or a private certification as 18548
described in that chapter as an oriental medicine practitioner 18549
or acupuncturist in a state that does not issue that license. 18550

Sec. 4763.05. (A) (1) (a) A person shall make application 18551
for an initial state-certified general real estate appraiser 18552
certificate, an initial state-certified residential real estate 18553

appraiser certificate, an initial state-licensed residential 18554
real estate appraiser license, or an initial state-registered 18555
real estate appraiser assistant registration in writing to the 18556
superintendent of real estate on a form the superintendent 18557
prescribes. The application shall include the address of the 18558
applicant's principal place of business and all other addresses 18559
at which the applicant currently engages in the business of 18560
performing real estate appraisals and the address of the 18561
applicant's current residence. The superintendent shall retain 18562
the applicant's current residence address in a separate record 18563
which does not constitute a public record for purposes of 18564
section 149.43 of the Revised Code. The application shall 18565
indicate whether the applicant seeks certification as a general 18566
real estate appraiser or as a residential real estate appraiser, 18567
licensure as a residential real estate appraiser, or 18568
registration as a real estate appraiser assistant and be 18569
accompanied by the prescribed examination and certification, 18570
registration, or licensure fees set forth in section 4763.09 of 18571
the Revised Code. The application also shall include a pledge, 18572
signed by the applicant, that the applicant will comply with the 18573
standards set forth in this chapter; and a statement that the 18574
applicant understands the types of misconduct for which 18575
disciplinary proceedings may be initiated against the applicant 18576
pursuant to this chapter. 18577

(b) Upon the filing of an application and payment of any 18578
examination and certification, registration, or licensure fees, 18579
the superintendent of real estate shall request the 18580
superintendent of the bureau of criminal identification and 18581
investigation, or a vendor approved by the bureau, to conduct a 18582
criminal records check based on the applicant's fingerprints in 18583
accordance with section 109.572 of the Revised Code. 18584

Notwithstanding division (K) of section 121.08 of the Revised Code, the superintendent of real estate shall request that criminal record information from the federal bureau of investigation be obtained as part of the criminal records check. Any fee required under division (C) (3) of section 109.572 of the Revised Code shall be paid by the applicant.

(2) For purposes of providing funding for the real estate appraiser recovery fund established by section 4763.16 of the Revised Code, the real estate appraiser board shall levy an assessment against each person issued an initial certificate, registration, or license and against current licensees, registrants, and certificate holders, as required by board rule. The assessment is in addition to the application and examination fees for initial applicants required by division (A) (1) of this section and the renewal fees required for current certificate holders, registrants, and licensees. The superintendent of real estate shall deposit the assessment into the state treasury to the credit of the real estate appraiser recovery fund. The assessment for initial certificate holders, registrants, and licensees shall be paid prior to the issuance of a certificate, registration, or license, and for current certificate holders, registrants, and licensees, at the time of renewal.

(B) An applicant for an initial general real estate appraiser certificate, residential real estate appraiser certificate, or residential real estate appraiser license shall possess experience in real estate appraisal as the board prescribes by rule. In addition to any other information required by the board, the applicant shall furnish, under oath, a detailed listing of the appraisal reports or file memoranda for each year for which experience is claimed and, upon request of the superintendent or the board, shall make available for

examination a sample of the appraisal reports prepared by the 18616
applicant in the course of the applicant's practice. 18617

(C) An applicant for an initial certificate, registration, 18618
or license shall be at least eighteen years of age, honest, and 18619
truthful and shall present satisfactory evidence to the 18620
superintendent that the applicant has successfully completed any 18621
education requirements the board prescribes by rule. 18622

(D) An applicant for an initial general real estate 18623
appraiser or residential real estate appraiser certificate or 18624
residential real estate appraiser license shall take and 18625
successfully complete a written examination in order to qualify 18626
for the certificate or license. 18627

The board shall prescribe the examination requirements by 18628
rule. 18629

(E) (1) ~~A person who has obtained~~ The board shall issue a 18630
residential real estate appraiser license, a residential real 18631
estate appraiser certificate, real estate appraiser assistant 18632
registration, or a general real estate appraiser certificate 18633
~~from another state may apply to obtain a license or certificate~~ 18634
~~issued under this chapter provided the state that issued the~~ 18635
~~license or certificate has requirements that meet or exceed the~~ 18636
~~requirements found in this chapter. The board shall adopt rules~~ 18637
~~relating to this division. The application for obtaining a~~ 18638
~~license or certificate under this division may include any of~~ 18639
~~the following:~~ 18640

~~(a) A pledge, signed by the applicant, that the applicant~~ 18641
~~will comply with the standards set forth in this chapter;~~ 18642

~~(b) A statement that the applicant understands the types~~ 18643
~~of misconduct for which disciplinary proceedings may be~~ 18644

~~initiated against the applicant pursuant to this chapter;~~ 18645

~~(c) A consent to service of process in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:~~ 18646
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18648

~~(a) The applicant holds a certificate, license, or registration in another state.~~ 18649
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~~(b) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a residential real estate appraiser, real estate appraiser assistant, or general real estate appraiser in a state that does not issue that certificate, license, or registration.~~ 18651
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(2) (a) The board shall recognize on a temporary basis a certification or license issued in another state and shall register on a temporary basis an appraiser who is certified or licensed in another state if all of the following apply: 18657
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(i) The temporary registration is to perform an appraisal assignment that is part of a federally related transaction. 18661
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(ii) The appraiser's business in this state is of a temporary nature. 18663
18664

(iii) The appraiser registers with the board pursuant to this division. 18665
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(b) An appraiser who is certified or licensed in another state shall register with the board for temporary practice before performing an appraisal assignment in this state in connection with a federally related transaction. 18667
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(c) The board shall adopt rules relating to registration for the temporary recognition of certification and licensure of 18671
18672

appraisers from another state. The registration for temporary 18673
recognition of certified or licensed appraisers from another 18674
state shall not authorize completion of more than one appraisal 18675
assignment in this state. The board shall not issue more than 18676
two registrations for temporary practice to any one applicant in 18677
any calendar year. The application for obtaining a registration 18678
under this division may include any of the following: 18679

(i) A pledge, signed by the applicant, that the applicant 18680
will comply with the standards set forth in this chapter; 18681

(ii) A statement that the applicant understands the types 18682
of misconduct for which disciplinary proceedings may be 18683
initiated against the applicant pursuant to this chapter; 18684

(iii) A consent to service of process. 18685

~~(3) The board may enter into reciprocal agreements with~~ 18686
~~other states. The board shall prescribe reciprocal agreement~~ 18687
~~requirements by rule.~~ (d) A nonresident appraiser whose 18688
certification or license has been recognized by the board on a 18689
temporary basis and who is acting in accordance with this 18690
section and the board's rules is not required to obtain a 18691
license in accordance with Chapter 4796. of the Revised Code. 18692

(F) The superintendent shall not issue a certificate, 18693
registration, or license to, or recognize on a temporary basis 18694
an appraiser from another state that is a corporation, 18695
partnership, or association. This prohibition shall not be 18696
construed to prevent a certificate holder or licensee from 18697
signing an appraisal report on behalf of a corporation, 18698
partnership, or association. 18699

(G) Every person licensed, registered, or certified under 18700
this chapter shall notify the superintendent, on a form provided 18701

by the superintendent, of a change in the address of the 18702
licensee's, registrant's, or certificate holder's principal 18703
place of business or residence within thirty days of the change. 18704
If a licensee's, registrant's, or certificate holder's license, 18705
registration, or certificate is revoked or not renewed, the 18706
licensee, registrant, or certificate holder immediately shall 18707
return the annual and any renewal certificate, registration, or 18708
license to the superintendent. 18709

(H) (1) The superintendent shall not issue a certificate, 18710
registration, or license to any person, or recognize on a 18711
temporary basis an appraiser from another state, who does not 18712
meet applicable minimum criteria for state certification, 18713
registration, or licensure prescribed by federal law or rule. 18714

(2) The superintendent shall not refuse to issue a general 18715
real estate appraiser certificate, residential real estate 18716
appraiser certificate, residential real estate appraiser 18717
license, or real estate appraiser assistant registration to any 18718
person because of a conviction of or plea of guilty to any 18719
criminal offense unless the refusal is in accordance with 18720
section 9.79 of the Revised Code. 18721

Sec. 4764.10. (A) The superintendent of real estate and 18722
professional licensing may issue a home inspector license to an 18723
applicant who holds a license, registration, or certification as 18724
a home inspector in another jurisdiction other than another 18725
state if that applicant submits an application on a form the 18726
superintendent provides, pays the fee the Ohio home inspector 18727
board prescribes, and satisfies all of the following 18728
requirements: 18729

~~(A)~~ (1) The applicant is licensed, registered, or 18730
certified as a home inspector in a jurisdiction that the board 18731

determines grants the same privileges to persons licensed under 18732
this chapter as this state grants to persons in that 18733
jurisdiction. 18734

~~(B)~~ (2) That other jurisdiction has licensing, 18735
registration, or certification requirements that are 18736
substantially similar to, or exceed, those of this state. 18737

~~(C)~~ (3) The applicant attests that the applicant is 18738
familiar with and will abide by this chapter. 18739

~~(D)~~ (4) The applicant attests to all of the following in a 18740
written statement that the applicant submits to the 18741
superintendent: 18742

~~(1)~~ (a) To provide the superintendent the name and address 18743
of an agent to receive service of process in this state or that 18744
the applicant authorizes the superintendent to act as agent for 18745
that applicant; 18746

~~(2)~~ (b) That service of process in accordance with the 18747
Revised Code is proper and the applicant is subject to the 18748
jurisdiction of the courts of this state; 18749

~~(3)~~ (c) That any cause of action arising out of the 18750
conduct of the applicant's business in this state shall be filed 18751
in the county in which the events that gave rise to that cause 18752
of action occurred. 18753

(B) The board shall issue a home inspector license in 18754
accordance with Chapter 4796. of the Revised Code to an 18755
applicant if either of the following applies: 18756

(1) The applicant holds a license in another state. 18757

(2) The applicant has satisfactory work experience, a 18758
government certification, or a private certification as 18759

described in that chapter as a home inspector in a state that 18760
does not issue that license. 18761

Sec. 4765.10. (A) The state board of emergency medical, 18762
fire, and transportation services shall do all of the following: 18763

(1) Administer and enforce the provisions of this chapter 18764
and the rules adopted under it; 18765

(2) Approve, in accordance with procedures established in 18766
rules adopted under section 4765.11 of the Revised Code, 18767
examinations that demonstrate competence to have a certificate 18768
to practice renewed without completing a continuing education 18769
program; 18770

(3) Advise applicants for state or federal emergency 18771
medical services funds, review and comment on applications for 18772
these funds, and approve the use of all state and federal funds 18773
designated solely for emergency medical service programs unless 18774
federal law requires another state agency to approve the use of 18775
all such federal funds; 18776

(4) Serve as a statewide clearinghouse for discussion, 18777
inquiry, and complaints concerning emergency medical services; 18778

(5) Make recommendations to the general assembly on 18779
legislation to improve the delivery of emergency medical 18780
services; 18781

(6) Maintain a toll-free long distance telephone number 18782
through which it shall respond to questions about emergency 18783
medical services; 18784

(7) Work with appropriate state offices in coordinating 18785
the training of firefighters and emergency medical service 18786
personnel. Other state offices that are involved in the training 18787

of firefighters or emergency medical service personnel shall 18788
cooperate with the board and its committees and subcommittees to 18789
achieve this goal. 18790

(8) Provide a liaison to the state emergency operation 18791
center during those periods when a disaster, as defined in 18792
section 5502.21 of the Revised Code, has occurred in this state 18793
and the governor has declared an emergency as defined in that 18794
section. 18795

(B) The board may do any of the following: 18796

(1) Investigate complaints concerning emergency medical 18797
services and emergency medical service organizations as it 18798
determines necessary; 18799

~~(2) Enter into reciprocal agreements with other states 18800
that have standards for accreditation of emergency medical 18801
services training programs and for certification of first- 18802
responders, EMTs basic, EMTs I, paramedics, firefighters, or 18803
fire safety inspectors that are substantially similar to those 18804
established under this chapter and the rules adopted under it; 18805~~

~~(3) Establish a statewide public information system and 18806
public education programs regarding emergency medical services; 18807~~

~~(4) (3) Establish an injury prevention program. 18808~~

(C) The state board of emergency medical, fire, and 18809
transportation services shall not regulate any profession that 18810
otherwise is regulated by another board, commission, or similar 18811
regulatory entity. 18812

Sec. 4765.11. (A) The state board of emergency medical, 18813
fire, and transportation services shall adopt, and may amend and 18814
rescind, rules in accordance with Chapter 119. of the Revised 18815

Code and divisions (C) and (D) of this section that establish	18816
all of the following:	18817
(1) Procedures for its governance and the control of its	18818
actions and business affairs;	18819
(2) Standards for the performance of emergency medical	18820
services by first responders, emergency medical technicians-	18821
basic, emergency medical technicians-intermediate, and emergency	18822
medical technicians-paramedic;	18823
(3) Application fees for certificates of accreditation,	18824
certificates of approval, certificates to teach, and	18825
certificates to practice, which shall be deposited into the	18826
trauma and emergency medical services fund created in section	18827
4513.263 of the Revised Code;	18828
(4) Criteria for determining when the application or	18829
renewal fee for a certificate to practice may be waived because	18830
an applicant cannot afford to pay the fee;	18831
(5) Procedures for issuance and renewal of certificates of	18832
accreditation, certificates of approval, certificates to teach,	18833
and certificates to practice, including any measures necessary	18834
to implement section 9.79 of the Revised Code and any procedures	18835
necessary to ensure that adequate notice of renewal is provided	18836
in accordance with division (D) <u>(E)</u> of section 4765.30 of the	18837
Revised Code;	18838
(6) Procedures for suspending or revoking certificates of	18839
accreditation, certificates of approval, certificates to teach,	18840
and certificates to practice;	18841
(7) Grounds for suspension or revocation of a certificate	18842
to practice issued under section 4765.30 of the Revised Code and	18843
for taking any other disciplinary action against a first	18844

responder, EMT-basic, EMT-I, or paramedic;	18845
(8) Procedures for taking disciplinary action against a	18846
first responder, EMT-basic, EMT-I, or paramedic;	18847
(9) Standards for certificates of accreditation and	18848
certificates of approval;	18849
(10) Qualifications for certificates to teach;	18850
(11) Requirements for a certificate to practice;	18851
(12) The curricula, number of hours of instruction and	18852
training, and instructional materials to be used in adult and	18853
pediatric emergency medical services training programs and adult	18854
and pediatric emergency medical services continuing education	18855
programs;	18856
(13) Procedures for conducting courses in recognizing	18857
symptoms of life-threatening allergic reactions and in	18858
calculating proper dosage levels and administering injections of	18859
epinephrine to adult and pediatric patients who suffer life-	18860
threatening allergic reactions;	18861
(14) Examinations for certificates to practice;	18862
(15) Procedures for administering examinations for	18863
certificates to practice;	18864
(16) Procedures for approving examinations that	18865
demonstrate competence to have a certificate to practice renewed	18866
without completing an emergency medical services continuing	18867
education program;	18868
(17) Procedures for granting extensions and exemptions of	18869
emergency medical services continuing education requirements;	18870
(18) Specifications of the emergency medical services that	18871

first responders are authorized to perform under section 4765.35 18872
of the Revised Code, that EMTs-basic are authorized to perform 18873
under section 4765.37 of the Revised Code, that EMTs-I are 18874
authorized to perform under section 4765.38 of the Revised Code, 18875
and that paramedics are authorized to perform under section 18876
4765.39 of the Revised Code; 18877

(19) Standards and procedures for implementing the 18878
requirements of section 4765.06 of the Revised Code, including 18879
designations of the persons who are required to report 18880
information to the board and the types of information to be 18881
reported; 18882

(20) Procedures for administering the emergency medical 18883
services grant program established under section 4765.07 of the 18884
Revised Code; 18885

(21) Procedures consistent with Chapter 119. of the 18886
Revised Code for appealing decisions of the board; 18887

(22) Minimum qualifications and peer review and quality 18888
improvement requirements for persons who provide medical 18889
direction to emergency medical service personnel, including, 18890
subject to division (B) of section 4765.42 of the Revised Code, 18891
qualifications for a physician to be eligible to serve as the 18892
medical director of an emergency medical service organization or 18893
a member of its cooperating physician advisory board; 18894

(23) The manner in which a patient, or a patient's parent, 18895
guardian, or custodian, may consent to the board releasing 18896
identifying information about the patient under division (D) of 18897
section 4765.102 of the Revised Code; 18898

(24) Circumstances under which a training program or 18899
continuing education program, or portion of either type of 18900

program, may be taught by a person who does not hold a certificate to teach issued under section 4765.23 of the Revised Code;

(25) Certification cycles for certificates issued under sections 4765.23 and 4765.30 of the Revised Code and certificates issued by the executive director of the state board of emergency medical, fire, and transportation services under section 4765.55 of the Revised Code that establish a common expiration date for all certificates.

(B) The board may adopt, and may amend and rescind, rules in accordance with Chapter 119. of the Revised Code and divisions (C) and (D) of this section that establish any of the following:

(1) Specifications of information that may be collected under the trauma system registry and incidence reporting system created under section 4765.06 of the Revised Code;

(2) Standards and procedures for implementing any of the recommendations made by any committees of the board or under section 4765.04 of the Revised Code;

(3) Any other rules necessary to implement this chapter.

(C) In developing and administering rules adopted under this chapter, the state board of emergency medical, fire, and transportation services shall consult with regional directors and regional advisory boards appointed under section 4765.05 of the Revised Code and emphasize the special needs of pediatric and geriatric patients.

(D) Except as otherwise provided in this division, before adopting, amending, or rescinding any rule under this chapter, the board shall submit the proposed rule to the director of

public safety for review. The director may review the proposed 18930
rule for not more than sixty days after the date it is 18931
submitted. If, within this sixty-day period, the director 18932
approves the proposed rule or does not notify the board that the 18933
rule is disapproved, the board may adopt, amend, or rescind the 18934
rule as proposed. If, within this sixty-day period, the director 18935
notifies the board that the proposed rule is disapproved, the 18936
board shall not adopt, amend, or rescind the rule as proposed 18937
unless at least twelve members of the board vote to adopt, 18938
amend, or rescind it. 18939

This division does not apply to an emergency rule adopted 18940
in accordance with section 119.03 of the Revised Code. 18941

(E) Notwithstanding any requirement for a certificate 18942
issued in accordance with rules adopted by the board under this 18943
section, the board, in accordance with Chapter 4796. of the 18944
Revised Code, shall issue a certificate that is a license as 18945
defined in section 4796.01 of the Revised Code to an individual 18946
if either of the following applies: 18947

(1) The individual holds a license or certificate in 18948
another state. 18949

(2) The individual has satisfactory work experience, a 18950
government certification, or a private certification as 18951
described in that chapter as a first responder, emergency 18952
medical technician-basic, emergency medical technician- 18953
intermediate, or emergency medical technician-paramedic in a 18954
state that does not issue that license or certificate. 18955

Sec. 4765.30. All of the following apply to the state 18956
board of emergency medical, fire, and transportation services 18957
with respect to issuing and renewing certificates to practice: 18958

(A) The board shall issue a certificate to practice as a first responder to an applicant who meets all of the following conditions: 18959
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(1) Holds the appropriate certificate of completion issued in accordance with section 4765.24 of the Revised Code; 18962
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(2) Passes the appropriate examination conducted under section 4765.29 of the Revised Code; 18964
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(3) Is not in violation of any provision of this chapter or the rules adopted under it; 18966
18967

(4) Meets any other certification requirements established in rules adopted under section 4765.11 of the Revised Code. 18968
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(B) The board shall issue a certificate to practice as an emergency medical technician-basic to an applicant who meets all of the following conditions: 18970
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(1) Holds the appropriate certificate of completion issued in accordance with section 4765.24 of the Revised Code; 18973
18974

(2) Passes the appropriate examination conducted under section 4765.29 of the Revised Code; 18975
18976

(3) Is not in violation of any provision of this chapter or the rules adopted under it; 18977
18978

(4) Meets any other certification requirements established in rules adopted under section 4765.11 of the Revised Code. 18979
18980

(C) The board shall issue a certificate to practice as an emergency medical technician-intermediate or emergency medical technician-paramedic to an applicant who meets all of the following conditions: 18981
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(1) Holds a certificate to practice as an emergency 18985

medical technician-basic;	18986
(2) Holds the appropriate certificate of completion issued in accordance with section 4765.24 of the Revised Code;	18987 18988
(3) Passes the appropriate examination conducted under section 4765.29 of the Revised Code;	18989 18990
(4) Is not in violation of any provision of this chapter or the rules adopted under it;	18991 18992
(5) Meets any other certification requirements established in rules adopted under section 4765.11 of the Revised Code.	18993 18994
(D) <u>Notwithstanding any requirement for a certificate to practice issued under this section, the board shall issue a certificate in accordance with Chapter 4796. of the Revised Code to an individual if either of the following applies:</u>	18995 18996 18997 18998
<u>(1) The individual holds a license or certificate in another state.</u>	18999 19000
<u>(2) The individual has satisfactory work experience, a government certification, or a private certification as described in that chapter as a first responder in a state that does not issue that license or certificate.</u>	19001 19002 19003 19004
(E) A certificate to practice 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. Not later than sixty days prior to the expiration date of an individual's certificate to practice, the board shall notify the individual of the scheduled expiration.	19005 19006 19007 19008 19009 19010
An application for renewal shall be accompanied by the appropriate renewal fee established in rules adopted under section 4765.11 of the Revised Code, unless the board waives the	19011 19012 19013

fee on determining pursuant to those rules that the applicant 19014
cannot afford to pay the fee. Except as provided in division (B) 19015
of section 4765.31 of the Revised Code, the application shall 19016
include evidence of either of the following: 19017

(1) That the applicant received a certificate of 19018
completion from the appropriate emergency medical services 19019
continuing education program pursuant to section 4765.24 of the 19020
Revised Code; 19021

(2) That the applicant has successfully passed an 19022
examination that demonstrates the competence to have a 19023
certificate renewed without completing an emergency medical 19024
services continuing education program. The board shall approve 19025
such examinations in accordance with rules adopted under section 19026
4765.11 of the Revised Code. 19027

~~(E)~~ (F) The board shall not require an applicant for 19028
renewal of a certificate to practice to take an examination as a 19029
condition of renewing the certificate. This division does not 19030
preclude the use of examinations by operators of approved 19031
emergency medical services continuing education programs as a 19032
condition for issuance of a certificate of completion in 19033
emergency medical services continuing education. 19034

Sec. 4765.55. (A) The executive director of the state 19035
board of emergency medical, fire, and transportation services, 19036
with the advice and counsel of the firefighter and fire safety 19037
inspector training committee of the state board of emergency 19038
medical, fire, and transportation services, shall assist in the 19039
establishment and maintenance by any state agency, or any 19040
county, township, city, village, school district, or educational 19041
service center of a fire service training program for the 19042
training of all persons in positions of any fire training 19043

certification level approved by the executive director, 19044
including full-time paid firefighters, part-time paid 19045
firefighters, volunteer firefighters, and fire safety inspectors 19046
in this state. The executive director, with the advice and 19047
counsel of the committee, shall adopt rules to regulate those 19048
firefighter and fire safety inspector training programs, and 19049
other training programs approved by the executive director. The 19050
rules may include, but need not be limited to, training 19051
curriculum, certification examinations, training schedules, 19052
minimum hours of instruction, attendance requirements, required 19053
equipment and facilities, basic physical requirements, and 19054
methods of training for all persons in positions of any fire 19055
training certification level approved by the executive director, 19056
including full-time paid firefighters, part-time paid 19057
firefighters, volunteer firefighters, and fire safety 19058
inspectors. The rules adopted to regulate training programs for 19059
volunteer firefighters shall not require more than thirty-six 19060
hours of training. 19061

The executive director, with the advice and counsel of the 19062
committee, shall provide for the classification and chartering 19063
of fire service training programs in accordance with rules 19064
adopted under division (B) of this section, and may take action 19065
against any chartered training program or applicant, in 19066
accordance with rules adopted under divisions (B) (4) and (5) of 19067
this section, for failure to meet standards set by the adopted 19068
rules. 19069

(B) The executive director, with the advice and counsel of 19070
the firefighter and fire safety inspector training committee of 19071
the state board of emergency medical, fire, and transportation 19072
services, shall adopt, and may amend or rescind, rules under 19073
Chapter 119. of the Revised Code that establish all of the 19074

following:	19075
(1) Requirements for, and procedures for chartering, the training programs regulated by this section;	19076 19077
(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;	19078 19079 19080 19081
(3) Requirements for, and requirements and procedures for obtaining and renewing, any of the fire training certificates regulated by this section;	19082 19083 19084
(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:	19085 19086 19087 19088
(a) Failure to satisfy the education or training requirements of this section;	19089 19090
(b) Conviction of a felony offense;	19091
(c) Conviction of a misdemeanor involving moral turpitude;	19092
(d) Conviction of a misdemeanor committed in the course of practice;	19093 19094
(e) In the case of a chartered training program or applicant, failure to meet standards set by the rules adopted under this division.	19095 19096 19097
(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	19098 19099 19100 19101

section, the fines to be deposited into the trauma and emergency 19102
medical services fund established under section 4513.263 of the 19103
Revised Code; 19104

(6) Continuing education requirements for certificate 19105
holders, including a requirement that credit shall be granted 19106
for in-service training programs conducted by local entities; 19107

(7) Procedures for considering the granting of an 19108
extension or exemption of fire service continuing education 19109
requirements; 19110

(8) Certification cycles for which the certificates and 19111
charters regulated by this section are valid. 19112

(C) The executive director, with the advice and counsel of 19113
the firefighter and fire safety inspector training committee of 19114
the state board of emergency medical, fire, and transportation 19115
services, shall issue or renew an instructor certificate to 19116
teach the training programs and continuing education classes 19117
regulated by this section to any applicant that the executive 19118
director determines meets the qualifications established in 19119
rules adopted under division (B) of this section, and may take 19120
disciplinary action against an instructor certificate holder or 19121
applicant in accordance with rules adopted under division (B) of 19122
this section. The executive director, with the advice and 19123
counsel of the committee, shall charter or renew the charter of 19124
any training program that the executive director determines 19125
meets the qualifications established in rules adopted under 19126
division (B) of this section, and may take disciplinary action 19127
against the holder of a charter in accordance with rules adopted 19128
under division (B) of this section. 19129

(D) The executive director shall issue or renew a fire 19130

training certificate for a firefighter, a fire safety inspector, 19131
or another position of any fire training certification level 19132
approved by the executive director, to any applicant that the 19133
executive director determines meets the qualifications 19134
established in rules adopted under division (B) of this section 19135
and may take disciplinary actions against a certificate holder 19136
or applicant in accordance with rules adopted under division (B) 19137
of this section. 19138

(E) Certificates issued under this section shall be on a 19139
form prescribed by the executive director, with the advice and 19140
counsel of the firefighter and fire safety inspector training 19141
committee of the state board of emergency medical, fire, and 19142
transportation services. 19143

(F) (1) The executive director, with the advice and counsel 19144
of the firefighter and fire safety inspector training committee 19145
of the state board of emergency medical, fire, and 19146
transportation services, shall establish criteria for evaluating 19147
the standards maintained by ~~other states and~~ the branches of the 19148
United States military for firefighter, fire safety inspector, 19149
and fire instructor training programs, and other training 19150
programs recognized by the executive director, to determine 19151
whether the standards are equivalent to those established under 19152
this section and shall establish requirements and procedures for 19153
issuing a certificate to each person who presents proof to the 19154
executive director of having satisfactorily completed a training 19155
program that meets those standards. 19156

(2) The executive director, with the committee's advice 19157
and counsel, shall adopt rules establishing requirements and 19158
procedures for issuing a fire training certificate in lieu of 19159
completing a chartered training program. 19160

(G) Notwithstanding any requirement for a certificate issued under this section, the executive director shall issue a certificate in accordance with Chapter 4796. of the Revised Code to an individual if either of the following applies: 19161
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(1) The individual holds a license or certificate in another state. 19165
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(2) The individual has satisfactory work experience, a government certification, or a private certification as described in that chapter as a firefighter or fire safety inspector in a state that does not issue that license or certificate. 19167
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(H) Nothing in this section invalidates any other section of the Revised Code relating to the fire training academy. 19172
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Section 4765.11 of the Revised Code does not affect any powers and duties granted to the executive director under this section. 19174
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~~(H)~~ (I) 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. 19176
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Sec. 4767.031. (A) The owner or the person responsible for the operation of each cemetery required to register under section 4767.03 of the Revised Code shall provide the division of real estate in the department of commerce, on a form prescribed by the division, at the same time the owner or other person applies for registration or renewal of registration as required by section 4767.03 of the Revised Code, a list of the 19183
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names and residence addresses of all persons employed or 19190
otherwise engaged by the cemetery to sell interment rights. The 19191
provision of this information constitutes the registration of 19192
these persons to sell interment rights. 19193

In order for an independent contractor to sell interment 19194
rights for a cemetery, the cemetery shall sponsor and register 19195
the independent contractor with the division. More than one 19196
cemetery may sponsor and register the same independent 19197
contractor. The division shall register an independent 19198
contractor in accordance with Chapter 4796. of the Revised Code 19199
if either of the following applies: 19200

(1) The individual is licensed or registered in another 19201
state. 19202

(2) The individual has satisfactory work experience, a 19203
government certification, or a private certification as 19204
described in that chapter as an independent contractor selling 19205
interment rights for a cemetery in a state that does not issue 19206
that license or registration. 19207

(B) The owner or the person responsible for the operation 19208
of each cemetery required to register under section 4767.03 of 19209
the Revised Code shall provide the division with a revised list 19210
of the names and residence addresses of all persons employed or 19211
otherwise engaged by the cemetery to sell interment rights 19212
within the calendar quarter immediately following the date of 19213
the termination of the cemetery's relationship with an existing 19214
salesperson or the commencement of a relationship with a new 19215
salesperson. As used in this division, "calendar quarter" means 19216
the three-month period that commences on the first day of each 19217
January, April, July, and October. 19218

Sec. 4771.08. (A) Upon receipt of all the materials 19219
required for application for registration under section 4771.07 19220
of the Revised Code, the Ohio athletic commission shall evaluate 19221
the information provided and issue a certificate of registration 19222
to the applicant, unless the commission finds that the applicant 19223
or an employee or representative of the applicant has committed 19224
any of the acts described in division (A) of section 4771.18 of 19225
the Revised Code. 19226

Notwithstanding the requirements for a certificate of 19227
registration under this chapter, the commission shall issue a 19228
certificate of registration in accordance with Chapter 4796. of 19229
the Revised Code to an applicant if either of the following 19230
applies: 19231

(1) The applicant is registered in another state. 19232

(2) The applicant has satisfactory work experience, a 19233
government certification, or a private certification as 19234
described in that chapter as an athlete agent in a state that 19235
does not issue that certificate of registration. 19236

(B) The commission may issue a temporary certificate of 19237
registration, effective for a period of up to ninety days after 19238
the issuance of the temporary registration, to ~~an~~ a nonresident 19239
athlete agent who is registered as an athlete agent in another 19240
state, or to a person who has not submitted all the material 19241
required under section 4771.07 of the Revised Code, but who the 19242
commission determines to have submitted sufficient material to 19243
warrant the issuance of a temporary certificate. Chapter 4796. 19244
of the Revised Code does not apply to a temporary certificate of 19245
registration issued under this division. 19246

(C) The registration of an athlete agent with the 19247

commission is valid for a period of two years after the date the 19248
certificate of registration is issued. An athlete agent shall 19249
file an application for the renewal of a registration with the 19250
commission at least thirty days prior to the expiration of the 19251
registration of the athlete agent. An application for renewal 19252
shall be accompanied by a renewal fee in an amount determined by 19253
the commission pursuant to division (F) of section 4771.05 of 19254
the Revised Code. 19255

(D) Each certificate of registration issued by the 19256
commission to an athlete agent shall contain all the following 19257
information: 19258

(1) The name of the athlete agent; 19259

(2) The address of the primary location in which the 19260
athlete agent is authorized to conduct business as an athlete 19261
agent; 19262

(3) A registration number for the athlete agent and the 19263
date of issuance of the registration. 19264

(E) No registration or certificate of registration is 19265
valid for any individual other than the athlete agent to whom it 19266
is issued. 19267

(F) The commission is not liable for the acts of an 19268
athlete agent who is registered with the commission. 19269

Sec. 4773.03. (A) ~~Each~~Except as provided in division (G) 19270
of this section, each individual seeking a license to practice 19271
as a general x-ray machine operator, radiographer, radiation 19272
therapy technologist, or nuclear medicine technologist shall 19273
apply to the department of health on a form the department shall 19274
prescribe and provide. The application shall be accompanied by 19275
the appropriate license application fee established in rules 19276

adopted under section 4773.08 of the Revised Code. 19277

(B) ~~The~~ Except as provided in division (G) of this 19278
section, the department shall review all applications received 19279
and issue the appropriate general x-ray machine operator, 19280
radiographer, radiation therapy technologist, or nuclear 19281
medicine technologist license to each applicant who meets all of 19282
the following requirements: 19283

(1) Is eighteen years of age or older; 19284

(2) Except as provided in division (C) of this section, 19285
passes the examination administered under section 4773.04 of the 19286
Revised Code for the applicant's area of practice; 19287

(3) Complies with any other licensing standards 19288
established in rules adopted under section 4773.08 of the 19289
Revised Code. 19290

(C) An applicant is not required to take a licensing 19291
examination if one of the following applies to the applicant: 19292

(1) The individual is applying for a license as a general 19293
x-ray machine operator and holds certification in that area of 19294
practice from the American registry of radiologic technologists 19295
or the American chiropractic registry of radiologic 19296
technologists. 19297

(2) The individual is applying for a license as a 19298
radiographer and holds certification in that area of practice 19299
from the American registry of radiologic technologists. 19300

(3) The individual is applying for a license as a 19301
radiation therapy technologist and holds certification in that 19302
area of practice from the American registry of radiologic 19303
technologists. 19304

(4) The individual is applying for a license as a nuclear
medicine technologist and holds certification in that area of
practice from the American registry of radiologic technologists
or the nuclear medicine technology certification board.

(5) The individual holds a conditional license issued
under section 4773.05 of the Revised Code and has completed the
continuing education requirements established in rules adopted
under section 4773.08 of the Revised Code.

~~(6) The individual holds a license, certificate, or other
credential issued by another state that the department
determines uses standards for radiologic professions that are at
least equal to those established under this chapter.~~

(D) A license issued under this section expires biennially
on the license holder's birthday, except for an initial license
which expires on the license holder's birthday following two
years after it is issued. For an initial license, the fee
established in rules adopted under section 4773.08 of the
Revised Code may be increased in proportion to the amount of
time beyond two years that the license may be valid.

A license may be renewed. To be eligible for renewal, the
license holder must complete the continuing education
requirements specified in rules adopted by the department under
section 4773.08 of the Revised Code. Applications for license
renewal shall be accompanied by the appropriate renewal fee
established in rules adopted under section 4773.08 of the
Revised Code. Renewals shall be made in accordance with the
standard renewal procedure established under Chapter 4745. of
the Revised Code.

(E) (1) A license that has lapsed or otherwise become

inactive may be reinstated. An individual seeking reinstatement 19334
of a license shall apply to the department on a form the 19335
department shall prescribe and provide. The application shall be 19336
accompanied by the appropriate reinstatement fee established in 19337
rules adopted under section 4773.08 of the Revised Code. 19338

(2) To be eligible for reinstatement, both of the 19339
following apply: 19340

(a) An applicant must continue to meet the conditions for 19341
receiving an initial license, including the examination or 19342
certification requirements specified in division (B) or (C) of 19343
this section. In the case of an applicant seeking reinstatement 19344
based on having passed an examination administered under section 19345
4773.04 of the Revised Code, the length of time that has elapsed 19346
since the examination was passed is not a consideration in 19347
determining whether the applicant is eligible for reinstatement. 19348

(b) The applicant must complete the continuing education 19349
requirements for reinstatement established in rules adopted 19350
under section 4773.08 of the Revised Code. 19351

(F) The department shall refuse to issue, renew, or 19352
reinstate and may suspend or revoke a general x-ray machine 19353
operator, radiographer, radiation therapy technologist, or 19354
nuclear medicine technologist license if the applicant or 19355
license holder does not comply with the applicable requirements 19356
of this chapter or rules adopted under it. 19357

(G) The department shall issue a general x-ray machine 19358
operator, radiographer, radiation therapy technologist, or 19359
nuclear medicine technologist license in accordance with Chapter 19360
4796. of the Revised Code to an applicant if either of the 19361
following applies: 19362

(1) The applicant holds a license in another state. 19363

(2) The applicant has satisfactory work experience, a 19364
government certification, or a private certification as 19365
described in that chapter as a general x-ray machine operator, 19366
radiographer, radiation therapy technologist, or nuclear 19367
medicine technologist in a state that does not issue that 19368
license. 19369

Sec. 4774.03. (A) ~~An~~ Except as provided in division (D) of 19370
this section, an individual seeking a license to practice as a 19371
radiologist assistant shall file with the state medical board a 19372
written application on a form prescribed and supplied by the 19373
board. The application shall include all the information the 19374
board considers necessary to process the application, including 19375
evidence satisfactory to the board that the applicant meets the 19376
requirements specified in division (B) of this section. 19377

At the time an application is submitted, the applicant 19378
shall pay the board the application fee specified by the board 19379
in rules adopted under section 4774.11 of the Revised Code. No 19380
part of the fee shall be returned. 19381

(B) ~~To~~ Except as provided in division (D) of this section, 19382
to be eligible to receive a license to practice as a radiologist 19383
assistant, an applicant shall meet all of the following 19384
requirements: 19385

(1) Be at least eighteen years of age; 19386

(2) Hold a current, valid license as a radiographer under 19387
Chapter 4773. of the Revised Code; 19388

(3) Have attained a baccalaureate degree or 19389
postbaccalaureate certificate from an advanced academic program 19390
encompassing a nationally recognized radiologist assistant 19391

curriculum that includes a radiologist-directed clinical 19392
preceptorship; 19393

(4) Hold current certification as a registered radiologist 19394
assistant from the American registry of radiologic technologists 19395
and have attained the certification by meeting the standard 19396
certification requirements established by the registry, 19397
including the registry's requirements for documenting clinical 19398
education in the form of a clinical portfolio and passing an 19399
examination to determine competence to practice; 19400

(5) Hold current certification in advanced cardiac life 19401
support. 19402

(C) The board shall review all applications received under 19403
this section. Not later than sixty days after receiving an 19404
application the board considers to be complete, the board shall 19405
determine whether the applicant meets the requirements to 19406
receive a license to practice as a radiologist assistant. 19407

(D) The board shall issue a license to practice as a 19408
radiologist assistant in accordance with Chapter 4796. of the 19409
Revised Code to an applicant if either of the following applies: 19410

(1) The applicant holds a license in another state. 19411

(2) The applicant has satisfactory work experience, a 19412
government certification, or a private certification as 19413
described in that chapter as a radiologist assistant in a state 19414
that does not issue that license. 19415

Sec. 4775.07. (A) Any person required to be registered as 19416
a motor vehicle repair operator shall apply to the motor vehicle 19417
repair board upon forms prescribed by the board. The forms shall 19418
contain sufficient information to identify the applicant, 19419
including name, address, state tax identification number, and 19420

any other identifying data prescribed by rule of the board. If 19421
the applicant is a partnership, identifying data as prescribed 19422
by the board may be required for each partner. If the applicant 19423
is a corporation, identifying data may be required for each 19424
officer of the corporation and each person in charge of each 19425
place of the motor vehicle repair operator's business in this 19426
state. The applicant shall affirm the application by oath. The 19427
applicant shall include with the application the initial 19428
registration fee set forth in section 4775.08 of the Revised 19429
Code and proof satisfactory to the board that the applicant has 19430
a current state and federal tax identification number, a valid 19431
vendor's license issued pursuant to section 5739.17 of the 19432
Revised Code, a United States environmental protection agency 19433
identification number issued under the "Resource Conservation 19434
and Recovery Act of 1976," 90 Stat. 2795, 42 U.S.C.A. 6901, as 19435
amended, and regulations adopted under that act, proof of 19436
possession of all permits required under Chapter 3704. of the 19437
Revised Code, general liability insurance and liability 19438
insurance that protects a person against liability for damage to 19439
motor vehicles in the applicant's care, custody, or control in 19440
an amount and form that conforms to the rules the board adopts 19441
under section 4775.04 of the Revised Code, and coverage under 19442
Chapters 4123. and 4141. of the Revised Code. In addition, the 19443
applicant shall affirm that the applicant is in compliance with 19444
all applicable federal and state statutes and rules and all 19445
local ordinances and resolutions, including all applicable 19446
zoning regulations. 19447

(B) Upon receipt of the completed application form and 19448
fees and after the board determines that the applicant meets the 19449
requirements for registration under division (A) of this 19450
section, the board shall direct the executive director to issue 19451

a registration certificate to the applicant for each place of 19452
business. The motor vehicle repair operator shall display the 19453
registration certificate in a conspicuous place on the premises 19454
of the business for which the registration is obtained. The 19455
board and director shall issue a registration certificate in 19456
accordance with Chapter 4796. of the Revised Code to an 19457
applicant if either of the following applies: 19458

(1) The applicant holds a license or registration 19459
certificate in another state. 19460

(2) The applicant has satisfactory work experience, a 19461
government certification, or a private certification as 19462
described in that chapter as a motor vehicle repair operator in 19463
a state that does not issue that license or registration 19464
certificate. 19465

(C) Each registration certificate issued under this 19466
section expires annually on the date of its original issuance 19467
and may be renewed in accordance with the standard renewal 19468
procedure of Chapter 4745. of the Revised Code. The application 19469
for a renewal of a registration certificate shall be accompanied 19470
by the same information and proof as is required to accompany an 19471
initial application under division (A) of this section. 19472

(D) When a motor vehicle repair operator experiences a 19473
change in any information or data required under division (A) of 19474
this section or by rule of the board for registration as a motor 19475
vehicle repair operator, the motor vehicle repair operator shall 19476
submit written notification of the change to the board within 19477
sixty days after the date that the information becomes obsolete. 19478
If a motor vehicle repair operator fails to submit the written 19479
notification of a change in information or data within sixty 19480
days after the change in information or data, the operator's 19481

registration certificate is automatically suspended, except that 19482
the board may waive the suspension for good cause shown. 19483

(E) Notwithstanding section 5703.21 of the Revised Code, 19484
the department of taxation may disclose to the board any 19485
information necessary for the board to verify the existence of 19486
an applicant's valid vendor's license and current state tax 19487
identification number. 19488

Sec. 4778.03. (A) ~~An Except as provided in division (D) of~~ 19489
~~this section,~~ an individual seeking a license to practice as a 19490
genetic counselor shall file with the state medical board an 19491
application in a manner prescribed by the board. The application 19492
shall include all the information the board considers necessary 19493
to process the application, including evidence satisfactory to 19494
the board that the applicant meets the requirements specified in 19495
division (B) of this section. 19496

At the time an application is submitted, the applicant 19497
shall pay the board an application fee of two hundred dollars. 19498
No part of the fee shall be returned to the applicant or 19499
transferred for purposes of another application. 19500

(B) ~~To Except as provided in division (D) of this section,~~ 19501
~~to be~~ eligible to receive a license to practice as a genetic 19502
counselor, an applicant shall demonstrate to the board that the 19503
applicant meets all of the following requirements: 19504

(1) Is at least eighteen years of age; 19505

(2) Has attained a master's degree or higher degree from a 19506
genetic counseling graduate program accredited by the American 19507
board of genetic counseling, inc.; 19508

(3) Is a certified genetic counselor; 19509

(4) Has satisfied any other requirements established by the board in rules adopted under section 4778.12 of the Revised Code.

(C) The board shall review all applications received under this section. Not later than sixty days after receiving an application it considers complete, the board shall determine whether the applicant meets the requirements for a license to practice as a genetic counselor.

(D) The board shall issue a license to practice as a genetic counselor in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a genetic counselor in a state that does not issue that license.

Sec. 4778.08. (A) The Except as provided in division (C) of this section, the state medical board may issue to an applicant under section 4778.03 of the Revised Code a license to practice as a genetic counselor, designated as a supervised practice license, if both of the following apply:

(1) The applicant meets the requirements specified in section 4778.03 of the Revised Code other than being a certified genetic counselor;

(2) The applicant is in active candidate status with the American board of genetic counseling.

(B) A supervised practice license authorizes the holder to engage in the activities authorized by section 4778.11 of the

Revised Code while the holder is under the general supervision 19538
of a genetic counselor licensed under section 4778.05 of the 19539
Revised Code or a physician. General supervision does not 19540
require the supervising licensed genetic counselor or physician 19541
to be present while the holder engages in such activities, but 19542
does require the licensed genetic counselor or physician to have 19543
professional responsibility for the holder and be readily 19544
accessible to the holder for professional consultation and 19545
assistance. 19546

A supervised practice license is valid from the date of 19547
issuance until the earlier of one year from that date or the 19548
date a license is issued under section 4778.05 of the Revised 19549
Code. A supervised practice license may not be renewed. 19550

(C) The board shall issue a supervised practice license to 19551
practice as a genetic counselor in accordance with Chapter 4796. 19552
of the Revised Code to an applicant if either of the following 19553
applies: 19554

(1) The applicant holds a license in another state. 19555

(2) The applicant has satisfactory work experience, a 19556
government certification, or a private certification as 19557
described in that chapter as a supervised practice genetic 19558
counselor in a state that does not issue that license. 19559

Sec. 4778.09. (A) The state medical board may issue a 19560
license to practice as a genetic counselor, designated as a 19561
special activity license, to an individual from another state 19562
seeking to practice in this state genetic counseling associated 19563
with a rare disease. 19564

(B) An applicant for a special activity license shall 19565
submit to the board all of the following information: 19566

(1) Evidence that the applicant holds a current, 19567
unrestricted license to practice genetic counseling issued by 19568
another state or, if the applicant practices genetic counseling 19569
in another state that does not license genetic counselors, 19570
evidence that the applicant is a certified genetic counselor; 19571

(2) Evidence that the applicant has actively practiced 19572
genetic counseling within the two-year period immediately 19573
preceding application; 19574

(3) The name of the applicant's sponsoring institution or 19575
organization, a statement of need for genetic counseling from 19576
the sponsoring institution or organization, and the name of the 19577
rare disease for which the applicant will be practicing genetic 19578
counseling in this state. 19579

(C) At the time an application is submitted, the applicant 19580
shall pay a fee of twenty-five dollars. No part of the fee shall 19581
be returned to the applicant or transferred for purposes of 19582
another application. 19583

(D) The board shall not require the holder of a special 19584
activity license issued under this section to obtain a license 19585
under Chapter 4796. of the Revised Code. A special activity 19586
license is valid for the shorter of thirty days or the duration 19587
of the genetic counseling associated with the rare disease for 19588
which the license was issued. The license may not be renewed. 19589

(E) The holder of a special activity license may practice 19590
genetic counseling only to the extent that it is associated with 19591
the rare disease for which the license was issued. The license 19592
holder shall not bill a patient or any third party payer for 19593
genetic counseling provided in this state. 19594

(F) The board may revoke a special activity license on 19595

receiving proof satisfactory to the board that the holder of the 19596
license has engaged in practice in this state outside the scope 19597
of the license or that there are grounds for action against the 19598
license holder under section 4778.14 of the Revised Code. 19599

Sec. 4779.17. The Ohio occupational therapy, physical 19600
therapy, and athletic trainers board shall issue a license under 19601
section 4779.09 of the Revised Code to practice orthotics, 19602
prosthetics, orthotics and prosthetics, or pedorthics ~~without~~ 19603
~~examination to an applicant who meets all of the following~~ 19604
~~requirements:~~ 19605

~~(A) Applies to the board in accordance with section~~ 19606
~~4779.09 of the Revised Code;~~ 19607

~~(B) Holds a license to practice orthotics, prosthetics,~~ 19608
~~orthotics and prosthetics, or pedorthics issued by the~~ 19609
~~appropriate authority of another state;~~ 19610

~~(C) One of the following applies:~~ 19611

~~(1) In the case of an applicant for a license to practice~~ 19612
~~orthotics, the applicant meets the requirements in divisions (A)~~ 19613
~~(2) and (3) of section 4779.10 of the Revised Code.~~ 19614

~~(2) In the case of an applicant for a license to practice~~ 19615
~~prosthetics, the applicant meets the requirements in divisions~~ 19616
~~(A) (2) and (3) of section 4779.11 of the Revised Code.~~ 19617

~~(3) In the case of an applicant for a license to practice~~ 19618
~~orthotics and prosthetics, the applicant meets the requirements~~ 19619
~~in divisions (A) (2) and (3) of section 4779.12 of the Revised~~ 19620
~~Code.~~ 19621

~~(4) In the case of an applicant for a license to practice~~ 19622
~~pedorthics, the applicant meets the requirements in divisions~~ 19623

(B) and (C) of section 4779.13 of the Revised Code.	19624
(D) All fees received by the board under this section	19625
shall be deposited in the state treasury to the credit of the	19626
occupational licensing and regulatory fund established in	19627
section 4743.05 accordance with Chapter 4796. of the Revised	19628
Code to an applicant if either of the following applies:	19629
<u>(A) The applicant holds a license in another state.</u>	19630
<u>(B) The applicant has satisfactory work experience, a</u>	19631
<u>government certification, or a private certification as</u>	19632
<u>described in that chapter in orthotics, prosthetics, orthotics</u>	19633
<u>and prosthetics, or pedorthics in a state that does not issue</u>	19634
<u>that license.</u>	19635
Sec. 4779.18. (A) The Ohio occupational therapy, physical	19636
therapy, and athletic trainers board shall issue a temporary	19637
license to an individual who meets all of the following	19638
requirements:	19639
(1) Applies to the board in accordance with rules adopted	19640
under section 4779.08 of the Revised Code and pays the	19641
application fee specified in the rules;	19642
(2) Is eighteen years of age or older;	19643
(3) One of the following applies:	19644
(a) In the case of an applicant for a license to practice	19645
orthotics, the applicant meets the requirements in divisions (A)	19646
(2) and (3) of section 4779.10 of the Revised Code.	19647
(b) In the case of an applicant for a license to practice	19648
prosthetics, the applicant meets the requirements in divisions	19649
(A) (2) and (3) of section 4779.11 of the Revised Code.	19650

(c) In the case of an applicant for a license to practice orthotics and prosthetics, the applicant meets the requirements in divisions (A) (2) and (3) of section 4779.12 of the Revised Code. 19651
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(d) In the case of an applicant for a license to practice pedorthics, the applicant meets the requirements in divisions (B) and (C) of section 4779.13 of the Revised Code. 19655
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(B) The board shall issue a temporary license in accordance with Chapter 4796. of the Revised Code to an applicant who holds a license in another state, a government certification, or a private certification as described in that chapter in a state that does not issue that license. 19658
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(C) A temporary license ~~issued under this section~~ is valid for one year and may be renewed once in accordance with rules adopted by the board under section 4779.08 of the Revised Code. 19663
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(D) An individual who holds a temporary license may practice orthotics, prosthetics, orthotics and prosthetics, or pedorthics only under the supervision of an individual who holds a license issued under section 4779.09 of the Revised Code in the same area of practice. 19666
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~~(C)~~ (E) All fees received by the board under this section shall be deposited in the state treasury to the credit of the occupational licensing and regulatory fund established in section 4743.05 of the Revised Code. 19671
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Sec. 4781.07. (A) Pursuant to rules the division of industrial compliance adopts, the division may certify municipal, township, and county building departments and the personnel of those departments, or any private third party, to exercise the division's enforcement authority, accept and 19675
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approve plans and specifications for foundations, support 19680
systems and installations, and inspect manufactured housing 19681
foundations, support systems, and manufactured housing 19682
installations. Any certification is effective for three years. 19683

(B) Following an investigation and finding of facts that 19684
support its action, the division of industrial compliance may 19685
revoke or suspend certification. The division may initiate an 19686
investigation on the division's own motion or the petition of a 19687
person affected by the enforcement or approval of plans. 19688

(C) (1) If a township, municipal corporation, or county 19689
does not have a building department that is certified pursuant 19690
to this section, it may designate by resolution or ordinance 19691
another building department that has been certified pursuant to 19692
this section to exercise the division's enforcement authority, 19693
accept and approve plans and specifications for foundations, 19694
support systems and installations, and inspect manufactured 19695
housing foundations, support systems, and manufactured housing 19696
installations. The designation is effective upon acceptance by 19697
the designee. 19698

(2) An owner of a manufactured home or an operator of a 19699
manufactured home park may request an inspection and obtain an 19700
approval described in division (C) (1) of this section from any 19701
building department certified pursuant to this section 19702
designated by the township, municipal corporation, or county in 19703
which the owner's manufactured home or operator's manufactured 19704
home park is located. 19705

(D) The board shall certify an individual to exercise 19706
enforcement authority, to accept and approve plans and 19707
specifications, or to make inspections in this state in 19708
accordance with Chapter 4796. of the Revised Code if either of 19709

the following applies: 19710

(1) The individual is certified in another state. 19711

(2) The individual has satisfactory work experience, a 19712
government certification, or a private certification as 19713
described in that chapter in exercising enforcement authority, 19714
accepting and approving plans and specifications for 19715
foundations, support systems and installations, or inspecting 19716
manufactured housing foundations, support systems, and 19717
installations, in a state that does not issue that 19718
certification. 19719

Sec. 4781.08. (A) The division of industrial compliance 19720
shall issue a manufactured housing installer license to any 19721
applicant who is at least eighteen years of age and meets all of 19722
the following requirements: 19723

(1) Submits an application to the division on a form the 19724
division prescribes and pays the fee the division requires; 19725

(2) Completes all training requirements the division 19726
prescribes; 19727

(3) Meets the experience requirements the division 19728
prescribes by rule; 19729

(4) Has at least one year of experience installing 19730
manufactured housing under the supervision of a licensed 19731
manufactured home installer if applying for licensure after 19732
January 1, 2006; 19733

(5) Has completed an installation training course the 19734
division approves, which may be offered by the Ohio manufactured 19735
homes association or other entity; 19736

(6) Receives a passing score on the licensure examination 19737

the division administers; 19738

(7) Provides information the division requires to 19739
demonstrate compliance with this chapter and the rules the 19740
division adopts; 19741

(8) Provides the division with three references from 19742
persons who are retailers, manufacturers, or manufactured home 19743
park operators familiar with the person's installation work 19744
experience and competency, with at least two of the three 19745
references provided after January 1, 2006, being from persons 19746
who are licensed manufactured housing installers; 19747

(9) Has liability insurance or a surety bond that is 19748
issued by an insurance or surety company authorized to transact 19749
business in Ohio, in the amount the division specifies, and 19750
containing the terms and conditions the division requires; 19751

(10) Is in compliance with section 4123.35 of the Revised 19752
Code. 19753

(B) The division of industrial compliance shall not grant 19754
a license to any person who the division finds has engaged in 19755
actions during the previous two years that constitute a ground 19756
for denial, suspension, or revocation of a license or who has 19757
had a license revoked or disciplinary action imposed by the 19758
licensing or certification board of another state or 19759
jurisdiction during the previous two years in connection with 19760
the installation of manufactured housing. 19761

(C) Any person who is licensed, certified, or otherwise 19762
approved under the laws of another state to perform functions 19763
substantially similar to those of a manufactured housing 19764
installer may apply to the division for licensure on a form the 19765
division prescribes. The division shall issue a license ~~if the~~ 19766

~~standards for licensure, certification, or approval in the state~~ 19767
~~in which the applicant is licensed, certified, or approved are~~ 19768
~~substantially similar to or exceed the requirements set forth in~~ 19769
~~this chapter and the rules adopted pursuant to it~~ in accordance 19770
with Chapter 4796. of the Revised Code to an applicant if either 19771
of the following applies: 19772

(1) The applicant holds a license in another state. 19773

(2) The applicant has satisfactory work experience, a 19774
government certification, or a private certification as 19775
described in that chapter as a manufactured housing installer in 19776
a state that does not issue that license. ~~The division may~~ 19777
~~require the applicant to pass the division's licensure~~ 19778
~~examination.~~ 19779

(D) Any license issued pursuant to this section shall bear 19780
the licensee's name and post-office address, the issue date, a 19781
serial number the division designates, and the signature of the 19782
person the division designates pursuant to rules. 19783

(E) A manufactured housing installer license expires two 19784
years after it is issued. The division of industrial compliance 19785
shall renew a license if the applicant does all of the 19786
following: 19787

(1) Meets the requirements of division (A) of this 19788
section; 19789

(2) Demonstrates compliance with the requirements of this 19790
chapter and the rules adopted pursuant to it; 19791

(3) Meets the division's continuing education 19792
requirements. 19793

(F) No manufactured housing installer license may be 19794

transferred to another person. 19795

Sec. 4781.17. (A) Each person applying for a manufactured 19796
housing dealer's license or manufactured housing broker's 19797
license shall complete and deliver to the department of 19798
commerce, division of real estate, before the first day of 19799
April, a separate application for license for each county in 19800
which the business of selling or brokering manufactured or 19801
mobile homes is to be conducted. The application shall be in the 19802
form prescribed by the division of real estate and accompanied 19803
by the fee established by the division of real estate. The 19804
applicant shall sign and swear to the application that shall 19805
include all of the following: 19806

(1) Name of applicant and location of principal place of 19807
business; 19808

(2) Name or style under which business is to be conducted 19809
and, if a corporation, the state of incorporation; 19810

(3) Name and address of each owner or partner and, if a 19811
corporation, the names of the officers and directors; 19812

(4) The county in which the business is to be conducted 19813
and the address of each place of business therein; 19814

(5) A statement of the previous history, record, and 19815
association of the applicant and of each owner, partner, 19816
officer, and director, that is sufficient to establish to the 19817
satisfaction of the division of real estate the reputation in 19818
business of the applicant; 19819

(6) A statement showing whether the applicant has 19820
previously applied for a manufactured housing dealer's license, 19821
manufactured housing broker's license, manufactured housing 19822
salesperson's license, or, prior to July 1, 2010, a motor 19823

vehicle dealer's license, manufactured home broker's license, or 19824
motor vehicle salesperson's license, and the result of the 19825
application, and whether the applicant has ever been the holder 19826
of any such license that was revoked or suspended; 19827

(7) If the applicant is a corporation or partnership, a 19828
statement showing whether any partner, employee, officer, or 19829
director has been refused a manufactured housing dealer's 19830
license, manufactured housing broker's license, manufactured 19831
housing salesperson's license, or, prior to July 1, 2010, a 19832
motor vehicle dealer's license, manufactured home broker's 19833
license, or motor vehicle salesperson's license, or has been the 19834
holder of any such license that was revoked or suspended; 19835

(8) Any other information required by the division of real 19836
estate. 19837

(B) Each person applying for a manufactured housing 19838
salesperson's license shall complete and deliver to the division 19839
of real estate before the first day of July an application for 19840
license. The application shall be in the form prescribed by the 19841
division of real estate and shall be accompanied by the fee 19842
established by the division. The applicant shall sign and swear 19843
to the application that shall include all of the following: 19844

(1) Name and post-office address of the applicant; 19845

(2) Name and post-office address of the manufactured 19846
housing dealer or manufactured housing broker for whom the 19847
applicant intends to act as salesperson; 19848

(3) A statement of the applicant's previous history, 19849
record, and association, that is sufficient to establish to the 19850
satisfaction of the division of real estate the applicant's 19851
reputation in business; 19852

(4) A statement as to whether the applicant intends to engage in any occupation or business other than that of a manufactured housing salesperson;

(5) A statement as to whether the applicant has ever had any previous application for a manufactured housing salesperson license refused or, prior to July 1, 2010, any application for a motor vehicle salesperson license refused, and whether the applicant has previously had a manufactured housing salesperson or motor vehicle salesperson license revoked or suspended;

(6) A statement as to whether the applicant was an employee of or salesperson for a manufactured housing dealer or manufactured housing broker whose license was suspended or revoked;

(7) A statement of the manufactured housing dealer or manufactured housing broker named therein, designating the applicant as the dealer's or broker's salesperson;

(8) Any other information required by the division of real estate.

(C) Any application for a manufactured housing dealer or manufactured housing broker delivered to the division of real estate under this section also shall be accompanied by a photograph, as prescribed by the division, of each place of business operated, or to be operated, by the applicant.

(D) The division of real estate shall deposit all license fees into the state treasury to the credit of the manufactured homes regulatory fund.

(E) Notwithstanding any provision of this chapter to the contrary, the division shall issue a manufactured housing dealer's license or manufactured housing broker's license in

accordance with Chapter 4796. of the Revised Code to an 19882
applicant if either of the following applies: 19883

(1) The applicant holds a license in another state. 19884

(2) The applicant has satisfactory work experience, a 19885
government certification, or a private certification as 19886
described in that chapter as a manufactured housing dealer or 19887
manufactured housing broker in a state that does not issue that 19888
license. 19889

Sec. 4783.04. (A) An individual seeking a certificate to 19890
practice as a certified Ohio behavior analyst shall file with 19891
the state board of psychology a written application on a form 19892
prescribed and supplied by the board. To be eligible for a 19893
certificate, the individual shall do all of the following: 19894

(1) Demonstrate that the applicant conducts the 19895
applicant's professional activities in accordance with accepted 19896
professional and ethical standards; 19897

(2) Comply with sections 4776.01 to 4776.04 of the Revised 19898
Code; 19899

(3) Demonstrate an understanding of the law regarding 19900
behavioral health practice; 19901

(4) Demonstrate current certification as a board certified 19902
behavior analyst by the behavior analyst certification board or 19903
its successor organization or demonstrate completion of 19904
equivalent requirements and passage of a psychometrically valid 19905
examination administered by a nationally accredited 19906
credentialing organization; 19907

(5) Pay the fee established by the state board of 19908
psychology. 19909

(B) The state board of psychology shall review all applications received under this section. The state board of psychology shall not grant a certificate to an applicant for an initial certificate unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code. If the state board of psychology determines that an applicant satisfies the requirements for a certificate to practice as a certified Ohio behavior analyst, the state board of psychology shall issue the applicant a certificate.

(C) The board shall issue a certificate to practice as a certified Ohio behavior analyst in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a certificate or license in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a behavior analyst in a state that does not issue that certificate or license.

Sec. 5123.161. A person or government entity that seeks to provide supported living shall apply to the director of developmental disabilities for a supported living certificate.

Except as provided in sections 5123.166 and 5123.169 of the Revised Code, the director shall issue to the person or government entity a supported living certificate if the person or government entity follows the application process established in rules adopted under section 5123.1611 of the Revised Code, meets the applicable certification standards established in those rules, and pays the certification fee established in those

rules. The director shall issue a supported living certificate 19939
in accordance with Chapter 4796. of the Revised Code to a person 19940
if either of the following applies: 19941

(A) The person holds a supported living certificate issued 19942
by another state. 19943

(B) The person has satisfactory work experience, a 19944
government certification, or a private certification as 19945
described in that chapter as a person providing supported living 19946
in a state that does not issue that certificate. 19947

Sec. 5123.45. (A) The department of developmental 19948
disabilities shall establish a program under which the 19949
department issues certificates to the following: 19950

(1) Developmental disabilities personnel, for purposes of 19951
meeting the requirement of division (D)(1) of section 5123.42 of 19952
the Revised Code to obtain a certificate or certificates to 19953
administer medications and perform health-related activities 19954
pursuant to the authority granted under division (C) of that 19955
section; 19956

(2) Registered nurses, for purposes of meeting the 19957
requirement of division (B) of section 5123.441 of the Revised 19958
Code to obtain a certificate or certificates to provide the 19959
developmental disabilities personnel training courses developed 19960
under section 5123.43 of the Revised Code. 19961

(B) To receive a certificate issued under this section, 19962
developmental disabilities personnel and registered nurses shall 19963
successfully complete the applicable training course or courses 19964
and meet all other applicable requirements established in rules 19965
adopted pursuant to this section. The department shall issue the 19966
appropriate certificate or certificates to developmental 19967

disabilities personnel and registered nurses who meet the 19968
requirements for the certificate or certificates. The department 19969
shall issue the appropriate certificate or certificates in 19970
accordance with Chapter 4796. of the Revised Code to an 19971
applicant if either of the following applies: 19972

(1) The applicant holds a certificate or certificates 19973
issued by another state. 19974

(2) The applicant has satisfactory work experience, a 19975
government certification, or a private certification as 19976
described in that chapter as developmental disabilities 19977
personnel in a state that does not issue that certificate. 19978

(C) Certificates issued to developmental disabilities 19979
personnel are valid for one year and may be renewed. 19980
Certificates issued to registered nurses are valid for two years 19981
and may be renewed. 19982

To be eligible for renewal, developmental disabilities 19983
personnel and registered nurses shall meet the applicable 19984
continued competency requirements and continuing education 19985
requirements specified in rules adopted under division (D) of 19986
this section. In the case of registered nurses, continuing 19987
nursing education completed in compliance with the license 19988
renewal requirements established under Chapter 4723. of the 19989
Revised Code may be counted toward meeting the continuing 19990
education requirements established in the rules adopted under 19991
division (D) of this section. 19992

(D) In accordance with section 5123.46 of the Revised 19993
Code, the department shall adopt rules that establish all of the 19994
following: 19995

(1) Requirements that developmental disabilities personnel 19996

and registered nurses must meet to be eligible to take a 19997
training course, including having sufficient written and oral 19998
English skills to communicate effectively and reliably with 19999
patients, their families, and other medical professionals; 20000

(2) Standards that must be met to receive a certificate, 20001
including requirements pertaining to an applicant's criminal 20002
background; 20003

(3) Procedures to be followed in applying for a 20004
certificate and issuing a certificate; 20005

(4) Standards and procedures for renewing a certificate, 20006
including requirements for continuing education and, in the case 20007
of developmental disabilities personnel who administer 20008
prescribed medications, standards that require successful 20009
demonstration of proficiency in administering prescribed 20010
medications; 20011

(5) Any other standards or procedures the department 20012
considers necessary to administer the certification program. 20013

Sec. 5126.25. (A) The director of developmental 20014
disabilities shall adopt rules under division (C) of this 20015
section establishing uniform standards and procedures for the 20016
certification and registration of persons, other than the 20017
persons described in division (I) of this section, who are 20018
seeking employment with or are employed by either of the 20019
following: 20020

(1) A county board of developmental disabilities; 20021

(2) An entity that contracts with a county board to 20022
operate programs and services for individuals with developmental 20023
disabilities. 20024

(B) No person shall be employed in a position for which certification or registration is required pursuant to the rules adopted under this section without the certification or registration that is required for that position. The person shall not be employed or shall not continue to be employed if the required certification or registration is denied, revoked, or not renewed.

(C) The director shall adopt rules in accordance with Chapter 119. of the Revised Code as the director considers necessary to implement and administer this section, including rules establishing all of the following:

(1) Positions of employment that are subject to this section and, for each position, whether a person must receive certification or receive registration to be employed in that position;

(2) Requirements that must be met to receive the certification or registration required to be employed in a particular position, including standards regarding education, specialized training, and experience, taking into account the needs of individuals with developmental disabilities and the specialized techniques needed to serve them, except that the rules shall not require a person designated as a service employee under section 5126.22 of the Revised Code to have or obtain a bachelor's or higher degree;

(3) Procedures to be followed in applying for initial certification or registration and for renewing the certification or registration.

(4) Requirements that must be met for renewal of certification or registration, which may include continuing

education and professional training requirements; 20054

(5) Subject to section 5126.23 of the Revised Code, 20055
grounds for which certification or registration may be denied, 20056
suspended, or revoked and procedures for appealing the denial, 20057
suspension, or revocation. 20058

(D) Each person seeking certification or registration for 20059
employment shall apply in the manner established in rules 20060
adopted under this section. 20061

(E) (1) Except as provided in division (E) (2) of this 20062
section, the superintendent of each county board is responsible 20063
for taking all actions regarding certification and registration 20064
of employees, other than the position of superintendent, early 20065
intervention supervisor, early intervention specialist, or 20066
investigative agent. For the position of superintendent, early 20067
intervention supervisor, early intervention specialist, or 20068
investigative agent, the director of developmental disabilities 20069
is responsible for taking all such actions. 20070

Actions that may be taken by the superintendent or 20071
director include issuing, renewing, denying, suspending, and 20072
revoking certification and registration. All actions shall be 20073
taken in accordance with the rules adopted under this section. 20074

The superintendent may charge a fee to persons applying 20075
for certification or registration. The superintendent shall 20076
establish the amount of the fee according to the costs the 20077
county board incurs in administering its program for 20078
certification and registration of employees. 20079

A person subject to the denial, suspension, or revocation 20080
of certification or registration may appeal the decision. The 20081
appeal shall be made in accordance with the rules adopted under 20082

this section. 20083

(2) Pursuant to division (C) of section 5126.05 of the Revised Code, the superintendent may enter into a contract with any other entity under which the entity is given authority to carry out all or part of the superintendent's responsibilities under division (E)(1) of this section. 20084
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(F) A person with valid certification or registration under this section on the effective date of any rules adopted under this section that increase the standards applicable to the certification or registration shall have such period as the rules prescribe, but not less than one year after the effective date of the rules, to meet the new certification or registration standards. 20089
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(G) A person with valid certification or registration is qualified to be employed according to that certification or registration by any county board or entity contracting with a county board. 20096
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(H) The director shall monitor county boards to ensure that their employees and the employees of their contracting entities have the applicable certification or registration required under this section and that the employees are performing only those functions they are authorized to perform under the certification or registration. The superintendent of each county board or the superintendent's designee shall maintain in appropriate personnel files evidence acceptable to the director that the employees have met the requirements. On request, representatives of the department of developmental disabilities shall be given access to the evidence. 20100
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(I) The certification and registration requirements of 20111

this section and the rules adopted under it do not apply to 20112
either of the following: 20113

(1) A person who holds a valid license issued or 20114
certificate issued under Chapter 3319. of the Revised Code and 20115
performs no duties other than teaching or supervision of a 20116
teaching program; 20117

(2) A person who holds a valid license or certificate 20118
issued under Title XLVII of the Revised Code and performs only 20119
those duties governed by the license or certificate. 20120

(J) The director shall issue a certification or 20121
registration in accordance with Chapter 4796. of the Revised 20122
Code to a person if either of the following applies: 20123

(1) The person holds a license, certification, or 20124
registration in another state. 20125

(2) The person has satisfactory work experience, a 20126
government certification, or a private certification as 20127
described in that chapter in a state that does not issue that 20128
license, certification, or registration. 20129

Sec. 5902.02. The duties of the director of veterans 20130
services shall include the following: 20131

(A) Furnishing the veterans service commissions of all 20132
counties of the state copies of the state laws, rules, and 20133
legislation relating to the operation of the commissions and 20134
their offices; 20135

(B) Upon application, assisting the general public in 20136
obtaining records of vital statistics pertaining to veterans or 20137
their dependents; 20138

(C) Adopting rules pursuant to Chapter 119. of the Revised 20139

Code pertaining to minimum qualifications for hiring, 20140
certifying, and accrediting county veterans service officers, 20141
pertaining to their required duties, and pertaining to 20142
revocation of the certification of county veterans service 20143
officers; 20144

(D) Adopting rules pursuant to Chapter 119. of the Revised 20145
Code for the education, training, certification, and duties of 20146
veterans service commissioners and for the revocation of the 20147
certification of a veterans service commissioner; 20148

(E) Developing and monitoring programs and agreements 20149
enhancing employment and training for veterans in single or 20150
multiple county areas; 20151

(F) Developing and monitoring programs and agreements to 20152
enable county veterans service commissions to address 20153
homelessness, indigency, and other veteran-related issues 20154
individually or jointly; 20155

(G) Developing and monitoring programs and agreements to 20156
enable state agencies, individually or jointly, that provide 20157
services to veterans, including the veterans' homes operated 20158
under Chapter 5907. of the Revised Code and the director of job 20159
and family services, to address homelessness, indigency, 20160
employment, and other veteran-related issues; 20161

(H) Establishing and providing statistical reporting 20162
formats and procedures for county veterans service commissions; 20163

(I) Publishing electronically a listing of county veterans 20164
service offices and county veterans service commissioners. The 20165
listing shall include the expiration dates of commission 20166
members' terms of office and the organizations they represent; 20167
the names, addresses, and telephone numbers of county veterans 20168

service offices; and the addresses and telephone numbers of the 20169
Ohio offices and headquarters of state and national veterans 20170
service organizations. 20171

(J) Establishing a veterans advisory committee to advise 20172
and assist the department of veterans services in its duties. 20173
Members shall include a member of the national guard association 20174
of the United States who is a resident of this state, a member 20175
of the military officers association of America who is a 20176
resident of this state, a state representative of 20177
congressionally chartered veterans organizations referred to in 20178
section 5901.02 of the Revised Code, a representative of any 20179
other congressionally chartered state veterans organization that 20180
has at least one veterans service commissioner in the state, 20181
three representatives of the Ohio state association of county 20182
veterans service commissioners, who shall have a combined vote 20183
of one, three representatives of the state association of county 20184
veterans service officers, who shall have a combined vote of 20185
one, one representative of the county commissioners association 20186
of Ohio, who shall be a county commissioner not from the same 20187
county as any of the other county representatives, a 20188
representative of the advisory committee on women veterans, a 20189
representative of a labor organization, and a representative of 20190
the office of the attorney general. The department of veterans 20191
services shall submit to the advisory committee proposed rules 20192
for the committee's operation. The committee may review and 20193
revise these proposed rules prior to submitting them to the 20194
joint committee on agency rule review. 20195

(K) Adopting, with the advice and assistance of the 20196
veterans advisory committee, policy and procedural guidelines 20197
that the veterans service commissions shall adhere to in the 20198
development and implementation of rules, policies, procedures, 20199

and guidelines for the administration of Chapter 5901. of the Revised Code. The department of veterans services shall adopt no guidelines or rules regulating the purposes, scope, duration, or amounts of financial assistance provided to applicants pursuant to sections 5901.01 to 5901.15 of the Revised Code. The director of veterans services may obtain opinions from the office of the attorney general regarding rules, policies, procedures, and guidelines of the veterans service commissions and may enforce compliance with Chapter 5901. of the Revised Code.

(L) Receiving copies of form DD214 filed in accordance with the director's guidelines adopted under division (L) of this section from members of veterans service commissions appointed under section 5901.02 and from county veterans service officers employed under section 5901.07 of the Revised Code;

(M) Developing and maintaining and improving a resource, such as a telephone answering point or a web site, by means of which veterans and their dependents, through a single portal, can access multiple sources of information and interaction with regard to the rights of, and the benefits available to, veterans and their dependents. The director of veterans services may enter into agreements with state and federal agencies, with agencies of political subdivisions, with state and local instrumentalities, and with private entities as necessary to make the resource as complete as is possible.

(N) Planning, organizing, advertising, and conducting outreach efforts, such as conferences and fairs, at which veterans and their dependents may meet, learn about the organization and operation of the department of veterans services and of veterans service commissions, and obtain information about the rights of, and the benefits and services

available to, veterans and their dependents;	20230
(O) Advertising, in print, on radio and television, and	20231
otherwise, the rights of, and the benefits and services	20232
available to, veterans and their dependents;	20233
(P) Developing and advocating improved benefits and	20234
services for, and improved delivery of benefits and services to,	20235
veterans and their dependents;	20236
(Q) Searching for, identifying, and reviewing statutory	20237
and administrative policies that relate to veterans and their	20238
dependents and reporting to the general assembly statutory and	20239
administrative policies that should be consolidated in whole or	20240
in part within the organization of the department of veterans	20241
services to unify funding, delivery, and accounting of statutory	20242
and administrative policy expressions that relate particularly	20243
to veterans and their dependents;	20244
(R) Encouraging veterans service commissions to innovate	20245
and otherwise to improve efficiency in delivering benefits and	20246
services to veterans and their dependents and to report	20247
successful innovations and efficiencies to the director of	20248
veterans services;	20249
(S) Publishing and encouraging adoption of successful	20250
innovations and efficiencies veterans service commissions have	20251
achieved in delivering benefits and services to veterans and	20252
their dependents;	20253
(T) Establishing advisory committees, in addition to the	20254
veterans advisory committee established under division (K) of	20255
this section, on veterans issues;	20256
(U) Developing and maintaining a relationship with the	20257
United States department of veterans affairs, seeking optimal	20258

federal benefits and services for Ohio veterans and their dependents, and encouraging veterans service commissions to maximize the federal benefits and services to which veterans and their dependents are entitled;

(V) Developing and maintaining relationships with the several veterans organizations, encouraging the organizations in their efforts at assisting veterans and their dependents, and advocating for adequate state subsidization of the organizations;

(W) Requiring the several veterans organizations that receive funding from the state annually, not later than the thirtieth day of July, to report to the director of veterans services and prescribing the form and content of the report;

(X) Reviewing the reports submitted to the director under division (W) of this section within thirty days of receipt and informing the veterans organization of any deficiencies that exist in the organization's report and that funding will not be released until the deficiencies have been corrected and a satisfactory report submitted;

(Y) Releasing funds and processing payments to veterans organizations when a report submitted to the director under division (W) of this section has been reviewed and determined to be satisfactory;

(Z) Furnishing copies of all reports that the director of veterans services has determined have been submitted satisfactorily under division (W) of this section to the chairperson of the finance committees of the general assembly;

(AA) Investigating complaints against county veterans services commissioners and county veterans service officers if

the director reasonably believes the investigation to be 20288
appropriate and necessary; 20289

(BB) Developing and maintaining a web site that is 20290
accessible by veterans and their dependents and provides a link 20291
to the web site of each state agency that issues a license, 20292
certificate, or other authorization permitting an individual to 20293
engage in an occupation or occupational activity; 20294

(CC) Encouraging state agencies to conduct outreach 20295
efforts through which veterans and their dependents can learn 20296
about available job and education benefits; 20297

(DD) Informing state agencies about changes in statutes 20298
and rules that affect veterans and their dependents; 20299

(EE) Assisting licensing agencies in adopting rules under 20300
section 5903.03 of the Revised Code; 20301

(FF) Administering the provision of grants from the 20302
military injury relief fund under section 5902.05 of the Revised 20303
Code; 20304

(GG) Issuing a county veterans service officer 20305
certification or county veterans service commissioner 20306
certification in accordance with Chapter 4796. of the Revised 20307
Code to an applicant if the applicant holds a license or 20308
certification in another state or the applicant has satisfactory 20309
work experience, a government certification, or a private 20310
certification as described in that chapter as a county veterans 20311
service officer or county veterans service commissioner, or in a 20312
position that is the equivalent to county veterans service 20313
officer or county veterans service commissioner, in a state that 20314
does not issue that license or certification; 20315

(HH) Taking any other actions required by this chapter. 20316

Sec. 5903.04. Each licensing agency shall adopt rules 20317
under Chapter 119. of the Revised Code to establish and 20318
implement all of the following: 20319

(A) A process to obtain from each applicant documentation 20320
and additional information necessary to determine if the 20321
applicant is a service member or veteran, or the spouse or 20322
surviving spouse of a service member or veteran; 20323

(B) A process to record, track, and monitor applications 20324
that have been received from a service member, veteran, or the 20325
spouse or surviving spouse of a service member or veteran; and 20326

(C) A process to prioritize and expedite certification or 20327
licensing for each applicant who is a service member, veteran, 20328
or the spouse or a surviving spouse of a service member or 20329
veteran. 20330

In establishing these processes, the licensing agency 20331
shall include any special accommodations that may be appropriate 20332
for applicants facing imminent deployment, and for applicants 20333
for a temporary license or certificate under division ~~(D)~~(C) of 20334
section 4743.04 of the Revised Code. 20335

Sec. 6109.04. (A) The director of environmental protection 20336
shall administer and enforce this chapter and rules adopted 20337
under it. 20338

(B) The director shall adopt, amend, and rescind such 20339
rules in accordance with Chapter 119. of the Revised Code as may 20340
be necessary or desirable to do both of the following: 20341

(1) Govern public water systems in order to protect the 20342
public health; 20343

(2) Govern public water systems to protect the public 20344

welfare, including rules governing contaminants in water that 20345
may adversely affect the suitability of the water for its 20346
intended uses or that may otherwise adversely affect the public 20347
health or welfare. 20348

(C) The director may do any or all of the following: 20349

(1) Adopt, amend, and rescind such rules in accordance 20350
with Chapter 119. of the Revised Code as may be necessary or 20351
desirable to do any or all of the following: 20352

(a) Govern the granting of variances and exemptions from 20353
rules adopted under this chapter, subject to requirements of the 20354
Safe Drinking Water Act; 20355

(b) Govern the certification of operators of public water 20356
systems, including establishment of qualifications according to 20357
a classification of public water systems and of provisions for 20358
examination, grounds for revocation, ~~reciprocity with other~~ 20359
~~states,~~ renewal of certification, and other provisions necessary 20360
or desirable for assurance of proper operation of water systems; 20361

(c) Carry out the powers and duties of the director under 20362
this chapter. 20363

(2) Provide a program for the general supervision of 20364
operation and maintenance of public water systems; 20365

(3) Maintain an inventory of public water systems; 20366

(4) Adopt and implement a program for conducting sanitary 20367
surveys of public water systems; 20368

(5) Establish and maintain a system of record keeping and 20369
reporting of activities of the environmental protection agency 20370
under this chapter; 20371

(6) Establish and maintain a program for the certification of laboratories conducting analyses of drinking water; 20372
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(7) Issue, modify, and revoke orders as necessary to carry out the director's powers and duties under this chapter and primary enforcement responsibility for public water systems under the "Safe Drinking Water Act." Orders issued under this chapter are subject to Chapter 119. of the Revised Code. 20374
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(D) Before adopting, amending, or rescinding a rule authorized by this chapter, the director shall do all of the following: 20379
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(1) Mail notice to each statewide organization that the director determines represents persons who would be affected by the proposed rule, amendment, or rescission at least thirty-five days before any public hearing thereon; 20382
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(2) Mail a copy of each proposed rule, amendment, or rescission to any person who requests a copy, within five days after receipt of the request; 20386
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(3) Consult with appropriate state and local government agencies or their representatives, including statewide organizations of local government officials, industrial representatives, and other interested persons. 20389
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Although the director is expected to discharge these duties diligently, failure to mail any such notice or copy or to consult with any person does not invalidate any proceeding or action of the director. 20393
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(E) The director shall issue a certification as an operator of a public water system in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 20397
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(1) The applicant holds a certification or license in 20401
another state. 20402

(2) The applicant has satisfactory work experience, a 20403
government certification, or a private certification as 20404
described in that chapter as an operator of a public water 20405
system in a state that does not issue that certification or 20406
license. 20407

Sec. 6111.46. (A) The environmental protection agency 20408
shall exercise general supervision of the treatment and disposal 20409
of sewage and industrial wastes and the operation and 20410
maintenance of works or means installed for the collection, 20411
treatment, and disposal of sewage and industrial wastes. Such 20412
general supervision shall apply to all features of construction, 20413
operation, and maintenance of the works or means that do or may 20414
affect the proper treatment and disposal of sewage and 20415
industrial wastes. 20416

(B) (1) The agency shall investigate the works or means 20417
employed in the collection, treatment, and disposal of sewage 20418
and industrial wastes whenever considered necessary or whenever 20419
requested to do so by local health officials and may issue and 20420
enforce orders and shall adopt rules governing the operation and 20421
maintenance of the works or means of treatment and disposal of 20422
such sewage and industrial wastes. In adopting rules under this 20423
section, the agency shall establish standards governing the 20424
construction, operation, and maintenance of the works or means 20425
of collection, treatment, and disposal of sewage that is 20426
generated at recreational vehicle parks, recreation camps, 20427
combined park-camps, and temporary park-camps that are separate 20428
from such standards relative to manufactured home parks. 20429

(2) As used in division (B) (1) of this section: 20430

(a) "Manufactured home parks" has the same meaning as in section 4781.01 of the Revised Code. 20431
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(b) "Recreational vehicle parks," "recreation camps," "combined park-camps," and "temporary park-camps" have the same meanings as in section 3729.01 of the Revised Code. 20433
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(C) The agency may require the submission of records and data of construction, operation, and maintenance, including plans and descriptions of existing works or means of treatment and disposal of such sewage and industrial wastes. When the agency requires the submission of such records or information, the public officials or person, firm, or corporation having the works in charge shall comply promptly with that order. 20436
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(D) If the agency issues a license pursuant to the authority granted under this section, the agency shall issue the license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 20443
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(1) The applicant holds a license in another state. 20447

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter in a state that does not issue that license. 20448
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Section 3. That existing sections 109.73, 109.77, 109.771, 109.78, 109.804, 147.01, 147.63, 169.16, 173.21, 173.391, 173.422, 503.41, 715.27, 903.07, 905.321, 917.09, 917.091, 921.06, 921.11, 921.12, 921.24, 921.26, 926.30, 928.02, 943.09, 956.05, 956.06, 1315.23, 1321.04, 1321.37, 1321.53, 1321.64, 1321.74, 1322.10, 1322.21, 1513.07, 1513.161, 1514.12, 1514.47, 1531.40, 1533.051, 1533.51, 1561.14, 1561.15, 1561.16, 1561.17, 1561.18, 1561.19, 1561.20, 1561.21, 1561.22, 1565.06, 1565.15, 20452
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4781.08, 4781.17, 4783.04, 5123.161, 5123.45, 5126.25, 5902.02, 20492
5903.04, 6109.04, and 6111.46 of the Revised Code are hereby 20493
repealed. 20494

Section 4. That sections 921.08, 1322.24, 4707.12, 20495
4740.08, and 4757.25 of the Revised Code are hereby repealed. 20496

Section 5. Sections 1, 2, 3, and 4 of this act, except for 20497
the enactment of section 4796.30 of the Revised Code in Section 20498
1 of this act, take effect two hundred seventy days after the 20499
effective date of this section. 20500

Section 6. The amendment of sections 4709.08 and 4713.34 20501
of the Revised Code by Section 2 of this act supersedes the 20502
amendments made to those sections by H.B. 542 of the 134th 20503
General Assembly. 20504

Section 7. The General Assembly, applying the principle 20505
stated in division (B) of section 1.52 of the Revised Code that 20506
amendments are to be harmonized if reasonably capable of 20507
simultaneous operation, finds that the the following sections, 20508
presented in this act as composites of the sections as amended 20509
by the acts indicated, are the resulting versions of the section 20510
in effect prior to the effective date of the sections as 20511
presented in this act: 20512

Section 109.73 of the Revised Code as amended by both H.B. 20513
24 and S.B. 68 of the 133rd General Assembly. 20514

Section 4701.06 of the Revised Code as amended by both 20515
H.B. 263 and H.B. 442 of the 133rd General Assembly. 20516

Section 4715.09 of the Revised Code as amended by both 20517
H.B. 541 and S.B. 259 of the 132nd General Assembly. 20518

Section 4731.19 of the Revised Code as amended by both 20519

H.B. 263 and H.B. 442 of the 133rd General Assembly.	20520
Section 4779.18 of the Revised Code as amended by both	20521
H.B. 263 and S.B. 68 of the 133rd General Assembly.	20522
Section 5123.45 of the Revised Code as amended by both	20523
H.B. 158 and H.B. 483 of the 131st General Assembly.	20524